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## Negotiating Tradition The Pragmatics of International Deliberations on Cultural Property

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# 1. Introduction

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# 1. Introduction

## **International Negotiations on Cultural Property and Language**

In February 2008, I travelled to Geneva for my first fieldwork session at the World Intellectual Property Organization (WIPO), like the United Nations Educational, Scientific and Cultural Organization (UNESCO) or the World Health Organization (WHO) one of the United Nations' (UN) specialized agencies under the roof of its Economic and Social Council (ECOSOC). WIPO's activities "are dedicated to the use of intellectual property (patents, copyright, trademarks, designs, etc.) as a means of stimulating innovation and creativity", as the organization's website states. Since 2000, these activities include the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions (henceforth the IGC). It brings together WIPO's 185 member states as well as hundreds of governmental and non-governmental organizations and deals with the protection of traditional knowledge and genetic resources by means of intellectual property (IP) law in its international dimension. As part of a larger interdisciplinary research unit based at the University of Göttingen, the main interest of my participation in the week-long twelfth session of the committee was in how and by what communicative means actors negotiate about the legal protection of cultural property on the international level. While one would expect actors in this forum to engage in controversial, yet substantive discussions about intellectual property legislation and cultural property, much of what could be observed were the exchange of very general views and deliberations about procedure: long-drawn statements were made with very few specific proposals, and under negotiation were rather questions about how to proceed in the committee than how to reconcile the different interests of state actors and civil society representatives. At the end of the twelfth session in early 2008, the IGC's

main decision was to compile two analyses identifying gaps in the intellectual property protection of traditional knowledge and traditional cultural expressions<sup>1</sup> – a late discussion of this basic task after almost seven years of committee meetings.

The WIPO IGC process is very slow, often with only minimal results at the end of a session (Bizer et al. 2010). Yet, in terms of efficiency, the negotiations at WIPO should not be judged only by their immediate outcomes. The IGC is a political arena where state actors represent their interest, and at times it is in the interest of actors to keep negotiations going without substantive results, be it to prevent issues from being negotiated elsewhere or to create political pressures in other fora. Being successful in negotiations can thus mean not to move forward, but just to continue discussions and maintain the status quo. Furthermore, the creation of alliances or an influence on the power dynamics of the international system can factor in the position of actors as well as domestic policy issues. WIPO is only one of many institutions on the international level dealing with cultural property questions. Their interplay and other political issues influence the position of state actors in this arena as well. Thus, what appears to be a slow and unproductive process at first sight might – under different evaluative criteria – be a successful and productive venture for some actors.

The purpose of this book is to clear up these evaluative criteria by looking at how actors in the IGC negotiate, and how their interests and intentions are reflected in their communicative actions. Its subject matter are the communicative strategies and patterns of international deliberations on cultural property. The book has two goals. The first is to clarify how participants in the IGC pursue their interests by means of language. How do they argue with each other, and how do they keep negotiations going despite extremely diverging interests? What communicative events and specificities characterize such negotiations? The second goal of this book is to apply the methods and theories of linguistic anthropology to the study of international negotiations. This book argues that they are an essential tool to understand the dynamics and presuppositions of deliberations on the international level.

This book focuses on the meetings of WIPO's IGC as well as on documentation about it and analyzes the communicative process involved in constituting cultural property at the international level. At the core stands an ethnography of communication of the committee meetings that take place twice a year in Geneva. The focus is on the communicative strategies that actors develop and employ, be these actors from the WIPO Secretariat, the national delegations, NGOs, indigenous groups or interest groups with observer status. Each of these actors has different motivations and very different levels of knowledge or information. What will be investigated in this book are the changing dynamics of communication and

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<sup>1</sup> WIPO/GTRKF/IC/12/Decisions.

the different forms of communication, including the ways in which IGC participants use language to defend their interests and strategies.

The debate on cultural property has grown very large, as has the literature on the subject. This debate is conducted under the heading of traditional knowledge, indigenous knowledge, traditional cultural expressions, expressions of folklore,<sup>2</sup> tangible and intangible cultural heritage, or world heritage, and it takes place in conjunction with debates on biological diversity, biopiracy,<sup>3</sup> genetic resources, land rights, human and cultural rights, safeguarding, repatriation or preservation efforts. The debate on cultural property is very difficult to define and delimit (Johler 2009: 44), and the very vagueness and versatility of the notion of cultural property and its many labels indicate its pervasiveness and ambiguity. Cases discussed under this label range from the unauthorized use of traditional knowledge for pharmaceutical research and development, the restitution of cultural artifacts in the context of museums to the commercialization of cultural expressions in the entertainment industry. Despite the extremely broad range of exemplary cases and their peculiarities there is a core issue under discussion that ties all these different fields and issues together. There are shared features and patterns that justify speaking of the debates about cultural property in terms of their commonality. The core issue of debates involves a cultural artifact or expression as the object of a process entailing:

(1) the justified or unjustified, recognized or unrecognized, attribution or appropriation of said artifact or expression to or by a group of social actors or an individual. These include but are not limited to nation-states, indigenous organizations and corporations in the entertainment or pharmaceutical sector; and

(2) decisions and judgements whether this artifact or expression should or can be conserved as is, altered in its qualities, or left to its own devices; thus, whether it should or can be safeguarded, protected or preserved, or not, or something in between.<sup>4</sup>

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<sup>2</sup> The term *expressions of folklore* (EOF) in this context stems from discussions between WIPO and UNESCO in 1982, resulting in “Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and other Forms of Prejudicial Action” (1985). It specifically denotes folklore and expressions of folklore as part of national cultural heritage (cf. [http://www.wipo.int/wipolex/en/text.jsp?file\\_id=184668](http://www.wipo.int/wipolex/en/text.jsp?file_id=184668), last accessed 07.01.2012).

<sup>3</sup> See Dutfield 2004 for a definition: “The word ‘biopiracy’ [...] normally refers either to the unauthorized extraction of biological resources and/or associated traditional knowledge from developing countries, or to the patenting of spurious ‘inventions’ based on such knowledge or resources without compensation” (52).

<sup>4</sup> Folklorists have argued intensely against the stereotypical assumption that the perspective of the humanities – in particular, of folkloristics and anthropology – is to insist on collecting and preserving. See Noyes 2010, Hafstein 2009, Kirshenblatt-Gimblett 1998 for more balanced, reflexive and critical assessments of cultural property from a folkloristic viewpoint.

While the first aspect concerns the relationship of the object – the cultural artifact or expression – to a social actor in terms of belonging or being attributed to someone, the second aspect looks at the qualities of this object and its actual and notional functions and values for a group of social actors via the discursive processes it is being referenced in. Thus, one aspect of the core issue in cultural property debates is the social attribution of meaning concerning the ownership of both material and immaterial culture in and across different groups of social actors.<sup>5</sup> This relational dimension involves questions of temporality – how attributing practices evolve and change over time in the sense of the social biographies of artifacts and expressions – and space – how processes of spatial demarcation and distribution influence the ways in which these artifacts and expressions are perceived. A second aspect are the discursive processes and actions pertaining to the question how cultural artifacts and expressions are to be dealt with. Among these options are legal protection, physical preservation and conservation, archival documentation and commercialization, or taking no specific actions at all, acquiescing exploitation and decay of cultural property. These two aspects are hard to separate from one another: indeed, they act in mutually reinforcing manner.<sup>6</sup> Most studies of cultural property issues thus deal with both aspects, some focussing more on property relations, others more on questions of safeguarding, protection and preservation. There are also studies which primarily examine the relation between the two.

Missing in these wide-ranging debates is an analysis of how different perceptions of cultural property, including assessments of their social, political and economical potentials and values, come together in international negotiations. On the international level, there is a large and growing number of committees, agencies and other bodies dealing with questions of cultural property. It is on this level that nation states, non-governmental organizations (NGOs) and other actors deliberate on the aspects of owning and handling cultural property. Guidelines, conventions or treaties regulating the use and ownership of cultural artifacts and expressions are generated, connections to other issues are drawn and political coalitions are formed. This international dimension has – for good reason – gained increasing

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<sup>5</sup> The distinction between material and immaterial or tangible and intangible culture is not to be understood as a strict dichotomy. This perspective has been criticized at length, as intangible culture almost always includes some kind of materialized form and vice versa (see Shand 2002: 60).

<sup>6</sup> Property primarily has a social dimension that demarcates what is mine from what is yours – without a demarcation of desire for a thing there is no property to start with, so that property is less the relationship between people and things, but rather the relationship of people with people by means of things (Kojève 1969: 40). To draw the distinction between oneself and an object, one needs to be self-conscious, but in order for this self-consciousness to exist, one needs to recognize the existence of other self-conscious subjects. Property in this sense is always social, and the question is less whether property relations influence assessments of cultural artifacts or expressions, but how the constellations between them are framed. See also Hann's notion of the "embeddedness of property" (Hann 1998), Kasten 2002a, 2002b, 2004, and Kuutma 2009a for a discussion of the social function of cultural property.

attention in the course of the last years (Dutfield and Suthersanen 2008),<sup>7</sup> as instruments and frameworks stemming from its activities significantly shape national policies and local practices (Bendix et al. 2012).

Yet, aspects of how and by what specific communicative means actors negotiate on this level have largely been neglected. This is somewhat surprising, given that the communicative interactions in international negotiations do not only provide information about the emergence and proliferation of arguments, rhetorics, and registers related to cultural property issues, but also permit valuable insights into actors' positions, strategies and alliances. Furthermore, they significantly influence local and national practices and views related to cultural property debates. The discussions and decisions on the ownership and handling of cultural artifacts and expressions in supranational fora considerably shape heritage and property practices that have been the subject of scholarship from anthropology and folkloristics in the last decades. An analysis of only contents and outcomes is not sufficient for an understanding of the processes constituting the "metacultural" fields of cultural property and cultural heritage (Kirshenblatt-Gimblett 1998). Essential for international negotiations on cultural property, but also on other issues, is that people participate in communicative interactions. On the one hand, what can be gained from a deep analysis of the communicative patterns and strategies that actors engage in – the entailing text and talk of negotiations – is a better understanding of the process itself: how do different actors argue, what kind of strategies and rhetorics do they use, to which instruments and institutions do they refer, and in what way do actors react to each other? In other words, an analysis of communicative interactions contributes to the question of *how* international negotiations work. On the other hand, the analytic inclusion of sociolinguistic practices allows insights into positions, strategies, and perspectives pertaining to cultural property. By looking at not only what actors say, but also at how and in what contexts they do so, it is possible to make more accurate statements about their positions and perceptions in cultural property debates. As these communicative interactions influence outcomes considerably, an approach like this is in the last instance not only beneficial for an understanding of specific negotiations, but also for the analysis of broader cultural property issues.

There is thus much reason to analyze the specific ways various actors debate about these issues, and this study will do so by looking at an intergovernmental committee dealing with intellectual property (IP) and traditional knowledge (TK), traditional cultural expressions (TCEs) and genetic resources (GRs). It focuses on language and the communicative processes of international negotiations on cul-

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<sup>7</sup> However, despite anthropologists and folklorists being involved in international fora as observers or advisers, most of the relevant literature comes from legal studies (Graber 2007, Porsdam 2007, Macmillan 2008, Coombe 1998, 2003; see Coombe 2009b for an extended literature review). A number of anthropological projects are taking a closer look at processes of global governance and cultural property, but as of this writing, no published papers or monographs have resulted.

tural property. More precisely, it is about the various ways that the usage of language influences settings in which actors from a multitude of social and professional backgrounds engage in deliberations about cultural property. My focus will be on the substantive as well as strategic bearing of linguistic utterances and their ideological content<sup>8</sup> in a contested field in which slight changes in text and talk can at times have severe implications for its participants: in treaty language, replacing a “should” for a “shall” can cause conflict.

The main claim of this study is that there is a specific dynamic repertoire of linguistic conduct and strategies in such international settings, and that the analysis of this repertoire can help to clarify different perspectives on cultural property, both for scholars and practitioners. By analyzing the communicative interactions in negotiations, strategies pertaining to cultural property as well as relations to other issues and fora can be pointed out. Furthermore, by combining “conventional” ethnography with linguistic analysis and a study of the macro-processes central to the broader context within which negotiations take place, perceptions of cultural property and related issues can be grasped in their richness and complexity. While cultural property negotiations have their specificity which will come to light in the course of the study, the focus on repertoires of linguistic conduct and strategy is essential for contributing to the understanding of all international negotiations. By illustrating the merits of this analytic perspective, the study thus hopes to encourage its inclusion in studies of international negotiations as well as international organizations more generally.

The functions of language and communicative practices in international negotiations are manifold, and both language and communicative practices are of central importance to the study of international negotiations on cultural property. Language in this context of international negotiations is used to purposefully differentiate positions and to create pressure on actors that do not share the same view or strategy. It is used to stall or speed up the proceedings of an international body, to build alliances and to frame the issues under negotiation as connected or disconnected from other contexts. It is used to protest, to shed light on complex situations – or to obscure them. Language is used to render question of social justice technical and to translate issues of morality into the language of a given body of law. Language is used to bargain, to barter and to block, and at times, it is also used to reach an understanding.

International negotiations can be seen as communicative events in which actors negotiate meaning with a view to achieve their goals: decisions are drafted, revised and discussed to be precise at one point and vague at another; oral and written statements are translated and checked for accuracy and mistakes; different termi-

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<sup>8</sup> In this context, ideologies are understood as socially shared belief systems with axiomatic qualities and high stability (van Dijk 2006: 116; see also van Dijk 1998).

nology that needs to be understood and employed is attached to different fora and issues; communicative styles vary from venue to venue and conflicting language ideologies<sup>9</sup> are in place. While many of these aspects are applicable to all international negotiations as well as other types of deliberations, their specific composition differs from forum to forum. For example, the ambiguity of terminology or sets of communicative strategies are shared by different settings. But regarding the substance and topic, their form shifts depending on contextual variables like the composition of actors and issues. While the specific substance of negotiations is of importance to the analysis and shapes communicative interactions, elementary communicative patterns and strategies are applicable to other fora as well. This study of international negotiations on TK, TCEs and GR is thus primarily relevant to debates on cultural property. But as regards sociolinguistic practices and pragmatic strategies, it applies to a much broader range of settings.

As early as 1982, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO) cooperated in drafting “Model Provisions for National Laws on the Protection of Expressions of Folklore Against Illicit Exploitation and Other Prejudicial Action”. This can be viewed as the starting point for a series of international ventures and fora occupied with questions of intangible cultural property. Over time, such international negotiations have increased in importance and have drawn attention in domestic and international policy debates. This has been most notably evident in the context of UNESCO and the branches within it that are concerned with questions of cultural property and cultural heritage.<sup>10</sup>

Negotiations at WIPO, on the other hand, are less visible, with little news coverage of its proceedings as substantial results have yet to be produced by the committee dealing with cultural property. WIPO negotiations are moreover entangled with a number of other fora, for instance the Convention on Biological Diversity (CBD), the World Trade Organization (WTO), the International Labour Organization (ILO) and of course with UNESCO itself. The interlocking negotia-

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<sup>9</sup> I use the notion of language ideology as defined in Errington 2001: “Language ideology refers to the situated, partial, and interested character of conceptions and uses of language. It covers a wide range of concerns: the differential openness of language structure for metalinguistic objectification; the ways metalinguistic discourses can mediate social interests; the ‘naturalization’ of social differences through construals of language as embodying identity and community. In these and other ways, ‘language ideology’ is a rubric for dealing with ideas about language structure and use relative to social contexts” (110).

<sup>10</sup> The UNESCO conventions dealing with tangible or intangible cultural property are, in reverse chronological order, Protection and Promotion of the Diversity of Cultural Expressions (2005), Safeguarding of the Intangible Cultural Heritage (2003), Protection of the Underwater Cultural Heritage (2001), Protection of the World Cultural and Natural Heritage (1972), Fighting Against the Illicit Trafficking of Cultural Property (1970), Protection of Cultural Property in the Event of Armed Conflict (1954), Protection of Copyright and Neighbouring Rights (1952).



tions have the result that various actors are brought together in the context of cultural property debates, so the TK, TCE and GR issues debated reflect the interests of member states, civil society organizations, as well as indigenous or local communities. The communicative practices and perspectives on substantive issues of the committee are for this reason not only of importance to WIPO and the intellectual property system, but also to various other fora and contexts on the national, regional and international level.

How actors negotiate about cultural property in sessions of WIPO's Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions (IGC) allows for inferences about the processes and strategies in other negotiations as well as. It permits insights into broader perspectives on cultural property. Thus, this study goes beyond the scope of WIPO's IGC. By combining the analysis of communicative interactions with ethnography and including perspectives on macro-processes, it is able to contribute to the anthropological study of international negotiations, especially in, but not limited to the context of cultural property. Valuable insights can be gained by analyzing the pragmatics of negotiations at WIPO; they are of relevance for other bodies dealing with issues of TK, TCEs and GR as well, and moreover shed light on international negotiations from the perspective of linguistic anthropology.

## **The Debate on Cultural Property**

The notion of cultural property is an "umbrella term" for the substantive issues discussed in WIPO's IGC. WIPO uses the terms TK, TCEs (also referred to as "expressions of folklore", EOF) and GR, and in addition, IGC participants make use of terms like "indigenous knowledge", "cultural heritage" and "cultural resources". As Regina Bendix has shown, using the example of "heritage", terms in this context have numerous contested denotations, veiled implications and ideological histories that have to be considered in analyzing discursive practices (Bendix 2009a, 2009b; see also Groth 2010a, Groth 2010b).

The ambiguity in terms contributes to their specific manifestations in the debates. The term cultural property as a meta-term incorporates differing uses, perceptions and perspectives on processes in which tangible or intangible culture artefacts are negotiated, whether in terms of social, political, economic or legal aspects. Therefore, the lack of specificity of this term allows for an inclusive view that understands the phenomenon as broadly manifested and does not exclude aspects of this debate from the outset. Cultural property as a term thus refers to UNESCO processes as well as CBD negotiations, to material cultural artefacts as well as discourses on repatriation and restitution, and spans a continuum from an international process like WIPO's IGC to local discussions of cultural heritage. The term will be more narrowly specified when contextually necessary.

Anthropology has been preoccupied with the commodification of culture and cultural expressions, and not just since Michael Brown's programmatic monograph "Who Owns Native Culture?" (2003). There has been an ongoing, extended discussion of the intricacies involved in bringing culture to the market, preventing the misappropriation of cultural expressions and knowledge and protecting and preserving world heritage, whether in the "discovery" of specific cultural practices as ideological and monetary assets, UNESCO's conventions on safeguarding cultural heritage, or WIPO's Intergovernmental Committee on Intellectual Property and Traditional Knowledge and Folklore.

Economic and political processes draw attention to aesthetically flagged cultural artefacts and practices have been the subject of anthropological and folkloristic research since the 1960s. Positions taken with respect to "folklorism" and "fakelore" in the 1990s, which were initially very polarized, led to the realization that the canonization of culture by the cultural sciences was itself being reflected back into society. Thus, such canonization contributed to the ideological and monetary valorization of specifically marked culture (Tauschek 2012: 57ff, Bausinger 1991). Cultural anthropology and ethnology have since been engaged in debates about the reification and commodification of culture and cultural goods (Appadurai 1986, Barber and Lem 2004, Binsbergen and Geschiere 2005), though systematic examinations of historical and social genealogies of cultural property debates and related values are missing.

The study of the relation between tourism and culture also has been scrutinized, opening a door to the analysis of a "fourth world" which is involved in the commercial and ideological exchange of goods (Graburn 1976). It called for an ethnographical approach to layers that lie between and beneath cultural surfaces, in order to better understand the practices and strategies when culture is used in situations of contact and conflict. Research on tourism led to a theoretical approach with regard to the "museification" of culture and to UNESCO's efforts with respect to cultural heritage. Barbara Kirshenblatt-Gimblett's work (1993, 1998) on this topic is path-breaking, as it does not focus on heritage goods but on the processes by which they emerge. Kirshenblatt-Gimblett coined the term "metacultural operations" for these phenomena, which allows for an investigation into the various temporal, spatial and cultural spheres and processes of valorization that are involved.<sup>11</sup> This focus results in conjoining heritage practices that intend to establish identity to questions of property rights.

Even so, to date there are far more case studies about heritage than about the predicaments of cultural property. However, there are exceptions, starting with Kasten's edited volume (2004) on Siberian examples of concepts of property and of the commons that include questions both on the construction of identity and

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<sup>11</sup> The notion of "metacultural operations" has been criticized for creating a dichotomy between "culture pre and post UNESCO proclamations" (Tauschek 2011: 60).

about economic utilization. The connection between cultural property questions and an anthropological account of cultural heritage (Graburn 2001, Bendix 2007, 2009a) sheds light on political, economic and identity aspects of cultural property that are frequently discussed at WIPO and related fora (Hafstein 2009, Skrydstrup 2012). Dorothy Noyes has drawn attention to the influences cultural property processes have on social dynamics and structures (Noyes 2003, 2007; see also Tauschek 2010) and on the different conceptualizations of creativity and innovation that lead to cultural property (Noyes 2006; see also Hafstein 2004, 2008, 2009). A special issue of the journal “*Ethnologia Europae*” edited by Regina Bendix and Valdimar Hafstein (2009) highlights the “triad of culture, politics and economics” (10) which serves to constitute the terms of reference for ethnological debates on cultural property. An interdisciplinary edited volume by Bendix, Bizer, and Groth (2010) sheds light on the processes of constituting cultural property from economic, legal and anthropological perspectives. The “institutionalization” of cultural heritage and cultural property studies is illustrated both by two chapters in a recent “*Companion to Folklore*” (Hafstein 2012, Skrydstrup 2012) and a paper on the “principal points of irritation” in debates on traditional culture (Noyes 2010: 1).

Thus, the analyses of debates about cultural property are well documented, and they include many aspects relevant to IGC negotiations. However, even if some of the studies noted above focus on international processes (such as those in WIPO’s IGC or the various UNESCO bodies), they typically do not analyze the specific negotiation practices. An understanding of how these negotiations work, how actors bring their positions and perspectives to the negotiating table, and how different interests and motivations are mediated in order to produce results that are either more or less substantial, is of central importance to for understanding the global processes involved in addressing cultural property. This study contributes to these questions both at the level of negotiation practices and at the level of substantive discussions of cultural property.

## **Approach and Aims of this Study**

This study draws from fieldwork and participant observation of the sessions of WIPO’s IGC on Intellectual Property and Genetic Resources, Traditional Knowledge and Traditional Cultural Expressions in Geneva in February 2008, October 2008, June 2009 and December 2010. It also draws on fieldwork conducted at WIPO’s Conference on Intellectual Property and Public Policy Issues in Geneva in June, 2009. More formal interviews were carried out with WIPO staff members, delegates from WIPO member states, representatives of non-governmental organizations (NGOs), indigenous and local communities (ILCs) and other IGC participants, in addition to various informal conversations before, during and after the

meetings. Field notes as well as audio transcriptions were used in the analysis, complemented by an extensive document analysis, including IGC working documents and reports, WIPO publications, and related material.

Using the methodological and theoretical frameworks of linguistic anthropology, including the ethnography of communication and linguistic pragmatics, the study aims to analyze communicative patterns and strategies in international negotiations. It takes into account structural as well as dynamic aspects of these negotiations, trying to shed light on the relation between them. Pragmatic strategies used by committee participants to promote their interests are also scrutinized. Given the lack of tangible outcomes, this study asks how significantly divergent views on core issues can co-exist over a long period of time without direct confrontations of oppositional parties or a failure of the committee. The study of substantial discussions about cultural property that influence negotiation processes will complement this analysis.

The second chapter of this study provides the theoretical and methodological framework. It is derived from linguistic anthropology, with a specific focus on the ethnography of communication, and from pragmatics and metapragmatics. The basic premises of these fields provide the foundation for the analysis of communicative events in WIPO's IGC.

Chapter 3 – “Negotiating Tradition on the Global Stage” – describes the genesis and contexts of IGC negotiations. It introduces the various actors and their interests, as well as the various communicative events in an IGC session. The contextualization of communicative events in Chapter 3 helps in building hypotheses where strategies are not verbalized in interviews or participant observation. The position of actors can be deduced from the larger context, so that for example the utterance of a diplomat in a communicative event needs to be linked to the position of his or her country's national position. The transparency of meeting documentation allows for the tracing of such positions over a long period of time (2000–2011), and secondary literature on the IGC process complements the data.

In Chapter 4 – “The Pragmatics of IGC Negotiations” – I analyze the communicative strategies and patterns observable in the IGC. Drawing both on the theoretical framework outlined in Chapter 2 and the ethnographic contextualization of Chapter 3, this chapter then will examine the most substantial communicative patterns observed during fieldwork at the IGC. Initially, this chapter will include a discussion of the question whether the IGC can be conceptualized as a speech community in the sense of the term used in linguistic anthropology. Thereafter, a specific communicative event of IGC meetings, the so-called “opening statements”, will be analyzed with a focus on their different formal and substantial aspects and in context of the broader meeting. Using the notion of different referential frames, the negotiations will subsequently be studied as a dynamic process

that mediates between different perspectives and interests via pragmatic strategies. The practice of “micro editing” will be analyzed as a specific case of this process.

The main task of Chapter 5 – “Multiperspectivity & Differentiation” – is to elucidate the diverging perspectives on TK and TCEs held by actors involved in cultural property debates, coupled with terminology and communicative events of the IGC. It will examine the multiple perspectives on the substantive issues that underlies the practices analyzed in Chapter 4.

The conclusion summarizes and suggests further research that is planned. It asks what impact the elicited communicative patterns have for participants in terms of communicative and strategic competence, and how they can affect their position in negotiations. It examines what can be derived from the theoretical framework of linguistic anthropology and pragmatics for the study of international negotiations on cultural property.