

Safeguarding of intangible cultural heritage – the spirit and the letter of the law

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The 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage has been discussed, characterised and criticised for its terms and ideas and for the problems that it is claimed to raise in many ways (Berkaak 2010, Ivey 2004, Kirschenblatt-Gimblet 2004, Keitumetse 2006, Kurin 2004b, Grau 2009). More than a decade has now passed since 2003. The Convention can be seen in the light of how it has functioned so far. Safeguarding of intangible cultural heritage has been an explicit part of the author's work description at the Foundation for Traditional Music and Dance¹ since 1973. He has been member of UNESCO's evaluating bodies for several years, and has an agenda and opinions to promote on behalf of those for whom and with whom he has worked. For this reason, the article is not meant to be a description of the Convention, nor a distanced, theoretical discussion about broad concepts such as heritage. It is meant to be an article engaging with the interpretations and development of the Convention. It will promote certain points of view and will have a polemic edge. The argumentation seeks to find its support in a close reading of the Convention text itself, in the broad material produced for the implementation of the Convention (i.e. UNESCO 2014a), and in the summary of experiences and recommendations from the evaluation work. (UNESCO 2014b)

1. Earlier the Norwegian Council for Traditional Music and Dance.

Teaching international Masters students about intangible cultural heritage was part of what triggered writing this paper. The students tended repeatedly to use easily graspable, critical argumentation about the Convention, without having formed a basis from which to take a critical stance to the criticism. Bruno Latour has pointed to the lack of critical engagement against criticism in a polemic newspaper article (Latour 2004: 225). This was also an inspiration.

A point of departure for the polemic is that the Convention is not constructed to function as an analytic discourse in the world of academic research, but to be practically workable in a political reality, and even in people's daily lives. Critical evaluations are of course needed even for this function, but the most important has been to find solutions that can unite the politicians, experts and NGOs in supporting the carriers of ICH and their communities². Then a theoretically consistent basis is beneficial, but pragmatic solutions to fit the complex purposes are indispensable. The Convention is actually the summary of solutions on which politicians and experts could agree. It is a working tool where concrete, but quite open, rules of procedure are built into a normative framework of deeper and more general intentions.

The article aims to open a discussion about where the Convention, as a concrete working tool, can take the work with safeguarding. It is meant to be a straightforward discussion of the concrete principles of the ICH Convention, not going into advanced theory or discourse and particularly not into the discourses about concepts such as heritage or intangible in general. Such general approaches tend to muddle up the discussion on the Convention. They can still be important for understanding the terrain of connotations and interpretations in which many writers want to situate UNESCO's heritage Conventions.

2. Some will claim that it is difficult to distinguish the generalised roles listed here, so let me define. The carriers or practitioners or are those who practice the *actual* element of ICH. The experts are those who have a general expertise on ICH. They may even practice ICH without filling the role as practicing community member in the case at hand. The politicians are those who represent or make decisions on behalf of the state party. In rare cases, an expert or a politician can have two hats, for instance being practicing member in *the community in question*, but this does not change the large picture much.

Evaluations and research can reveal how well the Convention works as a political tool. This article will discuss the many open formulations in the convention text; “the letter of the law”. Can they be read with a stronger attention to the normative framework, that is, the general intentions of the Convention or “the spirit of the law”? It will be vital for the success of the Convention that the developing jurisprudence is mirroring the “spirit” and not only the “letter of the law”³. Such a jurisprudence is already systematised in the Aide-memoire (UNESCO: 2014b), which is continuously updated according to decisions from the Committee.

Does the 2003 Convention split immaterial culture from the material culture⁴? Some writers have been assuming that the 2003 Convention would create a split between the work to safeguard material and immaterial cultural heritage where there should not be one. Such understandings can arise from questions about which institutions would be suited for safeguarding intangible cultural heritage. The Norwegian professor of anthropology Odd Are Berkaak recommends finding institutions that can safeguard tangible and intangible culture at the same time (Berkaak 2010: 15), whereas the Estonian professor and leading person in the committee work for the Convention, Kristin Kuutma, believes that a division is needed.

In essence, the polarization into tangible and intangible is organizational and political, largely applied to demarcate target spheres and areas of expertise; it is the institutional distinction inside heritage industries that needs this division between tangible and intangible heritage. (Kuutma 2009: 24)

A quite usual statement is also that the division between tangible and intangible heritage is arbitrary or problematic (Kirschenblatt-Gimblet 2004: 60, Grau 2009: 11, Smith 2015: 133). The point argued below is that this division is precise and appropriate as long as it is understood in

3. I thank my colleague Gediminas Karoblis for reading a draft and for good comments.
4. The expressions *material* and *immaterial* are used here in a general, colloquial sense to maintain a distance to the specificity of the expression *intangible cultural heritage*.

its function as a defining and defined label for a new task taken on by UNESCO and the State parties to the Convention.

Two paradigms

The first point of argument is that the two conventions do not keep safeguarding of tangible and intangible culture apart. Material and immaterial culture are unavoidably present, and to some degree dealt with in most items coming on the two conventions' lists. This may not be recognised clearly as intention by the oldest (1972) Convention. I propose to consider the two Conventions to be two different paradigms in the safeguarding of cultural heritage; the first a paradigm for *preserving, seeing, experiencing and understanding monuments* in contrast to the second paradigm – for *keeping up and living with practices*.

The first paradigm is connected to the 1972 Convention, which aims at preserving historical monuments, groups of buildings and sites and also natural heritage. The convention points to state action, work from appropriate staff and from national or regional centres as the measure for preservation (UNESCO 1972: 2-3). These measures are keeping monuments safe and available to be experienced. The staff transmit authorised knowledge about them in systematic ways. They transform knowledge into documents and keep them systematised and available for research in its widest sense, that is, they keep knowledge available in material form. This kind of knowledge can then be used for giving the public access to remains from the past, by informing and entertaining them through exhibitions, performances and demonstrations.

The second paradigm springs from the 2003 Convention, and at its core, it is about keeping up practices, continuing making traditional boats, continuing singing and dancing. This can be done as part of everyday life; it can be individuals or groups practicing their skills, often highly developed, in their leisure time, or as part of their livelihood. It can also be voluntary organisations working to keep such skills contin-

uing⁵. In this paradigm, the material objects are tools, outcomes and supporting sources with which safeguarding processes engage. They are not at the core, but nor are they ignored.

The Convention's definition of ICH starts with the following phrase: The "intangible cultural heritage means the practices, representations, expressions, knowledge, skills [...]". The term "practice" is the first and most central in this definition, and the other terms seems closely connected to practice. Therefore, I use practice as short for the five linked terms. The continuation adds, "as well as the instruments, objects, artefacts and cultural spaces associated therewith". In this way, the definition does not exclude tangible elements or aspects of the ICH.

The American anthropologist Richard Kurin refers to a quite usual confusion, which takes the term intangible cultural heritage to mean the same as would immaterial heritage in colloquial language:

The differentiation of intangible from tangible heritage might also be puzzling. Craft items, such as magnificently elaborate Lithuanian crosses are tangible, but the knowledge and skills to create them intangible. Tools are tangible, but plans, if thought are not, but if drawn are. This makes safeguarding most interesting because sometimes the preservation of the tangible and intangible are intimately conjoined. (Kurin 2004b: 70)

The paradigm of the 2003 Convention starts with the question, is there a practice to be safeguarded? If there is, all relevant elements – material and immaterial – will be dealt with. If there are only material elements at hand,⁶ but no practice still in function can be spotted, the material elements are not relevant for the 2003 paradigm⁷.

It is important to note that the expression *intangible cultural heritage* needs to be understood as an entity. It does not make sense to take

5. This can be seen from the ICH items accepted for the Representative or the Urgent safeguarding lists.
6. All man made elements are of course traces of a practice, but the question is if somebody is practicing.
7. This explanation is my understanding of how the tangible/intangible division has been practiced in the evaluating bodies of the 2003 Convention.

it apart and analyse each of the three words by themselves when the aim is to understand the definition. Therefore, an analysis of the word intangible on its own, treating it as synonymous with immaterial in its colloquial meaning, brings discussions on intangible cultural heritage astray. The expression has not been coined by taking a basic concept that is then narrowed down by specification as for example “black leather shoe”. On the contrary, a complex phenomenon has first been delimited, and then a label has been constructed to fit the content as well as possible.

Many monuments and objects safeguarded by the 1972 Convention have not been used, or at least not made for hundreds of years, for instance, what one finds at archaeological sites. Then little or no practice connected to their making or use has been transmitted into a close enough present to be continued, and it falls outside of the responsibility of the 2003 Convention. This also goes for songs, music and dances that are only found in archives and that nobody is using any more.

Richard Kurin has written several articles claiming that museums, research institutes and university departments were not set up to help people with continuing their ICH practices, and are not well equipped for that (i.e. Kurin 2004a: 7, Kurin 2004b). Their paradigm for safeguarding with focus on the material is still valid and important. Their work on one side helps safeguarding of ICH and on the other it takes inspiration from the 2003 paradigm. The new museology movement may even have inspired the ideas of ICH (Halpin 1997 51), and is taking up the 2003 paradigm by discussing and testing ideas that it has in common with the 2003 paradigm.

Meanings and symbols

Susan Keitumetse, a researcher from Botswana argues, “Robben Island is perceived of as a cultural landscape that [...] symbolizes Nelson Mandela’s fight for freedom [...] identified and presented as an element of intangible heritage”. She asks, “What implications does the overlapping

nature of symbols and meanings have on the documentation and preservation of elements of intangible heritage?" (Keitumetse 2006: 170)

Now the ICH definition does not include meanings and symbols. It is important to be aware that the 2003 Convention's definition of intangible cultural heritage delimits only some very specific elements of what could be called immaterial phenomena in general. I would argue that the safeguarding of Robben Island fits perfectly into the 1972 paradigm: The site will be protected and keep its historicity, and statements about its meaning can be documented. They can be interpreted, and authorised accounts can be constructed and communicated, all according to standard procedures for the work with this kind of monuments.

The safeguarding of Robben Island as symbol and specifically as meaning, therefore hardly fits with the 2003 paradigm. A first testing question could be whether meanings, such as those carried by Robben Island, are practiced. A second is if meanings can be safeguarded according to the definition of the 2003 paradigm, where the acts and opinions of the bearers are the core. The meanings are constantly changing and negotiated in an interaction between the individual and the community. Meaning is an important quality of ICH, but hardly an ICH in itself. The way it could be safeguarded is therefore by documenting it according to the understanding and procedures of the 1972 Convention. That is, experts would interpret feelings and meanings of one or more historical periods and construct accounts that then are transmitted to visitors by guides or through exhibitions, books, leaflets, films, etc.

Museums and the two paradigms

The two paradigms have, however, points where they can collide in conflicts of interest. An old farmhouse with a rotten timber log in the wall and a leaking roof, located at a museum, could give an example. For the 1972 paradigm, the source value lies in the log itself and it would be an

important point to preserve it with modern technology⁸. For the 2003 paradigm, the main point would be the traditional knowledge about how to replace the rotten timber log or even to rebuild the house with old techniques. As for the roof, the important point in the 1972 paradigm might be to keep samples of the old thatching material in the museum collection storage, and if possible to use interviews, pictures and film to document how thatching was done. Then it might seem sufficient to keep the look of the house, so that the parts of the thatching that were not visible could be replaced with cheap modern material, such as plastic. Then the outer part could be fitted on top so that the traditional look was kept. This might keep the house safe for a longer period, and be more economical. Few museums have artisans with sufficient knowledge of the old technique to redo the thatching in traditional ways, which would be the concern for the 2003 Convention.

These of course are not new dilemmas in museums, but they are still discussed, at least in Norway. Here lies also the excellent opportunity for safeguarding artisanship in a systematic and viable manner. The museums need artisans who have learned traditional artisanship through systematic education with the perspective for safeguarding ICH and who can manage museum buildings and collections based on this knowledge. The museums should of course still preserve the material source value of the material remains and their work would be based on the dual knowledge coming from the two sources. Then modern technology becomes a supplement to be administered as needed. My colleague Terje Planke who has promoted new, advanced perspectives on the immaterial in work of museums has helped me on the questions of museums. He also points me to the International Council of Museums ICOM, and their statement of principle:

Principle: museums are responsible for the tangible and intangible natural and cultural heritage. Governing bodies and those concerned with the strategic direction and oversight of museums have a primary responsibility to

8. A way of solving both concerns is to remove the rotten log and place it in a museum collection storage, and replace it with a new one (Planke & Jensen 2013: 21)

protect and promote this heritage as well as the human, physical and financial resources made available for that purpose. (ICOM 2015)

Here I would argue that ICOM is talking from an understanding of Intangible Cultural Heritage that is different from UNESCO's definition and the 2003 paradigm. In the latter, the core aim is to have practitioners of ICH continue their practice. The formulation "to protect and promote this heritage" does not seem to be in line with the 2003 Convention. Caroline Joelle Nwabueze brings forward an important additional perspective, which points to the limitations for the museums and thereby to ICOM's claim above:

In the course of integrating ICH into their activities, museums are far from being creators of the ICH material used. Intellectual property issues related to the ownership and misappropriation of ICH material arise at every stage: the collection, the cataloguing, the recording, the presenting, the conservation and the re-use of ICH materials. [...] To this end, museums must understand who owns the material they are in possession of, how to get approval for its use, and what rights they have over the data. (Nwabueze 2013: 188)

When looking back at the concerns about how to differentiate material and immaterial culture brought to attention in the early days of the Convention, they seem to have proven groundless. I cannot remember that differentiation as such has ever been difficult in the work with nominations⁹. It may seem, however, that the radical definition of ICH and its implications for the understanding of cultural heritage in general has not yet been fully integrated into the discourse from the institutions connected to the 1972 Convention. Smith and Waterton, two British researchers, are analysing broad general discourses:

9. The author have been a member of the Consultative body for 3 years, and has thus been part of evaluating 3 rounds of nominations.

The Western authorised heritage discourses that define or emphasise the materiality of heritage work to render the intangible tangible. Through their association with material objects and places, ephemeral memories and intangible expressions of identities, senses of place and social values are all made tangible. They are also thus made tractable and open to regulation and control. (2009: 294)

The well established and sophisticated methodologies of rendering the intangible tangible are vital even to safeguarding of the ICH. Highlighting and accepting the authority of the practitioners over their practicing is one of the most basic principles of the 2003 Convention (UNESCO 2014b: 12, Lixinski 2011: 84). The consequence of this principle is that decisions of ordinary local people may circumvent or elude the control of experts and states. This may seem revolutionary to earlier paradigms and its consequences may challenge many countries' cultural politics.

The scope and status of elements

Many writers have pointed to the origins of the ICH concept and the 2003 Convention in terms such as safeguarding of folklore or traditional expressions of culture (Blake 2002: 7), which are narrower than the term ICH. The attempt made with the Declarations of the Masterpieces of the Oral and Intangible Heritage of Humanity 2001-2005 focused largely on uniqueness and tended to proclaim elements that had already been canonised. This line was abandoned, and replaced by the 2003 Convention and the Representative list, opened in 2009. The new line was built upon a wish to promote representativeness and give high status elements a less dominating role. The intention was most clearly shown in the banning of words and terminology that were considered not to be in the spirit of the Convention. Reports from the evaluating bodies over several years stressed the point.

Most recently in 2013, the Subsidiary Body explained that ‘Expressions such as “authenticity”, “purity”, “tradition” (understood as something frozen in the past), “world heritage” or “exceptional value”, as the 2012 Body pointed out, “betrayed a misunderstanding on the part of the authors of the values and spirit of the 2003 Convention and in several cases gave rise to concern about the underlying motivation for the nomination (Aide-memoire point 14)’.

The revision of the nomination language may have contributed to reduce the influx of high status nominations. However, high status expressions are anyhow easier to promote, and may give the lists themselves more status and visibility. Their value or importance is already established in a country, and politicians and media can easier engage in promoting them. They can also be part of the elite culture and national pride and make Marc Jacobs ask:

Can the 2003 Convention be instrumental in allowing the emergence of an alternative to the dominance of palaces and castles, gardens and treasure-chambers of the European elites and the values of authenticity, superiority, upper-class, distinction, monumentality, immutability and universal uniqueness? (Jacobs 2014: 113)

The number of practitioners

The Convention text goes as far down in numbers of carriers of ICH as to the individual, but does not put any limits to high numbers of carriers. A high number of practitioners can give an element status and attractiveness, and may seemingly simplify the nomination process. When a practice is very widespread, only a selection of representatives for the practitioners, often through NGOs, have been expected to give consent. NGOs, bureaucrats and politicians can more easily run the process as it suits their interests and involve the practitioners more pro forma, since

the practitioners may not feel the same individual competence, duty or right to involve themselves in a very widespread practice¹⁰.

Is it then a problem if high status, popular and widespread ICH come to dominate the lists over ICH that is more marginal? One answer is that the first kind of element is important for the visibility and the status of the list itself¹¹, which is a benefit for the cause. Another answer is that cultural expressions with high status and visibility will often represent a strong competition and even a threat to low status, marginal expressions of similar kinds. The latter are more important to the world's cultural diversity and more threatened whereas the first ones are getting close to processes of nationalising or even globalising of cultural expressions. Such processes are clearly against the explicit intentions of the Conventions (UNESCO 2003: 1), but it may not be easy to build a jurisprudence that encourages development in other directions.

An argument often heard is that it is unfair to select one small element over another, and that it is better to nominate overarching elements. Then the point of departure often is that experts, NGOs or even public administration want to promote a certain kind of practice for nomination, but realise that the practice is found in many communities. Then they see it as a task, in the name of fairness and equality, to construct an overarching nomination, adding a selection of relevant communities. This may even stop purely local initiatives. The idea is perhaps that experts know better than local tradition bearers what would be best to promote. They consider themselves to administer a benefit, which they have the right to give. I would argue that a better perspective may be to think about the local initiatives as applications, which should be evaluated for their virtues, and that such applications should ideally come from communities. They may well have and need the support of experts. It is, however,

10. The aide-memoire stresses the need to take practitioners into consideration even in such cases, demanding information on «who such representatives or intermediaries are and how they derive their legitimacy to speak on behalf of the communities or groups» (UNESCO 2014b 36)
11. One of the points in the nomination form for the Representative list is: «*How can inscription of the element on the Representative List contribute to the visibility of the intangible cultural heritage in general [...]»*

questionable if applications should be the constructs of experts. According to the distinction used here, the practitioners are practicing members of the actual community, whereas the expert is not, even if he is performing the same or a similar practice elsewhere. It depends in other words upon the societal role in each case, rather than on competence. Then the question is what can best inspire local practitioners. Is it to see another, similar small element succeed in being recognised due to the efforts of and with benefit for the practitioners, or to be part of an overarching element that is recognised, but where the practitioners have little or no say, and small benefits?

A shared right of defining?

The openness of the Convention is in many ways its strength, opening for all kinds of expressions to the first level of decision makers, the bearers of ICH and their communities. The openness, however, can be problematic if exploited at the second and third level of decision-making. I use level two to mean the level of NGOs and experts deciding what they want to engage with and support. The level three is then the civil servants and politicians who decide about financial support and about what to nominate for UNESCO lists. The final test is of course if the evaluators and the Committee of the Convention are able to find ways of building a jurisprudence that restrains the access to the lists for nominations that, while formally complying with the “letter of the law”, run counter to the spirit and basic intentions of the Convention.

NGOs and other interested parties, often work on a national level, and may prefer national or even multinational nominations¹². Here individual practitioners and their community rarely have voices or competence to make themselves heard. Another problem arises when a country nominates an element that has already successfully been exported into the globalisation circuits and already has high international visibil-

12. Multinational nominations do have a unique importance by bringing co-operation where conflict would otherwise threaten.

ity. Powerful NGOs that work to promote one specific ICH globally then may claim to be the tradition bearers. In such cases, the driving force may seem to be the wish to sell an ICH to the world rather than keeping it going where it is rooted. International co-operation on methodology and best practice is mixed up with promotion of the practice itself, and big international NGOs and their network are helped in their promotion, which most likely will push away local expressions with similar functions throughout the world. It would be important that a jurisprudence be built, where an explicit and precise distinction is made between the benefits of sharing of methodologies and the dangers for this Convention to support the cultural conquerors rather than strengthening local resistance. It seems important for the Convention and its lists not to end up in contradiction by promoting globalisation and its results when a central aim is to counteract some of its effects.

Stability or change

A point of openness is also found in the Convention's description of continuity. The span of potential interpretations is large, and fear of falling back into normative ideas may have hampered discussion on the following point:

This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. (UNESCO 2003 Article 2.1)

There are two pairs of connected terms here: first transmitted and recreated, secondly continuity and creativity. The first term in each pair has connotations of stability; the second term in a pair has connotations of change. This could be seen as contradictory, but also as an attempt to reconcile two qualities of traditional culture; the combination of strong

continuity, and the openness for change. The term creativity has a particularly strong connotation to change. Creativity is a positive word in a society that aspires to innovation and “progress”.

The terms “recreated” and “creativity” could be read as references to the push in most communities to promote change, development and innovation to most aspects and elements of culture, as opposed to copying, stagnation or freezing which have strong negative connotations. Creativity however, can also function within constraints and there are claims that constraints are needed or can increase variability and creativity (Stokes 2011: 223). One may consider the idea of safeguarding to be an attempt to promote exceptions or reductions to this strong push for change when it comes to ICH. The traditional ways of a practice can be seen as constraints to be respected, but they can still leave room for creativity. The word recreate probably is inspired by the Japanese idea of keeping up knowledge from the past, not by preserving physical monuments but rather by recreating the monuments regularly in order to transmit the knowledge of how to build anew to new generations¹³. Taken in this sense recreation is not about change.

Safeguarding could be read as a pledge for a faithfulness to the past. Most processes of cultural development would feel a need to stand free from obligations to the past, and consequently not wish to see themselves as ICH. Now, pledges for faithfulness to the past in terms of form aspects are not mentioned in the defining texts of the Convention, the focus is rather on social functions in the attempts to build jurisprudence.

The [Consultative] Body ‘caution[ed] against the possible effects of isolating an element from its context and social functions. On the one hand, changing the function and meaning of the element as the social context changes can constitute an adaptive strategy for a community to safeguard it; on the other, when an element has outlived its socio-cultural context and

13. Every 20 years, locals tear down the Ise Jingu grand shrine in Mie Prefecture, Japan, only to rebuild it anew. They have been doing this for around 1,300 years. [...]The process of rebuilding the wooden structure every couple of decades helped to preserve the original architect’s design against the otherwise eroding effects of time (Nuwer 2013 1).

is no longer meaningful to its community, it no longer constitutes intangible cultural heritage as defined in the Convention. (UNESCO 2014b: 51)

The intrinsic tendency of linearity

A popular, but problematic expression for faithfulness was the term authenticity. This is a question discussed by Ciara Bortolotto (2013: 73-79) who regrets the banning of the term authenticity and thus lack of clear obligations in that direction. This and similar expressions are avoided in the Convention to the surprise and perhaps disappointment of many people working with revitalisation of folklore. The intention is to avoid contributing to the much-criticised freezing of traditional material into strictly authorised versions. The complex structures of variation and improvisation, so typical for most folklore genres, posed big challenges to modestly equipped collectors of the 19th and early 20th centuries. Typical strategies to manage these challenges in projects of collection, publication or transmission were to select or construct typical fixed, ideal versions where variation and room for improvisation were not included. By being selected and transmitted, not least when done in print as texts, music scores or dance notation, but even in organised teaching, they took on a status as authorised. There is an intrinsic tendency towards linearity in text descriptions, musical scores, movement notations. When practices are realised they also tend to seem linear, going in one single, straight line from A to Z, from beginning to end. When looking at many realisations, however, one sees the complex structure of most practices.

We could in other words see safeguarding as cultural activity taking place within strong constraints, opening for particularly subtle and sophisticated creativity. The problem that is underlying the dilemma in balancing stability and change is the strong push towards linearity in most tools available for and used in safeguarding processes, and we will look at how this can be counteracted.

Realisation and concept

In the work to safeguard *dance* as intangible cultural heritage two connected terms are used: *The dance realisation* is the act of dancing a certain dance, such as a waltz or the Halling. In order to dance an acceptable and recognisable form of the dance, the dancer will draw upon a base of skills, knowledge and understanding. This base is what we call *the dance concept*. It is also the dance concept that enables people in a community to agree about what is an acceptable form of a dance (Gore and Bakka 2007: 17, Bakka and Karoblis 2009: 172). The two terms were made to explicate the epistemology of practices, proposing ways to study and understand them. On one hand, a practice can only be experienced, observed or documented in its primary form when it is realised. On the other hand, there will usually be more in the concept of a practice than what can be revealed in one realisation.

Let us take the practice of baking a specific kind of bread. If the bread baking is not industrialised or based on the authorised form of a strict recipe, one realisation of it will usually not use all options. Variation in temperature, in quality of ingredients, in heating etc. can influence the process, and an experienced baker will adapt her working to such kinds of variables, so that each realisation can be different. Therefore, not all elements contained in the bread-baking concept will be observable in one realisation. In order to keep a broad concept of for instance this bread baking, many realisations need to be analysed so that one can get close to the full concept. Then learners need to grasp how they can make variable realisations. In this way the openness of the practice can be kept.

This intangible cultural heritage ... is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history ... (UNESCO 2003: 2)

I propose that the term recreation should not be read as constantly intended changing. The concept of a practice that is kept open and have not been made into authorised versions aiming at mechanical copying will

precisely be the source for realisations or recreations interacting with the environment. The term recreation then does not need to be read as dramatic adaptations, but mainly as adaptation to the ever-changing details of the environment. This interpretation may seem prosaic, but creativity is involved, even if constrained. A practice can thus remain stable, without being frozen.

A new methodology for describing and teaching practices

In order to implement such ideas, it is necessary to get away from the old standard methods that have brought about the standardised forms. So far, these methods are regularly reappearing in the safeguarding plans of nominations.

A usual safeguarding process starts with documentation of the practice, which is excellent, as long as more realisations are documented and not only explanations and background information. The next stage is, however, the main challenge; the use of the documentation. In nominations to the lists the solution proposed is often the same as before: manuals or instruction films that tend to promote simple, linear forms. This is just how the authorised forms and frozen practices “banned” by the convention were made. In order to avoid freezing, many realisations of the same practice are needed, and they would need to be put in an archive to serve as inspiration and knowledge base to support the continued practice. Then open-ended teaching methods need to be developed in situations where formal teaching is required, and the basic layout of manuals or instruction films needs to be developed to find a new understanding of organised transmission (Bakka and Stranden 2013: 74).

Safeguarding holistic aspects of culture?

Anthropologists, folklorists, ethnologists, probably all disciplines dealing with culture, have stressed the importance of understanding cultural ele-

ments in their context. When a museum makes an exhibition it may wish to show contexts, be it the life in the imagined village or the splendour of the castle. Sometimes individuals are engaged to dress up and pretend to be the inhabitants, doing what people might have done in the real life of the past. This is a way of the 1972 paradigm to let visitors see and experience. Richard Kurin seems to base himself on this paradigm when he criticises the convention for missing the holistic aspect of culture:

The Convention tends to reduce intangible cultural heritage to a list of largely expressive traditions, atomistically recognized and conceived. The actions it proposes miss the larger, holistic aspect of culture – the very characteristic that makes culture intangible. This is the intricate and complex web of meaningful social actions undertaken by individuals, groups, and institutions [...].

The anthropologist Barbara Kirshenblatt-Gimblett promotes a similar view:

The most recent model seeks to sustain a living, if endangered, tradition by supporting the conditions necessary for cultural reproduction. This means according value to the ‘carriers’ and ‘transmitters’ of traditions, as well as to their habitus and habitat. Whereas like tangible heritage, intangible heritage is culture, like natural heritage, it is alive. The task, then, is to sustain the whole system as a living entity and not just to collect ‘intangible artefacts’. (Kirshenblatt-Gimblett 2004: 53)

The two quotations above seem to refer to small, stable communities, which can be helped to go on as totalities and stay out of global development streams. This can of course be relevant for instance for indigenous communities. It is, however, questionable if a convention such as the one discussed here could or can realistically deal with community development in general. If safeguarding of ICH can strengthen communities or practitioners situation, it is excellent, but to safeguard “holistic aspects of culture” or a “whole system as living entities” seems unrealistic. According to the Convention the ‘carriers’ of traditions should have

a major say on what kind of safeguarding they wish, and therefore also to which degree they want to take whole life styles with them to the future, or only bits and pieces that they cherish, even as part of a totally changed life style (Gore and Bakka 2009: 19).

One of the problematic expressions is also ‘living tradition’, as traditions are not biological organisms, they cannot reproduce themselves or be born, only be invented or come into being, they cannot die either, only fall out of use or be forgotten. Used as an innocent metaphor, it is perhaps not a problem, but the term ‘living tradition’ is often used to signalise that the observer finds the actual cultural element “authentic”, meaningful, not frozen and in an appropriate context. Then it tends to function as a value judgement hinting that there are traditions, lacking such qualities, which are therefore not really living.

Patterns of change

Let us consider an ‘intangible artefact’; the old couple dance springar, from the community of Valdres in Norway. There are sources to substantiate that the dance has been practiced in variants throughout parts of Norway at least since the 17th century, and young people still practice it in Valdres. We know that before the community houses came around 1900, dancing took place in private homes or at suitable dry places with little grass out of doors in summer. When dancing moved to community houses, a lot of the context changed around dancing (Bakka 1978: 168). The clothes used for dancing changed slowly with fashion. The shoes changed, the floors changed, the relationship between genders changed, agriculture industries, technology and communication, even the dance form and the music, change slowly. Yes, the ICH element is part of an “intricate and complex web of meaningful social actions”, but this web is changing, constantly and inevitably, day by day, year by year. A practice such as the springar dance is perhaps more stable than the changing web of which it is part. How should then a safeguarding project be able to ‘sustain the whole system as a living entity’ in Kirschenblatt-Gim-

blet's words? Practitioners keep on practicing certain 'intangible artefacts' and discard others. Such an 'artefacts' or elements have not been invented by collectors or researchers. They are cherished by their practitioners, have names and are constantly adapting to the new web surrounding it. It is therefore not the researcher, but rather the bearers of ICH who through their terms and concepts enable listing. The documentation will 'tangibilise', not necessarily the listing as such. The springer dance remains intangible each time it is realised, even if it is put on the list in accordance with local naming practice.

Within the 1972 paradigm and in research on culture it is obvious that an element needs to be understood and presented in its context. For the bearers and users of practices such as Intangible Cultural Heritage, it is an impossible task to keep the full context of a practice unchanged; it is even debatable if it is practically possible even to document "the full context". A practice is continued as long as it has a use and a meaning for the bearer. When a practice is taken into a very new context, it also may lose much of the meaning it had, but it will take on a new meaning. Therefore, totalities of the kind that might be possible to show in an elaborated, "live" museum exhibition cannot be safeguarded through real life practices.

People have always brought bits and pieces from the past with them through the present into the future. Contexts and meanings are often brutally lost, but a technique or a skill that is the core of a practice can linger on, and find new niches and meanings.

This does not mean that meanings and contexts should not be kept if possible. If there is an ICH community, which can "sustain the whole system as a living entity", then it might even be better off without safeguarding measures.

Who are the safeguarders?

According to the text of the Convention, safeguarding "means measures aimed at ensuring the viability of the intangible cultural heritage [...]".

A broad spectre of measures are enumerated: “the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and nonformal education, as well as the revitalization of the various aspects of such heritage” (UNESCO 2003 Article 2.3). Experts have usually carried out many such measures, even if they depended upon the co-operation of the practitioners. The question is, however, if such measures can be considered safeguarding if they do not contribute to the continuation of the practice among the tradition bearers. Experts or others need to go ahead, as before, with many of these measures even if they are not aiming at, or achieving viability for a practice. Such work can, however, hardly count as safeguarding. Only practitioners can keep practices going. This is also not any new situation; safeguarding efforts are already more than 100 years old in many countries.

Voluntary organisations and safeguarding

The teacher Nils Oscar started teaching the young people the old local dances in his home village Kimito, in the Swedish part of Finland in the 1890s, and continued by establishing a local youth club (Biskop 2007: 335). In the late 1880’s two members of the local community in Bø in Telemark, Norway initiated a competition to strengthen the interest for traditional music on the “hardingfele” (Mæland 1973: 11). These are only a few examples that have come to the attention of writers and researchers, where local community members started safeguarding initiatives. There are many more, and certainly even more initiatives that have not been registered, but in any case, this is not a main feature of the massive European history of safeguarding. The mainstream is the building of groups and organisations, in the Nordic countries typically in an interaction between local and national initiatives, and under the leadership of people from different social classes and occupations (Bakka 2014: 152).

Powerful waves swept a large number of countries, bringing together people in groups and organisations to promote some or all genres such as folk dance, folk music, folk costumes and crafts. In the Nordic countries, this started already in the decades before 1900 and had a peak around 1920 and a new one in the 1970s (Bakka 2011: 45). Pioneers collected folk forms, published manuals and collections, developed teaching systems and brought enthusiasts together to practice the material as part of their lifestyle. The publishing of folk dance manuals can illustrate this: Klara Semb, Norway 1922, Raimund Zoder, Austria, 1921 Cecil Sharp, Great Britain 1907, Elizabeth Burchenal 1909 USA, Anna Helms Germany 1913, Annie Collan, Finland 1910. Francisca Tolentino Reyes(-Aquino), 1927 Philippines. In African countries a similar development came later, and less marked by publication of manuals, but cultural groups and performance troupes are very widespread phenomena, and certainly also with aims towards safeguarding. It is therefore difficult to understand Kurin's rather sweeping generalisations below.

Heretofore, experts have not developed the theory and practice for saving languages, ensuring the continuity of musical traditions over hundreds of years, applying the rich and disparate knowledge of folk communities to contemporary life, or using living cultural resources in a wise and sustainable way for economic development. Fortunately, now, this deficiency can be addressed (Kurin 2004b: 75).

Kurin might be right that experts, in his understanding of the term, have not developed theory and practice for saving and ensuring the continuity of for instance musical traditions. We can assume then, that he is talking about museum and university people. It is striking, though, that he does not mention the strong revival and revitalisation movements for many kinds of so-called folk culture. It is interesting to note that a mention of these movements is rare to find in the discourses of today on safeguarding. Is this a result of a century-long battle between the formally recognised, professional experts and the "amateur experts" from the large popular movements?

Researchers criticising the amateur folk dance movement

Already in the early 20th century, academicians and researchers who were interested in traditional dancing and other genres of folk culture pointed to problems with revival and revitalisation activities, even if not in harsh ways. The Danish folklorist and ethnomusicologist Haakon Grüner-Nielsen said that the Danish folk dancers tended to ignore the most representative and historically interesting forms and favour forms that suited contemporary taste (1917: 4). The Swedish ethnologist Ernst Klein drew the distinction between popular/traditional rural dance (*folklig dans*) and folk dance of the revival folk dance groups. He drew attention to the fact that much of what was presented as Swedish folk dances were choreographies made for the Royal Opera Ballet to portray peasant dancing on the stage during the 19th century (1928: 65).

This distinction was later also developed by the Austrian ethnomusicologist Felix Hoerburger as the difference between the first and the second existence of traditional/folk dance (*Erstes/Zweites Dasein*) (Hoerburger 1968: 30). The French ethnologist Jean-Michel Guilcher levelled criticism against the French folk dance revival, for instance:

In the 20th century [...] groupings of local dancers multiplied to pull from oblivion the traditional repertoire which is on the way to disappear or which recently disappeared, and to preserve and exhibit it. [...] Unfortunately the groups did not worry about the methods in their practice, and theoretical knowledge disdained too often the concrete content of its object¹⁴ (1963: 118).

The enthusiasts behind the work in the popular movements for documenting and keeping up various kinds of folk culture were mostly amateurs, but many of them had a considerable knowledge and high practical skills, such as the folk dance manual authors listed above. These amateurs could well be romantic city people (Bakka 2014: 133), but just as well bearers of traditions in a village where they taught their old

14. Translated from French by Egil Bakka

dances to the youth in the same place, as for instance the teacher and folk dance pioneer in Finland (Biskop 2007: 335). They were, however, dependent on the viability of their activities. They had of course to select and adapt the material they worked with to the conditions they worked under, and to the contexts they worked in. The amateurs, however, all over the world, found ways for example through organising and running festivals (Bochenek 2013: 95). The traditional dance and its music coupled with costumes seems to have ignited strong emotions across many different divides: those between lower and higher classes, those between amateurs and professionals, those between regionalism, nationalism and internationalism, and those between different political directions connected with the different divides.

Class dimensions

It may seem that the dirt of the stables and all their symbolic content could be more easily cleaned off the tangible objects coming from the lower classes, so these objects could safely find their way into prestigious museums. The act of dressing up and dancing retains one or more of the symbolic odours of low class, of amateurism as well as various kinds of politically improper or threatening qualities that cannot be removed so easily. Maybe Alan Dundes has provided part of the answer in his discussion about folklore and the intellectual elite:

Here is a critical paradox inherent in the development of folkloristics everywhere and related to strong, unresolved feelings of ambivalence on the part of intellectuals towards the folk and towards folklore. On the one hand, the folk are all too common, the vulgus in populo. In Hume's words, the folk is rude. The folk is a backward, illiterate segment of the population of which elitist intellectuals are ashamed. On the other hand, the folk represents the glorified, romanticized remnants of a national patrimony, which is something for zealous intellectuals to celebrate. (Dundes 1985: 11-12)

Political appropriation

Another point to be taken into account is that many authoritarian regimes throughout the world appropriated folk culture items for their political purposes. By doing so, they discredited safeguarding of folk culture, not least folk dance, for the future, even if the carriers of the tradition did not necessarily give their free, prior and informed consent to political application of their culture.

In the East European countries, amateur dance activity had good conditions economically in the second part of the 20th century. Communist ideology in principle valued culture, not least the folklore of the lower classes. Therefore, researchers were engaged to document and study the rich folk culture that was still practiced, and amateur performance groups were supported. Additionally principles for staging folk dance largely based on principles from classical ballet were established in the Soviet Union, where the choreographer Igor Moiseyev was a dominant figure. Most communist states then established State Ensembles to celebrate Communist ideology, and tensions often arose between the experts on the traditional forms and the choreographers charged with adapting dancing and dancers for the spectacles in honour of the regimes (Giurchescu 2001: 109). It is still an open question whether the discourses from the different communist regimes has discredited folk culture for future periods. Some more definite examples of discredited folk culture could be the Nazi regime in Germany and Austria as well as the communist regime in DDR. Hanne Walsdorf concludes her monograph on folk dance in the two dictatorships as follows: “The condition for (folk) dance to become part of democratic doings – as culture in general – is the citizens’ participation in it, including active shaping and self-realisation. This cannot be achieved where culture is ideologically earmarked and under centralised state control and where culture actually is not democratic”¹⁵ (2010: 243).

15. Egil Bakka’s translation from German

Even if there are many ethical and historical problems with certain aspects of earlier safeguarding activities, it is dramatic, when the professional discourse on ICH seems to kill the large amateur revitalisation movements for folk culture by silence, letting the idea of safeguarding intangible heritage seem to be something new. The carriers of traditions have been and will be the obvious, main safeguarders, and many of them will be amateur revitalisers. In some cases, they can take their livelihood from the practice, in most cases it will be voluntary activity.

Public sector folklorists and cultural brokers

What has been described above, mainly from European contexts, is how tradition bearers and their organisations have kept their ICH in use in different contexts. This also includes mediation in various forms, such as festivals. Academics educated in folklore, ethnology or anthropology may well have found the interest for their subject by starting out as practitioners. Some of them may have kept up activities of this kind, and perhaps engaged in what might be called applied research or mediation. Such cases, however, do not seem to be given much attention or have any label in European contexts, as far as the author of this article is aware. The exception is the ideas and work with cultural brokerage in the Netherlands (Jacobs, Neyrinck and van der Zeijden 2014).

The term public (sector) folklore, however, has been an important trend for close to half a century in the USA and Canada. According to Kirschenblatt-Gimblet, “the Americans define public folklore as something that only public folklorists (and their colleagues) can produce” (2000: 1). According to a short Wikipedia definition, it is “the work done by folklorists in public settings [...] outside of universities and colleges, such as arts councils, museums, folklife festivals, radio stations etc.” (Public folklore 2015). Kirschenblatt-Gimblet also paraphrases a German colleague’s positions:

As the *Volkskundler* expressed more than once during the symposium, they find themselves in a double bind. They insist that it is necessary to maintain distance from public uses of folklore, but complain about being excluded or not respected as authorities in these matters. For all their critical reflexivity, they cannot stop an unsophisticated public from distorting their specialist knowledge. They seem to have no control over what that public does in the name of their discipline (Kirschenblatt-Gimblet 2000: 4).

There seems to be a circular paradox here; The researchers who have “appropriated” the practices of ordinary people complain that ordinary people are “appropriating” researchers’ practices. The folklorists in North America, Germany and the Netherlands (Jacobs, Neyrinck, and van der Zeijden 2014), appear to be concerned about their discipline, not without reason. There also seems to be a worry about how their discipline can be in control of the unruly folklore, or in the terms of this article, be in control of the Intangible Cultural Heritage they study and teach about. This article does not argue that cultural sector folklorists and cultural brokers are not needed, but questions whether they are taking too much of the front stage, leaving the practitioners in the shadow. Maybe the most important task for the educated experts would be to find a way of giving epistemology and concrete, but theory-based, methodologies of transmission a place in education. At the same time, practitioners could be given a stronger role in cultural administration and politics.

Summary

This article has seen the Convention and the discussions about it from various positions that the author has had or has, as a carrier of some modest ICH from his home community, as amateur folk dancer, as revivalist, cultural activist, dance researcher, university teacher and evaluator of ICH nominations in the UNESCO system. The article does not argue about the effectiveness of the Convention and its activities, but

tries to look at how central concepts used in the Convention have been interpreted and discussed. One main concern has been the development of jurisprudence in the tension between the letter and the spirit of the Convention text and in all the other material arising. The article argues that many articles that engaged with the Convention in the early years of its existence took critical positions that were either not justified or highly debatable. Partly, this may reflect a lack of insight into a complex new structure, and a tendency to see problems that are not there, or to make interpretations that are not sufficiently grounded.

The Convention is straightforward and clear in its distinction between intangible cultural heritage and tangible cultural heritage. The tendency among many researchers to take the ICH concept apart and discuss one or more of the three words of the concept individually has taken the discussion astray, or at least away from the practicalities and the politics that are the main task of the Convention.

It is a revolutionary act to place rights and responsibilities for ICH with its bearers. It means to some extent to take it out of the control of public institutions, researchers and experts. Whether this perspective follows from the Convention, whether it is understood, and whether there is support for it, is debatable. It is a question of the degree to which experts, institutions and politicians will be willing and able to abide by such ideals.

Different domains of ICH have different histories, but in most domains, and in many parts of the world, safeguarding of ICH is far from new. The conscious continuation of ICH practices is up to 100 years old in many countries, whether it was done by local communities or outside agents who may be seen as appropriators. Here lies a long history of dispute between institutional experts and researchers, and the experts working on a voluntary basis and without specialised education.

It seems obvious that experts with specialised education cannot be the ones to keep ICH in use, but future experts may be educated in such a way as to see themselves as helpers, rather than rulers of the practitioners, which might enable a seamless and trusting co-operation. After long years of discussion about such educations, and after setting up and

teaching Choreomundus¹⁶ in a collaboration with 3 colleagues, I would like to join my two more sceptical colleagues in the wishes and aims for, the programme we established for such purposes.

[...] to developing a critical and reflexive stance to the, so-called, safeguarding and arm our future heritage “managers” with a knowledge and *savoir-faire* that enable them to develop projects which really promote the bottom-up approach advocated by the Convention, which are grounded in already-existing local values and practices which resist local official or/and hegemonic versions of past and tradition, and which maintain the creative dynamics characteristic of dance and other activities that engage the body [...], (Gore and Grau 2014: 132).

It will be interesting to see if experts and politicians now agree to support and advise the voluntary work for the ICH and with safeguarding or if the wish for control is too strong. In the latter case, safeguarding will largely remain the domain for professionals, institutions, brokers and NGOs.

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