Introduction: Heritage Regimes and the State

Regina F. Bendix, Aditya Eggert and Arnika Peselmann

Publisher: Göttingen University Press
Place of publication: Göttingen University Press
Year of publication: 2013
Published on OpenEdition Books: 12 April 2017
Serie: Göttingen Studies in Cultural Property
Electronic ISBN: 9782821875470

http://books.openedition.org

Electronic reference
Introduction:
Heritage Regimes and the State

Regina F. Bendix, Aditya Eggert and Arnika Peselmann

What happens when UNESCO heritage conventions are ratified by a state? How do UNESCO’s global efforts interact with preexisting local, regional and state efforts to conserve or promote culture? What new institutions emerge to address the mandate? The contributors to this volume – which builds on two conferences devoted to heritage regimes and the state – focus on the work of translation and interpretation that ensues once heritage conventions are ratified and implemented. Framed by introductory reflections and concluding assessments, the seventeen case studies provide comparative evidence for the divergent heritage regimes generated in states that differ in history and political organization. The gaze here is thus on the layered metacultural operations that constitute heritage in the first place – the host of regulatory steps, actors and institutions that transform a cultural monument, a landscape or an intangible cultural practice into certified heritage. Placed next to each other, the cases illustrate how UNESCO’s aspiration to honor and celebrate cultural diversity diversifies itself. The very effort to adopt a global heritage regime forces myriad adaptations to particular state and interstate modalities of building and managing heritage.

Heritage research has grown into a large, multidisciplinary field of scholarship. Variousy concerned to document the local impact of heritage nominations, improve heritage preservation and management, assess the economic potential of heritage’s intersection with tourism and leisure, or offer critical perspectives on
heritage-making’s history and present, heritage scholarship is proliferating in tandem with its object of study. Dozens of national and international journals have been initiated, some as multidisciplinary as the field itself, others with a disciplinary specialization. International organizations participate in this scholarly endeavor, with UNESCO – as the United Nations agency responsible for bringing the global heritage listings into the world – and advisory bodies such as the International Council of Museums (ICOM) or the International Council on Monuments and Sites (ICOMOS) keenly interested to see their respective activities continually supported with sound scholarly research.

The Interdisciplinary Research Group on Cultural Property at Göttingen University, created in 2008, devotes several projects to the actors, contexts and dynamics of heritage-making. Ongoing case studies include the German-Czech border region Erzgebirge, Cambodia, and Indonesia, with some of the work already in print (cf. volume 1 and 2 of the present book series). Our group assembles expertise from cultural and social anthropologists, folklorists, and economists as well as scholars in economic and international law. The present volume has its origins particularly in the fruitful cooperation of the ethnographic disciplines with international law. While our cultural and social anthropologists confronted highly divergent outcomes of heritage measures within their respective field sites, the participating specialists in international law registered the cultural and political specificities ensuing once a state has ratified the UNESCO’s World Heritage Convention or its Intangible Cultural Heritage (ICH) Convention. In particular with regard to the ICH convention, we were startled to realize that ratification can give states new power over the dynamic resource of intangible culture – a “good” that even without international regulatory attention shows complex ownership and attendant rights structures. An international convention, we realized, meets not only with highly divergent state-based politics, but also with the corresponding bureaucracies, which may or may not have their own existing practices of heritage selection and management. This area has thus far seen no comparative research. Comparison of state implementation raises further questions of form-function relationships in cultural policy: similar bureaucratic forms across nation-states may have very different uses and effects, while the same purpose may be served by a wide range of formal strategies. We made it therefore our task to invite scholars with ethnographic experience on the heritage regime in states with divergent historical experiences and different political systems. Though European states (France, Germany, Italy, Ireland, Lithuania, Russia, Spain, Switzerland) are over-represented in our sample, Africa (Mali, Mauretania, Morocco), Asia (China, Uzbekistan), and the Caribbean (Barbados, Cuba) are represented in this assembly of cases: together they offer rich insights into the interplay of states and heritage regimes.

In framing this volume, we use the concept of regime as it has been developed in international regulatory theory. If ‘regime’ in classical terms refers to a set of rules and norms regulating the relations between a state-government and society, international regimes come about through negotiations among actors on an inter-
national level. In issues such as trade and labor, information technology, public health, and others where international regulation is widely seen as beneficial, states and non-state actors will engage in negotiations aimed at producing conventions or treaties. To accompany the implementation of such outcomes, new institutions are typically formed. Dedicated organizations and standardized governance procedures are created in response to the recurrent and repetitive need to make decisions and generate rules. These institutions, such as the intergovernmental committees charged with promoting UNESCO's heritage conventions, also review progress towards the convention’s goals and identify new concerns as they arise.

The United Nations do not constitute an international government, nor are they the only regulatory body on the international level. We thus rely on the broader concept of governance, which opens a view toward processes involving extra-state actors. In this way, we can fathom the web of systems of deliberation and regulation emanating from the UN, its subsidiary bodies and the other actors who populate the international scene with ever-growing density in the post-colonial and post-socialist era. International networking hardly undoes the inequalities of history and economics, and empirical work such as the case studies assembled here contributes to the continuing critical reappraisal of a UN ideology that seeks to be globally inclusive toward interested states, regional associations and interest groups.

While global governance of a given policy construct does not constitute a government, it generates a bureaucratic apparatus with actors responsible for interpreting and applying procedures emanating from conventions and treaties. Once state actors ratify an international convention, they face the challenge of implementing it. This entails acts of interpretation or translation into the local system. It is the interface of international governance with state governance that is the focal interest of this volume. We are primarily interested in this dynamic with regard to heritage as one arena of cultural propertization – that is, how heritage-making intersects with the uncovering and utilizing of culture’s resource potential and the ensuing questions of ownership rights and responsibilities. It may, however, be worthwhile asking what, if anything, is different about international conventions addressing cultural goods and areas of cultural practice as opposed to conventions dealing with the environment, security, trade, traffic and so forth. All conventions, once ratified, result in administrative procedures with attendant bureaucratic measures. Most will generate new offices and officers in charge of implementing new norms in complex social systems. Taking into account the broader landscape of international norm setting would be helpful to put the UNESCO heritage regime into the context of overall international governance.

In the post-WWII era, state parties in the international organization UNESCO negotiated a series of heritage conventions, the first one on world heritage adopted in 1972 followed by the underwater and intangible heritage conventions in 2001 and 2003. Each of these sets rules for the nomination and selection of cultural
goods and practices to be placed on global lists, with the overall aim of encouraging the preservation and safeguarding of humanity’s collective cultural riches. Each convention is accompanied by operational guidelines. And each convention requires its own administrative body which advises applicants, processes nominations, and identifies problems and concerns for the intergovernmental committees in charge of deciding on the worthiness of nominations. Once they have ratified a heritage convention, member states in turn need to devise administrative structures and regulatory frameworks on the national level that will permit both the generation of heritage application dossiers and, if successful, the implementation of heritage management plans.

In planning the two conferences reflected in this volume, we pursued the intuitions that 1) a great deal of UNESCO’s agenda is “lost in translation” or invariably transformed, as heritage conventions enter the level of state governance, and 2) the implementation of the international heritage regime on the state level brings forth a profusion of additional heritage regimes, endowing actors at state, regional and local levels with varied levels of power over selective aspects of culture that prior to the UNESCO initiatives had rarely seen attention or control on the part of the state.

To assemble evidence to substantiate these assumptions, we approached the contributors to this volume with questions that would generate comparable case studies on the implementation of the heritage regime in diverse state systems. We list these questions here as well, not least to sensitize others working within the realm of heritage research and heritage practice to the ways in which heritage regimes emerge and what impact this in turn has on actors on all levels of the heritage-making process — in particular those who are the caretakers of tangible monuments, cultural landscapes, and intangible “excerpts of culture.”

The first set of questions concerned the application for heritage nomination, the selection procedures (and the potential exclusion from the list), the groups of actors and institutions legitimated to participate in the process and the unfolding components of heritage governance:

How was the object/practice selected for UNESCO candidature? Do local ideals about cultural heritage exist that may have influenced the choice for a specific cultural feature? What is the relationship of this concept to the cultural heritage concept propagated by the UNESCO? How and by whom is the selection legitimated? Which rules and policies can be identified in this process?

What actors and actor groups can be identified in the nomination process? What kinds of (competing) interests do they represent in connection with the UNESCO nomination? How and by what means are the respective interests advertised, if necessary? Who took the initiative to launch the nomination? Can negotiation processes be identified and who is involved? Can bottom-up initia-
tives be realized in them? Can non-state actors be involved in the procedure? Can exclusion mechanisms be identified?

What form does the interplay and interaction between local/national and international levels in the constitution process take? Are there discrepancies between international organizations and member states?

What legally (and/or socially) binding institutions have been created to shape the nomination procedure? Are local legal practices taken into consideration?

Who carries the costs of a nomination? Is assistance available and if so, from whom?

What professions have emerged in the development of nomination procedures for tangible and intangible cultural heritage?

What knowledge resources exist and who holds them with regard to the nomination process on the meaning of UNESCO World Heritage status and the obligations which come with it? How is this knowledge disseminated (print, training, etc.)? What role do experts and expert knowledge have in the nomination process?

A second set of questions concerned the implementation of a successful UNESCO nomination, drawing attention again to actors and institutions admitted to participation, as well as issues concerning user rights, and observations on the impact of heritage-making on the cultural elements selected and those in charge of them:

Which institutions, agencies and actors are responsible for the implementation? Do state criteria exist for regulating responsibility for the implementation of UNESCO World Heritage rules structures?

Who “owns” a certified ICH, World Heritage monument, cultural landscape or memory? Who defines the rights of use and how does this take place?

Which groups and individuals are involved in the valuation and development of a cultural heritage object/practice and with what interests? Can forms of competition or cooperation be observed in these processes? How is this competition managed or controlled? Who may use an ICH and for what purposes?

What kinds of programs are developed and what ideological perspective on culture do these programs reveal? How do pre-existing structures of valuing cultural pasts and traditions figure in generating new institutions?
What is the impact of certification on the further development of the listed objects and practices – in terms of their definition and commoditization?

Following up on all these questions goes beyond what a lone ethnographer can reasonably document and query, and hence each author chose particular aspects to illustrate and elaborate within their particular case study. Yet in placing the cases next to each other, we see our initial assumptions confirmed and find ample evidence for the conflicting powers of heritage regimes. Indeed, it is worthwhile emphasizing that it is not simply human actors seeking or wielding power and holding control: the regimes themselves, as realized in unfolding bureaucratic institutions and processes, discipline both actors and their cultural practices into (perhaps) unforeseen dynamics.

The concluding commentaries of Don Brenneis, Rosemary Coombe and Laurajane Smith as well as the summarizing chapter by Chiara De Cesari each uncover diverging facets of heritage governance depending on the political setting within which they unfold. Our own comparative insight, which also draws on the aforementioned project case studies, finds the following issues worthy of critical reflection and relevant to heritage policy-making. These issues are intertwined and further illustrate how and why the international heritage regime turns into multiple, unequal heritage regimes: the diversity of bureaucracy, political history, precursor value regimes, heritage strategies from the local to the international level, and the power of go-betweens and interpreters.

Diversity of Bureaucracy

The UNESCO heritage regime originated in the effort to celebrate cultures in all their diversity, yet what is in the limelight in the day to day heritage-making business is the diversity of bureaucratic cultures, the actors enacting them, the tools employed for the purpose, and the comparable functions they are meant to fulfill. Generating and administering regulations that facilitate the composition of heritage nomination dossiers has grown into a cultural practice of its own. Councils, temporary or permanent decision-making bodies take shape – but they will differ from state to state, and the functions they are to carry out in the implementation of heritage conventions will thus also be differently parsed, not least depending on what prior institutions of heritage governance are (re-)activated for this new task. Actors within these institutions will devise paper and digital forms and formats to streamline the work. Yet the shape they will take, what actors have access to them, and which ones are empowered as a result will differ and thus tell us something about how the benefits and burdens of achieving international heritage recognition are distributed from national to regional to local levels. The Italian parsing of an intangible tradition into its constituent components for the sake of a normative application form invokes as distinct a bureaucratic tradition as does the Chinese redoing of a dossier compilation under different administrative auspices or the Swiss reli-
ance on micro-federalist principles ensuring the participation of all who wish to do so. Similarly, the implementation of a successful heritage nomination engenders bureaucratic procedures enacted by new or pre-existing actors and institutions. There are states where the bureaucratic implementation of preservation and safeguarding measures is upheld by state police; there are others, where local or non-state actors find themselves practically unencumbered in carrying out whatever management plan they have devised.

We are not claiming that these differences are entirely independent of the UNESCO heritage conventions and their respective operational guidelines. UNESCO’s intergovernmental heritage committees continually monitor the results of heritage application and implementation procedures and deliberate on how to improve them. There may even be an incremental rapprochement between state-specific bureaucratic practice and international regulatory intent. But this does not alter the fact that states are free to interpret and implement UNESCO conventions: there are but few tools available to UNESCO to interfere – in supporting application processes with staff expertise for instance, or in threatening to take a successfully nominated item off a heritage list if management plans are not executed as proposed.

Intersecting Political Histories

As is particularly evident in post-colonial and post-socialist states, a state’s political history leaves a mark on all heritage regimes and this not only due to the fact that bureaucratic infrastructures tend to survive changes in political systems. In post-colonial and similarly in post-socialist situations (which in some cases conflate), such bureaucracies may still maintain the language and habits of a former political era. Initiatives – including those concerning heritage – may be viewed with suspicion not least due to the idiom in which they are represented. Such states are also more thickly layered with cultural and political pasts and presents than states with a longer, autonomous history. Different sets of actors will opt to bring into play or disregard these valued, contested or even detested layers vis-à-vis the opportunities presented by heritage lists, as evident for instance in the quite different cases of Cuba and Barbados. In some instances, such as the Portuguese example, the international heritage regime offers a chance to polish the former colonial reach, not least by offering know how and resources – for such complex and fractured histories also contribute to present economic infrastructures and the social capacity or lack thereof even to consider participation in the heritage competition.

Value-Regime Precursors

The heritage regime did not invent the valuing and valorizing of culture. Ever since the Enlightenment many Western states have developed regimes that select and foster appreciation for aspects of culture, in particular cultural monuments. In
other global regions (e.g. Japan and Korea), systems safeguarding intangible heritage go back to the late nineteenth century, and were influential in the shaping of the devising of UNESCO’s ICH regime. Tourism, furthermore, has been a powerful motor for maintaining cultural resources. Such pre- and co-existing valorization systems wield their own power structures and are, in many cases, endowed with bureaucratic subsystems and political as well as administrative actors to enact them. This can lead to competing or contradictory enactments of heritage policies, as illustrated in the German case study. In some instances, pre-existing heritage regimes may be utilized as stepping stones toward the selection for a UNESCO application; in other cases, competition may arise between different heritage goals and associated financial support structures, as evident in the case of the Curonian Spit.

**Heritage Strategies**

Heritage-making is never pursued simply for the sake of preserving and safeguarding. Many actors of different persuasions are needed to pull off a successful heritage nomination, and those with a “pure” interest in protecting a rare archaeological site, a landscape or a unique cultural testimony will invariably mingle with actors pursuing goals for which heritage holds strategic potential. Heritage nominations can be mobilized for purposes of economic development and nation-building, as seen in both the tentative Uzbek efforts and the Barbadian plan to draw on heritage in its nation branding. States may use heritage listings to enforce plans for urban renewal and touristic “clean-up” by removing inhabitants from their homes and land, such as in the Cuba case as well as the Cambodian Angkor. Development incentives play a role in the Portuguese-African co-operations, though here the donor institution’s hope to build cultural and political capital as well as economic influence is not to be underestimated. Economic development is an heritage-making incentive for many actors also in industrial nations, especially in depopulated areas and/or sites unable to attract other economic investors. The heritage card holds a promise that successful nomination might bring tourism and associated private and public investors.

Not unlike international sports championships, heritage listings bring out competitive aspirations among states. Thus while industrial nations initially refrained from the ICH regime, which had been expressly devised through UNESCO to afford the global South more opportunities to participate, Western ICH nominations – as illustrated for instance by the case studies from France and Italy, but also in the emerging efforts of Switzerland – now exhibit crafty and unusual approaches by state actors. Local actors, in turn, recognize in the heritage regime a global value system that might silence internal critique – as in the Italian Siena’s (still unsuccessful) effort to silence animal rights protests regarding the treatment of horses in the Palio. The French compagnons employ the heritage regime in an effort to improve
the prestige and thus pay of craftsmanship. Other local groups, as in the Spanish case study, may use heritage instruments to strengthen their own position. On a larger scale, social groups may seek empowerment through the heritage regime, seeking to jostle the power balance within the state, as is the case – not represented in this volume – with Indonesian groups’ efforts to revive traditional legal structures.

The Power of Go-Betweens and Interpreters

Depending on the agency that can be negotiated within a given political system, and depending on the viscosity of an established heritage regime, powerful individual actors may move mountains where an army of administrators slog through the swamp of rules and regulations. An individual expert can circumvent a march through various local and regional levels and negotiate directly with the state, as the Irish case illustrates. Without the efforts of individual interpreters and go-betweens, many heritage nominations would never get off the ground. Expertise in regional culture and history as well as thorough familiarity with UNESCO instruments and protocol are required. One might go as far as to say that successful nominations are often led by skillful individuals, capable of navigating a given state’s governmental and bureaucratic structure and of interpreting the present – and shifting – “spirit” of UNESCO conventions.

These analytic insights have guided the grouping of the individual contributions in this volume. We begin with Kristin Kuutma’s opening plenary at the Göttingen conference. As one of the foremost European heritage scholars and simultaneously a long-time participant in Estonian national as well as in international heritage decision making, her admonition to temper deconstructionist scholarship offers a thoughtful entry into the volume. Critical analysis ought not to disable the positive potential inherent to heritage-making but rather support the infusion of reflexivity in heritage decision-making processes. A first set of papers is then grouped under the heading “The Reach of (Post-)Colonial Sentiment and Control” and assembles cases from Cuba, Barbados, Mali and – through the reach of Portugal – Mauretania and Morocco. The section “Layers of Preservation Regimes and State Politics” brings into focus West European cases from Italy, Spain, Ireland, France and Germany, the post-socialist example of Uzbekistan and the case of the Curonian Spit, contested between Russia and Lithuania. Detailed views of nomination procedures from within, finally, are assembled under the heading “States and their ‘Thing’: Selection Processes, Administrative Structures, and Expert Knowledge” and feature studies on China, Italy, Switzerland and three different takes on France. In this last section, the role of anthropologists, ethnologists and folklorists as both expert consultants within and researchers of the heritage-making process comes to the fore quite poignantly. These fields of research have contributed to the societal appreciation of cultural diversity and, inadvertently or not, they have
helped to shape some fundamental precepts of the heritage regime. The fact that heritage-making has now turned into a field of employment for practitioners in these fields presents both scholarly and ethical questions which, to echo again Kuutma’s admonition, ought to be faced in productive rather than dichotomous ways.

Some of the authors in this volume rarely publish in English and one of the hopes we hold is that Heritage Regimes and the State may serve as an encouragement to engage seriously both with the power of these regimes and with the ethnographic work and theorizing of non-Anglophone scholars in the field.