

Studying the Past to Define the Future: Latin America and the Caribbean Leading on Intangible Cultural Heritage Issues

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The United Nations Educational, Scientific and Cultural Organization (UNESCO) was created by the international community immediately after the end of the Second World War, in November 1945. It is the only agency from the United Nations (UN) system with a specific mandate in the scope of culture.

This organization, playing an important role in international cultural relations, operates through conventions, recommendations and declarations that are ratified by its States Parties. Since its creation, the UN's cultural agency has adopted several international instruments, including six cultural conventions.¹

The Caribbean and Latin America States actively participate in different programs created and supported by UNESCO since the creation of the organization. The region subscribes and shares the principles and goals of UNESCO. Latin America and the Caribbean have notable historical depth, plurality of origins, and highly diverse cultural manifestations.

The Latin American and Caribbean heritage is a testimony to the history and evolution of Amerindian communities and their encounter with other civilizations, especially after 1492, and includes varied cultural and natural heritages. This text intends to briefly draw up the participation of this region in the process of elaboration and implementation of the Convention adopted by UNESCO in 2003.

1 The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, and its two Protocols (1954 and 1999); the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property; the 1972 Convention concerning the Protection of World Cultural and Natural Heritage; the 2001 Convention on the Protection of the Underwater Cultural Heritage; the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage; and the 2005 Convention on the Promotion of the Diversity of Cultural Expressions.

The first part of this document deals with preliminary discussions and initiatives that led to the adoption of the 2003 Convention on Intangible Cultural Heritage. The second section addresses adoption and implementation process of this international text in the region. Finally, the third part is dedicated to the work conducted by the Regional Centre for the Safeguarding of the Intangible Cultural Heritage of Latin America (CRESPIAL).

Thus, we will answer the question that guides this text: what has been the participation of Latin America and the Caribbean in the development and implementation of the Convention adopted by UNESCO in 2003?

Preliminary ideas on the patrimonialization of intangible cultural heritage at the international level (1973-2003)

Folklore and intellectual property issues have been debated at UNESCO since the 1960s. Initially, the organization's interest was focused on developing countries particularly located in Africa. However, the difficulties of conception and definition of folklore as an object of protection made it impossible to adopt a text dedicated to this issue. Furthermore, during this period, the Latin American Council on Social Science (CLACSO) was established in the region², while the International Congress on Folklore was organized in Buenos Aires, Argentina.³

During this international event, participants declared folklore as part of the cultural heritage from peoples. It was also conceived as an essence of human groups, whose expression acquires an anonymous, traditional and popular character that is part of the cultural heritage from peoples (International Congress on Folklore 1962). However, despite its importance, international organizations and most States had not given special attention to the issue. The idea of a worldwide coordinated program for protection of folklore would become a new subject at UNESCO, particularly from the early 1970s, when the topic was inscribed to the international agenda.

In 1973, Bolivia sent a letter followed by a memorandum to UNESCO expressing its concern about the need to establish an international instrument for protection of folklore and popular culture from different nations around the world. Such documents highlighted the gaps on the international intellectual property rights in the folkloric heritage field. At the same time, they denounced the commercialization of folklore.

2 Its purpose was to promote the discussion, dissemination, and academic promotion of different social science fields.

3 The event was held from December 5 to 10, 1960.

Cultural manifestations, such as music, dances, artisanal works, etc., had become products for consumption. They were objects of appropriation, usurpation, looting and distortion. For this reason, Bolivia recommended to UNESCO the enforcement of the notion of public domain, particularly concerning music expressions. Popular music, for example, was exposed to arbitrary appropriation by people foreign to its creation. There was the risk that these people would claim copyright on creations that in fact did not belong to them. This situation, therefore, would constitute a distortion of popular music, which would be at risk of losing its anonymous or collective character.

Concerning folkloric dances, the existence of a non-spontaneous transfer process was also denounced. This would be equivalent to the appropriation of the culture from another people or a clandestine export of dances from one country to another. The concern indicated that these controversies could become an element of disagreement between peoples. However, for the Bolivian government folklore was an instrument of union and understanding based on its identification and correct indication of its origin.

Another issue of concern addressed the industrialization of traditional popular art techniques in the international market, without mentioning their origin. The denaturation of these products, which would represent financial incomes to large human groups, would deprive community's bearers of ancestral knowledges from these benefits.

According to Valdimar Hafstein, the genesis of these recommendations takes back to 1970. Bolivian authorities intended to protect "the most representative piece of Andean music," the song "El cóndor pasa" (Hafstein 2018). This is a musical composition created in 1913 by the Peruvian Daniel Alomía Robles. The Bolivian government had wrongfully claimed the authorship of this song. Interpreted by Paul Simon and Art Garfunkel, "El condór pasa" won a Grammy in 1970 and was also at the top of Billboard charts. In the opinion of the Bolivian government, the interpretation of this song by these two North-American artists was a clear example of "the most intense clandestine commercialization and export," as well as an example of "transculturation" (Hafstein 2018).

Studies and reflections on the safeguarding of the traditional and popular culture (1979-1989)

Based on the recommendations made by Bolivia, the actions by UNESCO, between 1979 and 1985, were centered around the development of guidelines for protection of folklore.⁴ Folklore was considered to be included in the scope of intellectual property. However, the studies followed two directions. It was decided to conduct a specific study on the adoption of measures to protect folklore creations and another global study about their safeguarding.

4 With this goal and during this period, UNESCO and the World Intellectual Property Organization (WIPO) created several committees and work groups that held meetings in Paris and Geneva.

On the other hand, the World Conference on Cultural Policies (MONDIACULT) was organized in Mexico City in 1982.⁵ This meeting highlighted the importance of national popular traditions. The Conference understood cultural heritage as a milestone and a matrix where both the deep identity of people and the continuity of its creative strength are rooted, located at the center of cultural action.

MONDIACULT proposed a new definition of cultural heritage, including “both tangible and intangible works through which the creativity of people finds expression: languages, rites, beliefs, historic places and monuments, literature, works of art, archives and libraries” (MONDIACULT 1982). The distinction that needed to exist between tangible cultural heritage and intangible cultural heritage was highlighted.⁶ Furthermore, efforts were suggested with the purpose that the attention to monumental heritage does not predominate in the development of cultural policies or in the development of a budget targeted at culture.

The recommendations from MONDIACULT were examined during the first meeting of experts aimed at establishing a program about the intangible heritage at UNESCO, in 1983. The experts immediately agreed on two key recommendations. The first guideline revolved around the preservation of audiovisual heritage,⁷ and the second one concerned to traditional cultural events.⁸ These recommendations manifested concerns about the rapid disappearance of many cultural traditions and local languages.

The role of UNESCO was to advise Member States about the way to ensure the compilation and preservation of cultural traditions, without replacing local or regional initiatives. A new subprogram related to the “non-physical heritage” was established in 1983. It included an integrated action about intangible aspects of culture on a global scale. The organization was invited to take the necessary measures to create an international program for protection of the world’s cultural traditions.

This led to several studies and debates on the issue of folklore: its definition, protection at national and regional level, and the difficulties related to intellectual property rights regarding folkloric expressions. Finally, UNESCO adopted in 1989 the Recommendation on the Safeguarding of the Traditional and Popular Culture.⁹ In this text, traditional and popular culture is considered very important because it is part of the universal heritage of humanity.

5 MONDIACULT indicated a deep reflection on fundamental issues of culture in the contemporary world. Additionally, it encouraged the formulation of new directions that could strengthen the cultural dimension of general development and facilitate international cooperation.

6 The term “intangible cultural heritage” was used for the first time at MONDIACULT, 1982.

7 Recommendation number 63.

8 Recommendation number 64.

9 In some countries, communities and cultures, the term “folklore” has a pejorative meaning. For some researchers, this term is even shameful.

The Recommendation was included in UNESCO's regular action plan. The implementation of development programs for traditional and popular culture was also included, through international cooperation and cultural exchanges. Due to its non-binding nature, this text had very little impact. Likewise, there was a lack of provisions and incentives that could foster the enforcement of this instrument by Member States.

The Living Human Treasures programme in Latin America and the Caribbean (1993)

New tendencies emerged in the 1990s. The relationship between humans' beings and their environment occupied an important place at UNESCO. During this period, the "anthropologization" of the notion of heritage began to solidify. Also, social-economic and geopolitical changes produced after the end of Cold War gained new importance for the States.

New programs related to intangible heritage were developed, such as the Living Human Treasures programme, established in 1993 and inspired by the system created in South Korea in the 1960s.¹⁰ Similar systems had been created in Japan, Thailand, Philippines, Czech Republic, France, among other countries. These initiatives had also started in the 1960s, when industrialization and standardization of products threatened the disappearance of certain professions. Knowledges, know-how and artisanal techniques were at risk of disappearing.

The programme guidelines defined the intangible cultural heritage as "processes learned by people, as well as knowledges, skills and creativity they develop, the products they create, the resources, spaces and other aspects of the social and natural context necessary for their sustainability" (UNESCO 2002).

Such processes would spark a feeling of continuity between different generations. They would also be important to maintain their cultural identity, as well as to safeguard the cultural diversity and creativity of humanity (Rodriguez 2022). Among the expressions of intangible cultural heritage recognized in these guidelines, there are: languages, oral traditions, costumes, music, dance, rituals, feasts, traditional medicine, preparation and presentation of dishes, artisanal work, and architectural skills.

10 The system created in South Korea had the goal of making an inventory on the forms of expression threatened by foreign domination. In the 1950s, Asian artistic creation was influenced by Americanized western culture. In this context, to prevent its disappearance, it was necessary to identify different expressions of intangible culture, their techniques and styles. Also, it was necessary to identify the individuals, the "bearers", to ensure the transmission of skills and knowledges on a particular art or technique. Despite its sophistication, this system was criticized especially because it would foster a possible artificial preservation of intangible culture, because its evolution is a natural fact.

The recognition and support from people who exemplify the highest level of skills and techniques as Living Human Treasures would be essential for preserving the intangible cultural heritage. This implied the identification, preservation, diffusion, protection, promotion and transmission of the necessary skills and techniques for the creation. A place was given in the definition of Living Human Treasures to artisan masters, artists, aesthetes and, finally, to individuals with perfect domain on a particular heritage field. For Ahmed Skounti, the main work of Member States consisted of establishing a rigorous and long-term inventory (Skounti 2005).

This programme did not have the expected impact in the Latin America and the Caribbean region. One of the possible explanations might be that its implementation involved financial and technical commitments for the States. However, in recent years, some countries in the region have given recognitions to personalities identified as Living Human Treasures. For example, in 2009 and 2011 the National Culture and Arts Council from Chile decided to grant this recognition to communities, groups and individuals honored and recognized by their peers. The following people were recognized as Living Human Treasures of Chile:

Cristina Calderón, the last Yamana woman, from Puerto Williams, region of Magallanes; the Kawésqar community from Puerto Edén, region of Magallanes; María Angelina Parra, rural singer from Ñuble, region of Biobío; the Chino N.10 Fisherman Dance from Coquimbo; artisans from Crin de Rari, in the province of Linares, region of Maule; the Colla community from Jorquera river and its affluents, region of Atacama; Domingo Pontigo, poet and singer from Melipilla, metropolitan region; Paula Painén, mapuche narrator, from Padre Las Casas, region of Araucanía; the Group of Afro-descendant Elderlies “Julia Corvacho Ugarte”, region of Arica y Parinacota; rural cooperative of salt mine workers from Cáhuil, region of O’Higgins; the Negro dance from Lora, in Licantén, region of Maule; Alejandro González González, musician for the Cueca Carnival and the Alférez group, from Toconao, region of Antofagasta; Federico Pate Tuki, songwriter and interpreter of traditional music from Rapa Nui, region of Valparaíso; and Dominga Neculmán Mariqueo, Mapuche potter, region of Araucanía (Landa del Rio et al. 2011).

Thus, Chile recognizes the strategic contribution and role that some groups and individuals have played in the continuity and existence of an element from the specific intangible cultural heritage. Also, with the goal of raising awareness and educating children about this program, the Digital National Library from Chile created, in partnership with the Ministry of Cultures, Arts and Heritage, a special website dedicated to Living Human Treasures.¹¹

¹¹ Visit the website: “Chile para niños: Tesoros Humanos Vivos”, of the Digital National Library from Chile, <http://www.chileparaninos.gob.cl/639/w3-article-321211.html> [accessed on October 15, 2023].

Some Brazilian states, inspired by the Living Human Treasures programme, have designed similar systems. For example, in Southeast Brazil, the state of Minas Gerais established the title of Master in Arts. Also, the state of Ceará granted the title of Living Treasure to Getúlio Colares, bell ringer from the Basilica of San Francisco de Chagas de Canindé. The Federal University of Ceará also granted him the diploma of Master of Culture.

Other states, such as Pernambuco, Alagoas and Bahía, have issued recognitions, through decrees, to their Living Human Treasures. On the other hand, the Brazilian Historic and Artistic Heritage Institute (IPHAN), in its effort to safeguard knowledges related to capoeira, has caused, indirectly, the safeguarding of masters from this cultural event.¹²

Questions and concerns about the Living Human Treasures programme also arose in other countries of the region. In Cuba, for example, some researchers have tried to give information about the identification of Living Human Treasures, especially in the scientific community from the province of Cienfuegos. The aim was to manage the scientific knowledge from people, which evidently has heritage value.

In the framework of the programme Masterpieces of the Oral and Intangible Heritage of Humanity, adopted by UNESCO in the second half of the 1990s, new Living Human Treasures were indirectly recognized. This is the case of the itinerant healers from the Kallawayaya community. The Andean Cosmivision of the Kallawayaya was proclaimed a Masterpiece of the Oral and Intangible Heritage of Humanity in 2003.

The healers were recognized as the protagonists of the practice and transmission of their knowledges. These individuals practice medicinal techniques based on belief systems from indigenous people of the Andean region. They have extraordinary knowledge on the animal, mineral, and botanic pharmacopoeia and on a set of ritual knowledges closely related to religious beliefs.

Indigenous peoples and social movements: new actors in the international system

UNESCO organized eight regional seminars to assess the application of the 1989 Recommendation, between 1995 and 1999. During these meetings, the importance of the traditional popular culture was discussed, both for the creation of the cultural identity of peoples and for the safeguarding of cultural diversity, especially due to globalization. There was also a concern about the exploitation of this heritage, lack of financing, absence of an archiving policy, lack of equipment and qualified personnel, among other issues.

12 The document about preservation of capoeira explains that the knowledge on this cultural manifestation is transmitted from generation to generation. Capoeira masters have the traditional knowledges associated to this practice and transmit their knowledges to young students.

On the other hand, during this period, the UN proclaimed the First International Decade of the World's Indigenous People (1995-2004). In Latin America, texts addressing themes related to indigenous peoples were adopted. Some of them are the Declaration of Quito, the Declaration of Barbados III, the Declaration from the Laconda Jungle, the Agreements on identity and rights of indigenous peoples in Guatemala, the San Andrés Agreements, and the project American Declaration on the Rights of Indigenous Peoples.

Most of the national constitutions of Latin American countries included in their precepts the recognition to the rights of indigenous people, thus admitting the existence of a rich cultural diversity.¹³ For Christian Gross, these constitutional reforms “were produced in a context [...] characterized by an acceleration of the globalization process and by the end of authoritarian regimes” (Gross 2003).

A set of experiences developed, particularly during the 1990s in different countries of the region, had significantly contributed to the understanding and deepening of actions in the field of traditional popular cultures. Some of these experiments had taken off in the framework of social movements. Others resulted from the progressive awareness on the value of indigenous cultures or cultural minorities and the multicultural composition of most national States.

Anthropologist Miguel A. Bartolomé explains that this recognition to Latin American indigenism resulted from an attempt by the government to integrate “indigenous peoples to an imaginary model of citizenship, which supposedly owned a so-called national identity” (Bartolomé 2009). However, indigenous peoples would turn into new political and social players in the region. The governments would see themselves forced to recognize the existence of a plural, diverse and multicultural society. These focuses would be opposed to the universalism cultural goals proclaimed by UNESCO since its beginnings.

Cultural diversity, then, is featured as the positive expression of a general goal that must be reached. This includes valuing and protecting the world's cultures against the danger of standardization. In this context, UNESCO created the programme “Masterpieces of the Oral and Intangible Heritage of Humanity,” in November 1997.

13 Cletus Gregor Barié (2003) identifies three different groups of national constitutions that encompass the 21 Latin American countries. The first group would not address ethnic minorities: Belize, Chile, French Guyana, Suriname and Uruguay. The second group would give some specific protections to ethnic groups in an incomplete or poorly articulated legal framework: Costa Rica, El Salvador, Guyana and Honduras. The third group had developed a broad indigenous legislation in the constitutional level: Argentina, Bolivia, Brazil, Colombia, Ecuador, Guatemala, Mexico, Nicaragua, Panama, Paraguay, Peru, and Venezuela. See: Cletus Gregor Barié, *Pueblos indígenas y derechos constitucionales en América Latina: un panorama*, 2nd ed. updated and expanded, La Paz, Génesis [u.a.], 2003, p. 87, 548-550.

Masterpieces of the Oral and Intangible Heritage of Humanity (1997-2005)

Spanish writer Juan Goytisolo and a group of Moroccan intellectuals took the initiative to organize an international consultation of experts about the preservation of popular cultural spaces, in June 1997. The international experts who participated in the consultation recommended the creation of an international distinction to be granted to the most notable examples of “oral heritage”.

Thus, the oral and intangible heritage had achieved international recognition as a vital factor for cultural identity, promotion of creativity, and preservation of cultural diversity. The effects from globalization had alerted about the possible disappearance of many forms of intangible heritage. Cultural standardization, armed conflicts, tourism, industrialization, rural exodus, migration, and environmental degradation put the intangible heritage in danger. Therefore, its preservation is essential to the development and harmonious interaction between cultures, nationally and internationally.

This programme aimed at encouraging governments, NGOs and local communities to execute actions to identify, preserve and promote their oral and intangible heritage, since it is the repository of the collective memory from peoples, which would ensure the sustainability of cultural specificities. The program was designed as a first immediate measure to raise awareness and highlight the diversity of intangible heritage around the world.

In 2001, a group of experts recommended to UNESCO the preparation of a new international normative instrument on safeguarding the intangible cultural heritage. Meanwhile, three proclamations of Masterpieces of the Oral and Intangible Heritage of Humanity were made, in 2001, 2003 and 2005. An international jury, gathering personalities from different origins, was in charge of evaluating and selecting the forms of expression and cultural spaces that should receive this recognition.

Four personalities from the region participated as judges. Among them, Antonio Augusto Arantes, Brazilian social anthropologist specialized in folkloric and popular cultures and president of the Brazilian Historical and Artistic Heritage Institute (IPHAN). Carlos Fuentes, accomplished Mexican diplomat and leftist intellectual, also participated. Another member of the jury was Zulma Yugar, traditional music singer and honorary president of the National Council on Popular and Traditional Cultures from Bolivia. Olivia Lewin, a Jamaican social anthropologist, musicologist, and professor, was also part of this selected group.

A total of 90 Masterpieces were proclaimed. Seventeen of these manifestations and cultural spaces are located in Latin America and the Caribbean;¹⁴ two of them are multinational

14 Fourteen countries in the region managed to proclaim Masterpieces of the Oral and Intangible Heritage of Humanity.

cultural expressions. On the other hand, Cuba and Jamaica were the only countries from the Caribbean subregion that achieved this recognition: the Tumba Francesa (Cuba) and the tradition from the Moore Town runaway slaves (Jamaica).

Among the cultural expressions proclaimed as Masterpieces, it is possible to identify: carnivals in Bolivia and Colombia; traditions in Costa Rica, Guatemala, Jamaica and Dominican Republic; dance and music in Cuba and Brazil; theater in Nicaragua; languages and oral manifestations in Belize, Guatemala, Honduras and Nicaragua; cultural events in Ecuador and Peru; indigenous feasts in Mexico; among others. Also, two cultural spaces were proclaimed, located in Colombia and the Dominican Republic.

One of the key components of the programme was the preparation assistance Member States could give for the elaboration of the nomination documents. The Executive Board invited the Director-General to request public or private sponsors to obtain off-budget resources for the programme. Such resources would be targeted at fostering the organization of different activities, including field work, research, development of inventories, and organization of seminars and workshops.

During the official visits made by Koichiro Matsuura, director-general of UNESCO, to South Korea and Bolivia, letters of intention were signed for the creation of an award to be given to winners proclaimed Masterpieces. Likewise, the United Arab Emirates supported the idea of creating an award on this theme. In June 2000, Japan made a donation in the form of trust funds.¹⁵ This allowed granting financial help that could be given to several Member States and could go up to 20,000 dollars per country for preparing the files of nominations.

Finally, Bolivia, South Korea, United Arab Emirates and Uzbekistan created and financed awards with the goal of supporting the implementation of action plans for the safeguarding of Masterpieces of the Oral and Intangible Heritage of Humanity. For example, in 2005 the Arirang Award had Bhutan as its first winner, for the safeguarding and promotion of the mask dance of the drums from Drametse. The runner up was Mozambique, for the safeguarding and promotion of Chopi Timbila.

According to Janet Blake, the identification of Masterpieces had important issues. Among the biggest difficulties, there were deficiencies in the criteria for this identification of cultural expressions. Blake also criticized the creation of a trend to prioritize cultures, especially by the scientific community. On the other hand, the jury organized by UNESCO gave itself the representation of interests from heritage bearers, as well as from experts (Blake 2001).

Finally, UNESCO had not developed any definition of what the Masterpieces truly are. The organization had limited itself to differentiating two categories of intangible cultural heritage: popular or traditional forms of expression and cultural spaces. The latter were

¹⁵ The Japanese trust funds for preservation and promotion of the intangible cultural heritage were created in 1993.

defined as places where popular and traditional activities are concentrated. The notion of heritage, then, became highly subjective and subjected to the criterion of parties responsible for selecting the documents that were proclaimed Masterpieces of Humanity.

Adoption and implementation of the 2003 Convention in Latin America and the Caribbean (2003-2023)

After 30 years of meetings, discussions and negotiations, the Convention for the Safeguarding of the Intangible Cultural Heritage was finally adopted by UNESCO in 2003. Many advocates to this international instrument submit its adoption to a compensatory logic, which frequently is in line with certain simplistic conceptions about the geographic distribution of different types of heritage. This text was born from a response of the so-called countries “from the South”, which criticized the monumental and Eurocentric bias from the 1972 Convention for protection of the World Heritage, which ignores countless non-monumental cultural forms (Levi-Strauss et al. 2013).

The 2003 Convention was then created to re-balance the vicissitudes around heritage internationally. Thus, the notion on cultural heritage has broadened and currently includes both tangible and intangible heritage. It is worth reminding that the 1972 Convention classifies the marble and stone monuments found especially in the Western world. This text defines heritage in space terms and encompasses monuments, buildings or groups of buildings, sites, reserves, and natural parks.

On the other hand, the intangible heritage includes customs, knowledges, festivities, music, dance, among others. This assumes questioning the categories in which the beautiful, rare, authentic, etc., are based, to be able to open to non-Europeanist categories that are rarely connected to the hegemony of the bourgeois class. The notion of cultural heritage was born among political battles, ideological clashes, and public controversies (Beghain 2012). It is possible to say, then, that the intangible cultural heritage is the result from a political construction. Therefore, it would not be subscribed to a scientific category (Tornatore 2015).

Cultural diversity, multiculturalism, and intangible cultural heritage

Latin America and the Caribbean are characterized by exceptional cultural diversity. A broad range of manifestations from different periods is expressed through the intangible heritage in the form of beliefs, rites, languages, music, and dances that animate material references. Called multicultural, this region is also a space united by common history. It is, in fact,

an imaginary political community because its inhabitants, although frequently living thousands of miles away from each other, know that they are united by history, culture, religion, that they belong to the same family (Couffignal 2013).

This multiculturalism gives rise to different forms of identity and legal requirements faced by the governments that want to decentralize to promote “good governance”. As mentioned, in the 1990s indigenous populations from Latin America organized to claim their cultural identity and reclaim the recognition of cultural diversity. On the other hand, many countries adopted the liberal multiculturalism in their Constitutions:

As a result of the emergence of political indigenism, several Constitutions grant to ethnic minorities, in countries where they are present, a status that ensures to their members a specific citizenship, through recognition of multiculturalism (Coffignal 2013).

The intensification of studies on protection of cultural diversity at UNESCO coincided with the recognition of multiculturalism in the region. It is worth highlighting that it is a liberal multiculturalism that intends to attenuate the effects from an imbalance between the dominating culture and the secondary cultures. When the Convention was adopted in 2003, intangible heritage was already an important theme in Latin America.

The region was particularly associated with cultural manifestations from indigenous peoples. The adoption of this Convention also coincided with the ascension to power of representatives from left-wing parties in several Latin American countries. Some had strong support from social community organizations that demanded the recognition of their rights and the promotion of their identity. These organizations largely determine the margin of political maneuver by governments.¹⁶

In this context, adopting the 2003 Convention was seen as an opportunity to claim the cultural identity of Latin American peoples and communities, both nationally and internationally. Latin American governments did not hesitate in participating in the process for developing, adopting, ratifying, and implementing this new international instrument.

Ratification and implementation

The 2003 Convention achieved a record number of 52 ratifications in only 30 months since it was adopted. In terms of number of States Parties, it is only surpassed by the 1972 Convention.¹⁷ In 2012, the 2003 Convention had 144 Member States, a figure the World Heritage Convention had taken 23 years to achieve. Thus, it has consolidated as one of the most successful international instruments in terms of cultural heritage. Currently, the 2003 Convention has 181 Party States, and 32 of them are in Latin America.¹⁸

¹⁶ Olivier Dabène states that, once elected to power, political parties usually maintain relations with social movements.

¹⁷ On August 18, 2023, the 1972 Convention had 195 Party States.

¹⁸ Guyana is the only country that has not yet adhered to the 2003 Convention.

The main goals of the 2003 Convention are included in its article 1: safeguarding, respect, awareness and mutual appreciation, and international assistance and cooperation. The States Parties of the region have made investments in institutions, education, awareness, and development of political frameworks for support. Nearly 80 competent organizations in charge of coordinating the implementation of the Convention have been designated. Currently, educational programmes include the intangible cultural heritage in most countries, especially in the primary and secondary levels. Forty national inventories have been developed, with over 11,000 elements registered (Duvelle 2023).

Concerning regional and international cooperation, 14 NGOs in the region have been accredited by the Intangible Heritage Committee. The representation of Latin America and the Caribbean in the governing bodies of the 2003 Convention has been important¹⁹. Ambassador Manuel Rodríguez Cuadros, former Permanent Delegate for Peru to UNESCO, chaired the General Assembly of the Convention. In 2014, he chaired the Intangible Heritage Committee.

Another three representatives from the region have also chaired the Committee. Diplomat Arley Gill, Ambassador of Granada to UNESCO, was the chair of the seventh session, in 2012. In 2019, the Committee session was organized in Bogotá, Colombia and chaired by María Claudia López Sorzano, Secretary of Culture, Recreation and Sports from Bogotá. In 2020, Olivia Grange, Minister of Culture, Gender, Entertainment and Sports from Jamaica, guided the Intangible Heritage Committee.

With the goal of taking appropriate safeguarding measures, 76 elements are inscribed in the Urgent Safeguarding List (USL). Eight elements are in the region: Chile, Colombia (2), Venezuela, Guatemala, Peru, and Brazil. A multinational element was inscribed by Colombia together with Venezuela. On the other hand, the Representative List (RL), created to ensure better visibility of the intangible heritage, to help raise awareness on its importance, and to favor dialog and respect to cultural diversity, has a total of 567 inscriptions. Twenty-two countries from the region have inscribed a total of 76 elements, five of which are multinational elements located in 11 countries of Latin America and the Caribbean. Also, the region has managed to register six Good Safeguarding Practices (RGSP): Venezuela, Colombia, Mexico, and Brazil (2). Bolivia, Chile, and Peru registered one practice as a group.

19 Following the example from the Convention Concerning the Protection of the World Cultural and Natural Heritage, the Convention for the Safeguarding of the Intangible Heritage includes the establishment of administrative or steering organizations. Its goal was to ensure its implementation. This international instrument is led by a General Assembly and an inter-government committee for the safeguarding of the intangible cultural heritage. The latter is generally known as “intangible heritage committee”. Both have assistance from a Department provided by UNESCO and from “ad hoc consulting organizations”, as well as from “subsidiary organizations” necessary to execute the work from steering organizations. In 2015, an “assessment organization” was to be created.

The 33 countries of the region have benefited from international assistance. Since 2002, 49 projects have been put into practice, for a total of 6,194,534 dollars. These projects had different goals, such as the development of capacities for implementation of the Convention in national, regional, and local levels; development of national policies related to the intangible cultural heritage; safeguarding and transmission of knowledges and know-how; elaboration of inventories, documentation, education, TIC; and in specific contexts, such as disasters, conflicts, resilience, reconciliation, and crisis situations (Duvelle, 2023).

Since the adoption, the Convention Secretary was under the responsibility of the Dutch ethnolinguistic Rieks Smeets (2003-2008), the French anthropologist Cécile Duvelle (2008-2015), and the Australian anthropologist Tim Curtis (2016-2023).

Regional Centre for the Safeguarding of the Intangible Heritage from Latin America – CRESPIAL (2006-2023)

UNESCO is present in the region through its field offices, established in different Member States.²⁰ In the late 1980s and early 1990s, the subject of decentralization became a particularly important aspect of UNESCO's policy. The organization decided to establish Category 1 Institutes and Centres which are an integral part of UNESCO. It was also decided to create Category 2 Centres and Institutes, which are under the auspices of UNESCO but are not legally part of the organization. However, they also contribute to the execution of UNESCO's programmes. As of the 2000s, Category 2 Centres dedicated to intangible heritage were created under the auspices of UNESCO.

The Regional Centre for the Safeguarding of the Intangible Cultural Heritage from Latin America (CRESPIAL) was established in 2006 in Cuzco, Peru, and started operating in 2008.²¹ Its creation was an important step for the implementation of the 2003 Convention, especially taking into account the recognition of the intangible cultural heritage as an essential factor for safeguarding the cultural diversity of the region. CRESPIAL is a Centre with international reach. Currently, it has 18 Member States and operates through an Administrative Council (CAD) and an Executive Board (COE) that are assisted by a secretary. These organs define and approve the Centre's strategic, operational and programmatic lines.

For Noriko Aikawa-Faure, former UNESCO employee, with the creation of CRESPIAL the region retrieved its leadership position in the culture field. Just as the region had done in the past, during the organization of MONDIACULT in 1982 and then, during the organization of the Bogota Conference about Cultural Policies for Latin America and the Caribbean, in 1978 (Rodriguez 2022). CRESPIAL has been used as an example for other regions, such as Africa, Asia-Pacific and Europe, which immediately after established other Category 2 Centres

²⁰ This includes national, multinational and regional offices.

²¹ This is the first Centre dedicated to safeguarding the intangible cultural heritage created in the world.

dedicated to the intangible cultural heritage.

The agreement signed in 2006 between the Peruvian government and UNESCO was renewed in 2014, after the evaluation made at the Centre by Angélica Arbulú as part of the renewal process. This evaluation process allowed to prove that CRESPIAL has managed to consolidate a position of respect that is highly appreciated by the Member States of the region (Arbulú 2014). According to the evaluation, the Centre's Member States especially appreciate its ability to promote coordination, exchange and dissemination of the intangible cultural heritage between countries. This allowed greater cooperation and consistency, both at the conceptual and public policies levels for the safeguarding of the intangible cultural heritage.

The Centre's department is managed by a director-general. Peruvian historian Jaime Urrutia Ceruti was its first director, between 2007 and 2011. He was replaced in 2012 by Peruvian anthropologist Fernando Villafuerte Medina, who occupied this position until 2016. Colombian anthropologist Adriana Molano was also director of CRESPIAL, between 2017 and 2020. In 2023, CAD elected the new director-general for the period 2024-2027: the Peruvian public and cultural manager Owan Lay González.

The Centre is financed by the Peruvian government, which contributes with 500,000 dollars a year. This financial commitment is renewed every six years. On the other hand, in addition to the ordinary contribution from each focal point, some Member States have also made voluntary financial contributions since 2010.²² These funds contribute to the hosting of meetings, workshops, seminars, as well as to the development of multinational projects.

CRESPIAL maintains four programmatic lines of work: multinational projects; promotion and awareness about intangible cultural heritage; networks and training for institutional strengthening; and strategic alliances for the institutional continuity of the intangible cultural heritage.

Multinational projects

Among the multinational projects executed to this date by CRESPIAL, there is the safeguarding of the intangible cultural heritage of Guarani communities. The project had participation from five countries in the region: Argentina, Bolivia, Brazil, Paraguay and Uruguay. For Brazil, this project should aim to become a regional integration strategy. Safeguarding the intangible cultural heritage related to music, singing and dance from Afro-descendant communities is another project implemented by the Centre. Initially, it was proposed by Bolivia, Brazil, Colombia and Peru. Currently, all CRESPIAL Member States participate in the project.

22 For example, according to the execution report from January 2014 to June 2015, the total sum of contributions from Member States expected for the biennial 2014/2015 was of up to 1,070,297.08 dollars. This included contributions from eight Member States.

The multinational projects for the safeguarding of the intangible cultural heritage of Aymara communities from Bolivia, Chile and Peru was included in the annual operation plan from CRESPIAL in 2008. In the same year, UNESCO approved the granting of 7,500 dollars in financing, requested by the concerned States, for the development of the three-nation document “Cultural Aymara Universe”. The financing was granted in the preparatory assistance modality, with the goal of presenting the request for subscribing to this project in one of the mechanisms created in the framework of the 2003 Convention. In 2009, the file was registered as a Good Intangible Heritage Safeguarding Practice at UNESCO.

Promotion and awareness about intangible cultural heritage

Since its creation, CRESPIAL has aimed at promoting and raising awareness about the safeguarding of the intangible cultural heritage in the region. This implied the participation from different players from the Latin American civil society. Among them, it included the participation of bearers of the intangible cultural heritage, communities, researchers, students, cultural agents, among others. The Centre also planned the development of strategies related to investigation, research, promotion, valuation and transmission of the cultural heritage, within the framework of the Convention adopted by UNESCO in 2003.

By being between the programmatic lines forecast since 2006 and included in the Centre’s first operational plan, in 2008 several activities were organized within the framework of this programme. For example, photo and video contests, as well as the launch of calls related to photographic and audiovisual registrations of the region’s intangible cultural heritage. The goal was to create a photo and video database (BFV). On the other hand, CRESPIAL created competitive funds to finance projects for safeguarding of the intangible cultural heritage.

Also, workshops about the creation of plans for safeguarding the intangible cultural heritage were organized. Another initiative held in this programmatic line was the creation of the website CRESPIAL and the creation of contents for the center’s social media channels: YouTube, Twitter, Facebook and others.

Networks and training for the institutional strengthening

The creation of networks and capabilities was directly in line with the strategic goals of UNESCO. However, it was one of the most important points of disagreement between CRESPIAL and UNESCO, in terms of both content and form. This programmatic line was centered around strengthening the technical capabilities of experts and institutions from the Centre’s Member States. This line is implemented through the organization of courses, workshops, virtual, in-person or hybrid training.

As a result, it contributed to regional cooperation, by promoting community participation, as a condition that favored the safeguarding of the intangible cultural heritage, as well as cultural governance. Since 2008, CRESPIAL has organized over 50 courses for formation in different areas. They were planned together with the focal points, as well as with other regional and national institutions that work in projects related to the safeguarding of the intangible cultural heritage. These courses and training are targeted especially at public officials, cultural managers, promoters of cultural events, teachers and researchers.

In 2015, CRESPIAL, along with the category 2 Centre Lucio Costa (Brazil) and the Intangible Heritage Department (DPI) from IPHAN, organized a virtual training course in Intangible cultural heritage management. The course had the goal of promoting the strengthening of intangible heritage management capabilities in all CRESPIAL Member States and in Portuguese-speaking countries from other parts of the world.

In general, and due to the internal policies from Member States, these formation courses favored access from public officials. There was criticism about this programmatic line. It focused on the contents and training which, according to the evaluation conducted by Arbulú, did not match exactly with the guidelines of the 2003 Convention. In fact, the main advantage of this programmatic line corresponded to specific needs from the region.

Strategic alliances for the institutional continuity of the intangible cultural heritage

Creating, strengthening, and consolidating strategic alliances in local, national, regional and international scale was one of the main goals of CRESPIAL. Through this programmatic line, the CRESPIAL aimed at consolidating institutionally as a Centre for the safeguarding of the intangible cultural heritage. This line aimed at promoting the cooperation and creating synergy between institutions dedicated to the intangible heritage. It also intended to maintain relations with the intangible cultural heritage committee from UNESCO. In this sense, one of the main goals pointed at strengthening the relations with UNESCO.²³

Nonetheless, relations between CRESPIAL and UNESCO remain limited to the participation of the Centre's representatives in the organization's formal meetings. To date, it is not possible to observe any type of strategic or programmatic collaboration between these two organizations. On the other hand, the relation between CRESPIAL and its Member States has been satisfactory, both politically and technically.²⁴

23 The biennial report on execution 2014/2015 also mentioned that one of its priorities was to improve its relations with this organization. For this goal, the director-general of CRESPIAL would attend meetings organized in the framework of the 2003 Convention. Also, representatives from the Centre would participate in different international forums where their activities related to this Convention would be developed, and, finally, its Executive Department would stay in Cuzco.

24 In 2013, ministries of Foreign Affairs and cultural authorities from CRESPIAL Member States sent letters respectively to UNESCO and to the Ministry of Culture from Peru, manifesting their appreciation for CRESPIAL and their interest in its continuity.

The participation of CRESPIAL Member States in activities held by the Centre and in the development of bilateral agreements within the framework of the programmatic line contributes to South-South cooperation. Also, they place CRESPIAL in a privileged position at global scale in the cultural scenario, especially in the sphere of intangible cultural heritage. The Centre also organizes different activities with other institutions.

Final remarks

The participation of Latin America and the Caribbean in the process of adopting and implementing the 2003 Convention has definitely been very important. The region has been a key component in the reflections that led to the broadening of the notion of cultural heritage at UNESCO. The Latin America and the Caribbean contribution is included in a global-scale transformation phenomenon intended to fight the risks of cultural standardization, as well as other threats related to globalization. Thus, indigenous peoples and social movements became players in the international system and their needs influenced the transformations of the international agenda.

The economic, political processes and historical transformations occurring in the region have influenced the policies and programmes developed in UNESCO. It is worth reminding that the multilateral relations of the organization Member States are established under its auspices. UNESCO is also a favorable platform for establishing or strengthening bilateral relations between its Member States in the multilateral context. The organization has acknowledged and broad prestige in themes related to protection and safeguarding of the heritage, both in times of peace and in times of war. However, the growing process of politicization by UNESCO remains concerning for many.

Due to its multilateral nature, politicization, to a point, is definitely inevitable. Since the Convention adoption, in 2003, there was fear of politicization of its agenda. Currently, we can confirm that this international text has not escaped this issue. Culture is an essential element from any foreign policy. The foreign policy from the countries is rooted in the need to protect, and the national defense of a country starts first with protecting its heritage. Negotiations for taking a seat in the intergovernmental committee and the competitions for inscribing elements in the different lists jeopardize the nature of the 2003 Convention, which is to safeguard the heritage from different communities around the world.

Nonetheless, the region's countries have created, at their own pace and according to their capacities, the necessary mechanisms to ensure and guarantee the safeguarding of the intangible heritage, both nationally and internationally. International cultural cooperation is also at the center of this instrument. The Caribbean and Latin America countries have contributed to building this new collaborative scenario on the international level. CRESPIAL corroborates this statement. This Centre gathers an important number of countries that work together in the safeguarding of their intangible heritages.

In the current period of important global transformations and agitations, communities from the region could benefit from advantages related to the safeguarding of their intangible cultural heritage. This heritage is closely related to sustainable development, climate change, gender equality, formal and non-formal education, the fight against racial discrimination, the recognition of cultural diversity, and the reaffirmation of cultural identity.

For this reason, it is imperative and urgent that the national cultural policies and the foreign cultural policies implement elements that benefit these communities, especially the Native American and African-American communities that have been neglected for many years. The main challenge may be to find a way where communities become the protagonists both in the implementation of these policies and in the safeguarding of their heritage.

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