

SAFEGUARDING THE LIVING TRADITIONS – LEGAL CHALLENGES IN THE PROTECTION OF THE INTANGIBLE CULTURAL HERITAGE

Pier Luigi Petrillo, (Ed.) *The Legal Protection of the Intangible Cultural Heritage – A Comparative Perspective*, Springer Nature, Switzerland, 2019, pp. 266.

What is the ‘intangible cultural heritage’? What kind of diverse living expressions and traditions does this term encompass? How the intangible cultural heritage impacts the local community, creating social cohesion through the transmission to future generations? What are the best mechanisms of protection available to signatories of the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage?

According to the UNESCO 2003 Convention, the intangible cultural heritage means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups, and, in some cases, individuals recognize as part of their cultural heritage. It is transmitted to future generations through oral expressions, music, rituals, performing arts, traditional crafts, etc.

Often neglected in the past, the intangible dimension of cultural heritage is gaining growing importance in the international community. It raises important questions and debates, especially bearing in mind the following reasons: Firstly, the legal concept of territory over which a State exercises its sovereignty is not always the same as the concept of cultural environment where the intangible elements exist. Plenty of intangible elements inscribed in the UNESCO Representative List derived from the territory of two or more States, therefore possessing a transboundary character. Inadequate protection of the intangible cross-border elements by one State, as well as the issue of determining the country of origin from which the intangible element originates, can lead to transnational disputes. This situation can be especially problematic, having in mind the lack of an efficient mechanism dedicated to the resolution of disputes regarding cultural heritage in general.

Secondly, the intangible cultural heritage provides local communities with a sense of pride and identity while, at the same time, it encourages tolerance and respect for other people and their traditions. This is of the utmost interest when it comes to preventing conflict in a multi-ethnic territory. Finally, cultural heritage, in general, represents an important factor in the construction of the national and cultural identity, especially for the State nations and ethnic communities that were under colonial rule in the past.

The above-mentioned arguments, as well as the questions underlined, make *The Legal Protection of the Intangible Cultural Heritage* book noteworthy, not

only from a legal point of view but also from a wider, multidisciplinary perspective. The backbone of this book is centred around the implementation of the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, which provides the State parties with an operational framework for safeguarding their intangible treasures. Following the 15-year period, its legal and practical influence was processed through the examination of national administrative and policy measures. The 2003 UNESCO Convention analyses the case studies concerning the intangible cultural heritage protection on a national level, demonstrating new and innovative models of legislation and envisaged cultural policy mechanisms. Additionally, to raise awareness on the topic, several field types of research were conducted in cooperation with local communities through various educational projects.

Structurally speaking, this book is divided into six sections. Besides the introduction and conclusion, the remaining sections are devoted to a certain region – America (Brazil, Mexico), Asia (Japan, Korea), the Middle East and Africa (the Hashemite Kingdom of Jordan, Burkina Faso), and Europe (Cyprus, Spain, Italy). This structure is clear and convenient as the reader can access a specific country and its intangible cultural heritage, which is embodied in a separate chapter or a whole book. The book tries to offer us the answers to all the above questions from a legal point of view while increasing public awareness regarding specific intangible elements. A thorough analysis in protecting the intangible cultural heritage is elaborated by international high-profile heritage experts and involved national and international research institutions.

From traditional medicine, woodcrafts, and agricultural practices, through the Mediterranean culinary tradition, Cyprus poetic duelling and lace-making, to oral traditions and songs which often depict the national history of a certain country, all the processed, colourful examples provide valuable insight into the twofold value of the intangible cultural heritage. At the local level, they contribute to social cohesion, intercultural tolerance, and economic survival of the community in question, while, at the national level, they contribute to the strengthening of collective memory, traditions, and identity.

The intangible cultural heritage is created to preserve different cultural expressions of the people. Therefore, analysing the intangible cultural heritage only through legal, thus sometimes rigid formulations can seem to be too strict and limited. The question which needs to be addressed is how to legally encompass something so fragile and sometimes even perishable such as the intangible cultural heritage but, at the same time, to leave enough space for it to develop? And not only to develop but why not – to even change its content through the process of transmission from generation to generation?

Leaving no important questions unanswered while preserving the main focus on legal protection, this book provides valuable insight into examples of good international practice in the protection of intangible cultural heritage, taking into account the specificities of each country.

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