

EVENTS AND CONFERENCES

Call for Papers

1/2017(3) "Santander Art and Culture Law Review"

Intangible Cultural Heritage – Successes, Problems and Challenges Ten Years After the Entry into Force of the UNESCO 2003 Convention

Editors

Andrzej Jakubowski, *SAACLR*, Polish Academy of Sciences
andrzejjak@poczta.fm

Katarzyna Zalasinska, *SAACLR*, University of Warsaw
kasiazalasinska@op.pl

Alicja Jagielska-Burduk, *SAACLR*,
Kazimierz Wielki University in Bydgoszcz
saacLR@ukw.edu.pl

Guest Editors

Hanna Schreiber, University of Warsaw,
Polish Intangible Cultural Heritage Board
hanna.s@uw.edu.pl

Lucas Lixinski, University of New South Wales
l.lixinski@unsw.edu.au

Deadline

The deadline submission of papers is 15 March 2017

EVENTS AND CONFERENCES

Call for Papers “Intangible Cultural Heritage – Successes, Problems and Challenges...”

Topic

In 2016 UNESCO celebrated the 10th anniversary of the entry into force of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage (2003 ICH Convention).

The 2003 ICH Convention is widely recognized as an international cultural heritage law “success story”. Having been ratified by 170 states over the course of just ten years after its entry into force in 2006, it has proven to be an enormously popular instrument, in line with the aspirations of its drafters. Yet the Convention’s primary goal – to create a broad international awareness of the meaning and the enhancement of the role of intangible cultural heritage – has also been subject to wide-ranging criticism. The Convention’s most visible mechanism, drawing the attention of a majority of state-parties, is the Representative List of Intangible Cultural Heritage of Humanity. To date it there have been 336 inscriptions in this List, in contrast to the Urgent Safeguarding List (43 elements) and the Register of the Best Practices (12 inscriptions).

In many cases the core concern of state-parties is the inscription on the Representative List of a country’s major or well-known cultural manifestations. This often results in placing less spectacular and less visible activities related to the safeguarding of intangible cultural heritage in the distant background. This pattern would seem to challenge the very notion of “representativeness” at the core of the listing mechanism in the Convention, where the safeguarding processes and practices are the essence of keeping ICH alive. The “listing system”, modelled after 1972 World Heritage Convention, has from its very inception raised issues concerning its appropriateness and its application, mainly with respect to the key word “intangible”. The examination of criticisms concerning the impact of the “listing system” on communities, groups, and individuals, as well as on states’ policies, is crucial in terms of inquiring into the future of the ICH Convention. What can be done about this? How can we influence or re-direct this very powerful but also potentially harmful trend?

Some answers might be sought in the Convention itself. The new and revolutionary concepts of “safeguarding”, “representativeness” and “intangibility” require further examination. They have serious implications for the methods of keeping ICH alive, dynamic, and inherited via intergenerational transmission, i.e. for saving the values of the Convention if applied seriously. They also open a new path for development in the upcoming years and new areas and fields of concern related to culture and cultural identity, as broadly defined, within the framework of international cultural heritage law. Importantly, it should be asked whether these new notions of representativeness, intangibility and safeguarding will also spill over to other areas of practice in heritage law and management?

The 2003 ICH Convention intersects with other important legal fields and concepts: human rights law, intellectual property law, sustainable development,

cultural diversity, and biological diversity. This Call for Papers is asking for contributions about the future of these interactions, their possible outcomes, drawbacks, and impacts on states’ policies as well as on the future of the Convention itself. Importantly, the system of the 2003 ICH Convention has recently evolved by amending its Operational Directives (Chapter 6 on sustainable development). In addition, a new soft law instrument, “12 Ethical Principles on the Safeguarding of Intangible Cultural Heritage”, was adopted in December 2015 by the Intergovernmental Committee of the 2003 ICH Convention. These developments call for a critical analysis of their possible practical and legal implications.

The aim of this Call for Papers is to bring together a wide range of perspectives on the future functioning of the 2003 ICH Convention, in order to offer a better critical understanding of the following issues:

- The legal and political challenges ahead for the 2003 ICH Convention over the next ten years. Will it move towards a more holistic and sustainable model of thinking about cultural heritage?;
- The aims and objectives of the Convention at the country level and its influence on state policy toward ICH, including: The role of UNESCO as an internationally recognized legal and political actor;
- Critical experiences in implementing the 2003 Convention, with a special focus on the processes of expertisation and politicisation – challenges with respect to the role of experts, cultural brokers, communities, groups, and individuals.

Accordingly, we encourage submissions that focus on the following topics (please note that this list of topics is not exhaustive):

- The nature and potential challenges for the deepening linkages between UNESCO 2003 and other UNESCO Conventions, with special focus on 1972 World Heritage Convention and 2005 Cultural Diversity Convention;
- Barriers and needs in regulating the sphere of intellectual property rights concerning ICH; challenges with respect to cooperation between WIPO and UNESCO;
- The intersection between the 2003 ICH Convention and other international legal regimes, such as human rights, minority rights, trade, or environmental treaties;
- The problem of fragmentation of international cultural heritage law, based on the example of the interaction of the 2003 Convention with other heritage concepts existing in the Council of Europe and European Union legal and political frameworks, including challenges to cooperation in the field of intangible cultural heritage between UNESCO and these two regional organisations;

EVENTS AND CONFERENCES

Call for Papers "Intangible Cultural Heritage – Successes, Problems and Challenges..."

- The challenges to the process of including ICH terminology into national heritage legislation; the impact of ICH concepts on national legislation; and the implications of the new 12 Ethical Principles on the procedures for evaluating inscriptions of ICH elements at both the international and national levels;
- The new chapter 6 of the Operational Guidelines on sustainable development and its potential to meet the aspirations of Agenda 2030;
- The political and legal influence of NGOs on the international ICH forum – Is the Convention possible at all without NGOs?;
- New methods of qualitative and quantitative research on international cultural heritage law – How should the 2003 ICH Convention be approached as a subject of analysis?;
- The impact of the intensive recent UNESCO activities for the protection of cultural heritage in the ongoing armed conflicts on the issue of protecting depositaries of ICH;
- The possibilities of using the 2003 ICH Convention as a means to rethink heritage protection and management in other domains of heritage, domestically, regionally or internationally;
- Gaps in the ICH Convention, and whether the Operational Directives are the way to address them.

The general aim of this Call for Papers is to collect a series of analytical studies in response to one pervasive and all-important question: What kind of Convention do we want to have in place on the 20th anniversary of its' entry into force in 2026?

Details concerning submissions: content, length, and due date

The deadline for submission of manuscripts is 15 March, 2017. Decision letters will be provided to author(s) by 30 April 2017. We expect to publish the issue in the second semester of 2017. More information is available at

www.artandculturelaw.ukw.edu.pl

Manuscripts should be submitted electronically either by using a storage device or as an e-mail attachment to saaclr@ukw.edu.pl. They should be submitted in .doc format and should not exceed 40,000 characters, including spaces and footnotes. Longer articles may be considered only by specific arrangement with the Editors.

The volume is peer-reviewed, using double-blind review. More information concerning guidelines for authors and editorial rules are available on the journal's website.