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Foreword

Sang-hoon Jang



It is an honour to announce the successful publication of the *International Journal of Intangible Heritage* Vol. 19, sharing the importance and value of the intangible heritage.

The *International Journal of Intangible Heritage* is the result of the 'Convention for the Safeguarding of the Intangible Cultural Heritage' adopted by UNESCO in 2003 and the conference 'Museums and Intangible Heritage' held in Seoul by ICOM in 2004. Museums started to pay attention to the 'intangible heritage' after these two international affairs. We, the National Folk Museum of Korea, are greatly privileged to publish an academic journal, making contribution to collect, preserve and research on intangible heritage and share it with museums all around the world.

Since 2010, the journal is indexed by A&HCI, IBBS, SCOPUS, MLAIB, BAS and KCI, and has secured academic status. Also, it attracted more attention from a lot of museums and researchers as the ICOM and ICOM-Korea are publishing the journal together from 2021.

This year, researchers from more than 30 countries have submitted their excellent articles, and 12 papers out of more than 100 manuscripts are selected by in-depth discussions of 9 editorial members and 45 peer reviewers.

The Vol. 19 contains interesting manuscripts to understand the meaning, value, preservation and succession strategy of intangible heritage. Geographically, the issue covers a wide range of regions including Europe, Asia, America, and the Africa, and introduce a variety of topics such as dance, fishing, agriculture, manufacturing and the Olympics. I would like to express gratitude to authors on their valuable research achievements and thank many researchers who submitted excellent papers, although they were not published in this volume.

I am deeply grateful for all the efforts of Members of the Editorial Committee and peer reviewers, especially Roslyn Russell, the Editor-in-Chief, for her dedication, and Robyn Flemming for her passion for copy editing. Also, I would like to extend my gratitude to ICOM and ICOM-Korea for supporting the successful publication of the journal. Lastly, I extend my condolences to Prof. Patrick John Boylan, the first Editor-in-Chief of IJIH.

Director General
National Folk Museum of Korea

장 상 훈

Editorial

Roslyn Russell



This issue of the *International Journal of Intangible Heritage* begins with a tribute to the late Professor Patrick Boylan (1939-2024), former Editor-in-Chief of this Journal and a leading member of the international museum community, by Alissandra Cummins, also former Editor-in-Chief of IJIH.

The majority of the articles in this issue are associated with broad themes: heritage law; dance; and traditional practices (manufacturing, traditional paraphernalia, sustainable fishery and intergenerational transmission of agricultural practices). Other articles deal with rites of passage; semi-formal governance and commercialisation; and the intangible heritage aspects of the Olympic Games.

Alaeldin Alkhasawneh, in *Legal Protection of Intangible Cultural Heritage as a tool of sustainable development in Jordan: initiatives, challenges and opportunities,* discusses the complex relationship between Intellectual Property Rights (IPR) and Intangible Cultural Heritage (ICH) that embodies a clear conflict between these two systems that can be viewed from several aspects. The application of the rules of the legal framework to this heritage may be consistent and harmonious with the rules of IPR. On the other hand, applying the latest rules may lead to risks in protecting ICH. Understanding the relationships between ICH and IPR is essential for achieving sustainable development.

Anita Vaivade, in *Northern Lights of Indigenous Intangible Heritage: A Changing Legal Landscape in Sápmi,* explores recent developments in legal analysis related to the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage in general, and to the safeguarding of Indigenous intangible cultural heritage in particular, using the debates on the protection of Sámi intangible cultural heritage in Nordic countries as a case study. A changing legal landscape can be observed where the Convention meets the protection of intellectual property rights, human rights, the rights of Indigenous peoples, and more. Advancing legal thinking and decision-making on Indigenous intangible cultural heritage safeguarding is taking time, and this gives space for dialogue, negotiations and exchanges.

Carolina Giménez Milán, in *Safeguarding Tango as an Intangible Cultural Heritage through Higher Education in Argentina: A case study of three national universities in Buenos Aires*, asserts that education plays a key role in safeguarding intangible cultural heritage, and that safeguarding by integrating intangible cultural heritage into higher education can be an effective strategy. Curricula or degree proposals offered by three universities in Buenos Aires, Argentina can thus be considered as safeguarding measures for the Tango dance as intangible cultural heritage, with the intention of guaranteeing that it survives as a living heritage through Tango education, awareness-raising, and possibly transmission.

Naruebodin Saleepun, in *Dynamics of the Ancient Boxing Dance of Sakon Nakhon: Role of Muay Boran Dance Performances in the Development of the Thai Nation State*, explores the interplay between invented traditions and the Thai nation-state, using the martial art of Muay Boran as a case study. The art form serves as

an emblem of Thai national identity, yet its roots lie in a regional, not national, past. Drawing upon theories of invented tradition, the study interrogates Muay Boran as an artificially constructed heritage at both local and national levels, further delving into the role of nostalgia in shaping cultural narratives, and concludes by advocating for a balanced approach that acknowledges cultural dynamics and the inevitable transformation of traditions over time.

Zhi Zhang, in *History of Chinese Folk Dance: The Role of Digital Museums in the Dissemination of Historical Dance*, examines various aspects of Chinese folk dances, their representation in digital museums, and their influence on shaping the perception of dance culture among young people aged 15-20 years. Digital museums should ensure accuracy in preserving costumes, movements, musical accompaniment, historical chronology, and colour characteristics, thus preserving the uniqueness of historical aspects for the promotion of dance culture.

Norbu Thongdok, in *Tools and techniques involved in manufacturing of Traditional Watermill (Chhoskor) in West Kameng District, Arunachal Pradesh*, examines the processes involved in manufacturing traditional watermills (known as Chhoskor), and documents the rich cultural heritage of the Shertukpen populace of the Himalayan region, including Arunachal Pradesh. This study demonstrates that the indigenous knowledge of manufacturing watermills is endangered, and that a cultural practice that is efficient and sustainable requires crucial attention as well as keen measures for documentation and preservation strategies.

Ngozi Ezenagu, Chinazor Ezenagu and Ikechukwu Efosa Ezenagu, in *Negotiating the intangible heritage of Awka traditional paraphernalia in contemporary society*, explore the intangibility of the tangible heritage of the Awka community as expressed in traditional paraphernalia, using the mimesis theory of art to buttress the relevance of the intangible heritage as represented in Awka traditional paraphernalia. Intangible heritage is the essence of Awka traditional paraphernalia, with traditional artworks embodying the beliefs and practices of the Awka community.

Laura del Valle Mesa, in *Small-scale Octopus Fishery with Clay Shelter Pots: Intangible Cultural Heritage and Sustainable Practices*, examines a traditional fishing practice in the context of United Nations declarations on cultural, natural and intangible heritage and sustainability that aim to achieve goals relating to environmental, economic and social sustainability that incorporate culture as a transversal axis. Artisanal fishing for the common octopus with clay shelter pots in the Gulf of Cadiz (Spain and Portugal) is an example of intangible cultural heritage that would result in a more sustainable way of life and better protection of ecological resources if it were to be safeguarded effectively.

Shisachila Imchen, in *The Role of the Morung Age Groups in Expressing and Transmitting Agricultural Knowledge in Nagaland with Particular Reference to Khonoma Village*, aims to contribute to expanding knowledge and understanding of the role of the age groups in agricultural life in Nagaland. These are closely associated with the bachelors' or men's houses, known by the Assamese word 'morung'. Meetings, rituals and rites concerning warfare were held in the morung, and other aspects of cultural heritage were passed on intergenerationally there, including oral traditions, songs, and skills of a utilitarian nature such as wood carving and basket making. This study investigates how the age groups acquire agricultural knowledge through practical activity, and how agricultural knowledge, including know how, skills, practices, rituals, festivals and values, is expressed and transmitted.

Choi Myoung-ho and Ha Sang-sub, in *Quinceañera: A Living Cultural Heritage Safeguarding Ethnic Identity Across Borders*, examine this Mexican and Latin American rite of maturation for girls as an enduring cultural artefact. They delve into the deep-seated traditions and origins of the Quinceañera, its significance among diasporic communities, the structural and symbolic elements of the ceremony, and its broader socio-economic

ramifications. The Quinceañera embodies a complex interweaving of cultural narratives, bolstering community identities at the crossroads of historical continuity and contemporary shifts, and has notable implications for local economic structures. The Quinceañera underscores the evolving tapestry of cultural heritage, anchoring community ties and enhancing collective self-awareness.

Bowen Xiao and Ting Long, in *Semiformal Cultural Governance and State-sponsored Commercialisation in the ICH Field: The Case of Chongqing, China*, discuss how intermediaries between the Chinese state and local communities can primarily use forces other than the market to safeguard intangible cultural heritage (ICH) by drawing on the Yuzhou embroidery in Ba County, Chongqing, as a case study. Although the state capacities dedicated to ICH safeguarding at the grassroots level are limited, the intermediary can gain access to symbolic resources granted by the state through the accumulation of cultural capital, and thus cross boundaries to access the state's resources from outside the ICH field for commercialisation. In this semi-formal governance practice, state and cultural actors leverage each other to better safeguard and promote ICH.

Devena Haggis, in *Connecting Tokyo 2020 with People and Places: A Preliminary View of the Intangible Heritage of the Nanairo Ekiden as Sport Heritage*, analyses the ways in which the Olympic Games can constitute a local and global multicultural environment connected through media and shared experiences, values, heritage and knowledge creation, representing in a global form the intricate connections between sport and society. The linkages between the mega-event, society and sport are reflected in the tangible and intangible aspects of the event, whereby connections are made and maintained in local, national, and international communities through the processes of participation, connection, reflection, and memory. Memories associated with sporting events in the community are created through participation and via the material culture associated with the event. Exposure to this material culture creates and maintains the intangible heritage of the event and reinforces the connections in community and personal memory.

The three book reviews in this volume correspond broadly to the major themes already outlined above: Lucas Lixinski reviews Lorenzo Casini, *Advanced Introduction to Cultural Heritage Law*; Claudia Fleischle-Braun reviews Vicky Kämpfe, *Dance Practices as Research*; and Yujie Zhu reviews Iida Taku, *Heritage Practice in Africa*.

I express my profound thanks to all who have contributed to this issue of the *International Journal of Intangible Heritage*: the Editorial Committee and external peer reviewers who have shared their knowledge and insights in specific subject areas; book reviewers; copy editor Robyn Flemming and, of course, all the authors represented here. Special thanks go to former Editor-in-Chief Alissandra Cummins for her tribute to the late Professor Patrick Boylan; and to the members of the IJIH Secretariat and the Secretary-General of the National Folk Museum of Korea for their diligent work on the production of the Journal.

Editor-in-Chief
International Journal of Intangible Heritage



Patrick John Boylan Esq. BSc FGS FMA MBIM

In his own words - A tribute

Patrick John Boylan
17 August 1939 – 8 February 2024

Alissandra Cummins
Director of Barbados Museum and Historical Society,
former Editor-in-Chief of the IJIH,
and past President of ICOM

Patrick John 'Paddy' Boylan left an indelible mark on our professions and careers, our lives and our hearts. Much more than a colleague, he was both a mentor and muse, a source of wisdom and of inspiration, a committed educator and agent provocateur. Patrick was deeply curious, consistently rigorous, and always courageous in exploring and interpreting the unending opportunities which history, heritage and human endeavour afforded him to research and reveal, interrogate and celebrate. To say that he was the first Editor-in-Chief of the *International Journal of Intangible Heritage* does not truly do justice to his legacy. He was in many ways the architect and advocate for significant change in the missions and mindsets of museums and heritage workers. In his view ICOM's active support in ensuring the essential exchanges about living heritage between researchers and tradition bearers, was a new approach that was arguably "one of the most important steps forward taken by [ICOM] since its creation in 1946".[i]

The many obituaries and remembrances which have poured in since the passing of Prof. Emeritus Patrick Boylan have provided appreciations of his life and service in the fields of museums, heritage, culture, conservation and education and have paid due attention to his support for the missions of the multifarious bodies with which he engaged, largely on an advisory or pro bono basis. While they require no repetition, giving evidence as they do of Patrick's professional prowess and commitment, it is not easy to comprehend the scale of his farsightedness and dedication to these activities, all driven by his acute understanding, born out of his own experience of entering a field where no formal training programmes existed, of the need to broadly encode their foundational practices articulated within a framework of professional ethics and the law.



IJIH 7th Editorial Committee

In his Keynote Address to the 1981 meeting of ICOM International Committee for the Training of Personnel (ICTOP) held in Bergen, Norway, Boylan provided recommendations on some basic guidelines for museum training. He believed "that there are certain museological fundamentals that need to be covered in the basic initial training..., of those newly recruited to work in a museum" including the purpose of the museum, object handling, preventive conservation, the institution's responsibility to both its community and its collections, the museum's organizational structure and operations all " to ensure that museum staff at all levels have an adequate understanding of not only their own job, but that of their immediate boss and of any subordinates."[ii]

Patrick remained steadfast in his commitment to this work into October 1989 with the finalization of ICOM ICTOP's *Guidelines for Basic Training Workshops for the Development and Promotion of Museums*. These were then enshrined in the 1989-92 ICOM Triennial Programme and with Resolution No. 2 unanimously adopted by the 16th General Assembly of ICOM, ICTOP

(International Committee for the Training of Personnel), working in close cooperation with the ICOM Secretariat, will provide advice support and help for... (among other things) organizing training workshops for small museums, particularly in the less developed countries" (ICOM, 1989b, p. 34). This was a process of reflection and revision which Patrick was to repeat with significant success in successive ICOM conferences in particular the 2004 General Conference in Seoul where he drew the link with his international work with UNESCO and others.

Patrick's international profile developed rapidly following UNESCO's commissioning of his written reappraisal of the 1954 *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict*. The comprehensive 'Boylan Report', published in 1993, concluded that "there is little that is basically wrong with present international law, particularly the 1954 Convention: the continuing problems are due to failures in implementation."[iii] He made it clear that it was not sufficient for individual nations to adopt the Convention, but it was necessary for them to activate "this quite fundamental instrument of international Humanitarian law"[iv], through a number of steps to implement protective measures for cultural property, not just in times of war but in peace. He called on all museums "to think the unthinkable"[v] and examine their own positions, perspectives and disaster preparedness plans. He stressed that "We need to acknowledge that cultural heritage is always at risk: from the depredations of war, from nature, from urban development, political and economic pressures - as much as from the daily forces of slow decay, attrition and neglect".[vi] It was not enough therefore simply to act through governmental channels to restrict imports or exports of such cultural artefacts. Museums needed to comprehend that their responsibility was not merely to their own protection, but extended to the communities they served. Not content with making reports, offering public statements and assessments, Patrick did not merely talk the talk, but adamantly walked the walk, wherever and whenever necessary. Having already articulated the importance of the need for basic training within the museum field, Patrick now took on the critical task of inculcating the museum community with their ethical responsibility for supporting implementation of the intangible cultural heritage convention. He did this in his dual role as Professor of Arts/Heritage Policy and Management at City University, London, while at the same time taking on the chairmanship of ICTOP and ICOM's Legal Affairs committee. Here he stressed the need to develop better methodologies for training of museum and other heritage professionals, joined with more credible processes which addressed community needs. Under his leadership ICTOP moved forward with continual reviews and refinements of the ICOM Syllabus and prepared a statement of Standards and Ethics for training programmes "in the light of new philosophies, ideologies, methodologies, technologies and changing economies" making sure at all times " to respect and understand the cultural tradition of minorities, to enable a presentation of those cultural specificities...[and] to directly involve minorities in the interpretation and representation of their cultures".[vii]

Patrick was unequivocal about the fact that "Without argument, priority must be given to saving people's lives in a disaster situation. However, it would be an error to think that these people only need material help. They're hungry, they're cold and they're frightened. But their heart, their soul and their memory have also been wounded. Natural disasters - earthquakes, volcanic eruptions, floods, and landslides - take a terrible toll on our cultural heritage".[viii] Museums therefore needed to work collectively with both the communities concerned and with other memory institutions (as well as governments at all levels) not simply to document, conserve and interpret the heritage but at the same time ensuring access for all, responding to the responsibility for social change. He called on all museums to "take an active role in promoting tolerance [of all peoples] and understanding through their exhibitions and education programmes...".[ix] Patrick also advocated for ICOM "to develop an official [ICOM] policy on the role of museums in relation to the understanding and tolerance of racial and cultural minorities and of indigenous peoples."[x] ICOM President Jacques Perot made clear his appreciation for this commitment paying homage to "Professor Patrick Boylan, the present Chairman of ICTOP and a former Vice-President of ICOM, for his longstanding professional and personal commitment to the Organisation."[xi]

These proposals gained considerable advancement in the context of the United Nations Decade for the World's Indigenous People (1995–2004) which generated a number of significant events more specifically in relation to *The United Nations Declaration on the Rights of*



IJIH 7th Editorial Meeting

Indigenous Peoples, drawn up in 1994/95, underscoring the importance of their cultural rights in relation to their intangible heritage. By 2001 with UNESCO at work on the preparation of the *International Convention for the Safeguarding of the Intangible Heritage*, Patrick Boylan was already well placed to advise and facilitate this work, having already had two decades of experience in the field of heritage policy and its operationalization, both nationally and internationally. He closely monitored the progression of this new standard-setting instrument, recognising the responsibilities and modalities which would be required to ensure that this legal instrument would become fully functional. He fully appreciated the evolution of cultural policies and at times played a catalytic role in encouraging a parallel process of capacity building to provide the needed support and standard references for the complementary roles that different governmental and non-governmental actors particularly memory institutions, would need to play in its execution. Most specifically Patrick Boylan recognised the evolving nature of the ICH *Convention*, coherent with/ informed by considerations developed around a series of expert meetings and consultations. UNESCO's formal adoption of the *Convention for the Safeguarding of the Intangible Cultural Heritage* in 2003 was reinforced the following year when UNESCO published a major series of papers about the intangible heritage in a double issue of its quarterly journal *Museums International* (no. 221/2, May 2004). This was probably a key source of inspiration for the development of this *Journal*'s concept, "originally conceived as the result of informal discussions during the ICOM 2004 General Conference"[xii] and extensive consultations thereafter.

Patrick's comprehensive understanding of what was required of non-governmental actors such as memory institutions to help fulfill the mandate of the ICH *Convention* broadening of the concept of heritage, where "Intangible heritage is by definition people-oriented rather than object-centred. At its core, implementation of the new initiative will transform the relationships between museums and their audiences and stakeholders." [xiii] This was instrumental in informing the resulting ICTOP curricula and related resolutions adopted at the ICOM's 2004 Triennial General Conference in Seoul. Museums/ memory institutions and their personnel would need to be cognizant of and prepared to respond to "heritage as process and practices rather than end products, ... recognition of this heritage as a source of identity, creativity, diversity and social cohesion, ... its constantly evolving and creative feature ...observance of universally recognized human rights. ...as "the most powerful driving force in fostering self-motivation for the safeguarding of intangible cultural heritage."[xiv] In their introduction to Volume 1 of the new *International Journal of Intangible Heritage*, then director of its host institution, the National Folk Museum of Korea, Hongnam Kim and Editor-in-Chief Patrick Boylan sought " to raise and confirm awareness of the importance of intangible heritage and of the need for greater opportunities for academic and professional publication and information exchange in relation to it."[xv] They identified the increasing activity of academics, researchers and professionals across the cultural sector in "collecting, systematising, documenting and communicating the intangible heritage" as critical to this enterprise, because it was this shift in focus from the purely tangible heritage to acknowledge and include the

intangible which required the *IJIH* to serve as "a spotlight on this important and growing aspect of heritage studies".[xvi] The intent of the Journal would therefore seek to aid in this activity by "creating new knowledge...[and] an irreducible bond between cultures across the world... consolidat[ing] common values...and celebrating both the differences and similarities that are the intangible treasure of humanities' heritage".[xvii]

Patrick was always direct and to the point in addressing some of the key issues and important questions raised. With the ICH *Convention* coming into force in April 2006 he stated that "it is timely to consider the implications of this major new development for museums. Will new organisations and services, a new profession even, be created to give effect to the new treaty that will challenge, threaten even, the traditional roles of museums and museum professionals in relation to the heritage? Or can museums, the museum profession, and not least museum professional training, respond positively to these serious potential challenges and take a major role in ensuring that the admirable aims of the Intangible Heritage Convention are achieved".[xviii] It was clear that he recognised the opportunities and potentials which this new Convention offered to create " a new cultural insight and ... a new cultural paradigm that has long been overlooked or at least seriously undervalued. More active exchanges between international researchers and heritage bearers, for example through this Journal will, we very much hope, rapidly increase to the benefit of the understanding and sustainable development of the intangible heritage." [xix] He opined further that "members of the museum profession need to adopt an open, outward-looking view of their own role and that of their institutions within society, and in particular in relation to the protection and promotion of the intangible heritage...".[xx] At the end of his formal stewardship of the new Journal with the publication of Volume 3 of *IJIH*, Patrick did not walk away from this mission. He continued to contribute generously with timely advice, intriguing articles and reviews, and active participation on the Editorial Advisory Committee for more than a decade after the end of his tenure in 2008. Paddy's constant attention and support were invaluable. Pamela Inder, in reflecting on her husband's contribution, stated "Patrick always enjoyed his visits to Korea and was very committed to the idea of preserving intangible heritage. He liked the fact that it was an initiative that was not Eurocentric and was proud to have been the first editor of the *IJIH* and of the fact that one of his former students was involved in setting up the project."[xxi] That same student, Jongsok Kim, reflected on Patrick's role and contribution saying that "After Professor Boylan joined the Editorial Committee of the Journal and was elected as the Editor-in-Chief, I can attest to his significant and inspiring contributions and leadership. Having worked with/for him as the curator of the publication secretariat of the IJIH at the NFMK, I have witnessed firsthand the impact of his dedication and expertise."[xxii] Their insights and assistance were essential in crafting a deeper appreciation of Patrick's contribution and commitment.

Patrick, we hope we can continue to promote your remarkable legacy through the *IJIH*. Your memory will continue to inspire us, and your legacy will live on in the work we do and the way we do it. Rest in peace dear Friend.

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xxi. Pamela Inder, Personal communication, April 2024
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MAIN PAPERS

Legal protection of intangible cultural heritage as a tool of sustainable development in Jordan: initiatives, challenges and opportunities

Alaeldin Alkhasawneh

Alaeldin Alkhasawneh is a Professor of civil law at the college of law at Yarmouk University. He specializes in civil law, legal regulation of information technologies, cultural heritage law and consumer protection. His interests lie in the field of contract, cyber law, consumer protection, cultural heritage, e-commerce, and intellectual property law. He is a graduate of University of Reims Champagne - Ardennes in France. He served for many years as a law school administrator, as associate dean of the law school.

Legal protection of intangible cultural heritage as a tool of sustainable development in Jordan: initiatives, challenges and opportunities

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ABSTRACT

Intangible cultural heritage (ICH) has significant potential value and is important for development and sustainability. This has led international organisations and national governments to regulate its protection. Jordan has taken various initiatives in this field. However, those initiatives have encountered challenges because a debate has arisen in Jordan as to whether ICH is public property, or falls under the protection of intellectual property rights, or should receive protection under a *sui generis* system. This paper is concerned with studying the issue of legal protection of ICH according to the relevant Jordanian legislation. It presents a comparative study of the various systems currently used to protect ICH, with the aim of identifying an effective means of protecting Jordan's intangible cultural heritage.

Keywords

Legal protection, *sui generis*, UNESCO, Jordan, sustainability

Introduction

Background

Cultural heritage (CH) is considered one of the most important socio-cultural rights (Chapman 2009: 19–20). Moreover, it represents an important aspect of the relationship between intellectual property rights (IPR) and human rights (Blake 2023: 25). The development and importance of this heritage have given rise to recognition of the cultural property rights of traditional artisans or craftsmen, now considered a stand-alone legal field. This represents a new generation of rights that provide compensation for the contributions made to preserving cultural heritage through the transmission of traditional techniques and traditional cultural expressions from generation to generation. CH plays an important role in reflecting a society's history and civilisation (Eichler 2021: 793) by distinguishing societies and groups from one another.

Cultural heritage consists of both tangible and intangible elements. In the past, interest in protecting and preserving CH focused more on its material aspects (Kermani 2020: 343), such as monuments and historical and archaeological sites (Eide 2001: 289). In fact, for a long period, the term 'cultural heritage' was synonymous with historical monuments, collections of artifacts, and antiques. It then witnessed a change in discourse as the scope expanded to include traditions and forms of living expression that were created by our ancestors and were then passed down through the generations and still exist today. Intangible cultural heritage (ICH) helps to measure the extent of a society's development. Interest in the preservation of ICH is based mainly on the fact that many countries possess a rich heritage of traditional expression and folklore that has been illegally exploited from all sides.

CH is a tool driving sustainable development, and best practices from around the world show that protecting

this heritage offers great benefits to environmental and economic sustainability (Blake 2023: 360). Recently, ICH have begun to face a growing crisis with the revolution of the internet and artificial intelligence (AI) (Yu 2007a: 1039).

Numerous regulations concerning the protection of ICH have been implemented on both national and international levels. Initiatives in developing countries have supported amending IPR laws to protect ICH (OseiTutu 2011: 150), although developed countries have been less inclined to modify and expand existing protections for this type of CH. Some of them lean towards the protection system, considering the ICH as a public domain. This interest in ICH led to the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and the Charter on the Preservation of the Digital Heritage of 2003.[1]

ICH was relatively overlooked until more and more countries began to realise that protecting the rights of states, peoples and groups – in terms of their traditions and traditional knowledge – contributes to strengthening a sense of national identity (Bedjaoui 2004: 152), defines its specificity, and constitutes an important path to economic development. Interest in preserving and protecting the intangible aspects of cultural heritage has also grown as the toll of wanton destruction and of illegal exploitation, distortions and forgeries becomes more apparent. Many forms of ICH have been threatened and endangered by globalisation (Malik and Coombe 2021). National legal frameworks are thus needed to provide effective protections for ICH that enable it to face the cultural challenges that endanger it due to its lack of physicality (Jhamb and Kaur 2021: 210). These challenges include the domination of certain cultures over the prevailing cultures, customs, traditions, beliefs and values, which threatens the demise of weaker cultures and their disintegration within the framework of stronger cultures, in addition to the challenges posed by the society itself that stands in front of its past and originality. In Jordan, it seems that interest in the protection and promotion of ICH has not yet reached the required level despite several government agencies with mandates to protect it. This lack of interest is due to their failure to take seriously the need to provide protections, to the dispersion of their work at times and to the lack of an appropriate legal framework.

Forms and elements of ICH in Jordan

Located in the Middle East, Jordan's total area is 89,342 square kilometres and its population is approximately ten million. It was named after the Jordan River, on its western border. Jordan combines a mix of cultures and was the site of multiple civilisations, such as the Moabite kingdom in southern Jordan and the Nabataean kingdom, where Petra is located. It was at one time subject to Roman control; then Islamic rule came. The country is characterised by the cultural homogeneity that exists between it and its neighbours – Saudi Arabia, Iraq, Palestine and Syria. Jordan is rich in intangible cultural heritage, which is considered a vital element of its cultural identity and a valuable resource for local communities. The Jordanian Ministry of Culture developed a national plan for elements of ICH for the years 2020–2024 that was approved by the Council of Ministers as part of the country's national efforts to consolidate Jordanian cultural identity. Its recommendations included preparing a set of ICH elements for inclusion on the UNESCO Representative List of the ICH of Humanity, issuing legislation to officially recognise ICH, providing protection for its components, and lending support to local communities through associations interested in the sustainability of ICH elements.

Thus, preserving and enhancing Jordan's heritage appears nowadays to be a priority for the country, but this raises the issue of promoting ICH seriously in the face of increasing globalisation, as ICH remains an important factor in preserving cultural diversity (Malik and Coombe 2021). Gaining a better understanding of the ICH of different societies is also beneficial for engaging in intercultural dialogue and enhances respect for others. The multitude of ICH elements in Jordan reinforces the diversity of its cultures and groups, from Bedouin heritage to rural and urban heritage.

Jordan has successfully registered many of its ICH elements on UNESCO lists, such as when the art of the Jordanian As-*Samer*[2] (i.e. customs, traditions and practices related to the As-*Samer* dance) was included on the Representative List of the ICH of Humanity in 2018. As-*Samer*, a Bedouin dance accompanied by folkloric singing, is performed at occasions such as wedding ceremonies. It is an art reserved for men, although women can sometimes participate. The singing of the As-*Samir* poem may sometimes last for nearly two hours, alternating between the poet and the participating attendees who are arranged in the form of a compact arc. The verses of poetry that are repeated during the performance form

an integral part of the tradition, and express feelings of joy, peace, intimacy and sympathy among those present. Practitioners of this art range from young people to older individuals. The performance includes specific roles for specific people. For instance, during a wedding, the groom's father directs the attendees to line up and begin clapping and singing, so that one of them sings and the other responds, or two sing and respond, and sometimes the entire group. The customs and rituals associated with the date palm have a common Arab heritage and are also on the Representative List of the ICH of Humanity for Jordan and many Arab countries.[3]

We can refer also to the cultural space of the Bedouins as among Jordan's 'Masterpieces of the Oral and Intangible Heritage of Humanity'.[4] This cultural space includes the Bedouin communities living in the Shuhuriyat region, the semi-arid deserts in the southern part of Jordan, near Petra and Wadi Rum. The communities inhabiting this region preserve the Bedouin pastoral culture and skills related to it, such as residual knowledge of plants, traditional medicines, camel raising, tent making, and tracing and progression skills. In 2022, *mansaf* was added to the UNESCO list of ICH in Jordan. It is considered an essential festive dish at social events in Jordan, as it is a symbol of identity and social cohesion. *Mansaf* has social and cultural connotations for Jordanians and, as a form of intangible cultural expression of Jordanian food habits, also reflects the national cultural identity.

On 14 December 2021, UNESCO included Arabic calligraphy on its list of intangible heritage, as well as 40 traditions from five continents. UNESCO considers the art of writing in Arabic as an expression of consistency and beauty. The inclusion of Arabic calligraphy on UNESCO's Representative List of the ICH of Humanity effectively contributes to the promotion of ICH, especially of the calligraphy arts, in local communities. The calligraphy file includes Jordan and many Arab countries. Since ancient times, Arabic calligraphy has been a symbol of the Arab and Islamic world and an important part of its civilisation. Its inclusion on the Representative List will enhance not only its presence locally but also the knowledge and educational role associated with it as an art in itself.

Another ICH element that might be listed by UNESCO is the *dabkeh*, a popular traditional dance performed at certain celebrations, including weddings, in Jordan, Palestine (Shtayah 2019: 29–40), Syria and Lebanon.[5] This group dance, accompanied by traditional songs, is performed mainly on the occasion of village parties in public squares or at festivals and has become a cultural institution. The *dabkeh* is a lively art that has been passed down through the generations. It is performed by people of different ages, with the elderly dancers holding the hands of the younger dancers and performing the same movements as the rest of the group.[6]

Additional ICH elements present in Jordan are the tales, aphorisms and legends that spread across society; the knowledge related to the manufacturing of soap, olive oil, honey and milk products; and the treatment of some diseases using traditional plants and herbs, and knowledge related to their cultivation. Tribal justice is another ICH element; it is a means of finding solutions to problems and disputes that occur between people, in cooperation with the administrative ruler and the police but without resorting to civil justice.

In Jordan, when collecting material to support the addition of an item to the Representative List, it is necessary to define the culture of the group to which the item applies – that is, whether it is Bedouin, rural or urban, the group's affiliation (i.e. with Arabs, Circassians, Chechens, Kurds, Druze or Turkmen), the group's religion, and the extent to which it adheres to its inherited culture. The application is presented to a committee comprised of experts from the Ministry of Culture and from the Advisory Committee, which is in charge of establishing and confirming the properties of cultural goods. The Committee undertakes the evaluation process and examines whether the item belongs to one or more categories of ICH and whether that element conforms with the relevant international conventions. The ICH element proposed should be based on mutual respect between societies and be compatible with the concept of sustainable development.

This paper highlights the initiatives implemented since Jordan's ratification of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. The significance of the study stems from the importance that Jordan attaches to safeguarding its rich ICH. The paper is focused on Jordan as a case study for several reasons. The first of these is Jordan's historical and heritage value and its long exposure to a variety of civilisations, such as the Romans, Nabataeans, Edomites, Moabites, Ammonites, Ottomans and Arabs (Hayajneh and Cesaro 2022: 388). Second, its cultural diversity includes Bedouin,

rural and urban heritage, as well as Islamic and modern cultural influences. Third, Jordan is rich in ICH elements that include traditional expressions, traditional knowledge and genetic resources. Some of these elements have been registered on the representative heritage list, while others are under registration or have not yet been registered. The importance of studying the case of Jordan arises from the fact that many members of Jordanian society do not realise the importance of, and the serious nature of the threat to, their intangible cultural heritage. This problem is made more acute by the weak interest in introducing these cultural elements in school curricula, other than an abiding interest in the country's material heritage.

There is no doubt that the Jordanian experience in documenting elements of its ICH deserves study and may be useful to other countries, for several reasons. First, Jordan is located among several Arab countries that share similar challenges or difficulties and threats regarding the preservation of their ICH. They also have many elements of ICH in common, such as the Bedouin character, date palm cultivation and Arabic calligraphy, which have been registered on the representative list in joint files submitted by Jordan and several Arab countries. Jordan is also a participant in the MEDLIHER project, which groups together countries with a common cultural legacy, such as Egypt and Lebanon (Hayajneh 2019: 107). Second, these Arab countries can benefit from the Jordanian experience in documenting its ICH elements. Third, documenting an element of cultural heritage in Jordan's name prevents any other country from claiming the ownership of this element or registering it in its name.

Methodology

Using the analytical approach, this study reviews and evaluates the current status and content of ICH protection in Jordan and then offers suggestions for a suitable legal system. The study identifies the challenges and opportunities relating to the effective protection of ICH. A review of the impact of existing legal instruments related to copyright, patents and trademarks follows, organised in a descriptive framework to comprehensively analyse the symbiotic relationship between IPRs and ICH. The analytical approach helps the researcher to be aware of the development of the existing legislative texts.

In this paper, the author identify the regulations governing ICH protection according to Jordanian legislation. The author suggests a basis for evaluating the efficiency of these rules in Jordan and recommend the adoption of different frameworks to ensure the appropriate protection of this type of heritage. We then examine this legal framework based on data collected from research papers and websites representing legislative and legal bodies in Jordan. The documents related to this research were collected since February 2021 from numerous formal sources in Jordan. The theoretical framework for ICH was collected from research papers and relevant books.

This research employed a descriptive and analytic method by analysing official legal documents, particularly the provisions of Jordanian intellectual property laws. It also drew upon relevant international law to identify the best system for protecting ICH in Jordan. This paper tries to indicate the points at which ICH is compatible with the copyright provisions in Jordan, and the geographical indication, trademark and patent laws, in addition to the insufficiencies of these texts in protecting ICH.

In the context of the IPR legislation, the protection extent is analysed and the probability of integrating ICH into the IPR system, such as copyright, geographical indications and trademark laws, is discussed. The author have presented a literature review of the ICH and IPR and conducted an examination of Jordanian laws to demonstrate the difficulties and inconsistencies associated with applying the concept of ICH. From this, a thematic theme emerges to show that legislation has a significant role in increasing interest in effectively protecting and sustaining ICH. Moreover, there are two principal systems of protection: an IPR system and a *sui generis* system.

The paper concludes with some recommendations related to reforming and reviewing the legal regime of IPR to ensure the effective protection of ICH elements and to clarify the legal status and relationship that exists between ICH holders, their knowledge and their ecosystems. This study shows how the legal framework can represent an important aspect of the protection of ICH. The paper proposes the passing of a legal framework to inaugurate a fair benefit-sharing system, but stresses that any legislation that is introduced must consider the rationality of the public domain. This research proposes the subjection of ICH to category-based management within the IPR system and defines

the main concern of protection and extent of rights. The paper proposes to keep and preserve the rights of stakeholders, indigenous people, local communities and users of ICH in an equitable and proper relationship to maximise the beneficial impacts.

To this end, the author will study the concept and nature of ICH protection in Jordanian legislation and examine the attempts being made to care for and regulate it. The author will then consider the appropriate protection methods and legislative efficiency while keeping in mind that there is no specific legislation dedicated to ICH in Jordan.

The current status of ICH protection in Jordan

In this section, the author will focus on the initiatives taken in Jordan to preserve ICH; I will then analyse the IPR provisions related to ICH to identify the main challenges associated with ICH protection in Jordan and how best to transform them into opportunities.

Institutions responsible for and initiatives taken concerning ICH preservation

Jordan attaches importance to cultural heritage in general and has ratified many conventions in this regard, including the Berne Convention of 1886, the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations of 1961, and the Convention on the World Intellectual Property Organization signed in 1967 and entered into force in 1970. More recently, interest in ICH has emerged through the ratification of the Convention of Biological Diversity of 1994, the 2003 UNESCO Convention, and the Charter for the Safeguarding of the Digital Cultural Heritage of 2003.

Jordan has also launched the Jordanian National Library for Folklore project, which is being carried out by students and researchers from five Jordanian universities under the supervision of the Heritage Directorate at the Ministry of Culture. It is considered one of the most important projects aimed at reviving and preserving Jordanian heritage through the formation of a Jordanian database for popular fields after collecting circulated words and explaining their meanings. Approximately 100,000 heritage items have been collected from different governorates, the Badia region and the Jordan Valley in various heritage fields.

The project 'Protecting the Cultural Heritage in Jordan' (2017–2020) documented and preserved the archaeological holdings in the Jordanian Antiquities Museum on Citadel Mountain, and in 2018 the Ministry of Culture succeeded in including a file on the Representative List about the customs, traditions and practices related to the *Samer* dance.

A national project designed to inventory Jordanian cultural and intangible heritage and to establish a database called the National Data and Inventory of Endangered Heritage has been implemented in the governorates of Madaba, Karak, Zarqa, Balqa, Jerash, Mafraq and part of Aqaba. The inventory results can be accessed electronically on the website and paper at the Heritage Directorate. Several books and encyclopaedias were produced as a result of the project, and work is also being done to enumerate some elements of cultural heritage through relevant projects submitted to those cities chosen as the cities of Jordanian culture every year.

The Ministry of Culture is keen to care for Jordan's cultural heritage by creating a Heritage Directorate responsible for establishing a national database for tangible cultural heritage and ICH, to arouse interest in and encourage research on it, to establish a national heritage library available to the public, and to publish the outputs of work being done in the field of heritage (Hayajneh 2019: 91). This database will be updated in light of new developments and surveys and will be coordinated with local, regional and international stakeholders regarding developments related to intangible heritage in Jordan in a manner that serves the development of museums and departments of the Ministry and the documentation of intangible heritage. The national ICH project includes an inventory of practices, perceptions, expressions, knowledge and skills and the associated tools, pieces, artifacts and places of culture that groups, and sometimes individuals, consider part of their cultural heritage.

There is also a project to recover and transcribe audio material that was recorded in the 1970s by a group of heritage researchers in various regions of Jordan. The Heritage Directorate has decided that these tapes should be examined for evidence of valuable information that might help preserve the Jordanian identity and become an important reference material for researchers in Jordanian heritage. About 950 tapes have been collected from various parts of the country.

In response to the efforts being made by UNESCO to preserve ICH, the Princess Basma Center for ICH was established in 2009 as the result of an Al-Hussein Bin Talal University initiative to create the first scientific centre in a Jordanian university to specialise in ICH (Hayajneh 2019: 91). As mentioned above, the cultural space of the Bedouins in Petra and Wadi Rum is considered among the 'Masterpieces of the Oral and Intangible Heritage of Humanity'. Under the supervision of the Heritage Directorate, the ICH Survey Project (2013–2016) inventoried ICH in the governorates of Karak, Zarqa and Balqa with the help of the local communities to provide the Heritage Directorate with everything related to ICH.

A more recent ICH project in Jordan is Thesaurus, which is a knowledge container that includes all of the popular vocabulary describing various aspects of public life in the country. It is included within the Arab Heritage Framework and sponsored by the Arab Organization for Education, Culture, and Science. The project path seeks to collect intangible Jordanian folklore in the field through Thesaurus and document it in two tracks by examining what is stipulated in the draft Arab Convention for the Protection of Folk Traditions 2010 and by collecting Jordanian folklore according to the Ministry's plan to preserve this heritage. This path requires the Ministry to address the institutions that have worked to collect some heritage elements and to gather what has not yet been collected. The project's goals are to create a spoken vocabulary for each aspect of public life in Jordan, to develop a brief explanation for all of the vocabulary collated, to classify and enter all data related to Thesaurus into a special computer database, and to prepare the data so that it can be output in the form of a qualitative dictionary of Jordanian folklore.

There are also other non-governmental organisations interested in the subject, such as the Jordanian Writers Association, Middle East University, and the Society of Historians Concerned with Tribal Heritage and Ancestors, as well as other minority charities in Jordan such as those supporting Circassians, Armenians and Druze.

Major gaps and challenges for ICH protection in Jordan

ICH is rarely legislatively defined in Arab countries, and some – for instance, Egypt, Jordan and the United Arab Emirates – have referred to folklore only within the context of laws protecting intellectual property rights. However, some national legislations include special laws for ICH, as in the case of Algerian Law No. 98-4 of 1998 regarding the protection of cultural heritage. In addition to the lack of a specific definition of ICH or a precise definition of its forms and rights holders (Li and Yu 2019: 978), Jordan also lacks a national archival policy for cultural heritage (Kiswani 2009: 14). In the absence of effective Jordanian legislation to protect the country's cultural heritage, ICH is merely subject to the protections contained in Jordan's Copyright Law, Geographical Indications Law, Trademarks Law, Industrial Designs Law, Trade Secrets and Unfair Competition Law and Patent Law.

The protection of ICH in Jordan is further complicated by the large number of agencies, institutions, and governmental and non-governmental organisations and individuals working in the field of cultural heritage preservation, the dispersion of their work, and the lack of coordination among them, all of which makes for an ineffective heritage management system (National Assessment Of The State Of Safeguarding Intangible Cultural Heritage In Jordan[7]). Clear standards and specific protection measures are also lacking, such as a special database listing and identifying intangible heritage practitioners and researchers, along with the necessary human and financial resources. Financial support for ICH constitutes only a small part of the national budget, and the protection and preservation of intangible heritage collides with the absence of joint bodies bridging the public and private sectors. Thus, clear national policies and strategies that coordinate all efforts and provide access to financial resources are needed.

Among the challenges is the lack of sufficient information offered by Jordanian institutions and organisations and the general lack of awareness and understanding of many people in Jordanian society regarding the nature and concept of ICH. Somewhat surprisingly, despite Jordan's cultural, ethnic and religious diversity, there is little special interest in the ICH of some groups that have a distinctive character, such as the Circassians, Chechens, Armenians, Druze and Christians. Therefore, attention should be paid to these groups when preparing inventories of ICH. The absence of educational programmes on ICH, and the general ignorance of ICH and of its importance, are among the dangers confronting it. Many ICH elements are particularly vulnerable due to the threats posed by wars and conflicts, and also because those who are keeping them alive are elderly; the younger

generations do not attribute the same importance to these elements of their culture (Lin Q. and Zheng 2018: 4369). Ultimately, interest in Jordan's heritage is largely limited to academic and research circles; outside of these spheres, ICH is commodified, mutilated or manipulated.

Overview of ICH laws in Jordan

There is no specific legislation dedicated to ICH in Jordan. Therefore, its protection must be found in several different laws, such as the Copyright Law (No. 22 of 1992), the Patent Law (No. 32 of 1999), the Geographical Indications Law (No. 8 of 2000), the Trademarks Law (No. 33 of 1952), the Trade Secrets and Unfair Competition Law (No. 15 of 2000), the New Plant Varieties Protection Law (No. 24 of 2000) and the Industrial Designs and Models Law (No. 14 of 2000). The protection offered by the provisions of these laws simultaneously has advantages and disadvantages.

The Jordanian government is partnering with UNESCO in implementing programmes expected to develop a sustainable economy based on knowledge, respect for the environment, and cultural heritage, ensuring cultural diversity (Hayajneh and Cesaro 2022: 389). The government has ratified many UNESCO conventions in the cultural field to protect, preserve and conserve cultural heritage, in addition to promoting its diversity. The author refers here to the Convention for the Protection of Heritage from Armed Conflict of 1954, the Convention for the Prevention of Illicit Trafficking in Cultural Property of 1970, the World Heritage Convention of 1972, the Convention for the Protection of the Underwater Cultural Heritage of 2001, the Convention for the Protection of the ICH of 2003, and the Convention for the Protection and Promotion of Cultural Expression of 2005. The Jordanian Ministry of Tourism and Antiquities, specifically the Department of Antiquities, is responsible for implementing agreements related to Traditional Culture (TC), while the Jordanian Ministry of Antiquities and Culture supervises the implementation of agreements related to ICH and forms of cultural expression. Cooperation between the UNESCO office in Jordan and the Jordanian authorities has resulted in the holding of many conferences, lectures and workshops related to cultural heritage, in addition to supporting institutions working in this field, conducting awareness campaigns and strengthening the capabilities of communities.

ICH protection under copyright and related rights laws

The relationship between intellectual property rights and intangible cultural heritage is complex. There is a clear conflict between these two systems, which can be viewed from several aspects. The application of the rules of the legal framework to this heritage may be consistent and harmonious with the rules of IPR (Blake 2023: 365). On the other hand, applying the latest rules may lead to risks in protecting ICH. Interaction between ICH and IPR is necessary in order to achieve sustainable development (Ubertazzi 2022: 122). The problem arises regarding the content of legal protection when a specific element of ICH, whether a traditional expression, traditional practice or genetic knowledge, is recreated by the communities and groups that hold and practise it. Protecting this element under IPR may lead to the freezing and obstruction of this ICH. The IPR rules also relate to individual rights and are not the public property of local communities. This may contradict what is indicated in Article 1 of the UNESCO Convention regarding the need to guarantee respect for the ICH of the groups and individuals.

IPR may not be sufficient to protect ICH and may encourage the misuse of this heritage. However, there are situations in which IPRs are beneficial to the empowerment of communities, groups and individuals themselves and enhance their ability to work. IPRs can offer effective protection for ICH by requiring the registration of IPRs over ICH elements to realise the required protection.

The discussion today revolves around the necessity of adopting a cooperative approach between IPR, ICH and sustainable development, through the use of IPR to promote measures that contribute to the preservation of a specific element of ICH, and the promotion of the cultural rights of indigenous or local groups, not only human rights or the rights of individuals, and ensuring cultural diversity, sustainability and the inclusion of indigenous and local communities in the protection of their heritage (Ubertazzi 2022: 120).

There are no practical cases decided by the Jordanian courts based on the application of IPR rules related to acts of unfair competition, patents, trademarks and geographical indications in Jordan concerning ICH. We find only one case study. The facts of the case are that a singer composed and sang a song considered a part of popular heritage, and then another singer used the same

melody and changed the lyrics of the song to release a new song. The first singer filed a complaint before the judiciary and demanded compensation for the harm he suffered. The court confirmed that the song in question is a Jordanian national popular heritage (folklore) and that determining this is due to expertise in this field. The Jordanian Court of Cassation decided that the task assigned to the experts by the trial court was to estimate the value of the damage and not to investigate whether the song is heritage or not, so the decision is incorrect and its explanation is incorrect. The letter of the Minister of Culture, which contained a response to the letter of the West Amman Court of First Instance, confirmed that the melody of the aforementioned song is a heritage melody available to everyone and is public property, and that any singer has the right to benefit from it, and no one has the right to claim his creativity. Further, it confirmed that Jordanian Radio has worked to revitalise traditional songs. The court decide that: 'In this regard, given their intellectual property ownership of the musical distribution and notation of these songs as for the lyrics of the disputed song sung by the plaintiff, the court cannot decide on them and point out the need to consult experts in folklore.' The court decided that the Court of Appeal had to discuss the validity of the Minister of Culture's letter in light of the provisions of Article 56 of the Law for the Protection of Copyright and Neighboring Rights and its amendments (No. 22 of 1992), which stipulates that "expressions of heritage (folklore) that reflect the national popular heritage are the public property of the state that cannot be transferred and that the Minister of Culture shall exercise the copyright concerning these expressions as well, and discuss the personal evidence that dealt with this, and if it is taken into account in the task that is determined to experiment so that the action based on which the experiment and assessment are conducted is limited to singing and attacking the words of the song only, without composing, and on the contrary, she must explain the reason for her lack of conviction in that evidence."[8]

The Jordanian court's decision is very important, as protection in Jordan is limited to tangible heritage, with a brief mention of the issue of ICH, which is exclusively summarised in traditional folklore arts, without the word 'intangible' ever appearing in the text of the court's decision. We learn from this decision the necessity of taking into account the specificity of ICH in terms of mechanisms for its protection and societal reintegration in light of all cultural changes.

The importance of the court's decision also arises from the confirmation that ICH in Jordan is classified as public property and is managed through the Ministry of Culture, which means that elements of this heritage are outside the freedom to dispose of goods in the market and excluded from the possibility of acquiring ownership. The main point of this decision is that the goal of the judiciary's confirmation is to protect ICH as public property, given the strictness of its protection and preservation, unlike if it is in the hands of individuals. According to this, it is not permissible to dispose of this heritage through sale, and the state, represented by the Ministry of Culture alone, and in particular the competent minister, must adhere to the invalidity of the contracts contained on these items and not accept the claim of the possessor against the public person who owns the cultural property. The claim for compensation for damages shall only be for this Ministry.

The Copyright Law offers IPR protections in Jordan, but this law requires certain conditions to be met in artistic work, such as the conditions of originality and novelty. Once these conditions are met in a work, the law grants the author moral and financial rights. This law also guarantees protections for some rights related to copyright, such as the rights of performers. The second article of the Jordanian Copyright Law states that 'every literary, artistic or scientific creativity is protected under Article 3'. The Jordanian legislature produced a list of protected works but did not expressly stipulate that ICH deserves protection. However, considering that this law offered examples of protected works but did not limit the extension of protection to those works on the list, it envisaged the possibility of the emergence of other works that would deserve protection if they met the conditions. This law also considers folklore a protected work and provides protections according to the rules of copyright and related rights.

The debate regarding the possibility of ICH being protected under copyright law in Jordan or in countries that have adopted the IPR system also extends to jurisprudence. Some scholars have argued that ICH cannot be protected by copyright law due to its special character (Zhang 2018: 5). Those who object to granting protection to these elements have relied on the opinion that heritage is not a work deserving of protection under the concept and terms of copyright law since it fails to meet the criteria of originality and innovation (Kariuki 2019: 89) and the 'author' is unknown (Techera 2011: 329). Moreover,

the latter cannot be considered an 'artist' and does not have copyright or related rights since these traditions have been carried out by multiple unknown persons across many generations through a continuous and slow process of repetition and emulation of the traditions and creative activities of a particular group. Finally, if ICH were protected under copyright law, this would only offer temporary protection, and that would be inconsistent with the special nature of ICH, which is characterised by its living nature, by being passed down from one generation to another over a long period, and by the diversity of its elements (Li and Yu 2019: 978).

On the other hand, the argument in favour of granting ICH copyright protection considers ICH elements a type of work that can be protected and views the imitation or distortion thereof as representing an attack on an intellectual property right (Lin Q, Lian Z., 2018). These proponents believe that for a work to be protected under the requirements of copyright law, it must meet three basic criteria: originality, innovation and fixation, which may be found in ICH elements in one way or another. The refutation of this opinion is based on the idea that whether IPR law can grant protection for ICH depends on the extent to which the ICH can be considered a protected work, so we must comb through the conditions for the protected work to determine the extent of its ability to enjoy the protections prescribed for artistic and literary works.

It can be assumed that ICH would benefit from the established protection of related rights. ICH is part of the IPRs of performers, which includes reciting the work, dancing, acting, singing and performing. Article 4 of the Jordanian Copyright Law links performance to the existence of a work performed by a performer. Article 3 of the same law also defines performers as 'actors, singers, musicians, dancers and other people who act, sing, recite, chant, play or perform by acting or other literary or artistic works or any other folkloric expression'. To be protected by Article 2 of the Copyright Law, ICH must be performed publicly for a specific public or recorded audience. This criterion is met if the work is shown or presented in a public place in the presence of a gathering of people, at a national celebration, or at a wedding. It may also be met if it is performed in a private place accessed through public means, such as broadcast through social media and via some websites.

However, an examination of the hypothesis of protection according to the related rights shows that the protection offered to ICH is indirect and deficient, so if we consider ICH to be an author's right, the protection granted would be broader than the protection granted under the rules of related rights. According to Articles 8 and 23 of the Jordanian Copyright Law, performers do not enjoy protection against distortion or change unless it tarnishes their stature and reputation. Also, the right to decide to publish the work belongs to the author only, not to the performer. Moreover, in related rights, the financial rights are not transferred to the heirs of the performer, unlike in the case of the heirs of an author. The period of protection for copyright is also longer than the term of protection for the owners of related rights (Inawat 2015: 228), which is mentioned in Articles 30–32 of the Jordanian Copyright Law.

Protection under the IPR system is also deficient because it focuses on protecting the rights of performers, producers of phonograms or broadcasters of ICH. Therefore, this type of protection is less useful for the cultural heritage itself and more useful for the protection of the activities of the owners of the related rights embodied by the recording of the ICH or its transmission or dissemination to the public through recordings or broadcast organisations. The protection is based on the fact that it is a right related to copyright and not to an author.

Evaluation of the protection according to copyright law

The Jordanian Copyright Law and related rights do not contain effective protection mechanisms (Kiswani 2009: 14). This law's position on the inclusion of the established protection of IPR is unclear. Article 3 of the Copyright Law does not explicitly refer to ICH as being a protected or unprotected work, although it offers some examples. It also does not establish a special system for ICH or its ownership. This law does not determine the actions that constitute attacks on ICH. However, texts included in IPR laws criminalising violations of protected works can be used for any IPR. This law stipulates the penalties for those who imitate the rights it protects. In addition, there are no clear procedural rules in the Copyright Law for the prosecution of these elements. Other possible forms of ICH protection exist in the field of intellectual property, such as those that protect industrial designs and models, trademarks, geographical indications and patents (Liu and Gu 2011: 214).

Protecting ICH under patent law

As for the possibility of applying patent law to the protection of ICH, this hypothesis must be examined under the conditions of granting protection to patents, according to which their novelty, innovation and applicability in an industrial activity must be protected. The patent grants the inventor a monopoly right to the invention (Ashraf and Mohi-ud-din 2018: 102), and an inventor can apply for a patent to protect the creation of databases to prevent attackers with the use of novelty and creativity conditions.

ICH elements may include traditional, agricultural, scientific and medicinal knowledge, knowledge related to the science of the relationship between living organisms and the environment in which they live, and genetic resources, all of which companies can use when inventing medicines, for example. Thus, patents could be derived from traditional knowledge or genetic resources (Inawat 2015: 242). Although the application of patent law protection is ideal for ICH elements, there are still some obstacles. ICH does not represent any novelty or creativity and may not have an industrial application (Nwabueze 2013: 184) because of the specific nature of ICH and because its elements can be very ancient and its technologies might have been lost to time.

The same can be said for applications of industrial prototypes or design law to protect ICH elements, where it is required that the model be new, whether or not it is innovative. It must also be capable of industrial exploitation. These rules provide largely effective protections and apply to elements of ICH that meet the criteria contained in prototypes or industrial designs law. Some elements of ICH can be preserved as industrial models such as inscriptions, clothes, huts and tents, agricultural tools and warfare (Liu and Gu 2011: 215). However, ICH that includes traditional knowledge may not be novel and may not include an industrial application (Liu and Gu 2011: 214).

The application of trademark and geographical indications systems to ICH

It should also be noted that the rules for the protection of trademarks or a geographical indication can be applied to ICH (Neethu and Schovsbo. 2021). A trademark is a sign that can distinguish one person's goods and services from the goods or services of others and enables the consumer to identify the source of the goods or services. The trademark system is limited to what is registered as a mark at the Intellectual Property Rights Office of the Ministry of Economy, and what is not registered is not protected. Infringement occurs when an unauthorised person uses a trademark that is identical or deceptively similar to a registered trademark. Therefore, a form of ICH can be registered as a trademark or as a geographical indication. It is possible to imagine preserving some forms of ICH as trademarks, especially since marks can be symbolic or figurative. Since a trademark may be a sound, image or symbol (Neethu and Schovsbo . 2021), this would make many forms of artistic or folk heritage valid marks. In recent years, legal protection has begun to be extended to audio and audio marks, meaning that legal protection can include folk songs as audio marks. Group marks can also be used to create a brand image for traditional goods and services such as paintings or textiles. Certification marks can also be used to protect traditional goods of cultural significance (Risang et al. 2018: 175). The trademark rules do not extend direct protection to the ICH, nor do they provide a clear and transmitted image of the direct influence of the ICH, but certification marks can be used to protect traditional goods of cultural significance (Risang et al. 2018: 175).

As for geographical indications (GI), it is a community right, and the products it covers represent the cultural expressions of the communities involved in their manufacture. As a result, traditional societies often rely on GI to protect some of their rights associated with goods that have some quality, reputation or other characteristics associated with the geographical area in which they are produced (Risang et al. 2018: 176). Thus, the products are cultural expressions of the societies involved in making them. The Jordanian Geographical Indications Law provides for the extension of the protection of traditional products, such as handicrafts, which are an inherent part of Jordanian culture. GIs are often the result of traditional knowledge passed down through generations of a community in a particular region. Likewise, GI sometimes consists of elements specific to the traditional cultural heritage of a particular country or area, especially regarding tangible products such as handicrafts for which individuals or local communities use natural resources from their geographical origin in their production. It is also possible to protect some cultural expressions as geographical indications even if they do not directly have geographical connotations. GIs are consistent with the nature of traditional knowledge (TK) and traditional cultural expression (TCE) because GIs provide unlimited time protection, and enhance the relationship between the products and their origin. GI is considered a collective

right, as there is no text regarding the right to license or waiver, and the relationship between the quality of the product and its origin, on which the protection of the GI is based, prevents the transmission of the GI to manufacturers outside of the concerned region (Torsen and Anderson 2010: 60).

Although the protection granted by the GI system does not apply directly to elements or products related to TK or TCE, which remain in the public domain with traditional regimes and are vulnerable to misuse, they sometimes ensure efficient protection in many aspects. First, the GI confirms the cultural importance of TK and TCE and preserves them for future generations (Paulus and Kelli 2023: 27). The added value of the new GI also makes producers less likely to replace traditional processes with processes that may be less expensive. GI guarantees protection for TK and TCE to combat deceptive commercial practices. It can provide indigenous communities with a valuable service by giving them opportunities to exploit their TK and TCE commercially and to enhance economic development based on traditional knowledge.

Many distinguished products have historical roots. Their distinction is attributed to the inherent practices represented in the traditions of their manufacture, whether in terms of the method of production or the selection of product components. The GI of products related to a specific region has an effective role in promoting that region, in attracting visitors and tourists to learn about the stages of production of local products by conducting tours of factories and farms, and in arousing curiosity to explore other regions. By such means can tourism flourish and stimulate villages, governorates and cities to show what they have in their heritage that deserves to be displayed locally and internationally. It adds value to the products and makes them desirable, which contributes to their export, which in turn creates a resource for the state, in addition to the contribution of GI in stimulating the production of national producers and ensuring the preservation of their efforts, and in encouraging legitimate competition by other producers incentivised to produce their own distinctive products according to best standards.

Advantages of applying trademarks and geographical indications rules to ICH

The first advantage of the protection of ICH through trademarks and geographical indications is that these two systems can be used against unfair commercial practices to identify different products or services and thus prevent consumers from confusing service providers with the quality and reputation of the product or service (Ubertazzi 2017: 562). Since the GI system helps to distinguish between arts and crafts belonging to the realm of literature and traditional art or handicrafts originating from a particular region, it can also distinguish them from similar products or services. Trademarks protect consumers' interests, not just the economic interests of traditional craftspeople, from imitation. In turn, this may lead to a conflict between monopoly and collective rights to ICH.

Second, regarding the terms of the protection, trademarks and GI can be protected indefinitely if the application is properly renewed. Therefore, under the provisions of trademark law, elements of the ICH of a trademark will not be rejected because they arose long ago. Furthermore, the registration of trademarks can be renewed several times, which helps the extension of the protection period (Lin.,Q and Lian Z. 2018: 4370). It also enables ICH to gain international recognition. On the other hand, many problems need to be addressed, such as the absence of limitations on trademark applications. The first to register ownership of an element of ICH as a trademark for a service or product benefits from the exclusive right of the trademark and excludes anyone from its use; however, ownership of ICH is collective (Liu W. 2016: 116) and allows everyone from the same region or community to access its advantages (Unhavaithaya 2022: 2). This may create a clash over benefit sharing (Mathur 2004).

Deficiencies of trademarks and geographical indications rules

There are many problems associated with the application of trademarks and GI rules to ICH that need to be addressed. For example, the rules of trademark do not provide direct protection for ICH since it does not have a clear and transmittable image, and there is a lack of limitations on trademark applications (Lin and Zheng 2018: 4369). This contradicts the essence of ICH, in which ownership is collective and belongs to all persons from that place of origin.

The application of a GI and trademark system is an effective way to protect ICH, but in terms of its scope, they are most useful in protecting the interests of the owners of forms of ICH against counterfeit products, not against the misappropriation and unauthorised use of such forms in general (Nwabueze 2013: 186).

'Geographical indications' refers to identifying goods originating from a specific area that have natural or human characteristics belonging to that area. The definition of GI covers both natural and anthropogenic factors. Therefore, ICH can be protected through GI, especially since many elements of ICH are linked to a specific region. Due to GI's collective nature, elements of ICH must be registered in the name of the group, and rights must be extended to all group members (Kariuki 2019: 90). There are also no restrictions on the term of protection in this case, and the rights can be enjoyed indefinitely.

What distinguishes the GI system from other forms of IPR is that the issuance of the GI certificate is based on minimum levels of innovation (Nwabueze 2013: 183). In addition, the scope of the collective rights granted under GI is wider, as it offers all producers in a given geographical area who produce items of a certain type and quality the right to use and exploit the indication. The right, then, is related to the product itself, and does not belong to a specific individual. Rather, it extends to all producers located in the area specified by the GI. However, the protection of ICH under the GI system may not be appropriate because it does not include all forms of ICH. Also, its rules apply only to protect against unfair competition.

There are two main advantages of protecting ICH under the trade secrets system. First, the rights holder can obtain protection against violations by aggressors under unfair competition laws (Varadarajant. D., 2011). Merchants must adhere to the principles of honesty, sincerity, equality and fairness, and comply strictly with the code of business ethics (Liu and Gu 2011: 216). Traditional crafts can also be protected as trade secrets. As for the shortcomings of protecting ICH as trade secrets, the rights holder of the ICH must follow suitable procedures to guarantee the confidentiality of their property (Neethu and Schovsbo 2021). Although the owner might intend to – and implement measures to – maintain its confidentiality, under certain exceptional circumstances, the owner may reveal the secret. Another shortcoming is that the local population will generally lack awareness of the protection and demonstrate their experience and skills to tourists (Halder and Sarda 2021: 220). Once the trade secret has been decoded by modern technology, protection will no longer be possible. Even if the traditional skill was widely known within the group, if it was unknown to the wider public, it would still be considered secret.

Towards a specific legal system for the protection of ICH in Jordan

Although the IPR system plays an important role in protecting ICH, it can be said that it has failed to provide effective and comprehensive protection in Jordan, as some issues still pose an obstacle to the creation of an adequate regime (Cheng and Yuan 2021: 896). This system protects material expressions of literature, music and drama, and not the cultural expression in and of itself (Techera 2011: 330). Therefore, IPR protection is given to the author's rights and not to the knowledge or the traditional expression (Li and Yu 2019: 979). Given the special nature of ICH, the establishment of comprehensive legal protection with stand-alone legislation may be an appropriate option for Jordan to take. Some countries, such as Japan (Ishimura 2020: 400), Peru, South Africa, Thailand (Unhavaithaya 2022: 3), Costa Rica, Panama (Ashraf and Mohi-ud-din 2018: 103), India (Stoianoff and Roy 2015: 3), Turkey and Namibia (Ashraf and Mohi-ud-din 2018: 103) have resorted to creating and proposing a *sui generis* regime for the protection of ICH, sometimes in addition to using the IPR system. the author will discuss the content of this regime of protection and then evaluate its principles.

The content and foundations of the sui generis *regime for the protection of ICH*

The Latin term *sui generis*, meaning 'unique' or 'independent' (Merriam-Webster n.d.), is applied to unique or independent legislation that is not based on the protection established under the IPR system. That is, it refers to legislation specifically formulated to protect ICH or one of its elements. It is a system designed to protect rights that fall outside the copyright, patent, trademark, GI and trade secrets system. *Sui generis* protection stems from the belief that ICH is a new form of property that has a special nature and needs different legal protection because it is not fully compatible with IPR protection (OseiTutu 2011: 160) and is indicative of a representative, collective, renewable and vital heritage (Kariuki 2019: 95). In addition, ICH is a topic of debate in terms of the objectives and methods of this protection.

This special legal system must include a definition of the concept of this type of heritage and the means of its protection (Ganesan 2016: 52). In addition, the issue of the collective ownership of this heritage and the modes of its rights enforcement must be addressed. The behaviours that are considered violations must also be identified to

enable traditional societies to prosecute those who exploit their traditional cultural expressions and to set a standard of damages for lawsuits while maintaining broad public access to the country's traditional cultures and heritage.

This system should include the creation and preservation of a national list of ICH (Farah 2015: 140) by registering ICH elements and creating a database of them, asking for prior informed consent (Inawat 2015: 243), considering the possibility of sharing benefits (Hayajneh 2019: 107), offering appropriate compensation, disclosing the country of origin, regulating licensing contracts, respecting customary laws (Lin. Q., and Lian Z. 2018: 4371), and ensuring justice and sustainability to encourage its exploitation.

It should be noted that strengthening the protection of ICH under specific laws places the management of ICH in the hands of national governments (Lixinski L., 2023: 10), thus opening up the idea of the public sphere. Under this unique regime, reproducing, distributing and using forms of ICH for commercial purposes would be prohibited. The use of forms of ICH would require receiving prior permission from the competent government authority. This use would also require making payment to the government that holds the property rights. These fees would be set according to what the usual amount would be for a similar work that is copyrightable. The government's right to manage and collect royalties from forms of ICH would exist in perpetuity.

Sui generis systems contain several exceptions to licensing and ownership requirements. They do not include non-commercial or customary uses of ICH, as many laws exempt private and free performances of ICH (Ganesan 2016: 53). In addition, licensing and ownership requirements do not usually apply to educational uses of ICH, fair use in the creation of an original work or occasional use. Unique laws allow national governments to pursue civil and criminal lawsuits against prohibited and unauthorised uses of their community's ICH. A seizure order may be issued or obtained for unauthorised copies or proceeds from illegal uses of ICH. Governments may also have the power to end or suspend any performance that violates their rights to ICH. In addition, criminal penalties may be related to sales or offers of sale of forms of ICH, the intentional misrepresentation of ICH, or its intentional distortion in a way that is detrimental to the society from which it arose.

Evaluation of a sui generis *system of ICH protection*

Despite the advantages of a *sui generis* system, it may not offer a solution devoid of criticism or flaws (Farah 2015: 143). For example, *sui generis* laws would try to introduce ICH into the field of IPR through central administration, but government oversight of ICH and its associated royalty rights might not, in many cases, provide economic benefits for or give cultural protection to traditional communities. Managing forms of ICH through central governments under a unique system may lead to the risk of denying traditional societies access to their own ICH and the associated revenues, and laws often set ICH royalties aside for cultural development or national artistic development rather than for the development of traditional societies.

This raises concerns about who benefits from ICH royalties and who suffers. The application of this system can amount to the suppression of 'unwanted' cultures themselves, and it can be difficult to establish ownership of ICH when it likely originated hundreds or thousands of years in the past (Zhang 2018: 2). Societal revenue may also force traditional societies to compete directly in the marketplace for intellectual property, which may result in the commercialisation of traditional culture into tradable products and exacerbate inequality between different groups. Unique legislation may neither provide traditional societies with the ability to reap the economic benefits of their ICH nor to significantly reduce the use of ICH. Therefore, transferring the status of rights under unique laws to the traditional societies themselves simply exchanges these problems for new ones.

Also, a unique system is often created individually and varies from country to country. Creating a uniform system applicable to the largest number of countries is a difficult task to achieve due to the huge diversity of ICH. This approach should ensure that traditional societies have the right to prevent the harmful commercial exploitation of their ICH, that these legal rights are granted to affected communities (rather than to central governments), and that communities will have the right to exercise some measure of self-determination over the use of their ICH. On the one hand, delineating the scope of these legal rights precisely limits the ability of collective self-determination to interfere with freedom of expression and the public's broad access to traditional culture. This enhances the economic status of traditional societies without the need for a cumbersome infrastructure for

distributing property rights or a nuanced differentiation of contributions from community members. However, these laws do not adequately guarantee the benefits that traditional societies should derive from the preservation of their ICH. Traditional communities can be better served through a less centralised system that provides them with legal means to protect themselves against exploitative or harmful uses of their ICH. Protection measures should be put in place to ensure that liability for any damage done to ICH is determined, and special laws must be designed to give national governments the same rights over ICH that authors have over their works protected by IPR.

The role of IP protection of ICH in reinforcing sustainable development

As for the relationship between ICH, sustainable development and IPRs, it has been pointed out that the elements of ICH might not be amenable to the IPR system. IPRs grant exclusive rights while elements of heritage grant collective rights. Traditional heritage also conflicts with the idea of novelty on which the IP system is based. In addition, ICH is transmitted from generation to generation, while IPR protection is limited to a temporary period (Desantes 2020: 567). Recently, there has been a discussion about the need for heritage to be consistent with international agreements on human rights and sustainable development. The 2030 Sustainable Development Plan specifies a set of goals that must be achieved, including the reduction of poverty. Within the framework of ICH Convention, sustainable development is also addressed in Chapter 6 of the 'Executive Directives for the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage', which relates to 'the safeguarding of the intangible cultural heritage and sustainable development at the national level'. Under the definition in this Convention (Ubertazzi 2022: 271), ICH must be 'compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and sustainable development'. The World Intellectual Property Organization (WIPO) guarantees the protection of forms of cultural heritage, such as traditional knowledge, genetic resources and cultural expressions, under IPRs, while the UNESCO Convention guarantees the preservation of this heritage. Countries have begun to give culture an important role in their development policies, as is evident from the United Nations Conference on Sustainable Development (Rio Conference) and the Hangzhou Declaration in China, under the title 'Culture is the Key to Sustainable Development'. It is also recognised as a key component of the international development agenda and is enshrined in the 2030 Agenda for Sustainable Development and the adoption by the United Nations of the 17 Sustainable Development Goals (SDGs) in 2015.

However, despite the variations between intellectual property and intangible cultural heritage, IPRs are among the potential protection measures for ICH. This highlights the link between conservation, sustainable development and IPRs in Chapter 6 of the Guiding Principles, which encourage the adoption of 'appropriate legal, technical, administrative and financial measures, in particular through the application of intellectual property rights ...' to support the recognition and promotion of ICH as a strategic resource to enable sustainable development (Ubertazzi 2022: 270). This link between the concepts of ICH, sustainable development and IPRs is necessary in order to develop and implement heritage conservation policies sustainably and to conduct a comprehensive assessment in terms of the positive effects and drawbacks of adopting IPRs to protect this heritage beyond purely economic concerns regarding the use of IPRs as safeguarding tools of ICH. In this context, IP laws appear to have a role to play in providing effective protection for certain elements of heritage, enhancing the capabilities of local communities and groups, enabling them to protect their heritage sustainably, and involving them in the process of preserving heritage to ensure its continuity. It also allows them the possibility of filing lawsuits to respond to attacks on this heritage and to compensate for the damage they suffer. The application of IPRs means giving commercial investment value to this heritage. It contributes to stimulating inventions from elements of ICH to increase production, provide medicines and facilitate the transfer of technology, which contributes directly to sustainable development. It was also decided to protect indigenous peoples and their rights, as was done in the UNESCO Convention, the Convention on Biological Diversity, and WIPO discussions in this framework. IP rules are essential for appreciating the importance of protecting ICH. They are a powerful tool for preserving traditional knowledge, strengthening local economies and providing consumers with authentic, high-quality products. By recognising and supporting IPRs, we can contribute to the sustainability and preservation of diverse cultural traditions around the world. IP laws play a crucial role in promoting innovation, driving economic growth and ensuring fair competition in the global market. IPRs are not only

essential for the individuals and organisations that create and invest in these assets but also for preserving ICH and promoting creativity. Intellectual property–intensive industries contribute significantly to the global economy, generating jobs, attracting investments and stimulating technological progress. Moreover, IPRs play a vital role in attracting foreign investment and enhancing international business relations, as they provide a safe environment for companies to operate and expand. Protecting ICH by IP laws is crucial in sustainable development, benefiting producers and consumers alike. By linking a product's quality, reputation and characteristics to its specific geographical origin, IP laws provide many advantages that contribute to sustainable development, economic growth and consumer confidence. Investing in sustainable practices and improving their livelihoods also protects the surrounding environment for future generations, and contributes to the preservation of traditional production methods and craftsmanship.

ICH can play an essential role in addressing the SDGs. For instance, many countries have relied on the implications of ICH in promoting sustainable development and advancing it through its use in several economic, social, environmental and tourism fields, as there is a close mutual relationship between sustainable development and ICH (Giliberto and Labadi 2022: 133–146). This appears in several aspects: protection of ICH by IPRs helps to prevent the loss of biodiversity, reduces soil degradation, mitigates the effects of climate change, and has an empowering impact on communities as they contribute to generating income, creating job opportunities and reducing poverty. The 2010 Nagoya Protocol to the 1992 Convention on Biological Diversity aims to ensure the fair and equitable sharing of benefits arising from the use of genetic resources and associated traditional knowledge, enhancing the ability of local and indigenous communities to benefit from the use of knowledge, innovations and practices, and to protect them from biopiracy. Local communities in Jordan have developed lifestyles and practices about ICH and respect the environment. Over time, a large group of traditional ecological knowledge associated with textiles has developed. Documenting elements of the ICH of the Bedouin or rural community in Jordan helps to preserve their identity and traditions and prevents them from being lost due to accelerating urbanisation. Songs, stories, music, knowledge, traditional crafts and other forms of heritage can be used to achieve economic development in these communities.

ICH also helps to reduce poverty and the unemployment rate as a result of employing individuals in projects related to one of the various elements of heritage (Lel-Filho et al. 2018: 132). Further, preserving and protecting elements of ICH by means of IP contributes to enhancing food security in Jordan. Traditional methods or recipes, local agriculture, pastoralism, water resource management, fishing, hunting, gathering and food preservation systems can effectively contribute to achieving food security (Ramli et al. 2017: 432). The knowledge, skills, traditions and practices related to the date palm are linked to SDG 2 (zero hunger) and SGD 11 (sustainable cities and communities). Popular memory preserves many distinctive foods that can be a source of livelihood for many families, especially since they have few costs, as well as its role in promoting and supporting tourism activity (Reed and Ryan 2019: 6). Involving the local community in preserving the cultural elements emanating from their community helps them to develop their quality of life and enhances the community's resilience. The connection is also clear concerning medicines derived from traditional recipes or plants and herbs. The integration of traditional medical treatments can bring great benefits to patients. Medicinal plants are traded commercially for use in the manufacture of medicines and provide a global market. Countries are beginning to look for better ways to ensure sustainable management of food production, resilient ecosystems and restoration of degraded lands. The author can here refer to some projects on food heritage and sustainability, such as the MedSnail project, which started recently in Jordan, Tunisia, Palestine and Lebanon.[9]

Preservation of elements of ICH also helps in promoting tourism (Goussous 2022: 204–209), which has an impact on economic development. Tourism constitutes an important element in Jordan's overall economy. Tourism investment represents one of the most vital and strategic sectors, given the returns it reaps if a business environment is available to complete the investment project (Kim et al. 2019: 428). Cultural tourism helps in developing the tourism sector, diversifying the tourism product, and attracting tourists through the benefits of local culture in terms of content and forms of artistic expression, as ICH contributes and plays a very important role alongside traditional cultural heritage in reviving domestic tourism. This type has several forms, including religious tourism, party tourism and festivals.

However, even if measures for the safeguarding and

sustainability of intangible cultural heritage may support the development of associated living heritage, the application of IPRs may pose challenges and hinder the achievement of sustainable development, especially when IPRs are not carefully adopted and implemented. IPRs is applied in a manner consistent with the ethical principles of UNESCO. Implementing these laws may lead to the risk of freezing or consolidating this heritage. It could also lead to property rights being granted to persons or large companies that monopolise the exploitation of this heritage. Intellectual property rights do little to stimulate invention in developing countries due to the absence of the necessary human and technical capabilities. They are ineffective in stimulating pro-poor research, because the poor would be unable to afford the products, even if they were developed. They limit the option of technological learning through imitation. They allow foreign companies to drive out domestic competition by obtaining patent protection, and to serve the market through imports rather than domestic manufacturing. Moreover, they increase the costs of essential medicines and agricultural inputs, severely affecting the poor and agricultural families. Such cases prove that adopting IPRs is not an easy task; strategies must be developed to effectively protect a society's intangible cultural heritage and a sustainable method must be carefully designed. In addition, IPRs must be formulated with the full participation of society. However, in many cases, it may be difficult for communities and individual groups to enforce those rights to protect their ICH elements.

Conclusion and recommendations

Cultural heritage reflects the identity of individuals and societies, as it is an extension of the past into the present. However, after years of neglect, intangible cultural heritage is receiving attention under the provisions of international law as a basic lever for sustainable development and cultural progress.

The problems to be resolved regarding ICH protection are connected to the failure to identify the specific nature of ICH and the lack of effective legal protections in Jordan. This paper proposes that the Jordanian legislature grant a tort-like remedy against exploitative or highly prejudicial uses of ICH. The study concludes by emphasising the need either to reform and review Jordanian IPR laws, to ensure they effectively protect ICH elements and establish a disciplined legal relationship based on sound foundations between the rights holders of ICH and their knowledge and ecosystems, or to adopt a *sui generis* system.

Jordanian legislative initiatives have failed to complement international efforts to protect ICH. It became clear through this study that those methods used in the national legislation, which rely mainly on intellectual property rights, do not provide full protection because they protect only some elements for a specific period. The national legislation has to include a special, unique system to protect Jordan's ICH. The collective and exclusive right of communities to own their ICH and to participate in decisions related to its exploitation will be recognised, which will restore respect to the heritage system as a developmental, cultural and economic lever. Thus, dealing with ICH through a heritage-based discourse may be able to successfully emphasise the importance of addressing this type of heritage. Therefore, ICH must be precisely identified and documented by establishing a specialised archive concerned with its collection, stipulating prior authorisation, privatisation of the genetic source or relevant traditional knowledge, and fair sharing of benefits, providing criminal and civil penalties commensurate with the specificity of the ICH. Preserving heritage is a cultural responsibility that requires everyone to strive to protect the ICH elements at governmental and popular levels. The results of scientific and technological progress methods must also be taken into account. Academic institutions should play an effective role in protecting ICH, by contributing to the process of documenting and recording forms of this heritage, holding conferences and seminars, and offering training courses aimed at highlighting ICH.

To ensure a more effective level of protection under a copyright system for ICH, some modifications and improvements must be introduced in the Jordanian legislation. First, we recommend that the rights holders of ICH be identified. This can only be achieved by considering the collective, ethnic and geographic nature of heirs and common practices. However, these rights should be entrusted to the state. Second, we recommend adjusting the term of protection by extending copyright protection issued by Jordanian copyright law to these items. Third, we recommend promoting the use of ICH and providing economic compensation for this use. Compensation should be offered to the rights holder for any moral damage suffered.

We also recommend adjusting the Jordanian law of trademark protection by emphasising the need to apply

for trademark registration based on some form of ICH. We further recommend the amendment of the Jordanian geographical indications law to ensure that ICH elements apply for GI registration, since the characteristics of ICH are generally collectively owned intellectual achievements concentrated in a particular area. This would increase their economic value.

It may be necessary to amend the Jordanian patent law and to introduce new statutory provisions relating to ICH in traditional technology to close the loopholes in the existing laws, such as requiring a certificate before granting a patent for any invention involving ICH or biological resources. Moreover, institutional barriers to identifying key features of traditional medicines applicable to patents should be eliminated, the herbal medicine patent application process streamlined, and the time between application filing and patent granting shortened.

We also recommend the creation of Jordanian databases and digital libraries to document ICH. A certificate of informed consent should also be required from indigenous peoples, administrative agencies or the benefit-sharing agreement. The scope of substantive claims in Jordanian patent law should also be limited to biological, biochemical and genetic issues, requiring patent applicants to disclose the origin of genetic resources and traditional knowledge that were useful or necessary for the invention.

Finally, ICH is very sensitive, and there are no uniform claims of interest, which makes it very difficult to build a system that fits all of the necessary elements. Furthermore, the level to which the *sui generis* system achieves its objectives is questionable, and the local nature of these unique laws prevents them from providing effective protection. Therefore, it may be better to provide efficient protection using IPR law, ordinary property law and contract law that can be applied to the protection of ICH elements. Liability rules and unfair competition laws play an important role in supporting the commercial exploitation of ICH and in preventing unfair competition. For this reason, it is extremely important to extend effective protection to heritage materials. Questions remain open as to which system is best for ensuring such protection, indicating the necessity for additional research.

ENDNOTES

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Northern Lights on Indigenous intangible heritage: a changing legal landscape in Sápmi

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Northern Lights on Indigenous intangible heritage: a changing legal landscape in Sápmi

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ABSTRACT

This article explores recent developments in legal analysis related to the UNESCO 2003 Convention for the Safeguarding of the Intangible Cultural Heritage in general, and to the safeguarding of Indigenous intangible cultural heritage in particular, with reference to the debates on the protection of Sámi intangible cultural heritage in Nordic countries used as a case study. I reflect upon existing and prospective conjunctions of fields of law, arguing that the experiences in Nordic countries are of interest to global legal scholarship, which is constantly developing in the field of intangible cultural heritage law. I argue that there is a changing legal landscape that can be observed, where the UNESCO 2003 Convention meets the protection of intellectual property rights, human rights, the rights of Indigenous peoples, and more. I ground my reflection on the observations of intangible cultural heritage–related regional debates among the representatives of communities and government bodies in Nordic countries – Finland, Sweden and Norway – with a particular focus on the intangible cultural heritage and rights of Sámi people, and a qualitative study of Nordic and, more specifically, Sámi legal scholarship, policymaking, selected litigation processes and governmental reporting. As this regional case study shows, it is taking time to advance legal thinking and decision-making on the safeguarding of Indigenous intangible cultural heritage, which gives space for dialogues, negotiations and exchanges.

Keywords

heritage law, Indigenous peoples, intangible cultural heritage, intellectual property, international law, legal scholarship, Sámi, Sápmi, traditional livelihoods

Introduction: Northern Lights and intangible heritage law

A late winter's evening in 2021 in Sápmi – a territory in Northern Europe traditionally inhabited by the Sámi people. Guests have gathered here from near and far for a conference scheduled to start the next morning on the future regional protection of Sámi traditional knowledge and cultural practices. The event has been organised under Finland's Presidency of the Nordic Council of Ministers. The conversations that evening have been convivial, accompanied by yoiking – the singing of traditional Sámi songs. As the evening draws to a close, Northern Lights appear over frozen Lake Inari. The phenomenon draws the curious foreign guests outside, whereas Sámi people, for whom the phenomenon is well-known, mostly remain seated at their tables, taking time for talking and laughing together.

I use this personal encounter as a beginning for my deliberations here, introducing a regional case study with an interest in legal and policy developments at the conjuction between the Convention for the Safeguarding of the Intangible Cultural Heritage (hereinafter 'the Convention'; UNESCO 2003) and the protection of the rights of Indigenous peoples. Several legal scholars who were involved in the drafting of the Convention have

reflected on their experiences, and on the difficulties they encountered with regard to negotiating that particular attention be paid to Indigenous peoples (Kuruk 2004; Blake 2020). Broader critical reflections on the draft Convention were also provided in legal scholarship while the Convention was still in the process of being negotiated (Lankarani 2002). However, it is mainly a decade after the Convention was adopted in 2003 – that legal aspects related to the conjunction between safeguarding intangible cultural heritage and protecting the rights and interests of Indigenous peoples have started to be questioned in the scholarly literature, beginning with the positioning of the Convention in international law (Lixinski 2013) and leading up to a critical analysis of contemporary interpretations of the concept of intangible cultural heritage (Waelde et al. 2018) and a full legal commentary of the Convention prepared by lawyers together with scholars from other disciplines (Blake and Lixinski 2020). The impact that global policies on sustainable development have had in bringing international attention to the safeguarding of Indigenous intangible cultural heritage is also analysed (Vaivade 2024).

There has been interest in comparing legal developments at the domestic level, and a range of experiences from various countries have been addressed (Petrillo 2019; Cornu et al. 2020). Some of these studies concerned the populations of Indigenous peoples. However, as a bibliography on legal aspects related to the safeguarding of intangible cultural heritage (Martinet 2018) shows, publications on protecting Indigenous intangible cultural heritage have often addressed experiences within states that are not a party ('State Non-Party') to the Convention, such as Australia and Canada. A similar observation can be made regarding experiences in New Zealand and the United States. With regard to States Parties, experiences in Latin America (Yap 2021; Bary and Lobato 2014) and in Asia (Van Uytsel 2016) have been explored. Furthermore, a broader overview of global international law developments has been provided



Figure 1
Lake Inari, the largest lake in Sápmi, in the afternoon light, before Northern Lights appeared over it that same evening, Finland, 10 November 2021.
Photographer: Anita Vaivade.

concerning the conjunction between intangible cultural heritage safeguarding and the protection of the rights of Indigenous peoples, especially in connection to the adoption in 2007 of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP; United Nations 2007; Lixinski 2016; Vrdoljak 2018).

In this context, the region of the Nordic countries in Northern Europe and the legal and policy developments therein is of interest for advancing global legal scholarship related to intangible cultural heritage safeguarding. First, the territory of Sápmi, traditionally inhabited by Sámi peoples, spreads across the national borders of three States Parties to the Convention – Norway has been a State Party since 2007, Sweden since 2011 and Finland since 2013 – and a State Non-Party to the Convention, Russia. Second, consideration of future domestic and cross-border regional normative instruments is evolving by and with the active participation of Sámi people. Hereafter, some of such legal and policy developments in the relevant Nordic countries will be considered.

A selection of intangible cultural heritage–related regional debates in Nordic countries – Finland, Sweden and Norway – will be reviewed here, with a focus on Sámi people and debates on their rights. A qualitative study of Nordic and Sámi legal scholarship, policymaking, selected litigation processes and governmental reporting has been carried out. This study is based on publicly available material only and on my own participation and observations made during several public regional debates. The analysis provided gives an external insight. However, from the point of view of research ethics in Indigenous studies, and Sámi related research in particular, I sought to limit my analysis to research on law and policy, without entering in the research on Sámi heritage. Although such a distinction can be difficult to make, I analyse the case of Sámi intangible cultural heritage protection, as a researcher interested in the change the Convention brings to diverse legal landscapes. Therefore, this analysis can be considered only as complementary to the research carried out and views expressed in the Nordic and Sámi legal scholarship.

Intangible heritage in Nordic and Sámi legal scholarship

Direct interest in intangible cultural heritage safeguarding, as linked to the UNESCO Convention, has been scarce in Nordic legal scholarship, although the implementation of the Convention at the national level has been studied (Sikora 2019). However, a reflection on the Convention – and beyond it – can be found in Sámi legal scholarship – a 'knowledge field within Nordic legal scholarship and with specific correlations to international indigenous legal scholarship', whose object of study is Sámi law spanning the areas of the 'history of law, constitutional law, public international law, property law, administrative law and environmental law' (Svensson 2015, 209). Cultural heritage law could be added to this list, although it spreads across the same named areas of law. In Sámi legal scholarship, in relation to the UNESCO Convention, the focus has been on intellectual property rights (Nuorgam 2017; Ween 2018). Some publications have elaborated on case studies, such as the protection of a Sámi sun symbol in the context of Convention-related debates on commercialisation and misappropriation of intangible cultural heritage (Deacon 2020).

There is a rich scholarly literature that elaborates on legal issues related to the safeguarding of Sámi intangible cultural heritage as a subject matter, without referring to 'intangible cultural heritage' as a concept. Such an approach – looking beyond the use of the concept of intangible cultural heritage – opens a much broader field for legal analysis (Cornu et al. 2020). For instance, there has been extensive Sámi legal scholarship on the protection of practices of traditional livelihoods such as reindeer herding, on the protection of intellectual property (e.g. in the field of crafts), and on Sámi self-governance in decision-making on heritage management with regard to heritage sites and natural resources, respecting customary Sámi law, and more. (For insights into recent scholarship that addresses these and other issues, see Allard and Skogvang 2015; Elenius et al. 2017; Eriksen et al. 2019; Keskitalo 2019.)

Sámi legal scholarship on these issues is nuanced and elaborate, as well as evolving. It explores practices and possibilities, as well as epistemic strategies (Johansson et al. 2024) of the Sámi to defend their rights and interests as an Indigenous people, in the context of a political and legal past and with an outlook into future decision-making. Making conjunctions between these concerns and considerations and the UNESCO Convention – in other words, seeing such interconnections as a single legal landscape that encompasses a range of distinct normative instruments with their own legal vocabularies and

implementation mechanisms and practices – is recent, as is the adoption of the Convention itself, and some of such developments are discussed in this article.

Below, I discuss two sets of recent processes, both having mobilised legal expertise to study possible protection of the intangible cultural heritage of Sámi people, and both being grounded in a dialogue between Sámi representatives and governmental bodies. First, there have been initiatives based on Sámi agency with direct interest to reflect upon the Convention and its possible usefulness for Sámi peoples. Second, and complementarily, an initiative was brought forward by the Finnish Government, in close cooperation with Sámi partners, to consider future legislative steps in the field of Sámi intellectual property protection. This initiative had its roots in another setting of intergovernmental cooperation – the work at the World Intellectual Property Organization (WIPO) on an eventual future normative instrument designed to protect traditional knowledge and traditional cultural expressions. Third, and finally, I discuss insights into the latest reports of Finland (2022), Norway (2021) and Sweden (2022) on the implementation of the UNESCO Convention, and the way some legal issues related to Sámi peoples' intangible cultural heritage, and domestic litigation cases, are addressed therein. I follow a historical sequence of gradually unfolding these processes related to the Convention, while acknowledging that the three sets of developments addressed here took place in parallel. Before addressing the three processes and sets of issues, I propose first a brief contextual insight.

Initiating a novel debate within a legal landscape

The engagement of Sámi organisations in a dialogue on the UNESCO Convention, among themselves and with the three Nordic national governments, as well as with UNESCO as an organisation, has been undertaken after all three Nordic countries had completed the ratification of the Convention and thereby had undertaken commitments stipulated therein. Although Indigenous communities are mentioned in the Preamble to the Convention only, there are broad and encompassing responsibilities defined for States Parties to safeguard intangible cultural heritage present in their respective territories. Such responsibilities include, among others: taking the necessary safeguarding measures and identifying intangible cultural heritage elements 'with the participation of communities, groups and relevant non-governmental organizations' (Article 11); drawing up intangible cultural heritage inventories (Article 12); fostering studies and adopting general policies and appropriate legal measures (Article 13); ensuring 'recognition of, respect for, and enhancement of the intangible cultural heritage in society'; and promoting 'education for the protection of natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage' (Article 14).

Furthermore, the decision-making and heritage governance is to be carried out through a participatory process; namely, each State Party 'shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management' (Article 15). Policymaking and legislative choices of the States Parties at the domestic level remain decisive in the implementation of the Convention, and such choices are expected to be made with the participation of the respective communities, groups and individuals. In other words, the participatory approach is at the heart of the Convention. The importance of these participatory processes, and other aspects, has been further developed within the Ethical Principles for Safeguarding Intangible Cultural Heritage (UNESCO 2015).

The first cross-border conference regarding Sámi intangible cultural heritage was held in May 2018 in Sámi Cultural Centre Sajos in Inari, Finland. The conference was organised by Sámi parliaments in Finland, Sweden and Norway, as well as by the Sámi Artists' Council, Saami Council[2] – a pan-Sápmi non-governmental organisation, Sámi Duodji-Sameslöjdstiftelsen, and Taike – Arts Promotion Centre Finland (Sámediggi 2018). The conference programme indicated a clear initial interest in legal and ethical issues with regard to the safeguarding of intangible cultural heritage – such as the protection of intellectual property, including a copyright debate with regard to Sámi yoiks, the Sámi Duodji trademark, and the repatriation of Sámi cultural objects. The encounter with the UNESCO Convention, in the Sámi context, became part of a broader range of legal and ethical issues at stake with regard to Sámi and their intangible cultural heritage. There is a diversity of legal issues that accompanies further debates on Sámi intangible cultural heritage, touching upon the Convention either directly or indirectly. This diversity returns to the issues of affirming and exercising Sámi

self-governance with respect to their culture. Thereby, the past and its legacies ground the decisions to take for the future.

This initial dialogue was further substantially encouraged through capacity-building efforts. A 'Workshop on Sami Intangible Cultural Heritage' was held in 2019 in Karasjok, Norway, with the participation of Sámi representatives from across Sápmi. There was a strong focus on intellectual property protection in the workshop's programme and deliberations. As recalled in its report, commercialisation of traditional knowledge was discussed as part of a broader discussion on sustainable economic development. The use of the Sámi Duodji collective trademark was debated, as were possible broader benefits of engaging with UNESCO (Deacon and Smeets 2019, 15, 20–21).

These issues were also addressed later in a policy document developed by the Sámi Parliament in Norway, the most well-resourced of the Sámi parliaments as self-governance institutions[3] and also the most active in advancing a pan-Sápmi reflection on the UNESCO Convention.[4] The document was titled 'Sami Intangible Cultural Heritage and the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage – Follow-up and Opportunities' (Sámediggi n.d.). The document drew attention to the issues of over-commercialisation and appropriation, the ownership of Sámi communities' cultural heritage, the interconnections between intangible and tangible heritage, natural heritage and language, inventorying approaches and eventual priorities for pan-Sápmi cooperation, including in establishing an inventory of intangible cultural heritage, consolidation of the opinions of the Sámi parliaments, the Sámi peoples' own definition of their living heritage, museum work, ethical guidelines, strengthening of the Indigenous voice at UNESCO, and more.

Sámi communities in Nordic countries are considering the most appropriate and beneficial ways, as well as the risks, of eventually engaging in intangible cultural heritage inventorying – a practice that is expected from each State Party to the Convention. With some exceptions of Sámi heritage expressions inventoried,[5] the main question has remained whether, and how, to establish a pan-Sápmi inventory of their intangible cultural heritage. Thereby, the cross-border existence of Sámi culture would be acknowledged, while also recognising local varieties in terms of Sámi languages and cultural expressions.[6]

Reflecting on the use of Sámi cultural resources

In order to address some of these and other questions of topicality and importance for Sámi, in 2020 the Sámi Parliament in Norway launched a project titled 'Intangible Cultural Heritage in Sápmi (Imkas)'. It had as its objective to address 'the use, protection and management of the Sámi cultural heritage and traditional knowledge' as 'collective cultural resources of the Sámi', and to do that 'from the point of view of Sámi needs and values, rather than from external definitions' (Nuorgam and Adams 2021, 2). The analysis being based on Sámi needs and values as a starting point is an important and necessary approach for evaluating the eventual utility of normative instruments to respond to those needs and values. Such a clearly stated approach from the side of Sámi gave a solid basis for analysis by the legal scholars involved in the project. After carrying out an analysis and providing a needs assessment that pointed to the need for institutional and other clarity around the governance of Sámi cultural heritage resources, the authors of the project report recommended that the work should be continued, and '[t]he overall goal must be to promote and develop the individual and collective intellectual property rights of the Sámi people' (Nuorgam and Adams 2021, 2). Furthermore, it was deemed that strengthening understanding at the national level was a precondition to later 'provid[ing] the support necessary for pan-Sápmi approaches' (Nuorgam and Adams 2021, 5). The recommendations spoke of 'intangible cultural properties', which directly reflects the legal approach of the study to advance a 'rights- and ownership-based approach' where collective properties would be coordinated collectively at a pan-Sápmi level (Nuorgam and Adams 2021, 2, 6).

The property-oriented terminology chosen for this analysis and legal reflection indicates the priorities that were clearly identified as needing to be addressed in terms of safeguarding Sámi intangible cultural heritage, whether or not such processes related to the implementation of the UNESCO Convention. Furthermore, the international debates on the implementation of the Convention more broadly have continuously been accompanied by concerns about intellectual property protection (Vaivade 2021; Bortolotto, Ubertazzi 2023), even if the Convention does not address these issues directly. The Imkas report was presented at the Conference on Protection of Nordic Indigenous Traditional Knowledge and Intellectual Property, held in Inari, Finland, in November 2021 – the

same event when guests were treated to the sight of the Northern Lights. This leads me to address another set of initiatives of legal advancements and the engagement of legal scholarship.

Towards a regional protection of Sámi intellectual property

The named conference was organised within the framework of a broader project, part of Finland's presidency of the Nordic Council of Ministers in 2021 (Finland 2023a). The project had the ambition, through a range of preparatory meetings, webinars and discussions, to move forward with the initiative driven by the Government of Finland to discuss an eventual development of a future regional instrument in the Nordic countries to protect Sámi traditional knowledge and traditional cultural expressions. In such a context, and as a preparatory stage before this project was undertaken, a preliminary legal scholarly study on the intellectual property protection needs of the Sámi people was commissioned by the Ministry of Education and Culture of Finland (Mattila 2018). The initial preparatory online conference, as part of the project, was organised in October 2020. It became a rich exchange, engaging legal professionals from the field of intellectual property protection, as well as Sámi representatives and other stakeholders. This national and regional work was mostly related to a broader international debate and negotiations within the WIPO concerning eventual future protection of traditional knowledge and traditional cultural expressions. Nevertheless, the reference to the UNESCO Convention has also been part of this project and part of the respective debates and interventions.

These debates on a possible regional protection of Sámi traditional cultural expressions witness a thematic interconnection between the work done at both UNESCO and WIPO. Historically, decades earlier, intergovernmental reflections on the possibility of protecting traditional cultural expressions took place through direct cooperation between the two organisations (Martinet 2020). While their activities later diverged, thematic and needs-based interconnections can now be observed at the regional level in Nordic countries, as well as elsewhere where the interest of Indigenous peoples and other communities is to protect their cultural expressions. The project of the Government of Finland was to continue until the end of 2023.

The expectation was that this common Nordic work would also continue during the following presidency of the Nordic Council of Ministers in 2022, that of Norway. However, Norway chose a slightly broader and less law-oriented approach to continuing the debate. In November 2022, another regional conference took place in Trondheim, Norway. The Nordic Conference on Sámi Intangible Cultural Heritage (Norway 2022) addressed legal issues related to Sámi heritage in the context of commercialisation and with regard to creative industries such as the film and music industries. Despite this, it did not revive the initial debate launched by Finland on a possible future regional treaty among the Nordic countries to protect Sámi traditional knowledge and traditional cultural expressions.

It is to be noted, however, that the debated task of a treaty drafting was and continues to be challenging. There is already a long experience of drafting the Nordic Saami Convention (Bankes and Koivurova 2013; United Nations 2016), which still has not been ratified by the Nordic countries who were themselves involved in negotiating the text. Therefore, there is some cautiousness evident around the possibility of reaching a regional agreement related to Sámi. Nevertheless, the debates already provide a platform for advancing arguments and common thinking on these issues in the region and, significantly, among Sámi organisations and within their own activities.[7]

Reporting on the protection of traditional livelihoods

A reflection on the legal issues related to the safeguarding of Indigenous intangible cultural heritage is also part of periodic reports by Finland, Sweden and Norway as States Parties to the Convention. According to the regional principle of reporting, 2021 was the first cycle for States Parties in the European region to report simultaneously. The reports received from Finland, Sweden and Norway were all prepared in collaboration, to some degree, with Sámi representatives. These reports do not enter into a detailed debate on the protection of Sámi rights; however, they do raise issues of intangible cultural heritage safeguarding that have been identified as topical and relevant to Sámi, including with direct or indirect references to relevant litigation cases.

Finland's report made reference to a then still ongoing case regarding Sámi salmon fishing rights in the Deatnu

(in Northern Sámi language) or Teno River, a waterway bordering Finland and Norway. The report stated: 'Fishing on the Teno River is an integral part of the lifestyle of the Sámi population in the area, and restrictions on fishing endanger their right to maintain the life they have preserved [for] hundreds of years' (Finland 2022, 200). It was also recognised in the report that '[t]he Teno dispute is an example of the many complicated dilemmas the Sámi people face when trying to stand up for their rights' (Finland 2022, 201). This case was later decided by the Supreme Court of Finland in favour of the Sámi people (Hofverberg 2022).

Conflicts between Sámi traditional cultural practices and existing regulations were also recognised in Norway's report, which underlined, in particular, 'Sámi hunting and fishing traditions, as well as the use of uncultivated land for husbandry and gathering' (Norway 2021, 124). It was acknowledged in this regard that '[m]any of these practices and approaches are heading for extinction, since they often conflict with the majority society's regulations regarding the use of uncultivated land' (Norway 2021, 124). Similar conflicts related to legal regulations were stated also by Sweden – in particular, in relation to the use of natural resources. The report observed that '[t]he Sami's traditional lands are being exploited at an increasing rate, which contributes to conflicts between the Sami and other interests' (Sweden 2022, 115). In the case of both Norway (Hofverberg 2021; Ravna 2022) and Sweden (Hofverberg 2020; Allard and Brännström 2021; Ruin 2021), there have been recent litigation cases decided by their respective Supreme Courts in favour of Sámi rights to continue their traditional practices and thereby to secure their livelihoods.

According to Sámi legal scholars and activists, abovementioned three decisions of the respective Supreme Courts in Finland, Norway and Sweden are a visible change in litigation practices at the national level in those countries, which may affect further defence of Sámi rights and interests with regard to their traditional cultural practices and livelihoods (University of Helsinki 2022). These and other cases have been discussed by Sámi legal scholarship, although without making a connection to the UNESCO Convention. There are thereby parallel terminologies in this field. The Convention is not used as an argument in the abovementioned domestic litigation cases on Sámi rights, which are based instead in domestic law, international human rights law and international customary law on the rights of Indigenous peoples. Nevertheless, the conceptual or thematic connections between such litigation cases and the Convention are evident, and periodic reports are a testimony to that. Intangible cultural heritage safeguarding as a subject matter is thus a meeting point of several legal terminologies that are gradually becoming intertwined.

The recognition of existing conflicts in governmental reports is, to some extent, already a step forward in addressing, and eventually reconsidering, the existing legal regulations and their impact on the safeguarding of intangible cultural heritage. In addition to these concerns, the three reports reveal a much broader range of aspects where initiatives have been taken to safeguard Sámi intangible cultural heritage. These include pan-Sápmi cooperation and the importance of its development as a crucial tool for dealing with Sámi heritage in the cross-border area of Sápmi, along with the issues of ownership, repatriation, and research ethics and education. The functioning of Truth and Reconciliation Commissions has also been mentioned as part of the present processes that relate to the safeguarding of Sámi intangible cultural heritage.

UNESCO's regional analysis in recent years has paid separate attention to the experiences of Indigenous peoples, as a UNESCO's priority area, in Latin America and the Caribbean (UNESCO 2021a), Europe (UNESCO 2022) and the Arab States (UNESCO 2023c). However, only limited attention is currently being paid to this particular aspect. Therefore, after all the regional analyses are completed, there is an interest in a thematic global analysis regarding the safeguarding of the intangible cultural heritage of Indigenous peoples. In such a case, the content of reports could be analysed in-depth and in detail, contributing significantly to an exchange of experiences worldwide in this field, and thereby giving an input also into global fulfilment of the human rights of Indigenous peoples.

Conclusions

'It takes time!' This has been reiterated by Sámi people at various discussions in recent years where intangible cultural heritage governance has been debated, including its legal aspects and a possible policy and legislative path to choose with regard to Sámi interests. Time is needed for studying, analysing, taking positions and negotiating.

The cross-border legal analysis and negotiations carried out by and with Sámi are of particular interest for reflecting upon the role the UNESCO Convention can play – currently as well as prospectively – in domestic and regional legal developments with regard to safeguarding the intangible cultural heritage of Indigenous peoples. There is a gradually changing legal landscape that can be seen in the Nordic countries in this field, based on legal analysis, negotiations, as well as litigation later reflected in governmental reports on intangible cultural heritage safeguarding.

Legal scholarship has been mobilised in all of the reviewed advancements – both those undertaken from the perspective of the Sámi that reflect upon their need to protect their cultural resources and control their use, as well as those undertaken from the governmental side to advance reflections on future legislative developments. These need to be considered in the context of existing legal systems, as well as bearing in mind global intergovernmental negotiations, including the ones taking place at WIPO. Furthermore, embarking on a litigation path is a legal commitment requiring arguments well-grounded in national and international law, and time and other resources to go through such a process. These experiences then have become reflected upon and addressed in governmental narratives on intangible cultural heritage safeguarding. Sami legal scholarship, whether or not with reference to the UNESCO Convention, has had a focus on defending the human rights of Indigenous Sámi people to their traditional cultural practices and nature-related livelihoods. The safeguarding of Indigenous intangible cultural heritage, as can be seen from observing the debates on Sámi heritage, can indeed be in conjunction with intellectual property protection, the protection of human rights of Indigenous peoples, and more.

Such points of conjunction have been explored recently by UNESCO as part of a Draft Guidance Note on Economic Dimensions of Intangible Cultural Heritage Safeguarding (UNESCO 2023b), developed through expert consultations. The UNESCO Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage took note of it and acknowledged the guidance note 'as a useful reference document addressing the main issues at stake' (UNESCO 2023a). This document brings attention, as part of a range of issues, to the specificity of safeguarding the intangible cultural heritage of Indigenous peoples. It states in its introduction that 'differences in context, and the specificity of the relationship of individuals and groups of practitioners and entrepreneurs within different communities, including Indigenous Peoples, should be recognized' (UNESCO 2023b, 2). The document references the UNDRIP, along with the UNESCO Policy on Engaging with Indigenous Peoples (UNESCO 2018), among other international instruments, and states that the experiences of Indigenous peoples 'can be very relevant in different contexts, to communities safeguarding their intangible cultural heritage and engaging in economic activities depending on it' (UNESCO 2023b, 3). The consideration of intangible cultural heritage as a resource that can be used in economic contexts, has thus served as a context for underlining the necessity for specific attention to be paid to those policy and legal measures, and the practice of their implementation, which concern the intangible cultural heritage of Indigenous peoples, including the Sámi people.

The legal landscape introduced in this article is, like the Northern Lights over Lake Inari, ever-changing. There is a possibility that a path can be found where *sui generis* legal regulations might be developed at the conjunction between intangible cultural heritage safeguarding and intellectual property protection. Whether that will lead to a novel Nordic regional normative instrument is a question for the future. Nevertheless, the debates that have been held and the preparatory work that has been done lead to an assumption that a change in this legal landscape can be expected.

ENDNOTES

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   I express my gratitude to Sámi researchers, legal scholars and activists, as well as policymakers in the Nordic countries and all my colleagues who have made precious time available for conversations with me, especially during my research visits at Umeå University in Sweden, The Arctic University of Norway in Tromsø, and the Finland Futures Research Centre at the University of Turku. Although the content of these exchanges remains beyond the scope of this article, they have informed my choices regarding aspects to raise here. Having said that, I assume full responsibility for the content of this article.
2. Saami Council is the official name of this organisation, using another spelling for Sámi in English.
3. Sámi parliaments across Sápmi are elected bodies with different legal statuses, functions and rights in each country where they have been established – Finland, Sweden and Norway (United Nations 2016) – and which collaborate through the Sámi Parliamentary Council. The differences in their statuses and resources influence the possibilities and the ambitions of their work with the UNESCO 2003 Convention. Nevertheless, in all three countries Sámi parliaments are involved in dialogues with relevant governmental institutions, and they collaborate among themselves on these matters. Debates on Sámi self-governance bodies are also related to discussions on ethnicity and to the identification of Sámi in the respective countries. These discussions include debates on the right to vote for electing members to a Sámi Parliament and on the duties to consult with Sámi, as discussed in the debates on a new Sámi Parliament Act in Finland (Sámiráđđi 2023).
4. It is relevant to note also the engagement of the representatives of the Sámi Parliament in Norway in the work of the governmental delegation of Norway at UNESCO intergovernmental meetings related to the Convention. Indigenous representation in governmental delegations thus far has been a rather rare phenomenon in such a context.
5. At the national level, the intangible cultural heritage inventory of Finland includes 'Sami handicrafts tradition', presented by a non-governmental organisation Sámi Duodji (2019). Furthermore, the recently internationally inscribed element 'Nordic clinker boat traditions' is also related to Sámi culture and their traditional skills, inventoried in the Nordic countries concerned (UNESCO 2021b).
6. An early example, promoted at the UNESCO level, of cross-border efforts to safeguard Indigenous cultural expressions has been a sub-regional project, 'Safeguarding intangible cultural heritage of Aymara communities in Bolivia, Chile and Peru', inscribed on the Register of Good Safeguarding Practices (UNESCO 2009).
7. For example, a pilot project prepared by the Saami Council for the project 'Creative and living cultural heritage as a resource for the Northern Dimension Region. LIVIND' (2021–2024), led by the Finnish Heritage Agency, is in the field of advancing their common work on intellectual property protection regarding Sámi intangible cultural heritage; namely, 'to raise awareness among the Sámi community on the way intellectual property tools can be utilised in Sápmi in a manner that creates value for communities' (Finland 2023b).

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Safeguarding tango as an intangible cultural heritage through higher education in Argentina: a case study of three national universities in Buenos Aires

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Safeguarding tango as an intangible cultural heritage through higher education in Argentina: a case study of three national universities in Buenos Aires

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ABSTRACT

Tango, a binational nomination between Argentina and Uruguay, was inscribed as intangible cultural heritage (ICH) on the Representative List of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage in 2009. Recognising that cultural heritage is increasingly threatened with destruction by changing social and economic conditions, and considering that the safeguarding of this heritage at the national level often remains incomplete, UNESCO acknowledges that education plays a key role in safeguarding intangible cultural heritage. Safeguarding by integrating intangible cultural heritage into higher education could be an effective strategy. The paper briefly presents the concepts of intangible cultural heritage, safeguarding measures, a historical approach to tango, and a review of three curricula or degree proposals offered by three universities in Buenos Aires, Argentina, that could be considered as safeguarding measures for tango as intangible cultural heritage. From the perspective of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage and the overall results framework, we interpret that the proposals of the universities under study can be considered measures to safeguard tango, intending to guarantee tango as a living heritage continuation. The three proposals include tango education, awareness-raising and, possibly, transmission.

Keywords

tango, safeguarding measures, higher education, 2003 ICH Convention, Overall Results Framework

Introduction

In October 2003, UNESCO adopted the Convention for the Safeguarding of the Intangible Cultural Heritage (ICH Convention) in Paris, which came into force in April 2006 and has been ratified by 181 states (as of June 2023).[1] The Convention aims to safeguard traditional cultural expressions and other manifestations of heritage classified as 'intangible cultural heritage'.

The ICH Convention grants states the authority to determine which manifestations of heritage should be inventoried and protected through the List of Representative Intangible Heritage of Humanity. In this regard, tango, as a nomination from Argentina and Uruguay, was inscribed in 2009 (4.COM)[2] on that list.

Both countries agreed to safeguard this intangible cultural heritage through the establishment of specialised training and documentation centres, the formation of an orchestra, and the construction of museums and preservation trusts dedicated to tango.

According to De Oliveira Pinto (2018, 24), the responsibility for bringing the musical heritage of tango into full public awareness 'is given to members of communities, music ensembles, and all those who are

interested in, touched by, or actively engaged in music'. Education also plays an important role here.

In this paper, it is presented and analysed some safeguarding measures by integrating ICH into higher education within the context of Buenos Aires, Argentina.

Convention for the Safeguarding of the Intangible Cultural Heritage

The 2003 ICH Convention, the first binding multilateral instrument for safeguarding intangible cultural heritage, enhances and supplements existing international agreements, recommendations and resolutions regarding cultural and natural heritage.

The primary safeguarding measure proposed in the ICH Convention is the creation of inventories. States Parties are also urged to adopt suitable legal, technical, administrative and financial measures aimed at:

- promoting the establishment or strengthening of institutions for training in the management of intangible cultural heritage and its transmission through forums and spaces intended for its performance or expression;
- ensuring access to intangible cultural heritage while respecting customary practices governing access to specific aspects of such heritage; and
- establishing documentation institutions for intangible cultural heritage and facilitating access to them.[3]

It is crucial to define the meaning of 'cultural heritage'. According to UNESCO:

> The concept of 'cultural heritage' has significantly evolved in recent decades, partly due to UNESCO's initiatives. Cultural heritage encompasses not only monuments and collections of objects but also traditions or living expressions inherited from ancestors and passed down to descendants, such as oral traditions, performing arts, social practices, rituals, festive events, knowledge, and practices related to nature and the universe, or the skills to produce traditional crafts. Although intangible cultural heritage is fragile, it is crucial for maintaining cultural diversity amidst globalization. Understanding the intangible cultural heritage of different communities fosters intercultural dialogue and promotes mutual respect for diverse ways of life.[4]

UNESCO emphasises that the importance of intangible cultural heritage lies not solely in the cultural manifestations themselves but in the wealth of knowledge and skills transmitted through them from one generation to the next. The social and economic value of this transmission of knowledge is significant for minority groups and mainstream social groups within a state, and it is equally important for developing and developed states alike.

In this regard, Article 2 of the Convention for the Safeguarding of Intangible Cultural Heritage (2003) defines 'intangible cultural heritage' as

> the practices, representations, expressions, knowledge, skills, instruments, objects, artifacts, and cultural spaces associated with communities, groups, and sometimes individuals, recognized as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is continuously recreated by communities and groups in response to their environment, interaction with nature, and history, providing them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. This Convention considers only intangible cultural heritage compatible with existing international human rights instruments, mutual respect among communities, groups, and individuals, and sustainable development.

Furthermore, this article specifies that intangible cultural heritage manifests in (among other domains):

(a) oral traditions and expressions, including language as a vehicle of intangible cultural heritage;
(b) performing arts;
(c) social practices, rituals and festive events;
(d) knowledge and practices concerning nature and the universe; and
(e) traditional craftsmanship.

While 'tangible cultural heritage' refers to physical elements produced, maintained and transmitted intergenerationally in a society, including artistic creations, built heritage such as buildings and monuments, and other tangible products of human creativity with cultural significance in a society, 'intangible cultural heritage'

refers to 'practices, representations, expressions, knowledge, skills, instruments, objects, artifacts, and cultural spaces associated with communities, groups, and sometimes individuals, recognized as part of their Cultural Heritage' (UNESCO 2003). Tangible and intangible heritage necessitate different approaches for preservation and safeguarding, motivating the conception and ratification of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. UNESCO conventions for the safeguarding of the Material World Heritage (1972) and the preservation of the Intangible Cultural Heritage of Humanity (2003) employ listing practices for worldwide identification and global recognition.

Tango in Argentine society: historical approximation and designation as ICH

Born at the end of the 19th century, Argentine tango grew alongside various social and political processes in the country, eventually becoming a symbol of Argentine culture worldwide. Few music styles in history have managed to establish such a strong bond with a specific city and geographical area as tango did with Buenos Aires and the Río de la Plata region. Initially known as 'of the Old Guard', tango was a lively and physically daring suburban dance that seemed to defy the moral conventions of the Victorian era. However, the later addition of lyrics and singers, especially Carlos Gardel, along with rhythmic, melodic and instrumental transformations, gave the genre a more lyrical character. With the prominent presence of the bandoneon, piano and strings, tango expressed the sorrow and melancholy of immigrant descendants. After a period of widespread popularity, with highly successful orchestras that promoted large-scale dances, the genre experienced a prolonged crisis starting from the 1960s, from which only the revolutionary Astor Piazzolla managed to emerge. Nevertheless, from the turn of the century to the present day, tango has been reclaiming a prominent place in Argentine cultural life, largely due to the revaluation of history and popular traditions by young people.

Although historical sources indicate that tango originated in the Argentine capital, its increased visibility and significance also contributed to the construction of the Argentine national identity, leading to the concept of the 'national character of Tango' (Archetti 2003, 42). Its deepening relationship with the nation occurred in the 1990s, marked by the establishment of the National Tango Academy through government policy (Decree No. 1235-1990) and the enactment of the National Tango Law No. 24,684 in 1996, both pivotal precedents for its future recognition as intangible cultural heritage.

For most experts, as well as society as a whole, tango as a cultural phenomenon began to undergo revitalisation in the 1990s (Cecconi 2009; Marchini 2007; mentioned by Untref-Aamnba 2013, 11). The rejuvenation of tango was seen against the backdrop of its perceived decline in the 1960s, when it supposedly lost its appeal to audiences (Cecconi 2009, mentioned by Untref-Aamnba 2013, 11).

In 2001, the Department of Heritage of the Ministry of Culture of Argentina proposed nominating tango to UNESCO as a Masterpiece of Oral and Intangible Heritage of Humanity. This initial attempt failed, due to the prevailing understanding of ICH at the time and the absence of a transnational regulation such as the ICH Convention (2003). As Santoyo (2010, 113) noted, in its early stages, 'intangible heritage' referred to 'traditional culture' characterised by a strong connection between 'people, identity, and tradition'. Thus, tango appeared to deviate from this notion of tradition, as it was perceived as a global, contemporary phenomenon associated with urban life. Consequently, tango did not align with the traditional view of heritage as 'reproduction' characterised by continuity, stability and autonomy. The debate surrounding tango's UNESCO candidacy reflected its cross-border nature and its urban roots, particularly in Buenos Aires, during the late 19th and early 20th centuries. UNESCO's initial rejection of tango's candidacy suggested a perceived lack of local and authentic characteristics.

The second nomination, in 2009, employed different strategies within a changed context of intangible heritage production. With the endorsement of Argentina and Uruguay, the application was jointly submitted by Buenos Aires and Montevideo, introducing the concept of tango as a 'Río de la Plata expression' and inaugurating processes of shared heritage. According to Untref-Aamnba (2013, 12), this regional and transnational characterisation lent tango a relative authenticity and detached it from the global dimension attributed to it in the previous submission. Moreover, this second attempt was made within the framework of the newly adopted ICH Convention of 2003, which defined 'intangible heritage' as constantly recreated by communities and emphasised pluralistic concepts of identity.

The inscription of tango from the Río de la Plata region as intangible cultural heritage in 2009 does not imply that debates ceased, as evidenced by the elaboration of new definitions by the UNESCO committee of experts in 2011. These definitions broadened the understanding of ICH, recognising it as 'traditional, contemporary, and living simultaneously', allowing for the incorporation of the urban dimension and contemporary manifestations. Additionally, the concept of identity was expanded to include continuities not only from the original source but also from recreations, displacements and adaptations resulting from movement by both sedentary and migrant groups (Untref-Aamnba 2013, 12).

UNESCO's explanation of tango's inscription in 2009 on the Representative List of the Intangible Cultural Heritage of Humanity[5] underscores its significance as a product of the cultural fusion in Buenos Aires and Montevideo. Tango, practised in traditional dance halls, embodies and promotes diversity and cultural dialogue, transcending national boundaries and adapting to new environments while maintaining its community spirit. The community of tango encompasses musicians, professional and amateur dancers, choreographers, composers, songwriters and teachers, reflecting its widespread embrace as a popular urban music and its incorporation into celebrations of national heritage in Argentina and Uruguay.

Measures for safeguarding ICH

'What kind of measures might prove useful to safeguard living cultural manifestations? How can safeguarding actions be made possible to protect, keep, disseminate, and revitalize living heritage?', asked Tiago de Oliveira Pinto (n.d.), Professor and Chairholder, UNESCO Chair on Transcultural Music Studies and Head of Musicology Department, University of Music Franz Liszt Weimar at the SDGAcademy course *Living Heritage and Sustainable Development*.

These questions are relevant when defining safeguarding measures. In this regard, the ICH Convention establishes the following:

> **Article 13: Other measures for safeguarding**
>
> To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to: (a) adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into planning programmes; (b) designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory; (c) foster scientific, technical and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage, in particular the intangible cultural heritage in danger; (d) adopt appropriate legal, technical, administrative and financial measures aimed at: (i) fostering the creation or strengthening of institutions for training in the management of the intangible cultural heritage and the transmission of such heritage through forums and spaces intended for the performance or expression thereof; (ii) ensuring access to the intangible cultural heritage while respecting customary practices governing access to specific aspects of such heritage; (iii) establishing documentation institutions for the intangible cultural heritage and facilitating access to them.

> **Article 14: Education, awareness-raising and capacity-building**
>
> Each State Party shall endeavour, by all appropriate means, to: (a) ensure recognition of, respect for, and enhancement of the intangible cultural heritage in society, in particular through: (i) educational, awareness-raising and information programmes, aimed at the general public, in particular young people; (ii) specific educational and training programmes within the communities and groups concerned; (iii) capacity-building activities for the safeguarding of the intangible cultural heritage, in particular management and scientific research; and (iv) non-formal means of transmitting knowledge; (b) keep the public informed of the dangers threatening such heritage, and of the activities carried out in pursuance of this Convention; (c) promote education for the safeguarding of natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage.

Safeguarding ICH is about transferring knowledge, skills and meaning. Transmission – the communication of heritage from one generation to the next – is emphasised in the ICH Convention over the production of tangible manifestations such as dances, songs, musical instruments or crafts. Therefore, safeguarding

measures largely focus on strengthening and reinforcing the diverse and varied circumstances, both tangible and intangible, necessary for the continuous evolution and interpretation of intangible cultural heritage, as well as for its transmission to future generations.[6]

The ICH Convention defines 'safeguarding' as measures aimed at ensuring the sustainability of intangible cultural heritage, which include identifying, documenting, researching, preserving, protecting, promoting, enhancing and transmitting such heritage, particularly through formal and non-formal education, as well as revitalising its various aspects.[7]

While there are various types of safeguarding measures, this paper focuses on measures within education, particularly higher education. Under this framework, UNESCO has initiated 'The Programme on Safeguarding Intangible Cultural Heritage in Formal and Non-Formal Education' in recognition that education plays a crucial role in safeguarding intangible cultural heritage. It acknowledges that intangible cultural heritage can offer context-specific content and pedagogy for education programmes, serving as a catalyst to enhance the relevance and quality of education and improve learning outcomes. This programme promotes learning and teaching with and about intangible heritage across all relevant disciplines in education.

Measures for safeguarding ICH within higher education

At the core of the 2030 Agenda are 17 Sustainable Development Goals (SDGs). The universal, transformational and inclusive SDGs describe major development challenges for humanity. The aim of the 17 SDGs is to secure a sustainable, peaceful, prosperous and equitable life on Earth for everyone now and in the future (UNESCO 2017).

As highlighted in the guide *Accelerating education for the Sustainable Development Goals (SDGs) in universities*, published in 2020 by SDSN, Education for the SDGs (ESDGs), is a critical mission for universities, both because universities are in a unique position to provide this service to society, as well as because the implementation of ESDGs can bring benefits to universities.

As providers of general, professional and vocational education across disciplines, and reaching millions of students at all stages of their lives, universities are in a unique position – and therefore have a critical responsibility – to deliver ESDGs to as many students as they can.

ESDGs integration can be an organisationally difficult process, but there are many actions that universities can take to support it. Although we have mentioned ESDGs in a general way, in this paper we will focus on the analysis of SDG 4: 'Ensure inclusive, equitable and quality education and promote lifelong learning opportunities for all.' And, in particular, we will refer to SDG 7, by which states must, by 2030, guarantee that all students acquire the theoretical and practical knowledge necessary to promote sustainable development, among other things through education for sustainable development and the adoption of sustainable lifestyles, human rights, gender equality, the promotion of a culture of peace and non-violence, global citizenship and the appreciation of cultural diversity and the contribution of culture to sustainable development, among other means.

Our intention is to highlight the importance of appreciating culture in all of its expressions, and the importance of protecting and safeguarding the vitality of a given cultural tradition and how higher education may collaborate with this.

We agree with Nigel Encalada (n.d.), Director of the Institute for Social and Cultural Research in Belize with responsibility for implementing the 2003 ICH Convention, when he remarked as follows at the SDGAcademy course *Living Heritage and Sustainable Development*:

> Taking living heritage into education settings recognizes the importance of communities as the centerpiece in transmitting and safeguarding our living heritage. A community-centered education model ensures that the community speaks for itself and is actively engaged in passing on knowledge and skills to younger generations, who, in turn, will be able to use this knowledge to assist with continued development of society.

Article 2.3 of the ICH Convention explains that safeguarding measures aimed at ensuring the viability of intangible cultural heritage includes the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly

through formal and non-formal education, as well as the revitalisation of the various aspects of such heritage.

Similarly, Article 14 of the ICH Convention also requires that each State Party shall endeavour, by all appropriate means, to ensure recognition of, respect for and enhancement of the intangible cultural heritage in society, through educational, awareness-raising and information programmes, aimed at the general public, and in particular young people; as well as through specific educational and training programmes within the communities and groups concerned; and through non-formal means of transmitting knowledge. The recurrent idea is the use of appropriate measures to safeguard intangible cultural heritage within formal or non-formal education.

Linking education and intangible heritage is set as a high strategic priority, not only in the Convention but also according to the Overall Results Framework (ORF), a tool for measuring its impact.

In June 2018, the General Assembly of the States Parties to the ICH Convention approved the ORF (Figure 1). The aim was to devise a tool to measure the impact of the ICH Convention around the globe at various levels. The ORF contains 26 core indicators and 86 assessment factors, subdivided into eight thematic categories (UNESCO 2018). Within this framework, education was conceived as a crucial factor in safeguarding ICH, so four indicators concerning education were elaborated: core indicators 4, 5, 6 and 12 (Table 1).

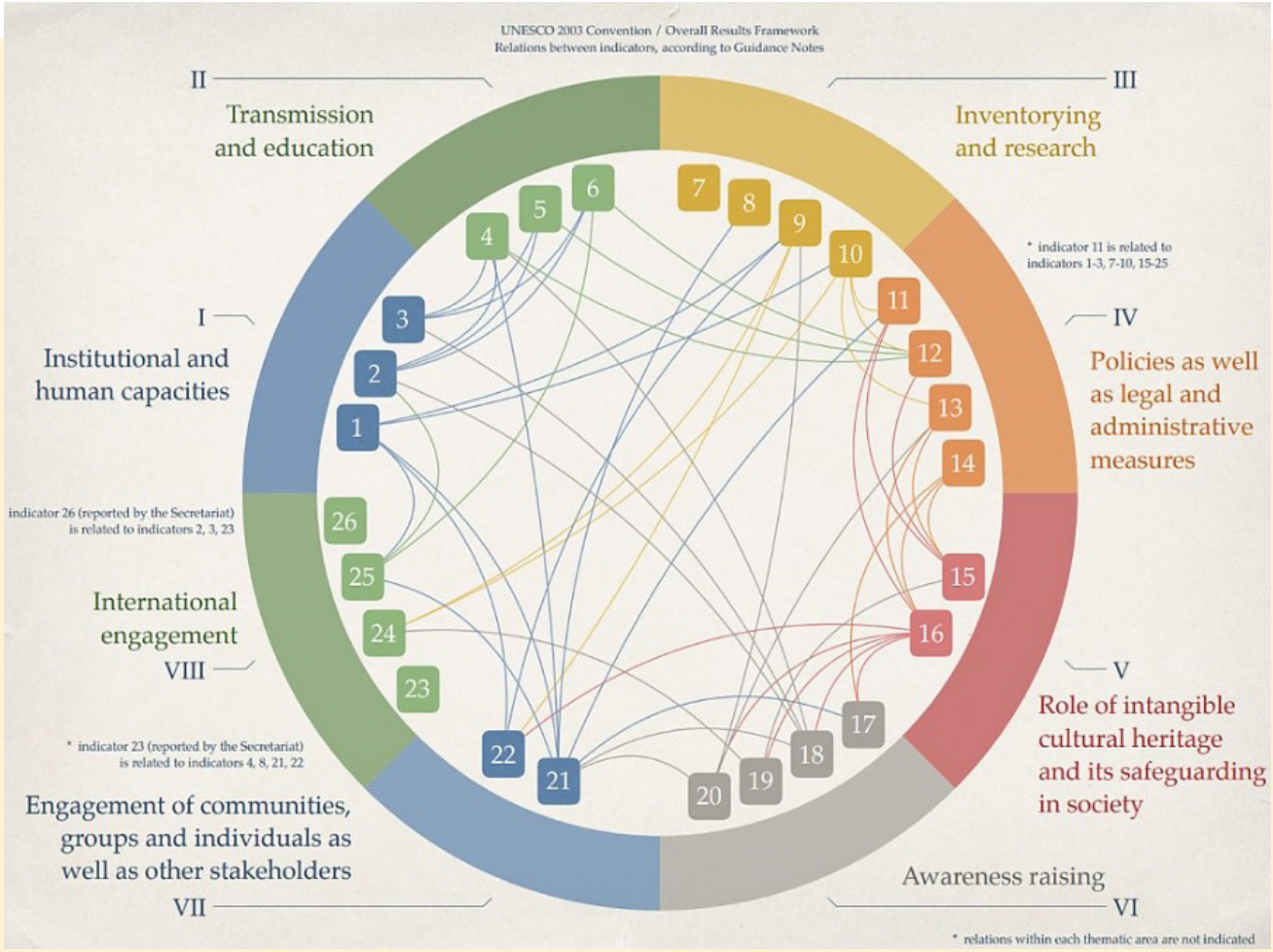

Figure 1
Overall Results Framework for the 2003 ICH Convention
Source: © UNESCO / A. Vaivade

Table 1
ORF indicators concerning education.

ORF indicator	
4	The extent to which both formal and non-formal education strengthen the transmission of ICH and promote respect for ICH.
5	The extent to which ICH and its safeguarding are integrated into primary and secondary education, included in the content of relevant disciplines, and used to strengthen teaching and learning about and with ICH and respect for one's own and others' ICH.
6	The extent to which post-secondary education supports the practice and transmission of ICH, as well as study of its social, cultural and other dimensions.
12	The extent to which policies as well as legal and administrative measures in the field of education reflect the diversity of ICH and the importance of its safeguarding, and are implemented.

Source: Authors' own elaboration from UNESCO (2018).

We will focus our analysis on indicator 6 and its assessment factors (Table 2).

Table 2
ORF Indicator 6, Assessment factors.

Assessment factors	This indicator is assessed on the basis of two country-level factors monitored and reported by each State Party:
	Post-secondary education institutions offer curricula and degrees (in fields such as music, arts, crafts, technical *and vocational education and training*, etc.) that strengthen the practice and transmission of ICH.
	Post-secondary education institutions offer curricula and degrees for the study of ICH and its social, cultural and other dimensions.

Source: Authors' own elaboration from UNESCO (2018).

According to UNESCO's guidance notes to Indicator 7, Indicator 6 contributes to SDG Target 11.4, 'Strengthen efforts to protect and safeguard the world's cultural and natural heritage', by emphasising the practice and transmission of ICH. It also complements SDG Target 4.7, particularly insofar as study of ICH's social, cultural and other dimensions can promote 'appreciation of cultural diversity and of culture's contribution to sustainable development'. Contributions to other goals such as SDG 8 on productive employment and decent work for all – in particular, SDG Target 8.9 – are also pertinent for this indicator.

UNESCO also emphasises that this indicator focuses on post-secondary education as a platform for either transmitting the skills and knowledge of ICH or teaching about ICH in society. Like Indicator 4, it is concerned with practice and transmission, although higher education is the specific context here. Similarly, it complements the focus of Indicator 5 on primary and secondary education by concentrating on higher education. Educational policies, legal frameworks and administrative measures fall within Indicator 12.

As mentioned earlier, all safeguarding measures aim to ensure the viability of intangible cultural heritage, and educational institutions can play a crucial role in this by integrating safeguarding measures into higher education.

Regarding the assessment factors of Indicator 6, we will examine how some universities in Buenos Aires are supporting and preserving tango, an intangible cultural heritage originating from this region, and ensuring its accessibility for future generations.

Tango safeguarding measures within universities in Buenos Aires, Argentina

For this research we have chosen national universities within Buenos Aires, since, as we have mentioned, this is the city where this musical genre was born. It is important to remark that the higher education system of Argentina is organised regionally to facilitate planning and articulation. According to the regulations (MEYD Resolution No. 280/16), there are seven regions, each coordinated by a Regional Council for Higher Education Planning (CPRES) made up of the education ministers of the provinces included in the region and the rectors of the universities, both public and private. The CPRES, among other functions, act as a coordination and consultation body for the higher education system, coordinating extension activities and

cultural development, and carrying out dissemination actions related to the planning of higher education.

In this research, we will analyse curricula and degree activities related to tango published in each institutional website that can be considered as safeguarding measures offered by three national universities belonging to the Metropolitan CPRES within the City of Buenos Aires: Universidad Nacional de las Artes, Universidad Nacional de Buenos Aires and Universidad Nacional de Tres de Febrero.

It is important to highlight that the activities described below correspond to institutional strategies and are not attached to a national plan of intangible cultural heritage. In this sense, even though there is a bill (2020) through which it is proposed to include tango transversally in the curricula of all educational levels, it has not yet become a national law. In accordance with the recitals of this bill, adding tango to the curricula will not only be acting in favour of the promotion of tango by giving it greater presence among citizens from an early age, but also would 'be improving the quality of our education, giving it another element of roots, an element that runs through the entire history of our country, its various regions and complex social processes of notable relevance and necessary addressing'.

Universidad Nacional de las Artes (National University of the Arts)

Undergraduate degree: Bachelor's Degree in Folklore, focusing on Tango Studies.[8]

This is a four-year university programme, comprising a total of 3040 hours. The degree provides scientific, technical and artistic knowledge necessary for research in folklore and artistic expression, particularly in relation to tango dance.

Professional profiles: Graduates with a Bachelor's Degree in Folklore with a specialisation in Tango Studies possess scientific training and practical skills necessary for understanding the complexities of this national dance form, especially within an urban context. They are equipped to engage with socio-cultural realities, revalue traditional/popular cultural heritage, and contribute to the representation of citizen and national identity.

The training offered by this degree programme ensures comprehensive support for professional development. The practical experience in tango dance, along with acquired technical proficiency, prepares graduates for national and international careers in artistic expression, creation, management and tango research.

In terms of professional scope, the Bachelor's Degree in Folklore with a specialisation in Tango Studies qualifies graduates to:

(a) Professionally perform tango dance across various media platforms and communication channels to promote this genre of urban folklore.
(b) Manage, coordinate and produce outreach activities aimed at promoting the cultural identity of tango in both public and private organisations dedicated to fostering national cultural heritage.
(c) Conduct research in Folklore and Tango Studies to contribute to the development of cultural identity, aesthetic expression and innovative interpretations.

The curriculum of this undergraduate degree includes courses such as:

- Origin and development of tango; Traditional Argentine attire; Argentine regional history; Legislation and commercialization of cultural heritage; Tango and literature; Tango and music; Tango I, Tango II
- Lunfardo (Tango slang) I; Tango and media; Tango and cinema; Tango III, Tango IV
- Choreographic interpretation of Tango I, Choreographic interpretation of Tango II.

This proposal from the National University of the Arts encompasses both practical training in tango and theoretical study of its social, cultural and other dimensions, reinforcing the practice and transmission of tango as well as its scholarly investigation. The proposal includes both assessment factors mentioned above (see Table 2): 6.1 as a degree offer that strengthens the practice and transmission of tango; and 6.2 as a degree for the study of tango and its social, cultural and other dimensions.

It has been confirmed that this undergraduate degree is currently available to students. Consulted via email, the Student Office of the Department of Folklore at this university indicated to the authors of this paper that the 2024 school year began in March with annual enrolment. This means there will be no admission of new students in

August 2024, so the next cohort of students will begin in March 2025.

Universidad Nacional de Buenos Aires (National University of Buenos Aires)

Course: Tango, Waltz and Milonga.[9]

For young people and adults (no age limit). For students and general public. Once a week (1.5 hours) from April to November. The course will seek to bring young people and adults closer to tango through music and communication.

The foundation of the proposal is articulated on the university's website at the Faculty of Law section: One of the most important objectives of education at its different levels and modalities is the dissemination of one's own culture. Modernity and technological progress have allowed the entry of new cultures through the media, achieving easy access to distant ones.

Radio, television, social networks and different internet sites are the means that privilege certain cultures over others, but no longer as access bridges but rather as hegemonic. In this way, the culture itself is not only at risk of being disseminated but also of being known and accepted.

The tango is part of our identity. The lyrics of the tangos take us back to the beginnings of the city, to the banks of the Río de la Plata, to the ships that disembarked from some distant place loaded with goods and personal stories. It is the reflection of the life of Buenos Aires itself, of its history and its people.

Through its lyrics and music, it will be possible to inquire about its own history, get closer to the customs and life of the '*conventillos*' (popular housing of that time), and understand the transformations that society has undergone up to the present day.

Declared in September 2009 as Intangible Cultural Heritage of Humanity by UNESCO, tango has achieved worldwide recognition.

For these reasons, the Public University of Buenos Aires fulfils the primary function of being a link to promote the approach of citizens to their roots, enabling access to music and dance that are part of their identity.

Tango is a body language that understands a world of infinite possibilities. Tango is the dance of expression, feeling and communication with the other.

Far from being a dance structured by steps, tango has the virtue of being a couple's dance that develops together with another, through bodily dialogue. Knowing and understanding brands both in the driving and led role is one of the main perception and communication tasks that we must learn. Through different body techniques and movement proposals, tango will emerge as a consequence of communication and listening.

The seminar will be developed through exercises to register the body itself (axis, balance, displacements, supports) and in pair work based on movement sequences.

The work methodology will be completed with the knowledge and mastery of the technique of tango, waltz and milonga and in the acquisition of different steps that will allow participants to achieve greater autonomy and freedom in social dancing.

Within the objectives of this course, we would like to highlight the following: promote an understanding of the language of tango dance; encourage listening to tangos; foster musical awareness in each participant; and facilitate an understanding of one's own culture and provide technical knowledge for tango, waltz and milonga.

Other objectives are also mentioned, as follows: provide tools for understanding and perceiving one's own body; appreciate the body as an instrument of expression; encourage self-confidence; promote gender integration; foster communication among participants; enable expression through movement and body language; value team work; facilitate adaptation to different partners; promote respect for oneself and others' bodies; create a supportive and educational environment; encourage group cohesion; generate a space for individual and collective creativity; value active listening and sharing within the group; cultivate freedom of expression and enjoyment through movement; and assess personal and group production.

We believe this proposal of National University of Buenos Aires falls within assessment factor 6.1 (see Table 2 above) because it is an institution that offers a course that strengthens the practice and transmission of tango.

Consulted via email, the University Extension Directorate at the Faculty of Law of this university informed the authors of this paper that this course is currently (March 2024) unavailable. When queried further, the university responded that this was 'for other reasons' than a lack of interested students.

Universidad Nacional de Tres de Febrero (National University of Tres de Febrero)

Undergraduate degree: Diploma in Tango Dance Teaching.[10]

This is a 1.5-year tertiary course for undergraduates, comprising 384 hours of workload.

Graduates from the Tango Dance Teaching Diploma will possess the knowledge, skills and abilities to perform in cultural, educational and social fields in which tango as dance is inserted or where it is desired that it be incorporated.

The foundation of the proposal is articulated on the university's website: Tango is an outstanding, authentic and genuine expression of our popular culture, which identifies us not only in our country, but also represents us all over the Planet ....

UNESCO has designated tango as Intangible Cultural Heritage of Humanity, signifying the importance of recognising this cultural expression of our people.

The majority of those who teach tango dance, both domestically and internationally, are instructors. They possess knowledge of movements, steps, figures and sequences, along with the skills and abilities of dancers. However, they often lack comprehensive training in psychological, pedagogical and didactic aspects necessary for effective knowledge transmission.

The Diploma in Tango Dance Teaching addresses this gap by providing additional training in various aspects of tango, including its history, music, poetry, lyrics and vocal techniques. Graduates of this programme will acquire the knowledge and skills required to excel as tango dance instructors, with distinctive competencies.

Through a comprehensive understanding of tango's diverse expressions and specialised training in psychological, pedagogical and didactic principles, graduates will be equipped to effectively teach tango dance. They will also be capable of initiating projects to preserve and transmit tango, inspiring young people to engage with it and fostering intergenerational integration. This will enable tango to thrive across all social and generational demographics.

The curriculum of the Diploma in Tango Dance Teaching encompasses the study of tango as a dance form, supplemented by exploration of its historical context, musical elements, lyrics and poetry.

The objectives of this diploma include: to enhance pedagogical knowledge to enable graduates to teach tango dance; to gain insight into and understanding of various forms of urban music; to develop the ability to appreciate musical diversity; to acquire knowledge of the origins, history and evolution of tango, considering the political, economic, and social events that influenced its development as a manifestation of popular culture; to recognise stylistic differences among orchestras and to analyse tango lyrics in order to understand the history and sociology of this urban art, considering the approaches and processes that shaped its artistic movements; and to develop skills in interpretation and analysis to apply learned concepts to milonga and waltz dances.

This proposal of National University of Tres de Febrero includes both assessment factors mentioned in Table 2 above: 6.1 as a degree offer that strengthens the practice and transmission of tango; and 6.2 as a degree for the study of tango and its social, cultural and other dimensions.

It has been confirmed that this undergraduate degree is currently available to students. Consulted via email, the Director of the Diploma in Tango Dance Teaching at this university informed the authors of this paper that the 2024 school year began in March, and it has not yet been confirmed if new students will be admitted in August 2024.

Conclusion

Recognising that the processes of globalisation and social transformation, along with the conditions they create for renewed dialogue among communities, also lead to the disappearance and destruction of intangible cultural heritage (UNESCO 2018) is a crucial step in understanding the importance of safeguarding measures.

All safeguarding measures aim to ensure the viability of intangible cultural heritage and can vary in scope and scale. They range from developing policies or inventories on ICH to creating safeguarding plans for specific elements of ICH.

Integrating ICH into higher education can be a powerful strategy, especially considering that linking education and intangible heritage is set as a high strategic priority. Therefore, music educators in schools and higher learning institutions in Western and other countries have emphasised the importance of fostering a deeper understanding not only of musical structures but also of the meanings in music from a global perspective (De Oliveira Pinto 2018, 145).

In this context, the academic proposals of the universities presented in this research could be recognised as safeguarding measures aiming to ensure the continuation of tango as a living heritage. These proposals encompass tango education, awareness-raising and, potentially, transmission. Students learn not only about tango but also about its historical aspects, music, lyrics and poetry, while promoting intergenerational dialogue between older and younger people, with tango as the centrepiece of intangible cultural heritage.

It is important to highlight that the three universities under study emphasise the significance of revaluing tango and reclaiming traditional and popular cultural heritage as valuable and representative of citizen and national identity. For Argentina, as a state committed to achieving the Sustainable Development Goals, offering culturally relevant education is crucial when seeking to integrate intangible cultural heritage into education. A culturally relevant education that includes ICH aligns well with Target 4.7, which aims to ensure that all learners acquire the knowledge and skills needed to promote sustainable development and to appreciate cultural diversity. Furthermore, it would be noteworthy if such academic proposals, currently part of institutional strategies of some universities, were to form part of a national plan for safeguarding tango through higher education programmes.

As Barsky (2018, 20) asserts in reference to the integration of tango into formal education in Argentina, it can be observed that the realm of higher education appears to have largely overlooked the genre, especially tango dancing. Few institutions and academics support research initiatives in this area, unlike the attention given to the preservation and promotion of other folk dances considered as national cultural expressions. In this sense, we believe that the analysis of safeguarding measures for tango as ICH within these studied universities can serve as an example for other educational institutions to develop similar proposals.

In conclusion, future research could include an analysis of the effective attendance and enrolment of students in each of these university proposals to assess the specific impact of these measures as safeguarding strategies.

ENDNOTES

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Dynamics of the ancient boxing dance of Sakon Nakhon: the role of *Muay Boran* dance performances in the development of the Thai nation-state

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ABSTRACT

This paper explores the interplay between invented traditions and the Thai nation-state, using the martial art *Muay Boran* as a case study. The art form serves as an emblem of Thai national identity, yet its roots lie in a regional, not national, past. Drawing upon theories of invented tradition, the study interrogates *Muay Boran* as an artificially constructed heritage at both local and national levels, further delving into the role of nostalgia in shaping cultural narratives. Despite the martial art's appropriation and commercialisation for political and economic gain, it remains a powerful symbol, stimulating national unity and quelling separatist tendencies. Nonetheless, cultural safeguarding efforts risk stagnation, often promoting an exotic otherness at the expense of genuine cultural evolution. The study concludes by advocating for a balanced approach that acknowledges cultural dynamics and the inevitable transformation of traditions over time.

Keywords

dynamics, identity, *Muay Boran*, Sakon Nakhon, Thai-ification, Thai-ness

Introduction

Governments use the traditional cultures of various ethnic groups that make up their population to build and foster a national identity and collective consciousness (Gizatova et al. 2017). This is particularly true for indigenous performing arts, which are a clear example of the accumulation and evolution of cultural heritage but, importantly, are used to promote the cultural values of a collective (Picard 1997).

In different regions of Thailand there are different styles of martial arts, each composed of postures and gestures that convey the culture of the indigenous group responsible for their creation. The *Muay Boran* of Sakon Nakhon in northeastern Thailand is one such defensive martial art. This particular local tradition is a ceremonial, performance-based art that combines *Muay Thai* postures, martial arts of visiting Kula traders to the region and the choreography of Chamlong Nuanmanee, a resident of That Choeng Chum Sub-District, Sakon Nakhon Province. The art form is unique to Sakon Nakhon and its creation was heavily influenced by Nuanmanee, a pioneer in combining these fighting traditions of various origins to form a single martial art, which has since been developed under the banner of *Muay Boran* (Saleepun 2023). The martial art is closely associated with Sakon Nakhon, where statues of famous local performers are visible to emphasise the value of strength, ability and tactics in the locality. This is often referred to in Thailand as the predecessor to the more popular, and now internationally recognised, *Muay Thai* (although there are some doubts over the veracity of this attribution, and a clearly problematic chronology

given the previous assertion that Nuanmanee adapted *Muay Thai* postures – more on this later). For the wider world, '*Muay Boran* is a collection of non-sporting forms of *Muay* purported to represent the origins of *Muay Thai*. It includes techniques presumed too dangerous for the modern ring version of *Muay*' (Vail 2014b, 510). Given the importance of martial arts to the identity of Thailand on the world stage, the researcher was keen to understand how *Muay Boran* has seemingly transitioned from a locally created martial art among the northeastern Thai (Isan) community to the predecessor of a nationally celebrated combat sport that epitomises the essence of 'Thai-ness' – the essence of being Thai.

Literature review

Thai-ification and nation-building

'Thai-ification' is the term used to describe the deliberate government-driven integration of minority groups into the newly created Siamese state since 1932 (Breazeale 1975; Karapan and Susuwan 2021). This unashamed acculturation was performed through fiscal conformity (imposition of taxes), transformation of social hierarchy, administrative changes, establishment of national identity markers (Boy Scout movement and military service), educational reforms, and suppression of indigenous expressions of religion, spiritualism and belief (Breazeale 1975; Diller 2002; Draper et al. 2019). Ethnic groups in Thailand have been successfully 'subsumed into regional geonyms based on Bangkok's central location' (Draper et al. 2019; Hesse-Swain 2011; Iijima 2018; Lefferts and Cate 2012). The geonym that will be the focus of this investigation, colloquially termed 'Isan', is composed of the vast northeastern region of the country. These geographic distinctions have been heartily adopted by domestic academics and, importantly, the people themselves; 'Isan-ness' (as opposed to the national-level 'Thai-ness') is embraced and celebrated (Keyes 2014). However, assimilation was not restricted to minority groups. It also affected the majority group, Tai, who were also new members of the fledgeling Siamese nation when it was formed in 1932 – the nation-state did not adopt the name 'Thailand' until 1939 (Alexander and McCargo 2014). Consequently, the Thai national identity was only partially created and 'complex, contested ethno-regional identit[ies]' appeared based largely on continua from Thai to Lao, Malay and Burmese, depending on the geonym (Enfield 2002; McCargo and Hongladarom 2004). The Thai government officially deems the majority of ethnic groups within its borders to be a subgroup of Tai and speak a dialect of the national language (Bunnag 1968). In reality, the relationship is more complex and non-Thai academic consensus more commonly identifies distinct ethnic differences between the various inhabitants of Thailand, especially within Isan (McCargo and Hongladarom 2004).

Contrary to this suppression of ethnic pluralism in Thailand, the importance of cultural heritage conservation is recognised (Lertcharnrit and Niyomsap 2020). Undoubtedly, the potential economic benefits of cultural- and ethno-tourism are responsible for government interest in preserving indigenous culture (Sangchumnong and Kozak 2018). This is most apparent when considering successful examples of cultural conservation programmes that provide concrete economic value (Makpa 2017). Ethno-tourism (in simplistic terms, tourism focused on indigenous culture and lifestyle) is now encouraged in indigenous communities that were previously neglected and even persecuted. This shift towards promoting ethno-tourism represents a strategic pivot by the government, aiming not only at economic development but also at enhancing the visibility and appreciation of indigenous cultural practices, thus potentially mitigating past neglect. There is universal hope that socio-economic stimuli will encourage a celebration of pluralism that leads to central recognition of the disparate identities of the Thai peoples (Draper et al. 2019). While this recognition marks a positive shift, it simultaneously underscores the ongoing tension between state-led cultural homogenisation and the celebration of regional diversity.

The process of Thai-ification, while initially aimed at forging a coherent national identity, often involved the dilution of distinct ethnic identities through policies of cultural assimilation (Krajangchom 2023). These policies, rooted in the central government's desire to establish a unified nation-state, sometimes conflicted with the ethnic and cultural realities of diverse regions such as Isan (Farrelly 2016). By enforcing a standard Thai identity through language, education and national symbols, the state sought to integrate disparate groups into a single national narrative (Draper 2019). However, this integration often came at the cost of marginalising local languages and customs, leading to a complex landscape of cultural resistance and adaptation. The government's recent efforts in promoting ethno-tourism and cultural conservation suggest a growing acknowledgement of the

importance of these regional identities in Thailand's social and economic fabric. This evolving approach indicates a nuanced recognition of the need to balance national unity with cultural plurality, reflecting a broader trend of re-evaluating nation-building strategies in the context of globalisation and local autonomy.

Martial arts and nation-building in Thailand

Amid these efforts to craft a national identity, martial arts, particularly *Muay Thai* and its historical variant *Muay Boran*, have played a pivotal role in symbolising and propagating what is perceived as the essence of 'Thai-ness'. This phenomenon illustrates a unique intersection of culture, history and politics within the broader context of Thai nation-building. There has been academic recognition of the role played by *Muay Thai* in the construction of a Thai identity. Peter Vail (2014b, 511) argued that '*Muay Thai* and its *Muay Boran* antecedents have been deliberately connected to a specifically royalist-national history through the invention of tradition in order to safeguard *muay* as an inexorable component of Thainess'. In fact, Vail (2014b) goes as far as to argue that much of the history of *Muay Thai* is fabricated, or at the very least embellished in the vein of Hobsbawm and Ranger's (1983) invented tradition. This concept describes the creation of a set of practices intended to foster certain norms and values, and here refers to the ways *Muay* has been adopted as an inexorable component of 'Thai-ness'. As one of the few Western interpretations of the subject, Vail (2014a) suggests that a paucity of academic scholarship has enabled stakeholders to benefit from creating a narrative of *Muay Thai* that promotes its exotic appeal and historical allure. This is not itself dissimilar to the historic function of *Muay Thai* dance performances, which were used by royals to create an aura of Thai-ness for visiting diplomats and courtiers (Jackson 2004). This practice of showcasing *Muay Thai* performances was strategically employed by the Thai royals to reinforce national identity and cultural uniqueness, effectively using these displays as a diplomatic tool to impress and convey the strength, discipline and heritage of Thailand to visiting diplomats and courtiers. Such performances not only served as entertainment but also as a subtle demonstration of the martial prowess and ceremonial richness that are integral to Thai culture, reinforcing a sense of 'Thai-ness' in the international context. It played a large part in the political discourse of encounters with foreign governments, as Thai leaders sought to create a strong impression of their country – a concept described by anthropologist Clifford Geertz (1980) as a 'theater state', a state that uses ceremonies and rituals to sustain its authority.

Similar trends in the politicisation of traditional martial arts can be observed in other countries, each embedding local cultural practices within national identity narratives. In Japan, Judo and Kendo were not merely sports but were also used during the Meiji Restoration as tools to instil discipline, moral values and a sense of national pride, closely tied to the concept of Bushido, or the way of the warrior (Lachina 2021; Sakaue 2020). In Brazil, Capoeira, once a form of resistance by enslaved Africans, has been transformed into a national symbol celebrated for its cultural heritage and dynamic expression of Afro-Brazilian identity (Wesolowski 2020). Meanwhile, in Korea, Taekwondo has been explicitly promoted by the government as a symbol of Korean culture and spirit, especially during periods of intense nationalistic fervour, such as during the Korean War and the subsequent division of the peninsula (Moenig 2023). Each of these instances demonstrates how martial arts have been elevated beyond physical combat to become significant elements in the construction and assertion of national identity, serving both domestic agendas and international diplomacy. This global phenomenon emphasises the powerful role that traditional practices can play in shaping political narratives and reinforcing collective identities.

Modern *Muay Thai* is a particularly vivid example of this in Thailand. According to Vail (2014a), the term *Muay Thai* was first used in 1928 to distinguish it from English boxing and was crafted to epitomise the early roots of Thai tradition. Although the tradition is often considered ancient, it is in fact quite recent. The narrative of *Muay Thai* as an ancient tradition is widely accepted in Thailand and promoted by the government, federations, websites, books and academic articles. During the Burmese-Siamese War (1765–1767), the kingdom of Ayutthaya was destroyed and, with it, purportedly much of Thailand's historical archives. According to Muller-Junior and Capraro (2022), this loss obscured much of *Muay Thai*'s early history, giving rise to the myth of Nai Khanom Tom, who became considered the father of *Muay Thai* after his legendary victory over ten Burmese fighters. Modern details of this myth, however, do not align with historical facts but serve as a potent element of national mythology, reflecting a heroically independent past (Jacobs 2019; Vail 2014b). This invented tradition has been preserved and promoted through various channels, including the *Muay Thai* Preservation Institute and cultural

promotion initiatives by the Thai government, aiming not only to foster national pride but also to attract international tourists and martial arts enthusiasts. This case of *Muay Thai* illustrates how the invention of tradition can serve not only nationalist interests but also economic ones, marking a significant intersection of cultural heritage with global consumer culture.

The politicisation of *Muay Thai* is not therefore a new concept. But what of *Muay Boran*? Vail (2014b) also argues that *Muay Boran* is a modern reimagining of the history of *Muay Thai* created in the 1970s as domestic scholars sought to place *Muay Thai* in its proper historical context. This is partly enabled by the Thai meaning of *boran* as, literally, 'traditional'. It is not too great a stretch to imagine a world where *Muay Boran* ('traditional boxing') is the direct predecessor of *Muay Thai* ('Thai boxing'). However, the original *Muay Boran* of Sakon Nakhon has clear and traceable roots, which do not necessarily place it as the direct predecessor of its now world-famous cousin, *Muay Thai.*

Research methodology

This study employs a qualitative approach, using data sourced from document analysis and empirical research. Sakon Nakhon province was intentionally chosen as the site of study, and a purposively selected sample from the province was used. The study's primary participants included performers of *Muay Boran*, experts in the performing arts, students studying *Muay Boran* performing arts in Sakon Nakhon's higher education institutions, and spectators of *Muay Boran* shows within the province. The researcher engaged in both participant and non-participant observation in the field, conducted comprehensive interviews with academic scholars and performing artists, and held focus group discussions with spectators and students. The gathered data was organised according to the principal objectives of the study and verified via source and methodological triangulation. After verification, the data underwent typological analysis and analytic induction. The findings are articulated in the subsequent section as a descriptive analysis.

Muay Boran: pluralistic origins

Sakon Nakhon province is located in the upper northeastern region of Thailand. It is an area rich in natural diversity and has been home to human civilisations since the prehistoric era, about 1200–1500 years ago (Boonpok 2021). Over time, local communities have been started and influenced by the Dvaravati, Khmer and Lan Xang empires, as well as the more recent political and administrative presence of the Thonburi and Rattanakosin kingdoms (Kutanan et al. 2014). Sakon Nakhon is consequently home to a diverse, multicultural population speaking diverse languages and practising the cultures of up to six main ethnic groups: Lao, So, Phu Tai, Yoi, Yor and Kaleung (Kaithong and Yongvanit 2016). Additionally, Chinese and Vietnamese migrants have settled in the province, as well as the nomadic Kula traders (Laimanee 2014; Saleepun et al. 2021). In addition to bringing new products and crafts to the area, this historic migration also caused exposure to a form of martial arts called *Zheng* or *Muay Zheng*, which originated in present-day Myanmar (Saleepun 2023). Traders would perform to show their strength but particularly to encourage crowds so that they could advertise and sell their products.

The *Muay Boran* traditions of Sakon Nakhon evolved from these origins. They were born from the combination of postures in traditional *Muay Thai*, the techniques of the Kula traders and new creations of Chamlong Nuanmanee, a famous local fighter who previously had expertise in *Muay Thai* (Saleepun 2023). Traditionally, the Sakon Nakhon *Muay Boran* dance is a defensive martial art. The dance is currently classified as a performing art unique to Sakon Nakhon due to the combination of different martial arts and the influence of Nuanmanee, who developed the style from the 1920s to late 1950s. *Muay Boran* is a traditional martial art developed from defensive human instincts. Participants use the hands, feet, knees and elbows as weapons of defence, which are manoeuvred through tactics, talent and improvisation. The basic boxing moves have now been adapted and incorporated into contemporary dances that accompany local Pong Lang orchestras, as well as a combat sport. There are also local statues of various fighters in Sakon Nakhon city that celebrate their strength, skills and tactics.

There is no limit on the number of performers. Depending on the style of the performance, as few as one individual can perform *Muay Boran*. There are solo renditions, dual combat forms and large group parades. In the past, men often wore the loincloths they would have used as part of their daily lives (Figure 1). If performing for an audience, simpler loincloths would have been replaced by a more elaborate, wavy cloth, held by an additional roll



Figure 1
Muay Boran performance costume
Source: Sakon Nakhon City Museum, Sakon Nakhon Rajabhat University

of cloth, hemmed from the bottom up and rolled inwards to the thigh. The cloth would then be tucked into the back of the loincloth and tightened. The upper part of the forearm was also wrapped in cloth and the head tied with an auspicious fabric or amulet. The fighter would sport tattoos conveying a variety of messages, especially on the upper thigh and chest.

Muay Boran postures

The group parade version of the dance consists of nine techniques, while an individual performer may include up to 14 different movements. The techniques are all designed to invoke intimidation and to exhibit the performer's prowess. Each rendition is accompanied by traditional Pong Lang music.

The initial sequence of movements, known as *Tha Suea Ok Lao*, begins as the performer energetically leaps on to the stage, delivering swift hand slaps on each leg. They then extend one arm, unveiling their body, and deliver a slap beneath the armpit, followed by a series of slaps beneath the elbows, the backs of the hands, the knees, the shoulders, the heels and the outer legs. The performer then leaps backward and sways forward, striking the upper chest with both palms. This is followed by a slap to the inner thigh using the back of one hand while jumping to kick an extended palm. The performer then adopts a crouched stance, pulling one leg behind, with elbows splayed and hands positioned at the waist. After a brief survey of the crowd, the performer extends their arms. Maintaining the rear leg stretched out, both legs are kept parallel to the floor. They then elevate the stretched leg to waist level, execute a rolling motion with their arms towards the lower abdomen, before pointing and raising their hands overhead. The sequence culminates with the performer looking upwards, a gesture meant to honor the spirit of *Phaya Taen*.

Tha Yang Sam Khum, distinguished by its pronounced trotting gait, follows the *Tha Suea Ok Lao*. It commences as the performer lowers their arms, resting one hand on the already elevated leg, and placing the other hand on the waist. Shoulders and elbows are extended as though in search of an adversary. The performer then exhibits a forceful forward movement by heavily stomping their feet three times and adopting a dignified one-legged stance, squinting as if sizing up an opponent. *Tha Mam Kratheup Rong* highlights the performer's balance, as they gradually rise and rhythmically swing both arms in a circular, fist-clenching motion. This is repeated several times before they lift their feet and stomp the ground robustly and decisively three times. The performance concludes with *Tha Chang Kalong Talai Pa*, the final move of the solo boxing performance. The performer swings their arms and extends one leg backwards, fully stretching both arms. Upon reaching shoulder level, the performer rolls their arms inward on both sides of the body and leans forward in tune with the music's rhythm.

The *Muay Boran* fight is a show (Figure 2). Participants will perform various dances to intimidate their opponents before striking. The attacker will not use a clenched fist; instead, they use the palms, feet, knees and elbows as a weapon. After striking, they will return to dance. However, changing socio-economic conditions are seeing the number of participants, and the art itself, beginning to disappear. At present, *Muay Boran* generally only appears as simulated performances for entertainment.



Figure 2
Muay Boran performance costume
Source: Thailand Foundation, https://www.thailandfoundation.or.th/culture_heritage/high-kicks-and-graceful-moves-muay-boran-sakon-nakhon/

Depending on which narrative is read, *Muay Boran* has either been elevated to the national stage as *Muay Thai*, or is distinct and has been erroneously credited as the antecedent of *Muay Thai.* Regardless of the accuracy, what is clear is that *Muay Thai* has been popularised as an international fighting sport and is renowned on the world stage, while *Muay Boran* has fewer global performers but is increasing in domestic popularity in its combat form. Although both are similar, there are some distinct differences between the two martial arts. Combat *Muay Boran* is a little more like karate, and its nature is one of a martial art rather than a fighting sport. There is less emphasis on the fight, although there are fewer regulations. In terms of the costume, *Muay Boran* performers wrap their hands in hemp rope rather than wear gloves.

In *Muay Boran,* the fighters' fists are usually centrally aligned, while in *Muay Thai* they defend the outside of the head. The overall stance of *Muay Boran* is also lower and wider than *Muay Thai*, which enables swift transition into the ground fighting that is part of *Muay Boran* but not *Muay Thai*. There are fewer regulations in *Muay Boran,* which is understandable as it is an older art form. This means that fighters must protect all parts of the body, hence the crouched body position.

Muay Boran attacks target the opponent's limbs. This is not as common in *Muay Thai* due to the point scoring system (limb hits tend to score fewer points than other attacks); however, in *Muay Boran*, it effectively nullifies the opponent and gives a clear advantage. There are more elbow and knee attacks in *Muay Boran* than in *Muay Thai* due to the need to win the fight outright.

Safeguarding

Muay Boran has now been incorporated into the formal curriculum and basic education system of Sakon Nakhon, especially as a form of entertainment. The ancient dance is also offered as a course at various educational institutions in Sakon Nakhon province. Local scholar Krisdakorn Banlue (personal communication 2022) comments: '[T]he Sakon Nakhon Educational Area has included *Muay Boran* performances as part of the curriculum in order to boost local arts and culture.' While being an extremely effective method of cultural safeguarding, this also serves to cement the identity of *Muay Boran* as a treasured local product. A Sakon Nakhon local, Chaweewan Phanthu (personal communication 2022), reflected that 'in the beginning, the performance was popular with local people and shows were organized to spread the art and culture of *Muay Boran* more systematically. This made it popular in the Northeastern region and eventually resulted in its elevation to the national stage as a unique performance with which Northeastern men could identify.' This is not entirely accurate, as *Muay Thai* has a mixture of origins, although it is undoubtedly influenced by a variety of regional boxing forms, including *Muay Boran* (Loong 2011). Appreciation of the dance at basic education levels led to its inclusion in higher education. Northeastern Arts and Culture Clubs and various tertiary gatherings promote the study of the *Muay Boran* dance. However, as academic Khamla Musika reports, 'at present, the ancient *Muay Boran* dance performance is only found at higher education institutions with teaching and learning courses on dance, and predominantly those in the Northeastern region'. Educational institutions are therefore responsible for the conservation of traditional values in northeastern Thailand. This has led to the development of male dances in northeastern Thailand based on the foundation of the *Muay Boran* dance.

Discussion

While *Muay Boran* has deep roots in the local traditions of Sakon Nakhon, its significance has expanded beyond regional boundaries, gaining prominence on both national and international stages. At the national level, *Muay Boran* has been embraced by the Thai government in cultural promotions and tourism campaigns, often

presented as a part of Thailand's heritage during major national festivals and international cultural expositions. Internationally, *Muay Boran* has been featured in global martial arts competitions and cultural exhibitions, raising awareness and appreciation among foreign practitioners and audiences. Such initiatives not only celebrate *Muay Boran* as a symbol of Thai identity but also leverage it as a unique aspect of Thailand's cultural diplomacy, aiming to foster a global connection through shared cultural heritage. The *Muay Boran* dance of Sakon Nakhon gives structure, style and meaning to former culture; however, through adoption by the national government as a symbol of Thai culture, it has become a classic example of Hobsbawm and Ranger's (1983) invented tradition – a legitimisation of national identity magpied from an ethnic diaspora. This relates to academic theories of nostalgia. French historians first dealt with the territory of memory or remembrance when discussing the importance of nostalgia in conservation and the evolution of culture (Legg 2005). Pierre Nora (1989) argued that the recognition of territory is the most important aspect of creating modern social memories, evoking emotions, dress, architecture and chants. Rules are written in history and continue as authentic heritage from the past. This concept indicates the importance of presenting stories from the past in simulated spaces to create a state of empathy flowing through periods of time. These stories create a state of impression or cultural aura when presenting primitive forms that stimulate old feelings of the past in memory. These memories cause the phenomenon of returning to the past and serve to stimulate interest in shows such as *Muay Boran*. The dances simulate the lifestyle of a young person. The fighting gestures and the show of strength make the style attractive to men in Isan society. The costumes and tattoos also invoke an ancient character, representing invincibility, protection and auspicious beliefs, further adding to the aura of the performer. More importantly still, the overall narrative of the martial art is inextricably linked to the modern retellings of the birth of the Thai nation-state. *Muay Thai* (not explicitly *Muay Boran*, but also by its negligible association as an antecedent) reflects the nature of the Thai person as inherently peaceful, but aggressive if required, a preferred fighting method of the historical kings of Siam and 'a form of martial prowess innate to Thai-ness' (Veil 2014b, 518).

However, there is some hypocrisy here. The argument holds that *Muay Boran* has been appropriated as a national symbol and its identity is a product of the dominant Thai nation-state repurposing indigenous culture for its own needs (Vickery 1970; Loos 2010; Veil 2014b). Yet it must be remembered that Chamlong Nuanmanee created his version of *Muay Boran* from a combination of martial arts styles, including appropriation of *Muay Kula*. It was therefore an invented tradition of Sakon Nakhon before it became Vail's (2014a) invented tradition of Thailand. *Muay Boran* is now a novelty product designed for consumption. It has been rebranded for political and economic benefit. That is, the *Muay Boran* show is a tool for creating values and cultural heritage by using the cultural characteristics of Sakon Nakhon ancestors combined with the martial arts of the Kula people and *Muay Thai*. These disparate foundations have been mixed to create harmony in the form of a single dance. While there is the appearance of simulating former Thai society, *Muay Boran* is a tool to fight obsolescence in the virtual space. Its combination of various arts is intended to be interesting and exciting in an era where most contemporary dances are characterised by feminine postures and styles influenced by royal court dances. The *Muay Boran* of Sakon Nakhon is different. All the performers are men and the style reflects the strength, grace and valour of the performers. It reveals the social culture of men and women in the past, which is a selling point that creates interest and permits the development of male Isan dances in later eras.

The researcher used the concept of the national art and culture policy throughout this investigation to examine the nature of *Muay Boran* as a mechanism for furthering the interests of the Thai nation-state in the acculturation of northeastern Thai practices. *Muay Boran* has been used by the state apparatus to emphasise a single political nation and create an imaginary community based on the beliefs and traditions of its constituent parts (Anderson 1983). The nation becomes a hypothetical creation made possible by cultural nationalism. Anderson (1983) suggested that the adoption of culture, such as *Muay Boran,* into the national identity was a means of unifying people and maintaining state power. In particular, it enables this maintenance over a vast territory and multilingual area, consolidating its power and removing separatist sentiments. This has been the case with the Isan community, which is now firmly under the rule of a central Thai state. The people of the northeastern region now have a clear sense of Thai patriotism and emphasise the strength of the Thai nation. The name *Muay Thai* itself, which is a development of *Muay Boran*, clearly demonstrates the basis of the Thai-ness represented through boxing.

Despite the general theme of this paper, it must be remembered that traditional culture is not static (Burns 2001). Through the safeguarding of traditional practices such as *Muay Boran* and the creation of a staged authenticity detached from the original socio-cultural context, an impression of cultural superiority is created (Ivanovic 2008; Taylor 2001). Development is only encouraged until threats to the exotic 'otherness' emerge (Dolezal 2011). The culture must remain appealing, and adapt to do so, even if that restricts any organic development that may otherwise occur (van der Duim et al. 2005). It is therefore critical that authorities embrace *Muay Boran* in a similar way as *Muay Thai* and include it as part of the continuous evolution of modern culture. Criticism of cultural appropriation on the part of the national government is all well and good, but this should be with appropriate recognition of cultural dynamics, 'the formation, maintenance, and transformation of cultures over time' (Kashima 2014).

Conclusion

This examination of *Muay Boran*, from its roots in Sakon Nakhon to its role in shaping the Thai national identity, reveals the dynamic interplay between local traditions and national narratives. This martial art, while deeply entrenched in the local culture of northeastern Thailand, has transcended its regional origins to become a symbol of Thai heritage both nationally and internationally. The integration of *Muay Boran* into national celebrations and its portrayal in international arenas reflect its importance not only as a martial art but also as a cultural emblem that carries the essence of 'Thai-ness'. The strategic use of *Muay Boran* by the Thai government and cultural institutions underscores the complex relationship between cultural heritage and nationalism. This relationship is crafted through the mechanisms of 'Thai-ification', where diverse ethnic and regional identities are woven into the broader fabric of the national identity. As this study highlights, *Muay Boran* serves as both a bridge and a tool in this ongoing process, balancing the preservation of local uniqueness with the promotion of a unified national culture.

However, as this research indicates, the romanticisation and invented traditions surrounding *Muay Boran* also pose challenges to the authenticity and historical accuracy of its narrative. It is crucial, therefore, for cultural scholars and policymakers to navigate these waters carefully, ensuring that the promotion of *Muay Boran* respects its historical integrity while also embracing its potential to unify and represent the nation. In conclusion, *Muay Boran* exemplifies how traditional arts are not only remnants of the past but active participants in the dialogue of national identity formation and cultural diplomacy. As Thailand continues to position itself on the global stage, *Muay Boran* will undoubtedly play a pivotal role in shaping and showcasing the nation's rich cultural landscape.

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The role of digital museums in the dissemination of historical dance traditions among young people

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The role of digital museums in the dissemination of historical dance traditions among young people

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ABSTRACT

The aim of this research is to examine various aspects of Chinese folk dances, their representation in digital museums, and their influence on shaping the perception of dance culture among young people aged 15–20 years. The research is conducted in several stages. The first stage involves identifying the specifics of Chinese folk dances that should be considered for reflection in digital museums. The second stage is based on studying the features of successful digital museums' functionality that could be utilised for the study and dissemination of folk dances among youth. The third stage of the research involves studying the elements of folk dance that should be separately represented in virtual scenarios. It was found that one of the most significant Chinese folk dances is the Yangge Dance. The Yangge Dance (扬歌舞) is performed by groups of people and is characterised by energetic movements that are associated with agricultural activities. The Dragon Dance (舞龙) and Court Dance (宫廷舞蹈) are associated with theatrical performances, facilitating the transmission of symbolic elements. The Gaguang Dance (嘎冈舞) and the Gochjo Dance (国剧舞) have lesser significance as they convey the peculiarities of individual ethnic groups. It was determined that the advantages of digital museums for the dissemination of folk dances include the ability to convey body movements, provide three-dimensional (3D) space, engage in interactive dances and utilise video analytics. It was established that digital museums should ensure accuracy in preserving costumes, movements, musical accompaniment, historical chronology and colour characteristics, thus preserving the uniqueness of historical aspects for the promotion of dance culture. The practical significance of this study lies in the potential for preserving folk dance culture through an orientation towards the capabilities of digital museums and the identification of specific elements of folk dances through concrete examples.

Keywords

Dragon Dance, historical chronology, interactive technologies, museum space, video analytics, Yangge Dance

Introduction

In Chinese culture, where the past tightly intertwines with the present (Driver 2011), the preservation and transmission of traditions play a key role in maintaining national identity (Fan et al. 2020). In recent decades, with the advancement of technologies, digital museums have become an integral part of this process, offering new avenues for accessing rich cultural heritage (Kamariotou et al. 2021; Luther et al. 2023). A digital museum constitutes a virtual platform that provides access to museum collections and exhibitions via the internet (Lopes 2020; Marty 2008). It can be a part of a physical museum or an independent entity. The digital museum comprises a set of digital objects, ranging from digitised physical artifacts to newly created media with immersion and interaction capabilities (Doukianou et al. 2020). Particularly concerning Chinese dance traditions, digital museums serve as indispensable tools facilitating the dissemination and assimilation of the rich heritage of centuries-old history (Liu and Lan 2021; Wu et al. 2022).

Chinese folk dances differ from European dances, which are typically characterised by linear movements (Shan Chou and Singh 2022). Chinese dances often include movements

that follow a spiral or circular pattern (Shan Chou and Singh 2022). The most ancient dances were performed as a form of worship to various gods and were associated with superstitions related to successful hunting, rain and other aspects of life (Mullis 2017). Dances that were formed during the Zhou Dynasty (12th–3rd century BCE) were used for ceremonial purposes and have been preserved to the present day, such as the Long Sleeve Dance (长袖舞) (Wilcox 2016). During the Han Dynasty (3rd century BCE – 3rd century CE), there was an emergence of dances from various ethnic minorities residing in China, which contributed to the development of new historical aspects of dance culture (Ying and Chiat 2016). The Tang Dynasty (7th–10th century) witnessed the greatest flourishing of dance culture. The renowned dance academy Pear Garden – an ancient theatrical society specialising in opera, pantomime and other forms of dramaturgy – emerged during this period. Within the scope of its productions, participants of Pear Garden choreographed over 60 diverse dances (Ying and Chiat 2016).

Popular dances are characterised by specific patterns that contribute to creating a comprehensive impression of life, traditions, movements, plasticity and musical accompaniment (Miao 2022). When considering the historical aspects of dance development, the Tang Dynasty marks the final stage of dance as an independent art form, as subsequent stages witnessed the integration of dance with dramatic arts (Chiu et al. 2023).

Youth (individuals ranging in age from adolescence to early adulthood) play a significant role in the preservation and promotion of cultural heritage, including traditional dances. Their involvement and interest in this domain can contribute to the preservation and transmission of dance traditions to future generations. In the modern world, where youth spend increasingly more time online and are fascinated by technology, the interactive capabilities of digital museums offer a unique opportunity for the dissemination of dance culture (Srinivasan et al. 2009; Torres 2023). However, it is worth noting that digital museums can also be beneficial for elderly practitioners and audiences, providing them with access to extensive collections and educational materials (Grácio 2020). Visualising museum spaces facilitates the accurate representation of musical collections and showcases the specifics not only of costumes and ornaments but also of movements, which play a crucial role in dances (Giannini and Bowen 2023).

Thus, folk dance constitutes an integral part of China's cultural heritage, spanning several millennia. Digital museums provide a unique opportunity for disseminating historical dance traditions among the youth. They afford access to extensive collections, educational materials and interactive resources, which can engage young people in the study and comprehension of Chinese folk dance (Torres 2023). The research aims to examine various aspects of Chinese folk dances, their representation in digital museums, and their influence on shaping the perception of dance culture among the youth.

Literature review

Transmission of dance cultural heritage

The Guangdong Experimental Program is organised by a group of cultural researchers and choreographers from Guangdong Province in China, with its centre in the major city of Guangzhou. It encompasses both local and international dance specialists and has been operational for the past several years, continuing to evolve to this day. The objective of the Guangdong Experimental Program is to explore the characteristics of American and Chinese dance, as well as their fusion. The project aims to convey various cultural values through dance and to study the specifics of classical dance considering both American and Chinese traditions. The program includes a series of master classes, seminars, lectures, research projects and creative performances. It is facilitated through intensive training, exchange of experiences and knowledge among participants, as well as the creation and demonstration of collaborative choreographic works.

The accuracy of conveying dance movements depends on the study of the culture of each country, which contributes to the reflection of national traditions (Miao 2022). Chinese dances play a significant role in the artistic expression of national identity and cultural values (Fan et al. 2020). They are diverse in style and form, reflecting a myriad of regional and ethnic traditions, and incorporate elements of music, theatre and folk customs (Wilcox 2018). Often performed in various contexts such as festivals, celebrations, theatrical performances and ceremonies, they serve as an important means of transmitting and preserving China's cultural heritage (Wilcox 2020). Furthermore, Chinese dances continue to evolve and adapt to contemporary trends and technologies, maintaining their importance and relevance in modern society (Miao 2022).

The use of modern technologies (Weibo, WeChat) enables the popularisation of Chinese dance, considering the possibility of transmitting traditional movements or introducing new artistic forms. Moreover, modern technologies can facilitate the promotion of ethnic minority dances, which enriches national art. Development of dance movements can be achieved through computer technologies that facilitate the reflection of automatic movements of folk dance. During the preparation of a dance, it is essential to study the specifics of the music and to establish mechanisms for synchronising it with dance movements. Automatic generation of folk dances enables the precise transmission of folk movements, allowing for the conveyance of specific rhythms (Cai et al. 2023). Folk dance should be founded on the provision of dance-aesthetic knowledge, which is constructed upon an interdisciplinary model. The aesthetic of movements manifests in the artistic perception of dance. The performance of dance should not merely involve the mechanical reproduction of movements but rather serve as an expression of profound emotions, ideas and contexts (Cai et al. 2023). In the context of artistic value, dance should be an art form that touches spectators, inspires them and elicits an emotional response (Fan et al. 2020). Furthermore, dance should also serve as a means of education and enlightenment (Zhao 2023). It can convey historical or cultural narratives, represent various dance styles or traditions, and explore themes and ideas through movement and music (Zhao 2023). Through observing and analysing dance performances, spectators can acquire new knowledge, understanding and inspiration. Therefore, ensuring unique artistic and educational value ensures that dance becomes not only an art form but also a means of education and cultural enrichment. Traditional dances are based on an understanding of national culture (Zhao 2023). The advancement of information technologies enables the comprehensive study of dance in conjunction with music and artistic expression. Artistic skills during the dance can be cultivated using the Broyden–Fletcher–Goldfarb–Shanno digital system (BFGS). BFGS is an optimisation method employed for locating the local minimum (or maximum) of a function (Lai et al. 2021). In the context of digitising traditional dances, the BFGS system can be considered for adjusting the parameters of animation or modelling dance movements to accurately reflect the desired style or traditional choreographic elements (Li and Ismail 2022). With the aid of this digital system, the transmission of ethnic movements that harmonise predominantly with the chosen musical composition can be facilitated (Li and Ismail 2022).

The aesthetics of dance movements are linked to the possibility of combining different dance styles in music. The dance must convey the artistry of performance and uphold strict musical forms that contribute to the dynamism of execution. Chinese dances transmit distinct symbolic features connected to the performance of various rituals (Wilcox 2018). Red Women's Detachment is a Chinese dance that reflects ideological content, showcasing the specificity of martial arts and elements of folk dances. Additionally, this dance incorporates traditions from the Beijing Opera, captivating the audience's attention.

The role of digital museums in disseminating dance heritage

Digital museums contribute to the transmission of intercultural aspects of dance, ensuring the accuracy of their interpretation (Gibbs 2017). A digital museum serves as a unique educational space, combining the possibilities of various disciplines (such as culture, informatics, history, philosophy, etc.) to convey the uniqueness of museum exhibits (Zhao et al. 2023). Interactive technologies facilitate the transmission of additional elements that contribute to enriching the informational space (Eardley et al. 2016; Hou et al. 2022). Virtual museums have contributed to art appreciation during the COVID-19 pandemic (Meng et al. 2023). The presence of digital museums has attracted 1.5 times more visitors than traditional museums (Munday et al. 2023). This approach enables interaction with museum visitors, identification of their preferences and a focus on studying specific museum exhibits.

Expanding the understanding of dance culture through digital museums can be achieved through the visualisation of museum collections, fast access to museum collections, the creation of various exhibition formats and the use of virtual reality technologies (e.g. using special beacons, and magnifiers for studying historical exhibits) (Skublewska-Paszkowska et al. 2022; Taurino 2023). Additionally, the establishment of digital museums contributes to attracting a larger number of visitors, fostering cultural education (Gran et al. 2019). Digital museums create new opportunities for storing and transmitting culturally oriented museum exhibits, thereby facilitating the realisation of various social projects (Ikeda et al. 2022). New technologies not only facilitate the understanding and study of historical aspects but also focus on visitor participation (Yang 2014).

The conducted literature review identified that the examination of traditional dances is predominantly associated with the study of their aesthetic component and allows for the possibility of preserving the aesthetics of movements, which can be disseminated through various festivals. Research gaps exist in regards to investigating the role of digital museums in the dissemination of Chinese dance traditions.

The research objectives were as follows:

- 'To examine the specific characteristics of various types of Chinese folk dances, considering their potential in digital museums.
- 'To identify the advantages of the functionality offered by digital museums in engaging visitors and shaping their perception of folk dance among the younger generation.
- 'To explore the elements of dance culture that should be taken into account in digital museums to ensure a holistic understanding.

Methodology

Sample

The study involved 248 participants aged 15–20 years who attended specialised dance sections or received professional dance education at higher educational institutions. The selection of respondents was limited by age and field of activity, allowing for an exploration of the specific aspects of dance history perception and retention among the younger generation. The study involved 124 male participants and 124 female participants, who were selected from various regions of China. Initially, it was planned to include respondents aged 40–50 years in the study; however, different approaches are required when conducting research involving different age groups. As the participants in the study possessed knowledge about the specifics and variations of folk dances, there was no need for additional lectures on their study. To conduct the research, contracts were signed directly with the respondents or their parents (for under-age participants) to ensure their voluntary participation in the study.

Ethical considerations during the research were addressed through an examination of the guidelines provided by Israel and Hay (2006). Adhering to ethical norms ensured the accuracy and integrity of the research process while safeguarding the rights and obligations of the participants.

Research design

The first stage of the research involved determining the specific characteristics of Chinese folk dances that should be considered for representation in digital museums. The selection of dances for investigation was based on their significance and popularity in China and beyond. Initially, approximately 80 dances were chosen for the study, allowing for an exploration of the specificities of their performance and dance movements. Among the selected dances were the Yangge Dance (扬歌舞), Gagaun Dance (嘎冈舞), Dragon Dance (舞龙), Gochjo Dance (国剧舞), and Court Dance (宫廷舞蹈). An analysis of these various forms of Chinese folk dances was conducted, examining their distinctive features and identifying those most significant for representing the history of Chinese dance. The Likert scale was employed to gather information from respondents regarding the different types of folk dances and their importance for preserving cultural heritage. Respondents were asked to assign scores ranging from 1 to 5 to each dance form, allowing for the determination of their significance based on their significance in preserving cultural heritage.

The second stage of the research was based on studying the features of the functionality of digital museums that can be used for the study and dissemination of folk dances among young people. Determining the advantages of digital museums involved comparing the capabilities of traditional museums and digital museums with regard to the specificities of dance culture. The identified advantages allowed for the determination of which elements of the functionality, as perceived by the respondents, contribute to the interest of young people in visiting digital museums and studying folk dance culture.

Furthermore, during the second stage of the research, recommendations were developed for creating a virtual digital museum. For this purpose, an analysis of various digital museums (such as the Cooper Hewitt Smithsonian Design Museum, Brooklyn Museum, Cleveland Museum of Art, American Museum of Natural History, National Museum of Australia, etc.) was conducted to study their specific features and assess the level of visitor interest in visiting these museums. Examination of these museums, among others, yielded valuable lessons and best practices in the realm of creating virtual digital museums.

For example, successful digital museums often offer interactive elements that enable visitors to engage with museum exhibits and content: virtual tours, multimedia presentations, gamification elements, virtual assistants, and more. Second, the creation of virtual simulations and models, as well as the implementation of augmented reality for viewing additional information about exhibits, can significantly enrich visitors' experiences by allowing them to interact with exhibits in a new dimension. Third, the utilisation of diverse multimedia resources (videos, audio, virtual walkthroughs, interactive maps) helps to enrich the content and make museum visits more engaging and informative.

To develop the recommendations, an analysis of existing interactive technologies that could be used in the development of digital museums was also conducted. Approximately 200 modern programs and platforms were selected for analysis (A-Frame, Google Arts & Culture, The Google Expeditions platform, Unity, SketchUp, Unreal Engine, etc.), where their advantages and disadvantages were identified. This facilitated the selection of The Pen technology, used in the Cooper Hewitt Smithsonian Design Museum, which enables 3D visualisation. Visitors are provided with a special device called 'The Pen', which resembles a pen or stylus. Throughout various sections of the museum, touchpoints are installed, which recognise the device when it is nearby. Visitors can touch the device at these touchpoints to obtain additional information about the corresponding exhibit. Visitors can scan exhibits of interest using the device, and then receive virtual 3D models of these objects on their devices or special displays within the museum.

The VRTech application allows for the simulation of folk dance movements using virtual reality technologies (Wang and Tseng 2023). Through the VRTech app, users can immerse themselves in a simulated environment where they can observe, study and even practise dance movements in a virtual space. Google Expeditions is an educational platform by Google that enables teachers and students to explore virtual worlds and places using virtual and augmented reality. The platform allows for the creation of interactive tours and educational materials. The Google Expeditions platform was chosen for its user-friendly nature, providing access to the museum from various operating systems. Additionally, among the supplementary interactive technologies, options such as Make a Face (generating a virtual face in virtual space), Journeys of Invention (information regarding various inventions, their creators and historical contexts) and Artec Eva (a 3D scanner for generating high-quality 3D models of objects and surfaces) were proposed, as they were found to be more suitable for implementation in digital museums based on the conducted analysis.

The third stage of the research involved the study of elements of folk dance that should be represented separately in digital museums. To achieve this, an additional analysis was conducted, focusing on the specific characteristics of over 50 more folk dances, similar to the first stage of the research. By employing a comparative method, it was determined that the history of dance could be conveyed through costumes, specific movements, musical accompaniment, historical chronology and colour features. To determine dance elements that can be most accurately reproduced or conveyed in digital museums, a conformity index has been developed. This index, created based on a specific formula, allows for the assessment of how effectively and accurately dance elements can be reproduced in a digital environment.

The comparison of the obtained calculations, similar to the first two stages of the research, was performed using the correlation coefficient (1).

Statistical processing

The validation of the calculations also requires additional confirmation, which was achieved by employing statistical confirmation formulas. The results were obtained using the correlation coefficient (Carvalho and Matos 2018):

$$k_s = \frac{\sum_{i=1}^{n}(p_i - p_{cp})^{1/2}}{n-1}, \quad (1)$$

where:
n *is the number of parameters being compared,*
p_i *represents the relative calculated value of the investigated parameter,*
p_{cp} *is the arithmetic mean value among the investigated parameters.*

Interpretation of the correlation coefficient is as follows:

- 0 – 0.3: very weak correlation between the parameters. This implies that there is almost no linear relationship

between the variables, or it is very weak. Changes in one variable are scarcely associated with changes in another variable.

- 0.3 – 0.5: weak correlation between the parameters,
- 0.5 – 0.7: moderate correlation between the parameters,
- 0.7 – 0.9: high correlation between the parameters,
- 0.9 – 1: very high correlation between the parameters.

This indicates a very strong linear relationship between the variables. Changes in one variable are practically always accompanied by changes in another variable in the same direction.

To gather data from the respondents (the respondents evaluated the significance of the selected advantage), a Likert scale was also used, enabling the calculation of the conformity index:

$$k_i = \frac{\sum_{i=1}^{n} B_j + p}{0{,}5 * g(g-1)}, \quad (2)$$

where:
B_j *represents the assessment of the accuracy of conveying aspects of dance movements through the selected technology in a digital museum,*
p *denotes the obtained results from the respondents regarding the significance of the chosen advantage, and*
g *stands for the number of selected advantages for the study.*

The statistical processing of numerical data was carried out using Microsoft Excel software, which does not require additional expertise in learning its approaches. The implementation of the Microsoft Excel program ensured the accuracy and correctness of the presented calculations.

Results

Chinese folk dances are characterised by their diversity, which allows for the portrayal of unique historical events, regional specificities and the distinctive dance movements of ethnic minorities. This study has explored the distinctive features of traditional Chinese dances that need to be taken into account when representing them in digital museums. The dances that primarily reflect historical events were identified by the respondents (Figure 1).

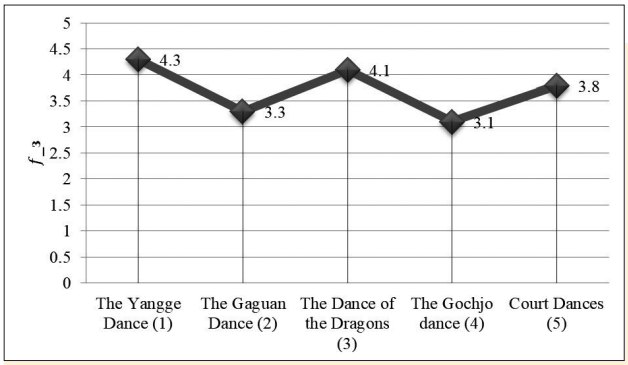

Figure 1
The analysis of Chinese folk dances that primarily contribute to the reflection of national traditions
: (1) – (2): 0.22; (1) – (3): 0.83; (1) – (4): 0.24; (1) – (5): 0.51; (2) – (3): 0.24; (2) – (4): 0.93; (2) – (5): 0.78; (3) – (4): 0.28; (3) – (5): 0.53; (4) – (5): 0.59

The Yangge Dance (4.3) has an ancient history in China and is characterised by a high level of mastery of dance movements. This folk dance ('Yangge translates to 'rice seedling song') is distinguished by its remarkable stability, elements of humour, and powerful movements that facilitate the transmission of the aesthetics of folk culture. The dance is characterised by a clear rhythm, which creates a joyful atmosphere that can be enhanced through the accompaniment of drums. During the dance, the shoulders play a central role in the rotation, while emotions and feelings are expressed through the use of colourful scarves. In the 1980s, the Yangge Dance gained popularity worldwide, contributing to its influence on the development of other forms of Chinese dance. The Dragon Dance (4.1) ranks second in importance among Chinese folk dances due to its intricate execution, which limits the incorporation of its movements into other dances. The dance of the dragon also holds symbolic significance, as it was historically performed to summon rain. Most commonly performed during the Chinese New Year, the dance of the dragon embodies the strength of the Chinese people. Approximately 50 individuals can participate in the dance, demonstrating synchronised movements. The execution of the dance involves the depiction of the dragon's body using special poles, enabling the performance of complex undulating movements. The performance of the Dragon Dance is also associated with the myths and legends associated with dragons as powerful and auspicious beings.

The Court Dance of Prince Qin's cavalry (3.8) is historically significant as it glorified the might of the imperial army. However, the dance is no longer performed, which has impacted its value to the national culture. The Court

Dance, which involved a large number of participants, resembled a theatrical production. The Gaguan Dance (3.3) is less important in shaping the national culture as it reflects the characteristics of a specific province, Yunnan. The dance is characterised by elegance, beauty and subtle movements. It involves conveying delicate movements that carry various symbolic meanings. Symbolic significance is also attributed to the 'three turns', which are formed through the bending of all joints in the body and arms, enhancing the gracefulness of the movements. Meanwhile, the strikes in the dance are characterised by swiftness, and the primary movement involves the trembling of the body from top to bottom during flexions. The Gochjo Dance (3.1) also reflects the regional folk traditions of the Tibetans, one of the largest ethnic groups in China. The dance is based on the imitation of animal behaviour, which adds vibrancy to the dance interpretation. In rural areas, the dance is performed rapidly, with the tempo changing several times. The dance incorporates movements that form two semicircles, generating undulating motions. To enhance vibrancy, the dance concludes with highly rapid movements. In southern regions, the dance is performed with greater vigour, and the jumps are characterised by naturalness, reflecting the local colour.

The study of the characteristics of traditional Chinese dances has allowed for their most distinctive aspects to be identified for consideration. As the second stage of the research, it was planned to determine the significance (functionality) of digital museums in conveying historical events. Additionally, it aimed to identify the variety of advantages that predominantly contribute to respondents' interest in visiting digital museums to explore the historical specifics of folk culture (Figure 2).

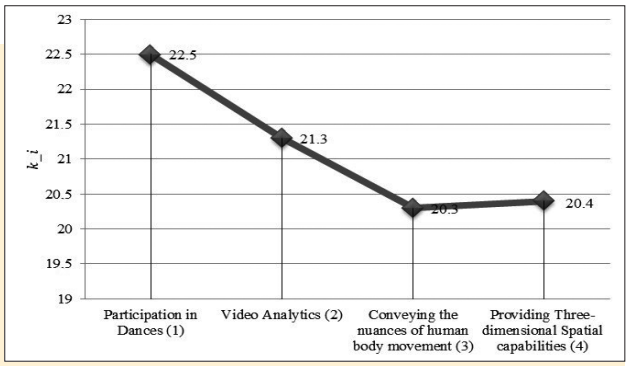

Figure 2
The advantages of the functionality of digital museums that contribute to the study of traditional folk dances
: (1) – (2): 0.71; (1) – (3): 0.65; (1) – (4): 0.67; (2) – (3): 0.73; (2) – (4): 0.64; (3) – (4): 0.92

Participation in dances (22.5, Figure 2) fosters a greater interest among visitors through interactive engagement, enabling the replication of traditional dance movements and enhancing the appeal of the museum experience. This facilitates a reevaluation of the dance itself and contributes to a more enriched perception. Engaging in museum events enables the exploration of historical aspects of the dance. Additionally, this approach may involve the execution of specific movements as part of small quests, aiding in the unravelling of particular concepts. Video analytics (21.3, Figure 2) holds significant importance in digital museums as it allows for assessment of viewers' reactions to exhibits that resonate with them the most. It also assists in identifying which elements within the digital museum (such as text, videos, individual artifacts, etc.) capture visitors' attention to a greater extent. Video analytics facilitates the adjustment of information delivery and exhibit placement, thus influencing the attraction of a larger number of visitors.

Providing 3D spatial capabilities (20.4, Figure 2) facilitates a detailed perception of dance movements, taking into account the aesthetics of historical dance and conveying its inherent emotional depth. The 3D elements enable immersion in a sonic reality, influencing the transmission of specific characteristics from distinct historical epochs and facilitating the communication of a comprehensive worldview. Volumetric holograms allow for a higher level of precision in representing dance. Conveying the nuances of human body movement (20.3, Figure 2) during the dance is not feasible in traditional museums. The transmission of nuances in human movement during dance poses a complex challenge, particularly in traditional museums where access to live performances may be limited. Digital museums offer unique opportunities to convey these nuances in human movement during dance through interactive capabilities (such as specialised interfaces, motion sensors or virtual reality), playback technologies, scaling and multidimensional representation. Interactive technologies enable the transmission of dance movements in a digital format, fostering visitors' immersion in the dance actions. This approach facilitates the communication of the complexities of dance, encompassing historical stylistic elements that extend beyond movements and encompass aspects such as costumes, musical accompaniment and various other components. Such an approach in museums allows for the visual representation of the beauty of dance movements, enabling visitors to immerse themselves

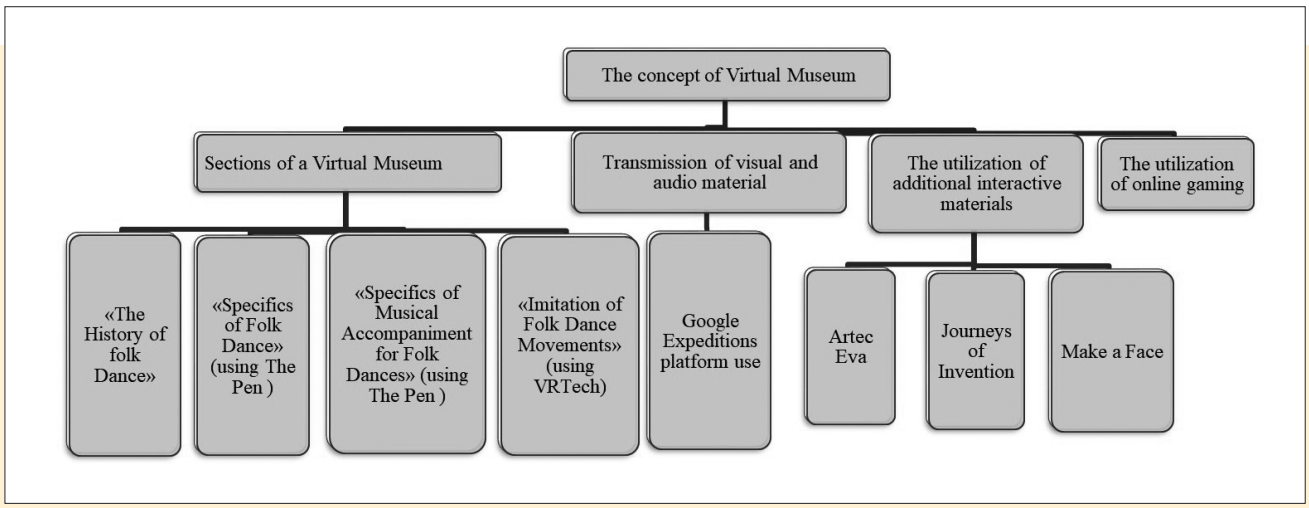

Figure 3
Concept of a virtual museum
Source: Author's work.

in the historical culture while considering the artistic nature of folk dance and its expressive aspects. Interactive technologies facilitate the transmission of harmonious movements, body articulation, rhythm and the necessary dynamics.

The implemented components of the digital museum, which contribute to engaging the younger generation in the study of folk dances, have facilitated the development of recommendations for shaping the concept of a virtual museum (Figure 3).

Based on the obtained results and experience of successful digital museum operations, recommendations have been proposed. To motivate the younger generation to explore folk dances, it is advisable to provide relevant virtual sections (Figure 4). A section on 'The History of Folk Dance' would include a description of the dance's formation specifics alongside virtual icons. Clicking on these icons will take the visitor to depictions of the atmosphere of a particular era in dance creation and to a showcase of elements of ancient choreography. Information accessed by means of the virtual icons should be presented through photographs, videos and illustrations of historical documents to facilitate immersion in the historical epoch.



Figure 4
Home page of the Digital Museum of Chinese Folk Dance website
Source: Author's work.

Additionally, the virtual museum website should include a section titled 'Specifics of Folk Dance', which will display various dances in video format and through graphic images. The integration of The Pen technology on digital devices enables the provision of 3D visualisations of folk dances.

The section entitled 'Specifics of Musical Accompaniment for Folk Dances' can be presented in a format that combines individual dances (with brief descriptions of their specifics) and their accompanying music. The 3D visualisation facilitated by The Pen technology allows for the unique characteristics of each dance to be conveyed. This section should also feature the musical instruments accompanying the dances, along with descriptions and the capability to explore their diversity by clicking on corresponding virtual icons.

Ensuring the presence of a section titled 'Imitation of Folk Dance Movements' enables visitor engagement within the virtual museum through a 3D virtual space (Figure 5).

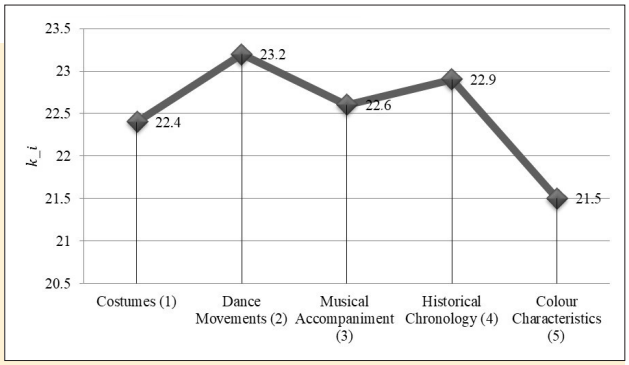

Figure 5
Elements of folk dances to be considered for studying historical characteristics through digital museums
: (1) – (2): 0.67; (1) – (3): 0.93; (1) – (4): 0.92; (1) – (5): 0.62; (2) – (3): 0.62; (2) – (4): 0.88; (2) – (5): 0.7; (3) – (4): 0.97; (3) – (5): 0.64; (4) – (5): 0.61

This section allows visitors to replicate movements of folk dances within the virtual digital museum. The VRTech application can be employed to ensure the accuracy of the replicated movements.

To ensure the precision of transmitting visual and video content, it is recommended to employ the Google Expeditions platform, which effectively reduces distortions in both sound and video. To utilise the platform, devices supporting virtual or augmented reality, the installed Google Expeditions application and a stable internet connection via wi-fi are required. The teacher should possess a mobile device to manage the expedition, while students should have devices compatible with the platform for virtual or augmented viewing. This facilitates a high-quality visual perception of the materials. Furthermore, the platform enables a more dynamic approach to virtual exhibits, fostering the use of diverse virtual technologies.

To foster the involvement of the younger generation in understanding the intricacies of Chinese folk dances, it is advised to incorporate supplementary interactive elements. For instance, the implementation of the Make a Face program allows users to find facial expressions resembling those found in fragments of folk dances, enabling visitors to match their facial expressions. The interactive program Journeys of Invention offers a virtual museum tour with various prompts. The utilisation of the Artec Eva scanner enables additional 3D visualisation during museum visits.

Incorporating online gaming features is crucial, allowing visitors to progress to the next level in each section of the virtual museum by answering questions or replicating specific dance movements. This fosters the engagement of the younger generation in the realm of traditional dances, and upon accumulating a certain number of points, they can win a book detailing the history of Chinese folk dances.

In Chinese folk dance, the presence of diverse elements is characteristic, encompassing not only movements but also musical accompaniment, costumes and additional props. The identification of elements to be considered in museum exhibitions was examined in the third stage of the research (Figure 5).

In digital museums, it is important to adhere to historical chronology (22.9, Figure 5) to convey the changes that occurred in folk dances during specific periods. The historical chronology should reflect alterations in movements, the number of participants in the dances, and changes in costumes or traditional musical instruments used for accompaniment. It should also facilitate the transmission of the form and content of the dances, including the necessary rhythm, to preserve the uniqueness and beauty of folk dances. This contributes to the reflection of the depth of national culture and takes into account the utilisation of various national styles aimed at preserving distinct regional and ethnic characteristics. For example, in the Dragon Dance, which originated approximately 2000 years ago, it is important to convey the specific changes in the dance, as it has become more vibrant over time, with more precise movements (Figure 6).



Figure 6
Elements of the Dragon Dance
Source: Depositphotos (2023)

The musical accompaniment (22.6, Figure 5) also plays a crucial role in conveying the specificity of folk dance, reflecting the historical events of visual arts. Modern technologies facilitate immersion in the musical space that characterises the specifics of individual dances. Music contributes to greater visitor engagement with the exhibition possibilities. The musical accompaniment of dances exhibits diverse dynamics and aesthetics. In digital museums, the capabilities of conveying the sound of unique musical instruments should also be taken into account. This process influences the technical immersion in historical events. When presenting the Court Dance in digital museums, it is important to convey the unique characteristics of melodies that have significant importance. The Court Dance depicts the music of ethnic groups, creating vivid and colourful performances.

In digital museums, it is important to ensure the uniqueness of dance movements (23.2, Figure 5), as each dance has its distinct characteristics. These movements can be conveyed through holograms and other elements of 3D space. There are some nuances to consider. The museum must provide necessary training and support to visitors for the proper use of devices and interaction with holograms. The museum should be equipped with specialised holographic projection systems for creating holograms, and possess appropriate software and network infrastructure for hologram creation and management. Visitors should use viewing devices such as virtual reality glasses or mobile devices with augmented reality support and may need to install specialised applications to interact with holograms on their smartphones. The movements play a significant role in conveying various moods and energies and can be associated with symbolic and ritualistic aspects. Such an approach facilitates the study of history in an interactive format. For example, a folk dance with fans is characterised by gentle, delicate and graceful movements, representing feminine beauty and elegance.

The colour characteristics (21.5, Figure 5) contribute to the conveyance of vibrancy and national aesthetics in dance performances. These colour features are manifested in attire and makeup, enhancing the overall dance portrayal. For instance, in the Miao Dance (Figure 7), silver shades are utilised to signify prosperity and abundance. In fan dances, multicoloured silk scarves are employed, in combination with lanterns and fans, to enhance the transmission of elegant movements.



Figure 7
Girls with traditional silver ornaments dancing the Miao Dance
Source: Museum of Ethnic Cultures, Minzu University of China

The Lion Dance uses colour features to convey symbolic meanings. The Northern Lion incorporates a combination of red, orange and yellow hues (Figure 8). These warm and vibrant colours express the lion's majestic nature and liveliness. For instance, red may symbolise power and energy, while orange and yellow symbolise strength and joy. The Southern Lion symbolises the role of protectors against evil spirits. The colours used in the dance may be more subdued to reflect the protective and balanced nature of this lion. For example, darker shades of blue or green are associated with wisdom and tranquillity. Contrasting colour depictions in the Lion Dance helps to accentuate the differences in the character, role and symbolic significance of each lion, rendering this dance more expressive and emotionally rich.



Figure 8
Costume variations from the Chinese Lion Dance
Source: Freepik (2023)

Costumes (22.4, Figure 5) in folk dances should receive special attention as they aim to facilitate the transmission of unique historical aspects. Costumes convey the artistic aspects of historical events and encompass clothing, footwear, accessories and distinctive makeup, allowing for the creation of a complete stage persona. Interactive technologies should be utilised in museums to effectively convey the texture, shape and colour of the costumes, ensuring an immersive experience for visitors. Dance costumes reflect the beauty and historical uniqueness of decorative arts. Costumes in dances with long sleeves were crafted from silk, symbolising moral conduct. The extended sleeves additionally serve the purpose of executing elegant and captivating movements that surpass the possibilities of conventional gestures.

Discussion

The influence of other cultures on China's dance culture contributes to serious issues resulting from the lack of preservation of national identity. Exploring the specificity of dance culture can be achieved through specialised lectures at universities, promoting the national spirit and cultural self-confidence (Tan 2021). Popularising dance culture can be accomplished through the preservation of cultural heritage. The utilisation of artificial intelligence elements and computer image recognition can aid in preserving national heritage by creating efficient systems for archiving, analysing and digitising cultural heritage. This approach enables the transmission of material and non-material resources, automating dance and identifying gestures and dance forms, thereby preserving cultural heritage (Reshma et al. 2023). The preservation of cultural heritage in digital museums is achieved through the digitisation of museum artifacts and their visualisation using 2D and 3D graphics. The use of re-enactment elements allows for the active interpretation of intangible cultural values, fostering the formation of transcultural memory (Meehan 2022). While our work did not examine the specifics of digitising museum artifacts, it is established that digital museums employ elements of video analytics, provide opportunities for 3D space, and enable participation in dances, contributing to the accuracy of conveying human body movements.

Modern museums are equipped with digital technologies, which influence the study of ethnic and cultural heritage. By incorporating additional festivals into museum exhibitions, it becomes possible to represent distinctive dance cultures and to use visualisation techniques to highlight their ethnic identity. A comprehensive understanding of dance intricacies can be attained through the study of theories related to national identity as well as the acquisition of practical skills (Sirica 2023). The transmission of dance culture through digital museums can be accomplished through the use of audiovisual techniques, which contribute to the formation of perceptions about dance specificities and foster a critical understanding of national culture. Visitor interaction with modern technologies for experiencing museum exhibits promotes emotional engagement, enhancing visitor involvement (Almoguera 2022).

While we did not specifically address audiovisual techniques in digital museums in our work, it has been established that to preserve the historical characteristics of Chinese folk dance during digital exhibitions, it is important to maintain the uniqueness of dance costumes and movements (Derry et al. 2022). Additionally, showcasing the specificity of musical accompaniment, historical chronology and colour features should be considered.

The exploration of the specificities of folk dances can be achieved through virtual reality technologies. Leveraging the capabilities of digital technologies enables their functionality as educational institutions. Digital installations facilitate enhanced interaction with specific environments, while digital museums contribute to the transmission of aesthetic atmospheres, influencing visitor engagement (Aristidou et al. 2021). Revitalising cultural heritage can be realised through a focus on harnessing the potential of digital museums and fostering the creation of installation art that effectively conveys the historical aspects, artistic essence and aesthetics of folk dances (Ergun and Aygenc 2018).

Digital capabilities contribute to the creation of virtual spaces that facilitate the exploration of the specificities of folk dances. The transformation of dance through digital technologies allows for artistic expression in education, thereby emphasising the importance of studying it. Furthermore, it helps to modernise the museum collections and enhances visitor engagement in their perception (Enhuber 2015). The significance of digital museums in preserving the historical aspects of dance culture has predominantly been examined from an artistic

perspective. In our study, we devote particular attention to the specifics of Chinese folk dances that should be portrayed during exhibitions in digital museums. It has been observed that several significant functions play a role in disseminating the historical aspects of dance among younger generations. These functions encompass video analytics, the representation of human body movements, the utilisation of 3D space and the opportunity for virtual participation in dances. Additionally, it is determined that to preserve a unique national identity, considerations should encompass not only dance movements but also other features such as costumes, music, colour characteristics and more.

To facilitate the popularisation of digital museums for the study of dance culture, the authors have developed a set of recommendations aimed at realising the aforementioned objectives. First and foremost, the establishment of a dedicated interactive map is essential for effectively showcasing the overall evolution of dance culture, as well as the distinct changes and progressions associated with each dance form throughout its extensive historical development. Furthermore, the integration of generative graphics systems should be pursued to enhance the visual representation of dance elements, resulting in a more vivid and immersive experience. In the context of digital museums, incorporating gamification elements proves to be an effective strategy, as it presents dance-related information in an interactive and engaging format. The incorporation of gamification elements into digital museums can be achieved through interactive games and tasks. This may include crosswords, quizzes, puzzles, or even virtual quests that encourage visitors to explore information about dances. Adding competitive elements, such as leaderboards or scoring systems, can incentivise visitors to participate in museum activities and compete with each other. This approach not only enhances comprehension but also fosters a sense of exploration, encouraging visitors to delve into the historical intricacies intertwined with the art form. Additionally, the use of robotics components can offer a unique opportunity to perceive and study dance movements using their emulation.

Research limitations

Following the completion of the study, certain limitations were identified by the authors. These limitations are associated with the lack of a detailed exploration of the specific capabilities of digital museums in conveying dance movements and musical accompaniment, which is intended to be addressed in future research. Despite these acknowledged limitations, the authors have examined the specifics of particular forms of folk dances and identified the most significant opportunities offered by digital museums for popularising folk dances among the younger generation.

Conclusions

Based on the findings of this study, it is evident that the preservation of national dance culture through digital museums necessitates careful consideration of the unique characteristics inherent in each dance form. Among the analysed dance varieties, it has been identified that each of these dances possesses its own history, style and symbolic significance, all of which play a crucial role in China's cultural heritage. For instance, the Yangge Dance is renowned for its vibrant and joyful atmosphere, cheerful melodies and festive costumes. It reflects the joy, community spirit and solidarity of the community, while also symbolising fertility and prosperity. The Dragon Dance is an integral part of Chinese cultural and religious tradition. The dragon symbolises strength, wisdom and luck in Chinese culture. The performance of this dance is accompanied by the sounds of drums, fireworks and a festive atmosphere. The Dragon Dance is often performed during the celebration of the Chinese New Year. The Court Dance is typically characterised by grace, elegance and a high level of performance technique. The Gaguang Dance, which originates from Yunnan Province, is distinguished by energetic movements, bright costumes and picturesque accessories that help to convey the performers' emotions and moods. The Gochjo Dance is a traditional element of Chinese opera. It combines elements of music, dance and drama and is often used to convey various plots and emotions.

It has been established that the promotion of folk dances through digital museums can manifest in various ways, depending on their functionalities. The conveyance of human body movements enables exploration of the precision and harmony of dance motions that have symbolic and historical significance. The provision of 3D space facilitates an immersive dance experience, including auditory realism. Active participation in dances engages the younger generation in re-enacting dance movements through interactive solutions. Video analytics allows for tracking of

the audience's response to the most captivating exhibits. The development of a unique concept and recommendations for shaping the virtual space of a digital museum aims to enhance the engagement of the younger generation in studying Chinese folk dances. To realise the virtual museum concept, technologies such as The Pen, VRTech, Google Expeditions, Make a Face, Journeys of Invention and Artec Eva were proposed to be utilised. It has been established that attention should be given to each element of dance to convey the historical atmosphere effectively. Emphasis should be placed on costumes, movements, musical accompaniment, historical chronology and colour features.

The practical significance of this study lies in exploring the possibilities of enhancing the transmission of folk dance characteristics through digital museums. Future research prospects may involve investigating the specific functionalities of digital museums in conveying the unique aspects of folk dances and musical performances.

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Tools and techniques involved in the manufacturing of traditional watermills (chhoskor) in West Kameng district, Arunachal Pradesh

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ABSTRACT

Watermills, known locally as *chhoskor*, are the traditional method used to grind grains in many parts of the Himalayan region, including in Arunachal Pradesh. The indigenous Shertukpen tribe of West Kameng district in Arunachal Pradesh has a long history of using stone tools for grinding purposes with the help of watermills. The people of the area have consequently become skilled manufacturers of watermills for grinding purposes. This paper examines the process, steps and techniques involved in manufacturing watermills and documents the rich cultural heritage of the Shertukpen populace. To collect first-hand information and to understand the processing techniques, a simple *chaine operatoire* (operational chain) was applied to comprehend the entire process of manufacturing the region's traditional *chhoskor*. '*Chaine operatoire*' refers to the sequences involved in manufacturing an artifact or tool. The study found that the traditional craft of manufacturing watermills is disappearing. Documentation and other preservation methods are therefore essential if this endangered cultural practice is to be sustained and preserved.

Keywords

Shertukpen, watermill, tools, techniques, manufacturing

Introduction

The root of modern technology is indigenous knowledge (Subramanyam 2008). This knowledge is the product of centuries of experience acquired and developed into a spectrum of information, skills, and technology (Sarma 2016). An indigenous community is embedded in and adapted to its natural environment. Analysis of tool-making action sequences is not new in archaeology. For over 30 years, the *châine opératoire* approach has focused on describing the processes of Palaeolithic tool production, based on insights gained from the experimental replication and reading of production scars left on tools (Pelegrin 1990; Roche 2005). As its name implies, *châine opératoire* involves the reconstruction of action chains or sequences, commonly represented as flow charts. This sequential approach has been useful in reconstructing the details of particular past technologies (Lashley 1951; Miller et al. 2017).

Watermills are still prevalent in the Indian Himalayas and are vital for sustaining rural livelihoods. The people of Ladakh have used watermills since time immemorial to grind grain, with no evidence found of their having used hand-driven mills (*chakki*) (Hussain and Hussain 2014). The native peoples of Himachal Pradesh and Uttarakhand use an indigenously designed watermill known locally as a *gharat*. The *gharat* is made from natural resources that are easily available in the area and operates through the water force coming from glacier-fed rivers, perennial streams and rivulets. Thus, it enables its operator (a *gharati*) to earn an environmentally friendly livelihood. These watermills are commonly used for grinding purposes, enabling

multidimensional ways to earn a sustainable livelihood in Uttarakhand (Dwivedi et al. 2023).

Arunachal Pradesh is home to several indigenous communities that widely use watermills for grinding purposes. The manufacturing of the watermill and its ancillaries is done using local resources that are available in their surroundings and by the application of traditional knowledge of and skills in stone sculpting and wood carving. Several communities, such as the Shertukpen, still use traditional techniques for manufacturing and utilizing watermills in their villages. The ready availability of raw materials in the local surroundings has enabled Shertukpen's artisans to become skilled at manufacturing traditional watermills. However, this age-old tradition is now fading away as modern technologies become more prevalent in society. This paper examines the tradition of watermill manufacturing and suggests necessary steps to revive the tradition. Moreover, we discuss the feasibility of using modern technologies to improve traditional manufacturing methods and the prospects for preserving them in the long run. Therefore, we aim to acquire first-hand knowledge of how materials are selected for manufacturing watermills and of how the parts of the watermill function and operate. This study analyses the potential of traditional watermills to improve the livelihoods of people in the study area.

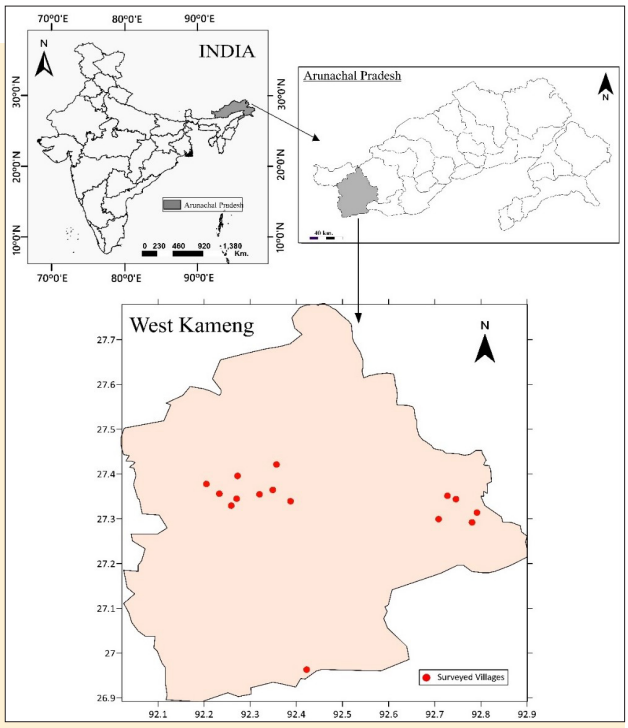

Figure 1
Map of the study area

Study area

The study area is the West Kameng district of Arunachal Pradesh, in Northeast India (Figure 1). The district shares an international border with Tibet and Bhutan. The topography of the district is mostly mountainous with tangled peaks and valleys. The forest types of West Kameng range from tropical semi-evergreen to alpine, and they are a storehouse of more than 500 species of plants of medicinal and pharmacological significance. On average, the area receives 1743 mm of annual rainfall and has a mean monthly maximum and minimum temperature of 21.44°C and –1.24°C, respectively. West Kameng district has a total population of 87,013 (Census of India 2011).

The West Kameng district is inhabited by six major indigenous groups: Aka (Hrusso), Miji (Sajolang), Bugun (Khowa), Sartang, Monpa and Shertukpen. The Shertukpens are Buddhist. The tribe is small in population – approximately 3500 (Census of India 2011) – distributed across three administrative areas: Rupa, Shergaon and Kamengbari-Doimara circles.

Methods

The study is based mainly on data acquired through primary surveys and observations. We developed and used a questionnaire to obtain information about traditional watermill manufacturing methods from a survey participant group aged 45–50 years. Interview scripts were used to survey older and younger groups, including novices and professional craftspeople. The sample size of the study was determined at 50% – for example, 15 out of 30 households in the village (Figure 2). Personal interviews and focus group discussions with elderly people and craftspeople were carried out using a simple *châine opératoire* to identify how raw materials are selected, how energy is spent and how techniques are applied in utilising the watermills. *Châine opératoire* is a means to break down each technological process into its constituent elements (or links in the chain). The interrelationships among these links focus on the technology itself, as well as the socio-cultural, political and ideological aspects that are expressed through human courses of action and

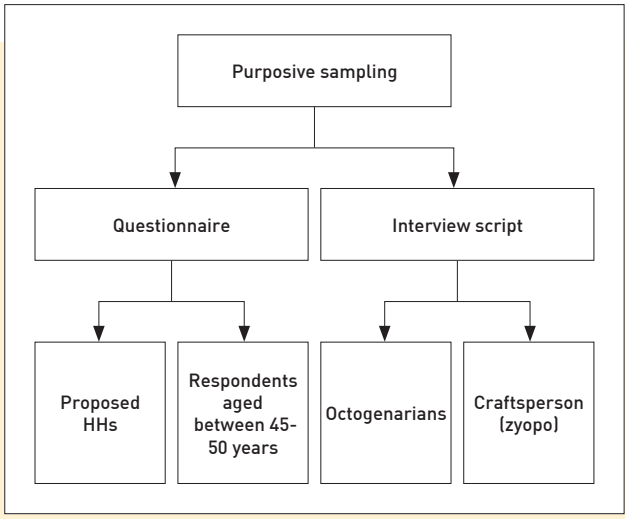

Figure 2
Methodological flow charts

speech (Leroi-Gourhan 1993). The study also discovered that manufacturing watermills is a very arduous, tedious and time-consuming process.

Results

Process used in manufacturing watermills

The Shertukpens are skilled sculptors and stone carvers. The manufacturing of *chhoskor* requires a degree of knowledge of traditional processes using raw materials that are available in the local area. Hence, specific professional groups, known as *zyopos* in the Shertukpen dialect, are involved in the manufacturing process. Each village has one or two *chhoskors*, depending on the size of its population and the number of streams, for grinding various locally grown cereal crops. The study revealed that a decision is made collectively by the villagers to hire a *zyopo* to manufacture a watermill (Figure 3).

The *zyopo* must be skilled in identifying suitable raw materials for manufacturing the watermill. This process requires them to test the texture of certain stones by first pulverising a sample of stone to produce a powder, which is then mixed with water. If the resulting substance is sticky, it is considered to be suitable as a raw material; if grainy or granular, it is considered unsuitable. The *zyopo* mostly prefers *ling-sey* (gneiss stone), because of its hard texture. These stones are collected from riverbanks and surrounding areas or may be broken down from large



Figure 3
Zyopo (craftsperson) manufacturing grinding stones for watermill

stone blocks.

Our personal interviews with *zyopos* identified the processes involved in manufacturing *chhoskor*. First, the stone is broken into smaller pieces, which are then moulded into square shapes. Next, the square-shaped stones are carved into round shapes, which helps to balance the weight for smooth grinding. Finally, the mill stones are polished. Throughout the process, the *zyopo* ensures there is an optimum gap between the upper and lower parts of the *chhoskor* to assist the grinding process.

The *zyopo*, with assistance from a helper (*zyorok*), oversees the complete process of manufacturing the watermill. The mill is erected away from the settlement and is generally produced with minimum input from people outside the family for whom it is being manufactured. If a particular family has a long history of stone sculpting,

then the offspring of that family may be more likely to become a *zyopo*, as the skills and knowledge required to manufacture a watermill are traditionally passed down from professional to helper. Over time spent observing and working with the *zyopo*, the *zyorok* may acquire the means to become a professional themself.

Indigenous tools used in manufacturing watermills

Chapzee achandu (small hoe)

The basic purpose of this tool is to shape the milling stones into the right shape and size to ensure the smooth running of both the upper and lower parts of the watermill. It is also used to add the last touches to and to polish the final construction (Figure 4).



Figure 4
Chapzee-achandu (small hoe)

Chapzee (chipping hammer)

The *chapzee* has two pointed semi-sharp edges that are used to break and penetrate solid material. It is used in the initial process of manufacturing to break down the bare stones into suitable square shapes, as square shapes more easily allow the stones to be carved into round shapes (Figure 5).



Figure 5
Chapzee (hoe)

Nzongbee (chisel)

The *nzongbee*, or chisel, is used to make deep cuts into the stone material in order to make the treads in the upper and lower parts of the grinding stones that grind the cereal grains into small, fine particles. It is also used to make a hole in the upper part of the watermill (the *haa-numu* in the local dialect) through which the cereal grains are poured into the watermill (Figure 6).



Figure 6
Nzongbee (chisel)

Thung (hammer)

The *thung* is a subsidiary tool used to strike the *nzongbee* for better cutting into hard stones (Figure 7).



Figure 7
Thung (hammer)

Handu (machete)

The *handu* is used for cutting and shaping the *chhoskor-yapche* (wooden propeller) for a better finish and an aesthetic appearance (Figure. 8).



Figure 8
Handu (machete)

Châine opératoire, or steps and techniques involved in manufacturing watermills

The manufacturing of watermills is a systematic and rigorous process requiring certain steps to be followed in a strict sequence. The steps are as follows.

1. Identifying and selecting raw materials

The identification and selection of raw materials is the first and most important stage of manufacturing. Manufacturing stone tools requires good knowledge of the stone and its texture. The study revealed that suitable stones for making tools are mostly collected from local riverbanks, as *zyopos* regard these stones as best suited to carving. The main criteria for stone selection are texture and hardness. To determine the suitability of the stone for making milling stones, the *zyopo* mixes a sample of powdered stone with water. If the resulting substance is sticky and thick and absorbs little water, then the stone is considered to be suitable. Granular, powdery and water-absorbing stones are considered unsuitable.

2. Breaking down the stones

Generally, the *zyopo* collects suitable square- or rectangle-shaped stones to save time and labour in converting them into tool stones. If such stones are unavailable, the *zyopo* may have to excavate or break them from the surrounding rocks. In such cases, the collected stones are first broken down into squares and then converted into circular shapes using indigenous tools such as hammers and chisels. Once a suitable stone is chosen, a hole is carved out in the middle of it using a local chisel-type tool called a *nzongbee*. The depth of the hole varies according to the requirements of the users.

3. Shaping and polishing the stones

At this stage, a *chapze*e (small hoe) is used to carve a small hole on the inner faces of the upper and lower stones of the rotary quern. The holes help to maintain a proper balance between the two stones and to derive a finer texture of flour. Care is needed in making these holes, as they determine the mill's grinding capacity and output. A bigger hole adjoined by a smaller one is carved out on the upper milling stone through which to pour the grains down towards the gap between the two stones for grinding. A wooden handle is attached through the smaller hole to rotate the rotary querns. Finally, the milling stone is polished for aesthetic reasons.

Our interviews with the *zyopos* revealed that they follow certain strict social norms during the manufacturing process. The process begins when the *zyopo* is requisitioned by a village to manufacture a watermill. According to tradition, the *zyopo* and his helper then carry out the work in isolation, away from public view. This process can take two to three months. It is accepted belief that if the manufacturing process is conducted in public, this will hinder progress of the work and result in a poorly finished product. After the carving process is completed, the milling stone is handed over to the village, after which a thanksgiving ritual and ceremony are organised. Indigenous tools traditionally used in manufacturing *chhoskors* are made of iron and have wooden handles (typically made of *quercus alba spp.*, or white oak wood). These chisels, hammers, hoes, etc. are used for carving, shaping, molding and polishing processes.

4. Preparing the wooden pillar and propeller

The watermill is a congregation of various parts, each of which plays an important role in the operation of the watermill. Once the shaping and polishing of the grinding stones is complete, the *zyopo* makes a wooden log to act as a support system for the body. *Quercus alba spp.* is considered the most suitable wood species for a watermill, as it is hard in texture and less porous, making it it an efficient water repellent. The wooden pillar (*zung-seng*) is attached to the body of the grinding stone along with a wooden propeller (*chhoskor-yapche*). The propeller (also made of *Quercus alba spp.*) is carved in rectangular shapes using a *nzongbee* (or chisel). When the water stream strikes the propeller, it compels it to rotate in a clockwise manner, which rotates the grinding stones resting upon the wooden pillar.

Parts and functions of the *chhoskor*

The study shows that many households in the survey area do not possess rotary quern and nutting stones. Hence, they are dependent on the community *chhoskor* to grind their food grains. These unique, indigenous community watermills, usually set up in small streams and rivulets, process huge quantities of grains into flour. The *chhoskor* includes a water reservoir, regulator (wooden plank), wooden channels, stone platform, wooden turbine, propeller, pair of milling stones, wooden container, etc. The water reservoir is built about 4–5 m above the watermill so that it can produce force or a current to rotate the wooden turbines. The water regulator, or wooden plank, is fitted at the mouth of the water reservoir to control the speed of the water for the rotation of the turbines. A long wooden channel is attached to the water regulator to maintain enough slope and velocity of the water to rotate the turbines. The base of the watermill is made of flat stone or a wooden plank with a hole in the centre to which the turbine is fixed.



Figure 9
Characteristics of *choskor* (watermill) of Dikshipam village. (a). *Wooden propeller/turbine* (chhoskor-yapche), (b). *Wooden adjuster* (sarr) *attached to the vertical wooden pole* (zung-seng), (c). Chhoskor *attached to propeller, while resting on a wooden plank* (bleng), (d). *Measuring the mean size of the* chhoskor *(Dikshipam village).*
Source: Thongdok and Sati 2024

The turbine and propellers (*chhoskor-yapche*) (Figure 9a) are made of pine or white oak wood. The propeller is fitted with the turbine at the bottom, while the upper end is attached vertically to the milling stone. When the water from the channel hits the turbine, it rotates the propeller as well as the attached grinding stone. An adjuster (*sarr*) (Figure 9b) is attached to the vertical propeller to derive both fine- and coarse-grain outputs. The pair of watermills are similar to the traditional *ran-thok* (rotary quern) (Figure 9d). The only difference in the watermill is that the milling stones are fixed with a wooden propeller and the energy is derived from the streams instead of from manual labour.

This arrangement allows users to easily control the mill to derive the desired coarseness of the flour. According to the villagers, in the past, every village had at least one *chhoskor*. However, as streams have dried up over time, as the population has expanded and as deforestation in the upper catchment areas has increased, the number of watermills has diminished. Moreover, the *chhoskor* cannot be easily shifted to another location once it is set up in a particular place, due to its heavy weight. All these factors, along with increased access to modern facilities, have led to the abandonment of watermills in the study area. The study found only two *chhoskors* in the subject area. Of these, the watermill in Dikshipam village (Figure 9) was operational, while the other – in Shergaon village (Figure 10) – was functioning only partially due to seasonal drying up of the stream. The two watermills also differed



Figure 10
Characteristics of *choskors* of Dikshipam and Shergaon villages. (a). *Complete part of a* chhoskor *with both the upper and lower stones still resting on each other,* (b). *Measuring the average size of the* chhoskor, (c). *Wooden propeller/turbine* (chhoskor-yapche) *in a dilapidated condition,* (d). *Unused and abandoned* chhoskor.

Table 1
Raw materials and average size of the parts of a *chhoskor*

Grinding materials	Parts	Average size (cm)	Raw materials used (scientific name)	Local name of raw materials
Dikshipam *chhoksor*	Lower stone (*ukhu*)	Diameter: 57 Thickness: 16	Gneiss stone	*Ling-sey*
	Upper stone (*getheng*)	Diameter: 57 Thickness: 17	Gneiss stone	*Ling-sey*
	Wooden plank (*bleng*)	Length: 125 Breadth: 137	*Castanopsis spp. & Pinus wallichiana*	*Hing-rhee & Bchee-hing*
	Propeller (*yapche*)	Length: 62 Height: 15	*Quercus alba*	*Hing-pu*
	Adjuster (*sarr*)	Length: 30	*Quercus alba*	*Hing-pu*
Shergaon chhoskor	Lower stone (*ukhu*)	Diameter: 66 Thickness: 19	Gneiss stone	*Ling-sey*
	Upper stone (*getheng*)	Diameter: 66 Thickness: 20	Gneiss stone	*Ling-sey*

Source: Field survey, 2021

in size, with the one in Shergaon being slightly larger (Table 1).

Discussion

The Shertukpen people inherited their manufacturing skills from their ancestors, who were prominent stone and wood crafters. The manufacturing of *chhoskors* is tedious and laborious work, requiring a skilled *zyopo* (professional craftsman) to ensure the weights of the upper and lower parts of the stone of the watermill are balanced so as to achieve effective rotation. An anomaly in the weight results in poor-quality grinding and possible complications when in use. The *zyopo* ensures a proper gap is achieved between the two stone slabs for a better grinding process and, most importantly, skilled carving of the stone threads for better and fine grinding of cereal crops. The study showed that Shertukpens are steeped in the culture of grinding practices and regard stone tools as being of socio-economic significance.

The stone used for a quern needs to be resistant to wear and durable. The grinding stones used for watermills are preferably of metamorphic origin. The study found that the Shertukpens use gneiss stone in the manufacturing of watermills, which is also the practice in Jammu and Kashmir (Slathia et al. 2018). It also found that the Shertukpens' manufacturing processes conform with those of the neighbouring Monpa tribe, as reported by Sarma (2016). Moreover, watermills typical of Ladakh (known as *ranthak*) are similar to those of the tribe under study (Hussain and Hussain 2014). These watermills are all efficient and environmentally friendly, in comparison to mechanical mills, since they are constructed from existing natural resources that are easily available in the local area and are operated by means of manual labour, which produces less noise and no pollution emissions. Further, the flour produced by these traditional mills is reported to be of the highest quality (Thongdok et al. 2022). Stone milling has been found to have very little effect on macro-element losses and no effect on micro-element losses, thereby producing flours with a high nutritional value (Albergamo et al. 2018).

The region's rugged and undulating topography necessitates narrow roads that discourage the import of commodities, resulting in a need for locally produced food. Consequently, agriculture practice – mainly cereal grains – prevails in the region, which encourages the utilisation of watermills in rural areas. The challenges faced by the villagers in remote areas in the region are uncompensable. Thus, the traditional watermill plays a

huge role in the sustainability of livelihoods in isolated villages of the Himalayan region.

Conclusions

There is a need for intervention by the state government. The state government should evolve policies to engage the *zyopos* (professional groups) in teaching the skills and techniques of grinding practices manufacturing at the institutional level, with some monthly remuneration. This would support the aged professionals, while encouraging younger people to learn traditional skills and techniques. Such an initiative would also alleviate the unemployment problem in rural areas. There is a need to establish a museum to preserve vulnerable grinding tools such as the rotary quern (*ran-thok*), nutting stone (*ling-chhom*), and *chhoskor* (watermill) and to promote their importance through exhibitions and research.

Several factors have led to the depletion of the indigenous watermill culture, including changes in the agricultural pattern in the study area. Hence, the local authority or government should develop policies and provide subsidies that will encourage the villagers to cultivate cereal crops, which would reassure villagers about opting for and using watermills to grind their grains. More importantly, the lack of interest among the younger generation is leading to the dearth of transmission of skills and knowledge in manufacturing. The younger generation is reluctant to learn and conserve the age-old tradition of watermill manufacturing. These days, people generally prefer to use electric grinding machines rather than watermills, which will ultimately lead to the exhaustion of watermill culture in the study area. Furthermore, there are currently very few remaining *zyopos*. Due to their advancing age, they are unable to carry out the manufacturing process or to pass on their skills and techniques. The existing *zyopos* are not even able to execute repair and maintenance work, resulting in the existing watermills being in a barely operating state or a dilapidated condition. The decline in the number of craftspeople and professionals has seen a decline in the maintenance of existing watermills. The working capacity of such *chhoskors* could be reinvigorated and enhanced through the introduction of modern equipment and technological enhancements. Alternatively, the watermills could be rehabilitated as mini-hydels, as they have great potential for generating hydroelectricity.

Additionally, the authors of the present study propose that the sound and sustainable practices of traditional watermill culture, and the indigenous knowledge system of tools and techniques involved in manufacturing watermills, are worthy of preservation as examples of centuries-old traditions of a tribal community. As such, they might pave the way for future preservation practices of intangible heritage and sustainable utilisation of natural resources.

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Conflict of interest

The authors of this article declare that they have no financial interest in the content of this article.

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Negotiating the intangible heritage of Awka traditional paraphernalia in modern society

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Negotiating the intangible heritage of Awka traditional paraphernalia in modern society

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ABSTRACT

Awka traditional paraphernalia is the product of many centuries of artistic traditions. Such great works of art may seem lifeless to non-natives but are functional in all spheres of Awka community life. They depict the various tangible and intangible features of Awka culture. Despite the intricacy and functionality of these traditional artworks, they are gradually losing potency and relevance in Eurocentric post-colonial Nigerian society. The focus of modern museums and contemporary artworks has challenged the intangible essence of traditional paraphernalia. This study employed the historical research method and thematic analysis to explore the intangibility of the tangible heritage of the Awka traditional community. The mimesis theory of art was used to buttress the relevance of the intangible heritage represented in Awka traditional paraphernalia. The study found that its intangible heritage is the essence of Awka traditional paraphernalia. In addition, it found that traditional artworks were the mainstay of various cultural institutions and activities in the Awka community. It concluded that traditional artworks embody the beliefs and practices of the Awka community. The study suggests that contemporary artworks should be designed to reflect the intangibility of traditional paraphernalia in modern society.

Keywords

traditional paraphernalia, traditional religion, tangible and intangible heritage, art, woodcarving

Introduction

Awka traditional paraphernalia comprises artworks that showcase the lived and living experience of Awka people. Works of art in any society are windows into the cultural life of that society (Essel and Acquah 2016). An understanding and appreciation of African works of art depends fundamentally on having knowledge of meaning bestowed on the object, especially by its makers and the society that considers that object part of its cultural story (Ezenagu 2023). Art forms and or paraphernalia are tangible cultural objects that house the intangible practices of the community. Although these objects may seem lifeless to foreigners, to its makers they are sophisticated, powerful and functional objects used in everyday life. Traditionally, they are made to serve the needs of people —be those needs physical, social, cultural, religious or educational (Essel and Acquah 2016) – in both Western and non-Western cultures (Walker 2009).

Considering the functional role of these artworks, they were not intended to be viewed in a museum (Walker 2009). In Africa, artworks were not originally destined to be displayed in homes or museums for aesthetic contemplation, in the way that contemporary Western drawings and paintings are exhibited (Tachana 2017). Consequently, they are housed in special spaces designated to preserve their intangible characteristics. It is only within these special spaces that sacred figurines are venerated and displayed in public processions (Figure 1), and mask heads (Figure 4) are worn as masquerade regalia. African art objects are not created only to be gazed upon but rather for use in various aspects of daily life. This contradicts the widely held opinion of Westerners that art is a luxury and serves no vital purpose (Cole 1972). The Western view holds that art is primarily aesthetic, utilitarian and traceable to Europe, unlike the African school, which views traditional art as a religious necessity and rooted in African civilisations (Tachana 2017). The functionality of these seemingly lifeless art forms which constitute their intangible characteristics simplifies the complexities of most African traditions. They depict traditional societies and the prevailing circumstances that necessitated their creation.

Traditional paraphernalia were created to replicate the intangible African worldview (religion, politics, economic and social interaction). Hence, the meanings concealed in art forms are only visible to the community of makers. Accordingly, Ajaebili, Okonkwo and Omeje (2020) assert that the *ọfọ* is a wooden figurine, but to the Igbo of south eastern Nigeria it is a mystical symbol of truth, purity, justice and authority. Moreover, foreigners might see an *ikolo* wooden drum (Figure 2) as a musical instrument, but for the makers it is a sacred item. Similarly, Yoruba twin (*ibeji*) figures are regarded by some, especially cultural outsiders, as little more than charming dolls. They are, however, capable of operating as power objects (Chappel 2018: 75). In other words, the *ibeji* figurine is not just a wooden object but a replica of a deceased twin. Thus, the intangible features of these artworks find their essence in the traditional way of life of the people.

The intangible features of tangible wooden objects were one of the mainstays of African art, and the medium through which African art has best come to be known by the outside world (Balogun 1979). Wood carving craft flourished in most communities of pre-colonial Nigeria. One such community is Awka in south eastern Nigeria,



Figure 1
Figurine on public display
Source: Author's collection

which in ancient times was known as the centre from where numbers of woodcarvers producing artworks travelled out to various Ibo communities (Ilogu 1985). Many scholars both Western and African affirm that pre-European Awka monopolised certain specialised professions: carvers, native doctors, and smiths (Basden 1966; Dike 1979; Neaher 1979; Nwnanna and Nwanna 2020; Okafor 1992). Given this, Neaher (1981) affirms that Awka is a community where men of certain *umunna* (kinsmen) specialise in carving objects such as doors, shrine imagery and other ritual objects. They carve different types of paraphernalia connected with institutions and societies. These paraphernalia are cultural accessories and or items produced from metals, ivory and wood associated with different cultural institutions. This study is concerned with carved wooden paraphernalia of the religious cult where figurines are placed on every altar, the title society known as 'holders of the title stool', the masquerade cult known as 'keepers of the mask heads', and the *ikolo* house – also a religious cult but keepers of the sacred drum. Each of these objects is associated with certain aspect of Awka Igbo cultural life. The mask head (Figure 4) is important masquerade regalia for the sustenance of the masquerade cult. However, the above cultural objects are gradually losing their social and religious functional roles and are instead being used for aesthetic purposes. For instance, the title stool is owned by title men, who are cultural guardians of the community. To them, the stool signifies cultural beliefs and practices, but today many homes use such prestigious stools merely as decorative objects.

Thus, the woodcarving heritage for which pre-

colonial Awka town was renowned has been eroded in contemporary society. On the one hand, Eurocentric museums in Nigeria neglect the intangible characteristics of these artworks by displaying and preserving their physical forms. Disregard of the intangible features of these traditional paraphernalia has distorted and eroded many cultural beliefs, institutions and activities in various communities in post-colonial Nigeria. On the other hand, the aesthetic features of Eurocentric contemporary art forms challenge the relevance of traditional paraphernalia in the society. Contemporary art does not seek to fulfil traditional purposes; rather, it is considered only to be emotive and relevant, and as telling a story or aiding social movement (Business South Africa, 2018). Consequently, this work explores the intangibility of the traditional paraphernalia of the pre-colonial Awka community and how to infuse these features into contemporary art forms.

Literature review: traditional paraphernalia in pre-colonial communities

Traditional paraphernalia comprises wooden carved tangible heritage through which Africans communicate their intangible heritage to all generations. Kwame (2009: 43-45) affirms that

> aspects of the intangible Akan heritage are expressed in tangible art forms to make...intangible content visible and 'readable.' These intangible narratives accompanying artworks are considered to be an important part of the work, and are preserved as part of Akan history and culture,...As a result, Akan artworks are not just tangible and visual, but are also important works inseparably bound together by intangible information about their culture, which, upon investigation, reveal the history, social, religious and political life and experiences of the Akan.

Similarly, Oyinloye (2017) avers that traditional paraphernalia are designed for specific purposes and functions. In the past, most such items were carved either to fulfil a physical function, such as doors, house-posts, stools etc., or to connote spiritual beliefs and traditional rites, such as ancestral figures, divination bowls, ritual drums and so on. The production of most of Nigeria's wood carvings and sculptures served one or other of these two purposes. However, Bascom (1973: 6) observes that

> most African sculptures appear to have been associated with religion[,] which pervades most aspect[s] of African life. The [religious] genre include[s] votive figure[s] which [adore] shrines, reliquary figures, charm figures, stools used for initiation to the cult, apparatus for divination, dance staff, musical instruments and a variety of other ritual paraphernalia.

This implies that many wooden sculptures produced are fashioned after particular spiritual beliefs in which case, some artworks may be believed to possess a spiritual essence and/ or to house powerful spirits – gods, ancestors and spirits (Kwame 2009; Strickland & Boswell 1992). Amongst the Yoruba of western Nigeria, the *ibeji* carved wooden sculpture symbolises dead twins, or one of the twins (Oyinloye 2017). Such carvings kept in the home of twins are revered, because the twins are believed to share a single soul that is housed in the figurine. Buttressing the soul tie of twins, Leroy, Olaleye-Oruene, Koeppen-Schomerus and Bryan (2002: 134-135) assert:

> the Yoruba believe that twins share the same combined soul, when a newborn twin dies, the life of the other is imperilled because the balance of his soul has become seriously disturbed. To counteract this danger...an artisan will be commissioned to carve a small wooden figure as a symbolic substitute for the soul of the deceased twin. If both twins have died, two of these figures are made. These effigies are called *Ere ibeji*. By virtue of his immortal soul hosted by his *ibeji*, the departed twin remains as powerful as the living one.

The *ibeji* figurine imbued with the spirit of the deceased twin receives the parental care and attention of the living twin. Much attention is given to the *ibeji* figurine to harness the positive powers of twins for prosperity. Affirming the care given to the *ibeji* figurine Clarke and Farr (1998: 53) state that 'in some areas, mothers dance in public at least once a year, cradling the twin figures in their arms or carrying them in wrappers around their waists. The mothers cradle the figures as if they were children while showing respect for their power through this public display'. Similarly, the Akan use a wooden doll sculpture known as Akuaba (Akua's child). According to Kwame (2009), the object was created to address infertility problems.

From the preceding, we see that traditional

paraphernalia showcases intangible characteristics. As Mbiti (1975) states African art expresses religious ideas, be it through wooden items, stools, calabashes, stones, sticks, pots, handicrafts, domestic animals, human bodies, masks, and carvings of wood and ivory. Ogunsanwo, Aiyeloja, and Owowa (2007) concur that art forms provide visual symbols for organising rituals and communicating an essential idea. On this note, Beier (1960: 6) summarises the religious root of traditional objects as follow: '[T]o the African, the art of creation is a sacred service rendered to the gods'; yet it is not only rendered to the gods, but also to humanity, as it serves as a medium for social interaction and integration. This is why various art forms constituted a rich system of communications in pre-colonial Nigeria. Attesting to this, Balogun (1979: 34-5) states:

> [A]rt is essentially a vehicle of communication in any society...[I]t...not only belongs to the level of human activity connected with spiritual values, but is also an active component of social organization, hence of man's ability to influence and modify his environment.

In other words, during the pre-colonial era, Nigeria had no written testament; instead traditions were documented orally within the functionality of paraphernalia. Systems way of written documentation could only be read by the makers. Based on this assumption, Africans express their worldview in various dimensions through art forms. Biobaku (1973: 105) summarises this as follows:

> [C]arving illustrates the life of the people in detail...[I]t enables the historian to build up a detailed picture of the dress, weapon, stools, utensils, ornaments, occupation and ceremonies of the...people...[H]owever, it is not concerned with individual sore events. As a source therefore, it is of value not as a chronicle but as a record of the cultural background...[I]ts selection of the themes and emphases, therefore represent a picture of...culture made by the whole people and not by courts or priests alone. It illustrates incidents and antidote of traditional life...[T]he subject matter of carving is confined almost entirely to man, his accessories and animals with which he comes into particular contact.

From all indications, traditional paraphernalia made by the indigenous peoples of Africa replicated intangible heritage in tangible forms. The Awka wood carvers create artworks that are intended to perform different functions in the community. Thus, whatever aesthetics merit the wooden carved objects may possess is obviously of secondary importance. What matters most in traditional paraphernalia is the object's intangible relevance to the community.

Awka traditional Paraphernalia: historical overview

Wood carving is a traditional handicraft practised for centuries in most parts of Africa. Ogunsanwo, Aiyeloja, and Owowa (2007) noted that the practice of woodcraft in West Africa is prominent in Cote d'Ivoire, Sierra Leone, and Nigeria. Similarly, Nwanna and Nwanna (2020) affirmed that Awka town in eastern Nigeria has been known as an arts/craft centre since pre-colonial times. The act of carving is an intangible heritage of the Awka people, learned primarily through apprenticeship. Akturk (2020) concurred that the craft of woodcarving is transferred from generation to generation. It employs complex craft techniques requiring religious, symbolic, and social knowledge. However, most wooden paraphernalia of Awka origin is rooted in religious knowledge. Attesting to the religious origin of Awka paraphernalia, Ilogu (1985) stated that the Awka people's skill in wood carving is connected with their position as special messengers of *Agbala* (goddess), the great oracle. Their traditional religious and cultural activities gave life and meaning to traditional paraphernalia. In the early 1960s, the religious and social importance of carved wooden objects saw the formation of the Awka guild of carvers. According to oral tradition, the carved wooden objects made by members of the guild of carvers were unique in the Igbo region of south-eastern Nigeria and beyond. During this period, their main work centred on carved entrance doors used to decorate title men's compounds and title men's prestigious stools. Their work was of such a high quality that people came from far afield to commission them, especially Europeans who used their stools as gift objects.

Theoretical framework

The premise for the theoretical framework of this study was drawn from Plato's theory of mimesis. Mimesis is a Greek word meaning 'imitation' or 'representation'. The act of representation is a concern crucial to arts (Frigg and Hunter 2010). This is because art turns a virtual subject into a representative object (mimesis), which is transformed into a subject again (existing in the mental universe of the artist and receiver) through the aesthetic

process (Donovan 2019). Minsaas (2005) following Ayn Rand's theory of mimesis, deduced that art is primarily a medium for the representation of reality. Plato theorised that all art is mimetic by nature, and that art is an imitation of life (Jonaqani 2022). Given this, art is restricted to the production of simulacra that is the creation of objects that resemble other objects (Juan-Navarro 2007). Plato's theory of art is derived from his ontological/metaphysical and epistemological/ethical view of reality (Amadi 2022). In expounding his theory, Plato gives a visual example of a carpenter and a chair to explain mimesis.

> The picture of the chair first existed in the mind of the carpenter as an idea. He then imitates [represents] the idea by producing the chair. Before an art[work] is created, the artist must have had it existed in his mind, in the 'world of ideas'. It is that idea in the artist's mind that is the reality. He depends on it to create his art by imitating [representing] the idea in a physical form to be seen, touched or heard using any medium[s] of choice (Ukim 2020).

Thus, what the artist has created is not real, but rather a copy of the original. Therefore, the carver is an imitator, what he carves are ideas of his unseen world. Given this, mimesis shows how an artist perceives the world. It implies that the carver represents perceived images with objects. The perceived images are within the realm of the carver's worldview. The carver's worldview is the summation of his perception of his cultural and natural environment. The perception answers the question of the relevance and potency of traditional paraphernalia. These artworks are supposed images or reflections of the carver's worldview. In other words, traditional artworks depict the intangible heritage of the Awka community wrapped in obscurity. Given this, Awka beliefs and practices were recreated into tangible form as traditional paraphernalia. Thus, the originality of traditional artworks depends on the intangibility reflected. Consequently, traditional paraphernalia that does not reflect any particular belief or practice is culturally irrelevant. Therefore, artworks are created by Awka carvers to represent a concept. In view of this, Awka do not consider art for art sake, because the physical object is not important; what *is* important is what the object represents. Against this background, the object is left to decay since the tradition it represents can be recreated in a new, tangible form. Therefore, the theory of mimesis posits that traditional paraphernalia is the representation of the Awka worldview recreated in tangible form.

Methodology

This study explores the intangibility of the tangible heritage of the Awka traditional community made manifest in the production of traditional paraphernalia. The study area is Awka metropolis, Anambra state, Nigeria. Awka town is of great interest to this study given its pre-colonial fame as a home of specialised craftsmanship. The study adopted the historical research design under the qualitative research method (Jovita 2015). This type of research involves a process of examining events in order to uncover accounts of what happened in the past (Berg 2001). The study attempts to uncover the historical functional role of cultural objects (title stool, figurines, *ikolo* drum and house) in Awka town. It is clear that historical research provides a window to understanding today, various symbols used in the past (Berg 2001). Given this, the study is set to showcase the historical relevance of cultural objects in the community. As Shafiee (2015) affirms, the historical research approach involves the systematic collection and evaluation of data in order to describe, explain and understand actions or events that occurred in the past. This method affords the study the opportunity to elicit data using oral tradition to describe and explain the functional role of cultural objects in the past. This is because knowledge of the past provides necessary information to be used in the present in order to determine how things may be in the future (Berg 2001). The purpose of using this approach is to infuse past meanings into the present-day function of Awka cultural objects. The instrument employed to achieve the above is oral tradition while the population of the study consists of the traditional orators at festive occasions. It is at traditional festive occasions that the intangibility of tangible heritage is expressed through narrations.

Data was elicited from oral traditions through recording, note taking and direct observation from May 2018 to May 2021. Oral traditions was employed, because all the intangible elements of culture are stored in human memory and transmitted through direct and indirect conversation. It is generally known for every society to spread its literature, history, rules, norms and other knowledge across generations (Halim et al. 2021) through oral narration. Africans in the pre-colonial era preserved their beliefs and practices in unwritten form in the memory of cultural performers (carriers). Therefore, oral tradition is the transmission of cultural items from one member to

another or others (Rosenberg 1987). It also refers to the dissemination of cultural materials through oral or oral discourse (Halim et al. 2021). The oral traditions of Awka town are usually recited by traditional orators (men with a vast memory of community cultural practices) at special events. These men chant in an orderly manner to entertain and educate the audience on the history of Awka town. Curtin (1968) aver that pre-colonial history will continue to lean heavily on the sources these men preserve, as tales and histories that are recited appear to have a better chance of survival. Festive occasions in post-colonial Awka are a platform where traditional orators chant the town's cultural history narrating the relevance of its cultural elements and products. During traditional festivals when a masquerade parade takes place in the community square, orators chant about the different villages' mask heads, naming each mask and its carvers, and telling the story of the relevance of the mask head to the community. This narration is designed to eulogise the mask bearer. Similarly, title stools are displayed on this occasion, with the orator eulogising, in the same vein, the stool and the title society it belongs to. The *ikolo* drum is beaten on such occasions while an orator narrates its history and its relevance to the community. Given this practice, oral traditions are particularly useful for understanding some aspects of African history (Curtin 1968) as elements of culture are transmitted through such a medium.

The study analysed thematically the data elicited from the oral traditions of Awka town. The goal of a thematic analysis is to identify themes or patterns in the data that are important or interesting and to use these themes to address the research or to say something about an issue (Maguire and Delahunt 2017). In order to achieve the above, the authors read through transcribed data and information elicited from direct observation on the usage of the cultural objects at traditional festive occasions. The reliability of the transcribed data was vetted by secondary historical documents from Awka town. Patterns among the functional roles of these objects were noted. As Braun and Clarke (2012) affirm by focusing on meaning across a dataset, thematic analysis allows the researcher to see and make sense of collective or shared meanings and experiences. The patterns were categorised into meaningful interpretations of the functional roles associated with the cultural objects both in the pre-colonial and contemporary Awka town.

Findings and discussion

Awka traditional paraphernalia

Awka traditional artworks are the products of cultural heritage. These resources not only possess intrinsic beauty and value but are also one of the main assets of tourism (Ezenagu 2020). They comprise tangible objects made by people for whom the objects played vital roles in their life (Ezenagu 2017). The traditional paraphernalia discussed here include the *ikolo*, traditional title stool, and masquerade mask heads. These traditional artworks performed functional roles in the ancient Awka community and are still relevant in modern-day life.

Ikolo

In traditional Awka society, the drum is a means of communication and information dissemination, as well as a means of commemorating different stages of life (Oyinloye 2017). Specifically, Kwame (2009: 54) observed that 'drums call the community together and are used to sound out histories, warnings and to praise chiefs and play tunes for royal, religious, secular and social dances and occasions…The drum becomes the medium through which the intangible heritage of drum language is expressed and communicated.' The *ikolo* drum (Figure 2) is a colossal wooden gong carved from a large Iroko tree. Basden (1966: 78) described the *ikolo* as the

> ancient tom-tom six feet in length and about three in diameter. One end shouldered off and shaped to represent the head and neck of a man[;] the other end was similarly carved with a woman's head. On one side, the drum was ornamented with six faces and three at each end, carved in high relief.

Basden further stated that the big tom-tom is not intended to be an instrument of music but rather is designed for spreading information and ritual enactment. In other words, the *ikolo* is a large musical wooden drum of the gods. Its beating is sacred and sounds like an invocation of duty to ward off danger. Ordinarily, its sound instils fear and awe in those who hear it. This is because the language of *Ikolo* in Awka is the quest for human needs. In the pre-colonial era, the beatings of an *Ikolo*, according to oral tradition, start with an incantation to awaken the ancestors and the gods. It then calls the towns' people in heroic way, naming the villages one after another, in each case narrating the activities and fame of each. It then switches to calling on the heroes – the warriors,



Figure 2
Ikolo
Source: Author's collection

the best gunmen (hunters), the best wrestlers, carvers, blacksmiths, orators and others. Such calls are intended to alert the community to the current emergency, to boost morale, and to prepare the towns' people for action. The sound of the *ikol*o in times of need is taken to be the voice of the gods. In this vein, one would agree with Agada-uyah (1983: 27) that an *Ikolo* is truly

> the drum of the heroes, the drum of the great, the drum of the brave, exclusive to the other type of hero, the war hero. A war hero is one who has successfully been to war[s] and returned victorious with human heads. Also the concrete symbol of military powers or one who has killed a tiger (Agu) or accomplished a super-human feat, to him the *ikolo* drum calls. The magnitude of the achievement echoes in the call of the *ikolo* drum.

Hence, *the ikolo* drum is socially restrictive and never danced to, but only calls people to action. Other occasions for the beatings of an *ikolo* include the commencement of a religious ritual ceremony and (rarely) at on death of a person of importance in the community (e.g. a title man, elder or priest).

Traditional title Stool

Traditional title stools are wooden stools designed for specific titles in most ethnic groups in Nigeria and Africa. They are among the regalia of office of title men and represent the spirit of the user. Among the Akan, artwork in the form of a stool represents the spirit of the dead. It is a physical reminder of the past chief and his deeds, and is venerated at festivals and other appointed times (Kwame 2009). However, title stools are not only channels to bridge the gap between the living and the dead; they are also staff of the office of the ruling class. In pre-colonial and post-colonial Awka communities, title men constituted the ruling class. The power, status, and right of title men to rule are attached to their regalia of office, which includes leopard skins, head-dresses, staffs, and a title stool (Clarke and Farr 1998). This regalia of office is worn by title men to signify and demonstrate their power and authority in the community. Highly placed title men of the *Ọzọ* title society sometimes may have their children or slaves carry the stool for them. Upon initiation into any stage of the Awka title society, a specific title stool attached to that position is made available to the new initiate. Oral tradition has it that there are four stages in the Awka title office: *Amanwulu*,



Figure 3
Ajaghija title stool
Source: Author's collection

Chi, *Ajaghija* and *Ọzọ*. However, only the *Ajaghija* and *Ọzọ* title positions have a stool of office.

Ajaghija stool

The *Ajaghija* stool (Figure 3) is also known as an Awka stool by the Europeans. The stool has an appealing simplicity of form and a unique carved pattern. It is the most elegant of all the Awka stools of title office. *The Ajaghija* stool looks like a wide wooden bowl resting on a stretching neck; it has four tripod-looking legs spread to the ground in a carved manner. The form of this stool and its beautifully carved pattern appealed greatly to the European settlers of the colonial era. The stool is traditionally intended only for *Ajaghija* title holders, but the colonialists broke with that custom and used the title stool for home decoration and gift purposes. This action increased the market demand for title stools and commercialise its previous cultural significance in Awka.

Ọzọ stool

The *Ọzọ* stool is an intricately carved stool with a depressed seat pad. The seat stands on intricate projections that serve as legs. Many of these 'stools are incised with geometric patterns which add textural interest to the forms' (Cole 1972: 80). This technique is known as chip-carving and is frequently dubbed the 'Awka style'. The style is by no means confined to the Awka area but is symbolic of the aristocracy in Awka. The stool described is the *Ajaghija* title stool. The *Ajaghija* title holder presents the stool during the *Ọzọ* title initiation ceremony.

The *Ọzọ* title stool is a symbol of Awka heritage depicting the sacredness of the society. In the pre-colonial Awka community, the *Ọzọ* title holder always sat on the title stool during any event. Frazer and Cole (1972: 85) observed that 'not only is an *Ọzọ* man forbidden to sit on the ground but also in some areas his stool accompanies him to the grave...[He is] buried sitting on it.' This assertion is supported with the findings of the excavated Igbo-Ukwu burial chamber of Igbo Richard in 1959 by Thurstan Shaw. In Ray's (2022) re-analysis of the excavation, the Igbo Richard burial chamber was said to contain the richly adorned corpse seated upon a wooden stool that had been decorated by two rings of bronze studs at the top and base. In Ray's opinion, the Igbo Richard burial chamber was potentially most appropriate for a rich secular leader such as a high-ranking titled *Ọzọ* man.

Masquerade Mask head

The mask head (Figure 4) is a piece of sculpture that is both artistic and functional (Fai 2010). The mask heads are facial coverings used to conceal the face of the wearer, who takes on a new identity. In other words, a 'mask head is a camouflage, covering, or disguise used to hide one's physical appearance either wholly or partially during a public performance' (Njoku 2020: 20). Asigbo (2012: 2) asserts

> [T]o non Africans, the sight of a 'masked man' might be interpreted to mean a simple disguise, an eccentric or in fact, a clown catching his fun; but to the African, masking is a serious engagement that requires not only mental and physical alertness but also spiritual fortification. This is because ancestral masks or spirit manifests are not mere human beings but manifestations from the spirit realm – of the ancestors and other disembodied beings seeking communion with mortals.

Hence, the traditional mask head is primarily the 'face of the gods'. It is an emblem of disguise used to conceal the human face through whom the spirit being has manifested. Thus, the mask serves as a medium for communion and communication between man and the supernatural (Fai 2010). Therefore, 'the mask, as a form of spirit-regarding art, is supposed to represent either the spirit of the ancestors or the gods of the land. This is why



Figure 4
Igbo mask head
Source: http://www.hamillgallery.com/IGBO/IgboObjects/IgboObject13.html (2021)

the Igbo referred to the mask as the "head of the spirit" (*isi-mmụọ* or *isi-mmánwu* in Igbo, *ekpo etubọm* in Ibibio)' (Njoku 2020: 53). In this guise, they invoke spiritual emotion. Mask heads are made from various materials. Including clay, bronze, brass and stone but are primarily carved from wood. These facial coverings were created within the perspective of the African worldview to fulfil the following purposes not limited to initiation, rituals, entertainment, celebration, healing and worship. Though the mask heads can be used for other purposes, they come alive only when used together with masquerade regalia. In other words, wooden mask heads were used in ritual performances with complex musical rhythms, dances, and costumes. For their full impact, they should be thought of as being in motion, surrounded by colourful garments and the rapid swaying and rustling of raffia skirts and arm fringes (Ferriers 1989). In this guise, 'a mask is nothing without the choreography that animates it' (Jean-Loup 2004: 85).

Thus, the African masking tradition is incomplete outside the masquerade regalia and the wearer. In Njoku's (2020: 20) opinion 'the masquerade is the theatrical or performing art form of the mask – that is, wearing the mask and its accessories and costumes – which electrifies the participants into a festive spirit.' This implies that the mask head cannot perform a public role without the full masquerade regalia. It is only in such appearances that the masked figure represents a spirit being. Njoku (2020) affirmed this stating that when the Igbo or Ibibio mask appeared with all the customs and paraphernalia of a masquerade, it was called 'spirit'. For this reason, oral tradition has it that masquerade in Awka is generally known as the 'living dead' and is sometimes addressed as the 'spirit of the ancestors' which cannot be seen without the mask head and masquerade regalia. Oyinloye (2017) attested that the mask represents the deities in the spiritual realm and the spirits of the departed ancestors. Since mask heads are facial representations of spirit beings they are infused with powers. Consequently, they are kept in the shrine and taken out only on specific occasions when they are intended to be seen during fleeting moments amid the whirl of dance, costume, and crowds (Clarke and Farr 1998). For such special occasions, the masks were removed from their shrines, washed, anointed with palm oil, and decorated with beads and cloth (Strickland and Boswell 1992). In essence, the African masking tradition is rooted in the masquerade cult.

The African mask head that is kept in a museum and is isolated from the masquerade cult is considered a mere object of amusement. Thus, in the absence of the intangible characteristics of the mask head, tangible heritage is incomplete. Given this, Clarke and Farr (1998) asserted that masking is an aesthetic experience whose excitement cannot be conveyed by a museum display. Therefore, only when accompanied by drummers, orators and music can the glamour of traditional mask heads be appreciated. On such occasions, the gods were said to be on stage, at which point the mortal performer, whose true identity is concealed behind the mask head, is possessed by the gods. Through this medium, the wearer receives messages from the gods, and sometimes the gods speak through the wearer by means of a strange language or performance.

From the preceding, Awka mask heads are appreciated for their spiritual features. For this reason, understanding the religious functions of these mask heads reveals their cultural, symbolic, and aesthetic significance. Performing mask heads in Awka (mask heads in masquerade regalia) include some of the following *Izaga, Okwonmma, Agaba,*

Idu, Oshiashili, Ajo-anu, Ijele, Ugo, Ojisiabaofia, Akum, Ojionu and *Adanma*.

Preservation technique of traditional paraphernalia

Generally, African traditional paraphernalia is housed in sacred spaces shrines, family altars, sacred groves, etc. Sacred spaces are designated for certain activities (Ezenagu 2016). Some sacred spaces serve dual purposes, as a centre for worship and as a living museum. Hence, the Awka *ikolo* drum is kept in one such sacred space to maintain its sacredness and prevent unauthorised usage. The *ikolo* special house (Figure 5) situated at *Umudioka* village square an open space where people can congregate at the sound of the *ikolo*. The sacred space where the Awka *ikolo* drum is kept was not dedicated to any god or goddess but to the entire community; consequently, it is hedged with sanctions. The building housing the *ikolo* could be described as a living museum because it preserves the intangibility of the object rather than its tangible features. Based on African curatorial practice, such objects were neither preserved nor conserved but were used as occasion demanded and replaced as needed.

Therefore, to the Africans, the object itself is meaningless and is left to decay. Only the function of the object is preserved, unlike the in Eurocentric museum where curators preserve the physical object. The totem poles preserved in the Canadian Museum of History were meant to die back into the ground or into nature and not be preserved in the museum (Nehaa 2023). Costa (2020) also affirms that, following ceremonial feasts in the customary house *(jeuw)*, sculpures were left in the forest to rot to release their ancestral power. It is not considered strange that, at designated sacred spaces paraphernalia is left untended in a tropical climate that is destructive of natural materials. This is because the Awka custom has it that carving is a skill bestowed upon them by the gods, so any service offered is to the gods. Therefore, [I] 'f the object is attacked by white ants, no attempt is made to preserve it because when it is destroyed, a new one must simply be made. It is an attitude that keeps the art alive instead of prolonging the life of the objects' (Beier 1960: 6). Because of this, worn-out ritual mask heads and termite-infested *ikolo* drums are burnt, and title stools especially that of *Ọzọ* society are – buried along with the owner. The worn-out artworks are burnt because the Awka community believes that the destruction of an object is not the termination of its value; instead, it creates job opportunities for the makers (Ezenagu and Oluwole 2014). Although traditional paraphernalia is kept in restricted

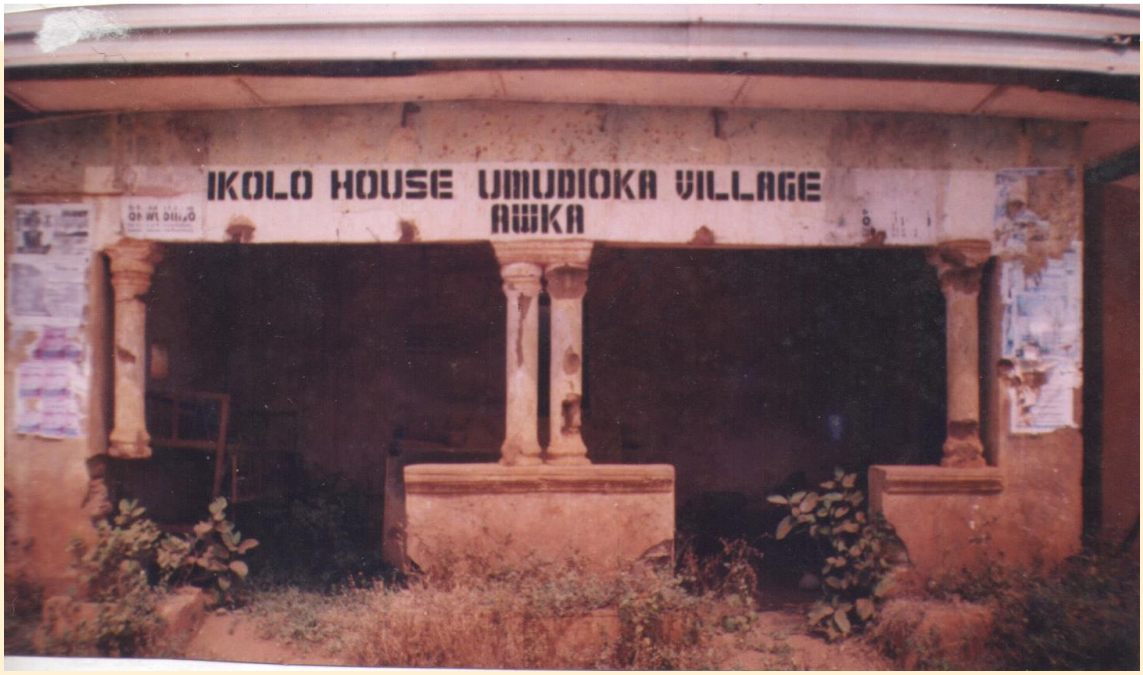

Figure 5
Ikolo special house
Source: Author's collection

spaces, no effort is made to preserve the items from destruction. Consequently, traditional artworks are preserved by the constant replacement of decayed objects.

Awka contemporary paraphernalia

'Contemporary' describes the 'latest' or 'current' art trends, differentiating what is being produced today from what came before (Ugochukwu-Smooth 2013). Such art forms depict different aspects of modern society, unlike traditional paraphernalia which 'expresses values, religious and philosophical, which the artist shares not only with his patron but with the whole community' (Fagg 2006: 74). In other words, contemporary Awka paraphernalia comprises artworks produced in recent decades by Awka indigenous artists. These artists have been exposed to western-oriented art programmes either directly or through attendance at institutions of higher learning. Hence, from the 1990s, African artists began to engage with contemporary reality in its most palpable form, exploring the political, psychological and sociological contexts of everyday life as fodder for creative expression (Ugochukwu-Smooth 2013). These artists are not institutionally controlled or guided; their works are based on personal expressions of modern society, a world away from the structures of Awka traditions. Their contemporary artworks are basically of aesthetic value and serve the purpose of drawing admiration. Such artworks are devoid of intangible characteristics unless they are attached to cultural institutions or activities in the community.

Such, modern artists abound in modern Awka society creating art forms that depict the current trend of events. The transition from traditional to contemporary art illustrates that artworks are not static, because 'for any art form to be valid must reflect the dynamics of its age' (Yusuf 1988: 44). By contrast, traditional paraphernalia reflected the then structures of ancient Awka community. In reality, traditional Awka evolved into a modern metropolis yet retained its essence – traditions. Thus, in keeping with the present age of globalisation, contemporary Awka artworks reflect the events of their time. Nevertheless, it is imperative to infuse in such artworks concepts of intangible heritage. Shaw, Bennett and Kottasz (2020) rightly stated that contemporary art provides a novel means to interrogate historical evidence and the institutions that conserve and curate it. Against this background, contemporary artworks play a vital role only when imbued with traditional concepts.

Traditional paraphernalia: the symbol of Awka intangible heritage

Traditional paraphernalia is Awka's symbol of its tangible and intangible cultural heritage. These invaluable works of art reveal the glamour of Awka's unique cultural identity. Segun (1988: 32) stated that 'a person needs to have a cultural identity, a point of reference'. Thus, as a marker of cultural identity, traditional paraphernalia is infused with the beliefs and practices of the community that differentiate one group from another. Hence, 'art is of the people, by the people, and for the people' (Fagg 2006: 74). Because of this, tribal art is functional only within the tribe and not outside it (Fagg 2006). Therefore, traditional paraphernalia was never regarded as mere works by a craftsman but rather as an embodiment of cultural beliefs and practices. For instance, replicating the gods and ancestors in carved wooden figurines not only manifests the human assumption of spiritual beings but also points out humans' belief in another world beyond the physical. This belief is similar to the masking tradition whereby the immortal possesses the mortal wearing the mask. The *ikolo* wooden drum is not a musical instrument. It serves the purpose of disseminating information for ceremonial, ritual and other sacred purposes. Sometimes, the beating of an *ikolo* drum proposes the voice of the gods and thus must be respected (Ezenagu and Oluwole 2014). In the past, homecoming warriors were greeted after a victorious battle with the beating of *the ikolo* drum.

Therefore, traditional paraphernalia tells the stories of its makers. In view of this, Morphy and Perkins (2006) agreed that artworks must be defined with particular traditions in their social and cultural context. Given this, Awka traditional paraphernalia embodies the community worldview. Awka's oral traditions are preserved and transmitted within its functionality. Hence, these artworks were the medium through which pre-colonial Awka natives documented and interpreted their traditions. This affirms the assertion that traditional paraphernalia is an embodiment of beliefs and practices. Therefore, Awka traditional paraphernalia 'is no product of romantic decadence [;] its image when properly understood, is rather that of a disciplined yet flexible classicism…[I]n traditional Africa[,] customary law is one of the ways in which a tribe distinguishes itself from its neighbours' (Fagg and Plass 1964: 7). Therefore, as a distinguishing trait, this paraphernalia gave Awka people a sense of belonging and a place in the global artistic tradition. Today, the Awka community takes great pride in its traditional paraphernalia.

Challenges of preserving traditional paraphernalia in Awka's contemporary community

Awka's traditional paraphernalia faces challenges from contemporary Eurocentric realities. Simpson (2007) states that colonial policies of Christianisation and assimilation sought to eradicate traditional languages, social systems, and cultural and ceremonial practices. Cormier-Salem and Bassett (2007) aver that modernity facilitated the spread of Islam and Christianity which transformed ancestral cults and profaned sacred places. Abungu (2007) concurred that the spread of Christianity and colonialism saw the mass plunder of African heritage right across the continent. This led to the looting of these artworks from sacred spaces. During colonial times, scientific expeditions carted off items of religious, spiritual, or cultural significance, and even everyday items related to people's wellbeing, in the name of ethnographic collection (Abungu 2007). The Nigerian colonial experience transformed traditional beliefs and practices within a Eurocentric paradigm. Following the transformation that came with Western culture, it is no exaggeration to say that Awka's contact with British colonial rule resulted in the modification of most of its cultural structures. Many examples of its tangible heritage, specifically ancestral shrines and wooden figurines, were burnt, while most of its intangible heritage – traditions – was abolished.

Therefore, Western culture 'contributed their share to undermining the traditional culture of Africa' (Seggy 1960: 32). African culture was undermined by and vulnerable to Western modification because of its roots in indigenous religions. Complex indigenous religious beliefs and practices that were at variance with Western culture were dismissed in derogatory terms. Thus, addressing indigenous religious practices as a fetish questioned the potency and relevance of traditional paraphernalia. Consequently, Stevens (1935: 7) lamented that 'what was definite in indigenous belief has become blurred, doubtful and discredited…[T]hus the conditions which fostered the old art are passing away and will not return. With them is passing the art which was sustained by the ancient traditions of ritual and worship'.

The role of traditional paraphernalia in indigenous religious practice undermined the relevance of artifacts in colonial society as they were misinterpreted as fetish objects and/ or idols. Buttressing the effect of the above association, Beier (1960: 10) opined that 'one of the difficulties the average Nigerian has in approaching traditional art is the fact that most of it is associated with traditional religion and this aspect of African culture has been so much maligned by Europeans, that some Africans actually believed that their fathers worshipped idols or fetish[es]'. Given this, missionaries were known to publicly burn fetishes not realising that they were destroying a great cultural heritage of the people (Beier 1960). Consequently, even today, some Nigerians will use the derogatory words 'primitive' and 'idol' in reference to artworks that are among world's the master pieces. Awka's traditional paraphernalia, enmeshed in the traditional religion, lost its place in the culture that created them. The above misrepresentation, misinterpretations and misconceptions of traditional paraphernalia were the consequences of Eurocentrism.

In addition, the Western-centrism of post-colonial Nigerian society promotes modern lifestyles. Such a lifestyle has brought about industrial manufacturing, which has replaced traditional carved production (Akturk 2020). In other words, modernisation has resulted in the obsolescence of craft in the practical world (Takuya and Takayama 2010). The introduction of modern art objects transformed the relevance of traditional paraphernalia from societal necessity to objects of curiosity in a museum – unlike in the pre-colonial Awka community, when these objects served various societal needs in sustaining and maintaining the different beliefs and practices of the community.

The museum, being a Western initiative for the preservation of cultural heritage proved unsafe for cultural objects – unlike African 'living museums' which are sacred spaces. In the sacred spaces, these objects were revered; but in a European museum, they were denied their primary duty and thus became dead. Against this background, Beier (1960: 6) argues that 'museums are necessary evils[;] they are, as it were[,] the mausoleums of culture. Museums are ideally suited to contain archaeological finds like Ife bronzes[,] but they are not the ideal place for works of art from a living culture'. Even so, the European-modelled museums have successfully preserved the tangible character of traditional paraphernalia, rescuing it from the threat of extinction but without its intangible features. As Fagg (2006) stated, the sculpture of one tribe is meaningless and unintelligible to people of another tribe because it is art divorced from its content of belief. Hence, the preservation and protection of traditional

artworks against modernity's destructive effects became a motivating factor for the existence of museums (Beurden 2015). Nevertheless, the African living museum that has engaged the intangibility of traditional paraphernalia stands to imbue contemporary art with such values.

Conclusion: the resilience of Awka traditional paraphernalia

Traditional paraphernalia across civilisations in Africa symbolise the culture of the makers. These objects were not mere artworks; rather, they were embodiments of the beliefs and practices of the communities that made and used them. Interpretation of these unique art forms simplified the complexities of African traditions that were wrapped in obscurity. This is the because traditional Awka community infused their worldview in their carved wooden forms. These unique pieces of art were the mainstay of pre-colonial Awka cultural institutions and activities. Despite the value of traditional paraphernalia in the pre-colonial Awka community, modernity, with its contemporary artworks, challenged the intangibility of these artworks. By preserving traditional paraphernalia in Eurocentric museums, Western civilisation viewed these intangible items merely as objects of curiosity. Nehaa (2023) rightly asserts that representatives of a living culture cannot be preserved within a museum exhibit. With the loss of their intangible characteristics, the tangible representations of traditional paraphernalia are transformed into lifeless contemporary artworks.

Therefore, the presence of contemporary artworks is not the challenge; rather, the problem has been the loss of the intangibility of traditional paraphernalia. Thus, one might say that the acceptance of Western civilisation led to the vulnerability of the intangibility of Awka's tangible heritage (traditional paraphernalia). Given this, Fagg and Plass (1964: 124) aver that 'the values of traditional art are being more and more undermined by the subtle changes of thought involved in the acceptance of western materialism, which is now battering on the remaining art traditions.' Despite, the loss of the intangibility of traditional paraphernalia, Martin (2010) opines that traditional practices will continue to be a vibrant part of the modern African experience. This is because Africans, and specifically the Awka community, cannot be separated from these elements of their cultural beliefs and practices. Against this background, traditional paraphernalia will continually be reproduced in contemporary art forms to embody and sustain Awka's intangible heritage. Under this guise, Awka's traditional paraphernalia represents the social environment of its makers at any given time.

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Small-scale octopus fishery with clay shelter pots: intangible cultural heritage and sustainable practices

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ABSTRACT

The Declaration of the United Nations Conference on the Human Environment (United Nations 1972) and the Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO 1972) paved the way for the Declarations of the Rio+20 Sustainable Development Conference (United Nations 2012) and the Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO 2003).

Some of these international declarations aim to achieve goals relating to environmental, economic and social sustainability which incorporate culture as a transversal axis. The knowledge and ways of life preserved through past generations have proven themselves to be socially and naturally sustainable, and many of them constitute examples of intangible cultural heritage. Artisanal fishing with clay shelter pots for the common octopus, a resource threatened by overfishing, is an example of such heritage that would result in a more sustainable way of life and better protection of our ecosystem resources if safeguarded (Nocca 2017).

Keywords

intangible cultural heritage, fishing cultural heritage, sustainable heritage, artisanal octopus fishing

Intangible cultural heritage and sustainability: safeguarding techniques and knowledge

Over the last half century, we have witnessed a concerning process of depletion of the world's natural resources. The United Nations Conference on the Human Environment (United Nations 1972) established the first international policies to address environmental sustainability. The overall objective was clear: to halt the depletion of ecological resources and tackle environmental pollution for the benefit of future generations.

The idea of sustainability was subsequently extended to the field of heritage through the Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO 1972). Other milestones would follow, such as the 2021 Agenda of the United Nations Conference on Environment and Development (United Nations 1992), the Rio+20 Conference on Sustainable Development (United Nations 2012) and the Sustainable Development Goals of the 2030 Agenda (United Nations 2015). Meanwhile, the Convention for the Safeguarding of the Intangible Cultural Heritage (UNESCO 2003) recognised heritage as a 'melting pot of cultural diversity and guarantor of sustainable development'.

For the purposes of this study, the 2003 Convention defines 'intangible cultural heritage' as '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 recognise as part of their cultural heritage' (UNESCO 2003: Article 2.1). The definition recognises five domains of heritage manifestation, which include 'knowledge and practices concerning nature and the universe' and 'traditional craftsmanship', expressions that will be approached in this study as examples of contributions by our culture to sustainable development.

This study proposes consideration of clay shelter pots as a heritage element in line with the definition by UNESCO, as well highlighting its role as a sustainable traditional activity. Interventions are also proposed to contribute to the preservation and safeguarding of this intangible cultural heritage and to guarantee a more sustainable future (Molina 2018).

A considerable body of knowledge has been amassed regarding the use of clay shelter pots for artisanal octopus fishing. The Gulf of Cadiz has a strong fishing tradition due to the wealth of the continental and oceanic waters that converge on this coast. Ever since ancient times, its inhabitants have employed very specialised and diverse techniques to take advantage of these natural resources in tune with their way of life. This is the case of species such as the common octopus (*octopus vulgaris*), which is highly appreciated due to its culinary attributes and has become a mainstay of the local economy in many regions.

It is precisely this popularity which can pose a danger to the species, as it leads to the development of other unsustainable techniques and methods that put the local ecosystem at risk.

Clay shelter pots are not only a valuable fishing system due to their contribution to more selective and sustainable fishing activity. They are also an expression of intangible cultural heritage in light of their great historical legacy and worldwide diffusion, forming part of the fishing techniques of different cultures as well as having a very significant role in the history of the Gulf of Cadiz. Due to the implementation of new systems and the inconsistency of certain regulations, clay shelter pots as a fishing system and an example of intangible heritage are in a process of decline that we intend to address in this study.

Objectives

The general objective of this study is to contribute to the safeguarding of artisanal octopus fishing using the clay shelter pot system in the face of the progressive decline of this heritage. It also seeks to foster more sustainable octopus fishing by contributing traditional knowledge and fishing techniques that have been handed down through generations of fishers. To this end, we have set a series of specific objectives:

1. To describe the technique of common octopus fishing using clay shelter pots and the other octopus fishing techniques currently employed today.
2. To determine the value of clay shelter pots in terms of heritage and sustainability.
3. To research the legislative, social and economic context influencing the decline of this artisanal technique and its substitution by other more industrialised and less sustainable methods.

Methodology

The methodology used in this research is mainly based on qualitative ethnographic methods, the results of which are supported by other research and analysis techniques. This has given rise to results that have been analysed and compared through triangulation (Denzin 1970, in Navarro et al. 2004: 2).

First, a bibliographical and documentary analysis and review was carried out in two distinct parts. The first part involved a bibliographical compilation, while the second part consisted of an analysis and summary of administrative and archival documentation.

The bulk of the research involved ethnographic fieldwork, mainly based on the technique of observation (Hammersley and Atkinson 1994) (Punta Umbria and El Rompido, Spain; Fuseta and Sagres, Portugal, between 2020 and 2021). This technique was complemented by interviews with key informants, and recording of narratives and life stories.

A total of 66 participants (62 men and 4 women) directly involved in octopus fishing were interviewed through three discussion groups, one on the Huelva coast (Punta Umbría, 2020) and two on the Algarve coast (Fuseta and Santa Lucia, 2021). All of the participants were between the age of 30 and retirement age. In addition, two fishers from Huelva and four researchers from the Algarve Centre of Marine Sciences (CCMAR) were interviewed individually.

The researchers took part in the Octopus Fishery and Life Cycle Workshop (2021), during which experts and fishers shared their lifelong learning and experience. This event was also attended by Portuguese fishing guilds representing more than 300 fishers, technicians from NGOs, the Portuguese Secretariat of State for Fisheries (SEP), researchers from the CCMAR and a delegation of fishers from Galicia (Spain).

The content of the research was compiled in an audiovisual document and a field journal. Observations were made regarding the research projects, comparing the visions of the participants and the researchers, which also allowed us to learn about their way of approaching the issues raised in this study.

Octopus fishery in the Gulf of Cadiz

The Gulf of Cadiz extends from Cape St. Vincent to the Strait of Gibraltar, including the Portuguese Algarve region and the Spanish provinces of Huelva and Cadiz bordering the Atlantic Ocean. The Guadalquivir and Guadiana rivers are two major waterways flowing into the ocean that stand out due to their ecological value, with the latter river marking the physical border between the two countries (Figure 1).

The general dynamics of the coastline are northwest–southeast, with some beaches in an east–west direction resulting in a staggered coastline. At the bottom of this coast there are rocky areas (in the Strait of Gibraltar and occasionally along the Algarve coast) and sandy-clay areas more typical of the Portuguese–Huelva coastline. The marine geography is characterised by low-lying beaches, extensive plateaus and deep trenches located in the province of Cadiz (Benavente et al. 2015; Díaz-del-Río et al. 1998).

The marine geography and biological wealth favours the settlement of numerous marine species, as well as limiting the possibility of using certain fishing techniques. Such is the case of the traditional octopus fishery, the result of a wealth of knowledge handed down through different generations which is still put into practice today to successfully fish for this species (González et al. 2011).

The common octopus (*octopus vulgaris*) is a species found in warm and temperate waters of different seas and oceans around the world. As pointed out by Jurado-Rufaza

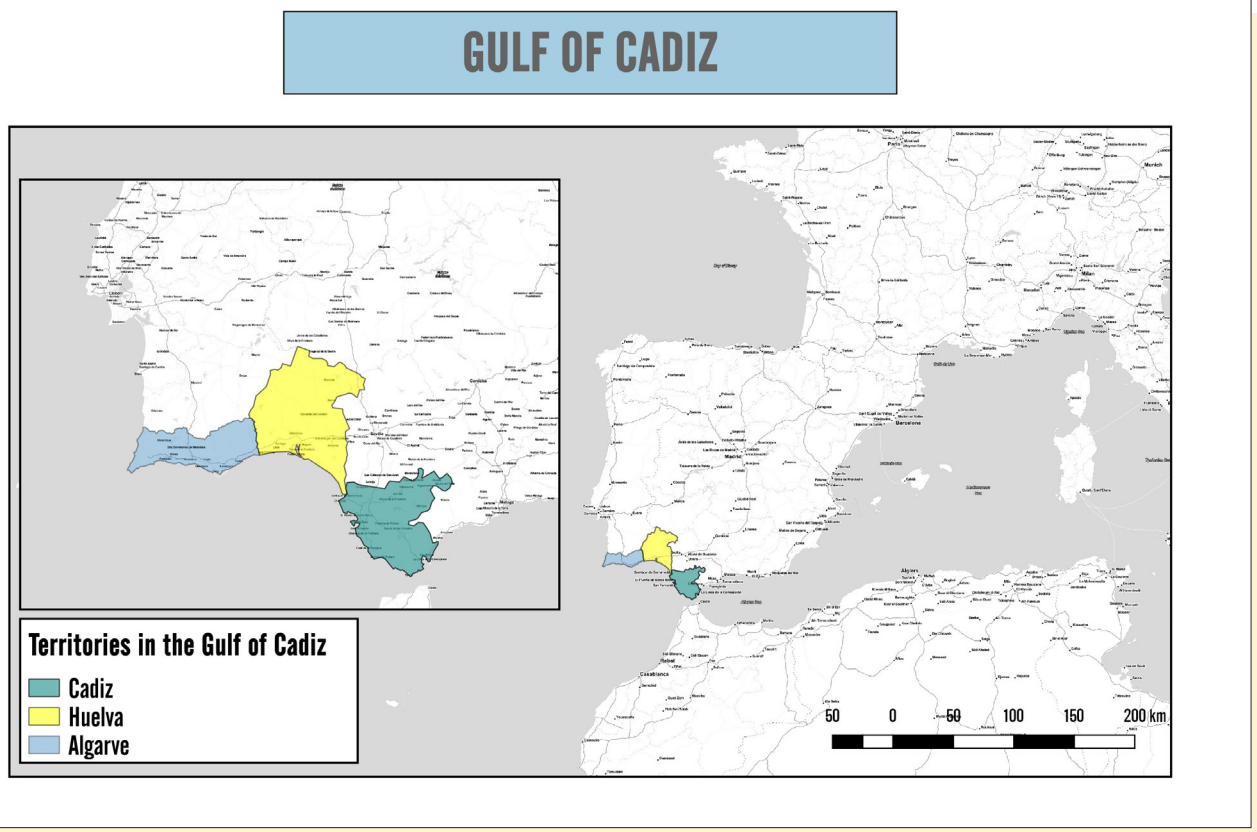

Figure 1
Gulf of Cadiz
Source: Author

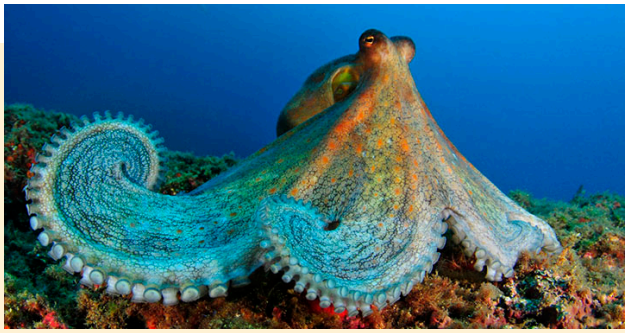

Figure 2
Octopus vulgaris
Source: Oceana. https://fishsizematters.eu/peces/pulpo-comun/

and colleagues (2011), it is a benthic species with a wide adaptability to habitats, which is why it is found on rocky sea floors and meadows and at different depths. Its life cycle is characterised by rapid growth and a short life span of just over a year (Eslava et al. 2019) (Figure 2).

Due to its reproductive characteristics and its nomadic nature, it is difficult to obtain the annual count of specimens of this species. As Carvalho and Sousa (2003) point out, octopus reproduction is terminal-simultaneous, involving deposit of a large number of eggs with a high mortality rate but which is highly variable depending on the environmental conditions.

The reproductive cycle takes place over several months. The mature females lay their eggs in the months between February and August, with a decline between September and January. In November there is an upturn in the number of reproductive females. In addition, larger specimens can be found in areas with warm water, such as certain spots in the Gulf of Cadiz (Carvalho and Sousa 2003).

Two main techniques are used for commercial fishing of the common octopus. The first of these is the plastic shelter pot; the second is the clay shelter pot, known locally as an '*alcatruz*'. More selective fishing techniques such as hand jigs ('*pulperas*') are also used with a professional licence.

Although the aim of this study is to describe the contribution to sustainable development of the clay shelter pot as intangible cultural heritage from an ethnological perspective, it is necessary to present both types of fishing gear in order to analyse the advantages and disadvantages of each technique and their contribution to sustainable fishing culture.

As noted by Sauer and colleagues, 'Octopus fishing traps are framed traps with a single entrance partially blocked usually by plastic strips, easy to push in by an octopus but not back out' (2019: 5). As they continue to explain, in some cases they may be baited inside with fish, so that the octopus enters the trap to feed but cannot get out afterwards (Figure 3). The pots can be made of different materials, shapes and sizes. Figure 3-A is an example of a cube-shaped trap. Figure 3-B shows a semi-cylindrical



Figure 3
Two forms of plastic trap, Sagres, Portugal, 2021
Source: Author

shape but using the same capture system, with the flat area serving as the base and support for the trap.

Plastic traps are deployed from a boat via a single 'mother line' (the line that joins all the traps together) with a motor-driven pulley that positions the traps on the sea floor. The set of traps is indicated at sea with a 'mark', a flag with a mast usually attached to an inflatable or cork buoy. This differentiates the traps owned by each boat, as well as indicating the location of the line where the traps are to be collected.

The traps can be collected and deployed daily. The legislation in each territory regulates the limitations on use of this gear, although normally they are collected between two and five days after being set. The system for depositing clay shelter pots on the sea floor is similar to that of the traps. There is also a mother line joining a series of pots to the same buoy, and a 'mark' is also used to indicate the location of the pots and identify the owner.

Clay shelter pots are a passive fishery technique, although they are different from traps. As Sobrino and colleagues point out, the '*alcatruz* is a capture device ... (which) is based on a close knowledge of octopus behaviour: very territorial, "hermit-like" and in constant search of shelter ... it consists of a vase-shaped clay pot without a net to hold the octopus. They are rigged to long lines containing between 50 and 70 clay shelter pots' (2011: 284) (Figure 4).

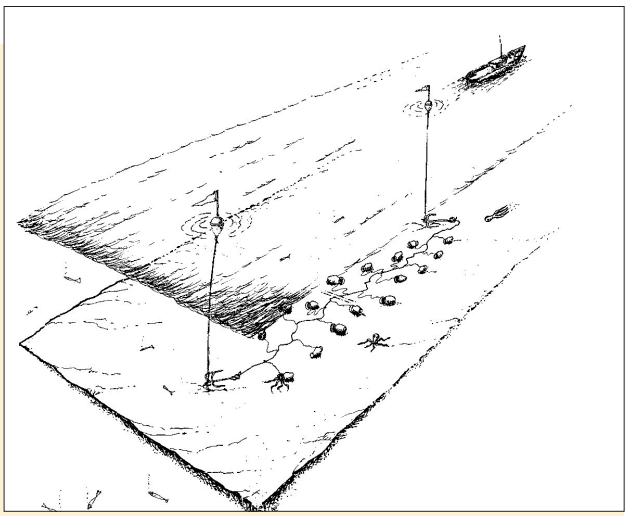

Figure 4
Clay shelter pot, or alcatruz, for common octopus
Source: Silva and Sobrino (2013)

These fishing techniques are regulated by the laws of each country. The fishing zone of the Portuguese Algarve (the Portuguese part of the Gulf of Cadiz) is mainly regulated by the following regulations:

- Ordinance 635/2005 of 2 August 2005 of the Ministry of Agriculture, Rural Development and Fisheries, which establishes measures on an experimental basis for the management of octopus fishing on the southern coast of Portugal.
- Regulatory Decree 7/2000 of 30 May amending Regulatory Decree 43/87 of 17 July (defining national measures for the conservation of living resources applicable to fishing activities in waters under national sovereignty and jurisdiction) and reissuing it as an annex with all its amendments.

The area of the Gulf of Cadiz in Andalusia is governed by the Order of 25 April 2017, which regulates the capture of octopus (*octopus vulgaris*) in national fishing grounds of the Gulf of Cadiz and establishes a census of vessels authorised to carry out such activity.

Other restrictions have also been established, such as limitation of the fishing fleet (only in the Spanish case), closed fishing seasons (different in each area), minimum catch size, and restriction of the area in which the fishing gear is set so as not to interfere with the biodiversity of the ecosystem and other fisheries, etc.

Although fisheries legislation is of utmost importance as it regulates all fishing activities in the area, this legislation is mainly focused on managing ecological and economic issues in order to meet the needs of fishers without irreparably affecting the survival of the octopus population.

This means that the legislation directly affects the survival of artisanal fishing techniques that are identified with the fishing heritage of the region, yet it does not focus on safeguarding these heritage values. Rather, reliance is placed on heritage legislation specifically designed for that purpose.

In the case of Spain, the application of Law 10/2015 of 26 May for the safeguarding of the intangible cultural heritage stands out. According to its second article, 'the uses, representations, expressions, knowledge and techniques that communities, groups and in some cases

individuals recognise as an integral part of their cultural heritage' are considered intangible cultural heritage assets. In this way, the Law follows the guidelines of the 2003 Convention and recognises the heritage typologies into which the artisanal fishing of octopus using clay pots is classified.

Similarly, the Portuguese Law 107/2001 of 8 September, which establishes the basis for the policy and regime for protection and enhancement of cultural heritage, recognises in its Article 2.4 that 'intangible assets that constitute structural parcels of Portuguese identity and collective memory are part of the cultural heritage'. We also find reference to preserving heritage in Decree-Law 115/2012 of 25 May of the Directorate-General for Cultural Heritage.

In both countries, there is a structure for the protection and recognition of cultural heritage through cataloguing (for the most recognised elements) and inventorying (which involves the documentation of those elements that, although considered relevant, do not enjoy institutional protection).

However, the competent heritage legislation does not recognise octopus fishing with clay shelter pots as an element of intangible cultural heritage. The following section seeks to highlight the relevance of artisanal octopus fishing as intangible cultural heritage and thus contribute to its safeguarding.

Octopus fishing with clay shelter pots as intangible cultural heritage

Until now, fishing for octopus using clay shelter pots (known locally as an '*alcatruz*', '*cadufo*', '*cangilón*', etc.) has been treated as an artisanal or small-scale fishery and its heritage importance has not been highlighted. In order to understand it in this manner, we will study the activity from a diachronic perspective.

As noted by Tsangridis, Sanchez and Ioannidou, the biology of the common octopus and 'its high commercial value in the Mediterranean since ancient times (Sartor et al. 1998) have resulted in the development of specialised and highly productive fisheries (pots, traps and nets) with catches which are practically monospecific' (2002: 66).

It is difficult to trace the origin of the tradition of the clay shelter pot for octopus fishing in the Gulf of Cadiz and the origin of its consumption, given that the lack of a rigid skeletal structure makes it difficult to determine its consumption in periods studied using archaeological methodology. Some studies suggest a possible octopus fishery in Roman times. Taking advantage of the system of fishing corrals typical of the Cadiz coast, the octopus would have been hunted thanks to the shallow depth provided by the corrals or using '*cuévanos*' (Sañez-Reguart 1791–1795), pots made of cane or esparto grass that were also used for crab fishing.

As for the clay shelter pots themselves, underwater finds suggest that their use began in the late Roman period (Bernal 2010). Octopus is known to have been consumed on a daily basis by both Muslims and Christians in that same period in other areas of the Iberian Peninsula, encouraged by the practice of Lent and its low price. It was also present in the Middle Ages and the period of Al-Andalus (711–1243) (Martínez 2015), which confirms its consumption in the Gulf of Cadiz since the late Roman period.

This conclusion is supported by recent ethnological works defining '*cangilón*', one of the names given to the clay shelter pots in the Spanish zone of the Gulf of Cadiz: '*cangilón* is a variation of *gongilón*, derived from the Mozarabic Vulgar Latin term *congialis* meaning "measure of wine", an earthenware vessel used to catch octopuses' (Gómez 1989: 21).

The above historical evidence provides an important basis demonstrating the use of this artisanal fishing system over centuries of history, imbuing the use of clay shelter pots with a strong historical and traditional character. However, while important, this is not its only heritage value.

As well as being a noteworthy fishing technique in the local culture, the importance of the tradition of octopus fishing is reflected in a range of strongly consolidated gastronomic, commercial and mythological manifestations that revolve around this species and its consumption. Both the *Guide to the cultural heritage of fishing in Andalusia* (2011) and the *Atlas of the intangible heritage of Andalusia* (2014) – a benchmark in the safeguarding of intangible cultural heritage and recognised by UNESCO – highlight the intangible heritage value of these expressions and elements linked to knowledge and ways of life associated

with octopus fishing in the region of Andalusia.

Its artisanal nature is reflected in its manufacture in pottery workshops and its use at sea, both of which are the result of specialised knowledge of the species and its physical environment that has been passed down orally from generation to generation.

Without reliance on modern technology, this knowledge has been preserved through empirical methods thanks to years of dedication by fishing families and the transmission of knowledge in family and economic environments. It comprises a very selective form of artisanal fishing, designed solely for catching the common octopus, thus demonstrating a very detailed knowledge of its behaviour.

The clay shelter pots are deposited and collected from the sea by an artisanal fleet known under Andalusian legislation as the 'fresh' trawling fleet. This fleet of artisanal boats 'is characterised by daily fishing and the use of trammel nets, trap gear (pots) and hook gear ... [T] hey tend to be small vessels' (Department of Agriculture and Fisheries 2012: 5). There are two characteristics of key importance for the transmission of this artisanal fishing knowledge.

The first of these is the strong endogamic nature of the transmission of this fishing method. It is common to find testimonies that mention starting this work at a very early age introduced by a relative, usually the father: 'I catch octopus almost all year round. That's how I've been doing it for 20 or 25 years, and before that it was my father too, and on the other boat we were also fishing for octopus' (fisher 1, Punta Umbría, 2020).

It is also common to find testimonies describing how many octopus fishers were involved in other fisheries as well and that on occasions, if there was a shortage of personnel, young people who were in the fishing port every day were offered the opportunity to learn the trade.

The second characteristic of utmost importance for the transmission of knowledge and learning about fishing with clay shelter pots is experience. Learning is not only done by receiving information orally, but also through observation and practice, both in port when preparing the gear, assembling it on the boat and repairing it, and at sea when learning the most successful setting locations, the arrangement of the gear at sea, and the optimal environmental conditions and tides so that the pots do not break or get lost. The whole process is carried out by hand and the boats do not have a mechanised system for this type of fishing.

If the artisanal nature of this fishery is to be maintained, the manufacture of specialised octopus fishing gear is also of vital importance. Some testimonies – for example, in the Portuguese area – describe the almost total disappearance of the use of clay shelter pots due to their substitution with plastic pots or traps, or, in the case of Huelva, the use of materials such as tin cans instead of clay shelter pots.

The production of clay pots for octopus fishing has become more dispersed, with the fishers having to travel to the pottery workshops in the main artisan hubs of the area: 'We started to go to where they made clay pots: to Trigueros, Gibraleón, La Palma del Condado (municipalities in the province of Huelva). Later on, we went to Portugal. That was where they made the *alcatruces*' (fisher 2, El Rompido, Huelva, 2020).

Some fishers also describe how they sometimes made their own gear: 'I made *cangilones* out of clay or wood, all kinds of material. And I fished quite a lot with them' (fisher 3, Punta Umbría, 2020).

These workshops devoted to artisanal manufacture of clay shelter pots have been disappearing in the areas that previously met the demand for fishing in the Gulf of Cadiz. Today, the fishers of this region are mainly supplied by a workshop located in Jaén, an inland province in the northeast of Andalusia that maintains this pottery tradition. They are also supplied by a workshop in Loulé, a municipality in the Algarve which, despite the limited use of earthenware pottery in that area, maintains its production due to the demand for pots for fishing in the Spanish region of the Gulf of Cadiz (Figure 5).

The manufacturing process consists of two phases. The first phase consists of the manual construction of clay pots of the shape and size suitable to house octopuses, consisting of a wide entrance and a narrow bottom with a hole. They may also have another hole for the attachment to the mother line. The resulting pots are then baked in an oven. The second phase is carried out by the fisher and involves attachment of all the pots to the mother line, depending on their number and nature, along with



Figure 5
Master potter: artisan manufacturing clay shelter pots, Loulé, Portugal
Source: Nuno de Santos, 'Lei ambiental espanhola mantém viva tradição algarvia do alcatruz'. Barlovento, 5 July 2017. https://barlavento.sapo.pt/destaque/lei-ambiental-espanhola-mantem-viva-tradicao-algarvia

marking of each pot with the fisher's distinctive mark.

Ethnographic work, interviews with key actors and focus group observation have yielded information of major relevance to what was defined by Jesus and colleagues (2022) as LEK (local ecological knowledge). This LEK, treasured by artisanal communities, is 'remarkably fundamental to effectively manage fisheries, support protected area management strategies, species conservation and other factors' (2022: 1).

An ethnoecological approach has been applied to determine the life cycle of the species *octopus vulgaris*, the behaviour of which is still relatively unknown to science, although it is less of a mystery now thanks to the years of observation by traditional fishing communities.

The same applies to the artisanal fisheries of the main countries for octopus fishing worldwide, such as the leading country, South Korea, along with Japan and Taiwan (Dou 2010; Lee 2011; Byun 2022; Kim 2016), which both have a similar level to Spain. These different cultures have traditionally observed the behaviour of the species for its fishing and consumption and as a result they all have a common intangible cultural heritage (Carbonell 2012; Durán 2015).

Despite its heritage importance, the use of clay shelter pots for octopus fishery is criticised by some biologists and fishery experts. A comparison of the viewpoints of those who value the clay shelter pot as a fishing system and those who do not help us to highlight possible positive ecological values for the sustainability of this fishery. The following section addresses this matter through the work carried out under two research projects.

Two research projects in Spain and Portugal: observation of different interpretations and accounts of the same problem

One key issue emerges from the literature review and observation of the different categories of stakeholders: although this study focuses on the heritage value of artisanal octopus fishing using clay shelter pots, its preservation as traditional knowledge depends mainly on the ecological and economic valuation that is currently granted to this form of fishing.

Using triangulation, we have been able to compare the experience of observing the behaviour of the discussion groups with scientific advances in this field. This has been done through a study of two research projects:

- 'Octopus fishing with clay shelter pots in Euroregion AAA: a common intangible cultural heritage', carried out at the University of Huelva.
- 'Participesca: implementation of co-management of octopus fisheries in the Algarve', carried out at the Centre of Marine Sciences of the University of Algarve.

On the other hand, these projects offer interesting insights into the ecological arguments that certain stakeholders and experts rely on to support the appropriateness of using clay shelter pots on the one hand, and plastic traps on the other, for octopus fishing. All of this will have an impact on the preservation or, on the contrary, the disappearance of this element of intangible heritage which constitutes a vibrant cultural expression linked to the economic activity of fishing. The results of these projects are set out below.

Project: 'Octopus fishing with clay shelter pots in Euroregion AAA: a common intangible cultural heritage'

The general objective of this research project was to recognise the origin of the traditional artisanal octopus fisheries on the Huelva and Algarve coast. It sought to unify efforts to enhance recognition of the intangible cultural heritage of the method of fishing for octopus with clay shelter pots and its artisanal, and therefore ecological, quality.

The specific objectives were: (1) to quantify octopus fisheries on the coast of Huelva and identify those of an artisanal nature; (2) to determine the problems faced by the sector and the fishers themselves; (3) to document the art of fishing with clay shelter pots and its heritage values; and (4) to promote the creation of a distinctive brand for this fishery as intangible cultural heritage.

Following observation of participants in the interviews and discussion groups, the first conclusion is that the attitude of the key stakeholders regarding octopus fishing with clay shelter pots is favourable. They see it as a fishing method that is traditionally used in the Huelva area. They consider plastic traps to be very harmful to the seabed and the marine ecosystem. They define it as 'highly polluting'.

They also point out other problems in the sector, such as excessive bureaucracy in order to be able to fish for octopus and other species, the lack of fairness when obtaining fishing permits for various species, competitive difficulties in the market, and poaching in the sector. They also mention the lack of recognition of the local octopus fishery in the area, which is wrongly presented in the market as a fishery of competing areas such as Galicia.

Regarding the protection of small-scale fisheries, this is regulated in the competent legislation on octopus fishing. However, it is true that this technique has a direct competitor, the plastic trap, the efficiency of which has led to the progressive abandonment of clay shelter pots despite the fishers themselves recognising that plastic traps are a highly polluting method. The words of the President of the Andalusian Federation of Fishing Guilds (FACOPE) based on his own experience are enlightening on this subject:

> Octopus fishing was regulated in 2016. A working group was formed and the Andalusian Federation, of which I was not President at the time ... asked me to step in for the President, who was ill, and we carried out work on the role of octopus. In the end an order was drafted and soon after the Federation of Galicia invited us to a talk in Galicia, a meeting, [...] I made a speech there about the clay shelter pots and, well, people were very surprised when I talked about it. [...] Everybody there, all they defended was the '*nasa*' (plastic trap), always the '*nasa*'. I think that even those who fish with the '*nasa*' are a little bit against it. Even them. And those who fish without the '*nasa*', they also see it as a bad thing. Why? Because if we lose any plastic gear we deteriorate the seabed.

The research work carried out in the Portuguese area (in the zone of Santa Luzia) revealed a decline of octopus fishery which prevented us from achieving the desired purpose of promoting recognition of the heritage of artisanal octopus fishing in the Gulf of Cadiz. Therefore, we did not engage in the observation of any more focus groups.

Project: 'Participesca: implementation of co-management of octopus fisheries in the Algarve'

This project divided into several phases aimed to diagnose the octopus fishing sector in the Algarve region, working with fishers and exchanging knowledge with them. The ultimate goal was to gather data on the current status of octopus fishing through GPS tracking, counting and samples of specimens. As in the case of Huelva, there were no classified and differentiated statistics for this fishery.

Fishers from Fuseta y Santa Luzia highlighted the problems with conservation of the common octopus due to overfishing of the species in the area. In the Portuguese case, there is no control of the maximum quota, and the only limitation and closure is for specific days of the week

(Sundays) and a location within a specific distance. The fishery method used in this area is the plastic trap, and clay shelter pots are rarely used. It is more common to use plastic pots, which are prohibited in Andalusia as they are highly polluting.

Every day, octopus fishers in the Algarve gather thousands of traps without any size or weight control. They also acknowledge that they ignore the restrictions regarding the area delimited for octopus fishing. This is an issue that the researchers of the GPS tracking project explored. Some of these fishers were aware that their unlimited fishing practices were making octopus fishing unsustainable.

Interviews with biologists from the Participesca project reflect a different view to that of the Spanish researchers. They do not consider plastic traps to be very harmful. However, they do point out that uncontrolled fishing and the lack of awareness of fishers endangers octopus fishing. They consider it to be an educational and governmental problem that must be tackled.

The Octopus Fishery and Life Cycle Workshop was held on 11 and 12 October in Faro and Portimao, respectively, an event attended by the researchers of the project, fishers, the Fishing Guilds of the Algarve, representatives of NGOs and representatives of the Secretary of State for Fisheries, which is responsible for managing and regulating fisheries in Portugal.

Interesting issues discussed included the initiative to research the life cycle of the common octopus and other octopus species; problems with the protection of the species and fishing; the coherence between the life cycle of the species and the adequacy of state management measures; and the differing visions of the research and of some of the fishers attending.

Unlike other coastal areas, the survival of traditional octopus fishing is not even a matter for consideration among fishers in Portugal and Galicia. Fishers in the Galician area expressed their rejection of the clay shelter pot because in Galicia the sea floor is rocky and clay pots can suffer damage and breakage when they are released and collected. They also consider that the female octopuses deposit their eggs inside the pots and when the pot is collected, the new generations of the species are lost with them.

The representatives from the Portuguese zone argued differently. Their concern focused on demanding government control of fishing quotas for traps, known in Portugal as '*covos*', which are still not effectively controlled.

The heritage of artisanal octopus fishing is not a matter of concern in the Portuguese region, even though the valuation they are currently making positions industrialised fishing gear as preferential to artisanal fishing. Understanding whether octopus fishing with clay shelter pots is really detrimental to sustainability, as Portuguese and Galician fishermen and researchers argue, is a part of the objectives of concern in this research. In the following subsection we address the ecological assessment of both fishing gears within the parameters of sustainability and environmentalism.

Ecological problems of fishing for common octopus with different fishing techniques

The detailed work carried out with the different discussion groups also highlighted the problems with octopus fishing, relating mainly to problems of competition and excess demand for the product leading to supply problems due to unsustainable fishing. The social and economic conflicts in each region are at the heart of this problem.

Another problem is the ecological consequences, the area on which we are mainly focused. The economic dependence of many groups of fishers on reaching a number of catches that is profitable for their business focuses their fishing activity on the short term and not on the conservation of the species and its environment in the medium and long term. This is reflected by the inconsistent institutional regulation in each region. Spanish fishers, based mainly in Huelva, have closed periods and quota limitations: 'Fishing vessels of ←9 m (local category) can legally fish up to 500 traps, and coastal category vessels (9–12 m and →12 m overall length) are allowed up to 750 and 1,000 traps, respectively' (Erzini et al. 2008: 321).

On the other hand, the use of traps is uncontrolled in the Portuguese area. Compared with the limitation of 1000 traps per boat in Spain, some Portuguese fishers revealed that they can deposit around 5000 traps daily if their boat and resources allow them to do so. One fisher commented: 'If you put one foot in the water you step on a pot and if you take a step further you step on someone else's. We create

the problem ourselves, but if someone else does it, you want to do it too' (Fuseta 2021). They also say that they locate their traps in areas outside the permitted fishing grounds because they cannot fish properly when they coincide with vessels dedicated to catching other species.

There is widespread awareness that the lack of common octopus supply is often caused by overfishing by them as a whole, along with certain poaching practices that harm their regular activity (Aditi and Deepak 2013).

On the other hand, there is the problem of their contribution to the deterioration and pollution of the ecosystem. Recent research by Almeida and colleagues (2022) shows how, in addition to a series of pollutants such as petroleum and zinc in the production process of plastic pots and traps, there is a high percentage of loss of plastic traps due to storms, breakage or dumping of plastics in the Atlantic Ocean off the coast of the Algarve.

The study by Erzini and colleagues (2008) estimated losses of 52,604 traps in 2000. In the case of local fishery, 42.6% of losses were caused by interference with other fisheries and 42.4% by bottom fouling; in coastal fishery, losses were caused mainly by bad weather (40.4%) and interference with other fisheries (40%). The same study revealed that during the first weeks, the traps used to study the impact of ghost traps and their effects on the fauna caught up to two specimens of different species, though they stabilised after 35 days.

It also found the existence of larger predators trapped in the traps between days 55 and 89. The octopus traps were still intact after 12 months, while wire fish traps were completely destroyed over the same period.

With regard to the clay shelter pot, earlier in this study we quoted the President of the Andalusian Federation of Fishing Guilds who reflected on the absolute rejection in Galicia of the art of the clay shelter pot. Fishers there argued that it was detrimental to the life cycle of the common octopus because, they claimed, the females entered the pots in search of shelter to lay their eggs and then died, thus completing the life cycle of the female sex.

A study by Sobrino and colleagues (2011) investigated the impact of different fishing techniques on octopus reproduction and life cycles on the Huelva coast (using clay shelter pots and two types of plastic pots). They observed a low number of mature females and a total absence of reproductive females. Mature females were found just before spawning in the plastic pots, and to a lesser extent in the clay shelter pots. No pots were ever found with eggs inside them, even though the females had fully developed gonads and eggs of the adequate size for spawning.

The study was repeated, this time extending the period from 15 days to 30 days to rule out the possibility that the lack of eggs was due to the excessively short checking period, bearing in mind the reproductive cycle of female octopuses. 'A line of 100 pots was placed throughout the breeding season (spring–summer) and only checked once a month. Throughout this experiment no spawning was observed on the line during the period when the lines were anchored (March–August 2006)' (Sobrino et al 2011: 288).

The same debate has arisen in nearby North Africa. The study by Jouffre and Inejih (2002) focused on the impact of clay shelter pots on the coast of Mauritania. First, it concluded that clay shelter pots were not selective for brooding females; no more brooding females were counted than males or non-brooding females. It should be noted that in the Mauritanian commercial fishery, octopuses are eviscerated on board, so sex determination is difficult and sex maturity impossible to estimate after landing.

The study confirmed that criticism of the use of clay shelter pots is an argument to discredit artisanal fishing, since they compete in the same space as industrial fishing. 'It is clear now that the problems to be focused on concerning this artisanal versus industrial fishery interaction in Mauritania ... are those of the sharing of the total fishing effort allocated to the same resource' (Jouffre and Inejih 2002: 1083). It is difficult for the two activities to be carried out on the same site as the resource is limited, and while there are laws that delimit each practice they are not always respected.

As a result, trawlers enter the artisanal fishing zone, damaging the pots and lines and dragging them towards sandy bottoms: '... these lost pots do actually represent a new opportunity (and the unique one in some very large sandy and muddy areas) for the female octopuses to find a solid support onto which to fix their eggs' (Jouffre and Inejih 2002: 1084).

Consequently, there are two distinct problems

regarding the ecological impact of fishing. The first is the lack of control and excessive fishing of the species without respecting the reproduction seasons and minimum sizes. The second is the constant loss of plastic pots or traps that contribute to the deposit of macroplastics and microplastics in the ocean, deteriorating the seabed and prejudicing the biodiversity and health of the ocean.

Discussion

This study proposes considering octopus fishing with clay shelter pots as an element of intangible cultural heritage in the Gulf of Cadiz, in line with the purposes of the UNESCO Convention of 2003 and respecting the premises of sustainability of the 1972 United Nations Conference on the Human Environment, under which cultural heritage assumes a role as a cross-cutting factor.

A wealth of knowledge has been accumulated in the Gulf of Cadiz regarding artisanal and selective octopus fishing, particularly in relation to the clay shelter pot. Changes in the fishing sector have limited the use of this fishing gear to specific zones in the Gulf of Cadiz. Meanwhile, the use of plastic pots and traps has become more widespread.

The research projects analysed shed light on some of the defining aspects of this situation. The project 'Octopus fishing with clay shelter pots in Euroregion AAA: a common intangible cultural heritage' shows that fishers are committed to recovery of artisanal fishing techniques (clay shelter pots) and the abandonment of plastic traps due to their high pollution levels and non-selective nature. Andalusian legislation protects this type of artisanal fishing, although it also allows the use of plastic traps.

The other project shows a rejection of artisanal fishing gear by a majority of the fishers interviewed. Their rejection is due mainly to the fierce competition faced by fishers and the low profitability of clay shelter pots, which are more selective and are made of more fragile natural materials than the plastic traps. Researchers also favour the use of plastic traps over the use of clay shelter pots.

Applying triangulation of data, this paper highlights the ecological problems of concern to both fishers and octopus fishery experts. The studies by Sobrino and colleagues (2011) and Jouffre and Inejih (2002) show that the problem with the use of clay shelter pots is not a question of ecological issues relating to the pots themselves, but rather problems of competition in the fishing industry. In addition, authors such as Erzini and colleagues (2008) highlight an additional problem associated with overfishing using plastic traps: the dumping of microplastics into the ocean due to their abandonment in the marine ecosystem. In this sense, the use of clay shelter pots has been proven to be a more selective and sustainable fishing technique.

In addition to the environmental debate, there is the issue of the progressive decline of the use of this fishing gear and the lack of concern in some regions regarding its preservation, which would constitute a significant loss of the intangible cultural heritage of these fishing populations. We explained above the heritage relevance of this element and how these populations have historically specialised in this type of fishing which shapes their culture and enriches their intangible heritage.

The *Guide to the cultural heritage of fishing in Andalusia* (2011) and the *Atlas of the intangible heritage of Andalusia* (2014) have compiled inventories of cultural manifestations of heritage value. However, there is no clear reference, in the legislation of either Spain or Portugal, to their protection through specialised cultural heritage laws. In this regard, the possibility exists of complementing specialised fishing legislation with heritage legislation by cataloguing this fishing gear through existing legal channels:

- Law 10/2015 of 26 May for the safeguarding of the Intangible Cultural Heritage (in Spain).
- Law 107/2001 of 8 September, which establishes the basis for the policy and regime for protection and enhancement of cultural heritage (in Portugal).
- Decree-Law 115/2012 of 25 May of the Directorate-General for Cultural Heritage (in Portugal).

This process could take as a reference other fishery heritage elements such as those inscribed in Intangible Cultural Heritage Lists that demonstrate the possibility of this recognition not only because of its ecological importance, but also because it is a heritage element with a broad legacy of knowledge and a relationship with the natural environment for its sustainable use (Kern et al. 2021). Some of these cases include: charfia fishing in the Kerkennah Islands (Representative List, 2020); shrimp fishing on horseback in Oostduinkerke (Representative List, 2013); and the 'Sanké mon: collective fishing rite of

the Sanké' in Mali (Intangible Cultural Heritage in Need of Urgent Safeguarding, 2009).

In addition, further research should be considered to promote a favourable socio-economic environment for the use of clay shelter pots as a form of artisanal fishing, promoting this practice over other industrialised fisheries and social and institutional recognition of the status of octopus fishing with clay shelter pots as intangible cultural heritage and a relevant aspect of the culture of modern society.

This recognition could be of an international nature, since octopus fishing with clay shelter pots like those known in the Gulf of Cadiz as *alcatruces* is also present in the tradition of other cultures in different parts of the world, mainly the other world powers for octopus fishing (South Korea, Taiwan and Japan, where this heritage is called *Tako-Tsubo*).

Conclusions

Ethnographic work and participant observation in two research projects on octopus fishing allowed us to describe the artisanal technique of octopus fishing with clay shelter pots in the Gulf of Cadiz. This intangible cultural heritage coexists with other industrialised fishing techniques that generate a higher rate of catches, leading to the progressive disuse of clay shelter pots, which are currently only protected by Andalusian legislation on octopus fishing.

There is a rejection of this fishery method in certain zones because its forced use would compete with the use of traps or other techniques and would result in a more sustainable catch and, therefore, lower annual totals. The current regulations are constantly being overlooked by fishers and are insufficient. They do not protect the reproductive seasons of the species, resulting in a progressive disappearance of the species or almost no captures of the species on some occasions.

The reason alleged against its use – namely, that the use of clay shelter pots has a negative impact on the reproduction of the species – has already been discredited by scientific research. Far from it, this intangible heritage, applied with the corresponding closed seasons and respecting the reproductive cycle of the octopus and the minimum sizes, is one of the best ways to replace the current unsustainable fishing practices (with plastic traps) by an artisanal and sustainable method. It also contributes to reducing the impact of plastics in the ocean and, therefore, in our food.

These ideas could be supported by the recognition of the intangible cultural heritage of this fishery through the mechanisms existing for the safeguarding of intangible cultural heritage. The risk of disappearance of both the species and this heritage element raises the need for urgent measures to support its preservation and the promotion of sustainable cultural practices. These measures should focus on protection of the art of making clay shelter pots by promoting and encouraging social participation in the protection and transmission of this heritage element; preservation of fishing knowledge and artisanal octopus fishing as a way of life; and protection of the pottery workshops that make these clay shelter pots.

It is important to overcome the social barriers that limit the recognition of cultural heritage to monumental, historical and artistic elements, and to grant recognition to intangible heritage such as this natural form of fishing, which is of such importance to the history of the region, its sustainable development and the preservation of its cultural diversity.

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The role of the *morung* age groups in expressing and transmitting agricultural knowledge in Nagaland, with particular reference to Khonoma Village

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ABSTRACT

Agriculture is the predominant economic activity in the state of Nagaland in northeast India. In Naga villages, agricultural knowledge is one of the aspects of the community's cultural heritage that is passed on from generation to generation through the age groups that are associated with the bachelors' or men's houses known as *morung*s. This paper takes the Angami Naga village of Khonoma as the case study to examine the role of the age groups in the agricultural life of the village. It investigates how the age groups acquire agricultural knowledge through practical activity, and how agricultural knowledge, including knowhow, skills, practices, rituals, festivals and values, is expressed and transmitted by the age groups. It demonstrates how this knowledge is used by the age groups to navigate the economic and social life in the village.

Keywords

age groups, *morung*, bachelors' or men's house, agricultural knowledge, Nagaland

Introduction

Nagaland, a state in northeast India, is home to 15 Naga tribes, viz, the Angami, Ao, Chakhesang, Chang, Khiamniungan, Konyak, Lotha, Phom, Pochury, Rengma, Sangtam, Sumi, Tikhir, Yimkhiung and Zeliang tribes (Government of Nagaland n.d.).[1] As of 2011, the total population of the state (comprising both Naga and non-Naga communities) is 1,978,502, of which 71.14% is rural (Census India n.d.). Agriculture is the predominant economic activity, with 68.03% of the state's population engaged in it (Statistical Handbook of Nagaland 2007). Shifting – or *jhum* – cultivation is practised by all the tribes, while wet rice cultivation is also practised by the Angami and Chakhesang. The main crops grown in the state are rice, Job's tears, millet, yam and maize.

The aim of this paper is to contribute towards expanding our knowledge and understanding of the role of the age groups in agricultural life in Naga villages. The age groups are closely associated with the bachelors' or men's houses, which are known by the Assamese word '*morung*' in the anthropological literature on India's northeast region, although each Naga tribe has its own word for this building/institution. For example, among the Ao it is called *ariju* or *arichu*, and among the Lotha it is known as *chumpo*. The necessity of the *morung* for its defensive functions during the period when inter-village warfare and headhunting were rampant among the Naga tribes has been well documented in the ethnographic and anthropological literature dating back to colonial times (e.g. Hutton 1921a, 1921b; Mills 1922, 1926, 1937; von Fürer-Haimendorf 1938, 1939). Meetings, rituals and rites concerning warfare were held in the *morung*. But other aspects of cultural heritage were passed on intergenerationally in the *morung* as well. These included oral traditions, songs, skills of a utilitarian nature such

as woodcarving and basket making, etc. Von Fürer-Haimendorf (1938, 361) had mentioned how initiation into the age group marked the entrance of males into the economic life of the *morung* community among the Konyak. Thereafter, the age group would work on the fields of each of its members in rotation, and it was also hired to work on the fields of rich men. The focus of this study will primarily be on investigating how the age groups acquire agricultural knowledge through practical activity, and how agricultural knowledge, including knowhow, skills, practices, rituals, festivals and values, is expressed and transmitted by the age groups.

The case study for this paper is the Angami village of Khonoma which is located at a distance of 20 km south of Kohima town, the capital of Nagaland. Khonoma has 424 households and a population of 1943 (Population Census India 2011). The most important socio-political unit in the village is the clan known as the *thino*. It is the primary source of one's identity. There are three *thino*s: the Merhüma,[2] Semoma[3] and Thevoma,[4] each of which further comprises a number of sub-clans and lineages. The *thino*s also lend their names to the three wards or *khel*s in the village. Land ownership is of three kinds, viz, village, clan and individual. Village land is collectively owned by the village community for public use by village members. An example of this is the forested land where villagers can hunt and fish, and from where firewood can be collected for household use. Clan-owned land is meant for exclusive use by members from a specific *thino*. An example of clan-owned land is the fields that are set aside for the *khel*'s youngest age group to work on (discussed below). Individual-owned land is land that is inherited or acquired, and can be sold. In this category, ancestral land can only be passed on to a male heir (the youngest son). Both wet rice cultivation and *jhum* cultivation are practised. The main crops grown are rice, millet and potato, besides some vegetables.

Field research

The findings presented in this paper are drawn from parts of my doctoral research, for which fieldwork was undertaken in Khonoma between September 2010 and September 2011. The ethnographic methods of field survey, participant observation and interviews were employed. I visited all the *morung*s and the houses of a number of fathers (*kikrakikeseu*s) of different age groups. I took part in and observed agricultural activities, and attended social occasions, gatherings and festivals, which enabled me to gain an understanding of Khonoma's agricultural calendar, daily agricultural practices, and the agricultural activities of the age groups. Interviews were conducted with the village elders, hosts of *morung*s, *kikrakikeseu*s, members of various age groups (both male and female), and villagers who had engaged an age group to work in their fields. These interviews were concerned with obtaining information on the socio-political and economic structures and institutions, *morung* organisation and membership, age group organisation and membership, and agricultural activities undertaken by age groups. Some of the interviews were conducted in English, and some in Tenyide, the language of the Angami. For interviews that were conducted in Tenyide, Mr. Vibu Iralu and Ms. Rovino Savino assisted me as translators during September 2010 – July 2011 and July – September 2011, respectively.

The following age groups were researched:

- Sievi *Kikramia* from Merhüma *khel*, with Mr. Sievi Iralu (74) serving as the *kikrakikeseu*, comprised of members aged between 25 and 32 years.[5]
- Pezalhukho *Kikramia* from Merhüma *khel*, with Mr. Pezalhukho Thoü (58) serving as the *kikrakikeseu*, comprised of members aged between 9 and 16 years.
- Vicu *Kikramia* from Semoma *khel*, with Mr. Vicu Vakha (77) serving as the *kikrakikeseu*, comprised of members aged between 25 and 32 years.
- Diethovikho *Kikramia* from Semoma *khel*, with Mr. Diethovikho Ratsa (early 70s) serving as the *kikrakikeseu*, comprised of members aged between 15 and 25 years.
- Nilhusa *Kikramia* from Thevoma *khel*, with Mr. Nilhusa Kuotsu (64) serving as the *kikrakikeseu*, comprised of members aged between 18 and 25 years.
- Dosalie *Kikramia* from Thevoma *khel*, with Mr. Dosalie Punyü (58–59) serving as the *kikrakikeseu*, comprised of members aged between 9 and 17 years.

Certain criteria were considered when selecting these age groups for study. For one, since all of them were among the three youngest age groups from their respective *khel*s, they were more likely to be taught and assisted on matters of cultural practices by older age groups and other elders from their *khel*s. Therefore, it was possible to collect data on how and what cultural knowledge was transferred to them by the older generations, and how they expressed

this acquired knowledge. Pezalhukho *Kikramia* and Dosalie *Kikramia* were selected on account of being the youngest age groups that were established in 2011 in Merhüma *khel* and Thevoma *khel*, respectively. As such, they contributed towards data on the practices involved in the formation of new age groups.

The *morung*s in Khonoma

There are 21 *morung*s in Khonoma: five in Merhüma *khel*, seven in Semoma *khel* and nine in Thevoma *khel*.[6] The total area covered by a *morung* is generally between 20 and 30 feet in length, and between 15 and 25 feet in breadth. The *morung*s are not decorated in any manner that, at first glance, would set them apart from the other houses in the village. The roof is made of tin, and the walls are made of bamboo matting, tin or wood, although in the Meyase *morung* and lower Nhakha *morung* in Merhüma *khel* the walls are made of concrete. A *morung* consists of a porch where benches are arranged around a hearth, and immediately behind the porch is a dormitory which has a long wooden bed that runs the entire length of the room. The *morung* bed, which has been hewn from the trunk of a single tree, is usually between 14 and 18 feet long, and five to six feet wide. A bed for which rituals have been performed is known as *rase zhü*, while that for which no rituals have been performed is known as *zhüdo*. The procurement and installation of *rase zhü* involves a great deal of labour and expenditure by a *khel*, which is why precautions are taken to ensure its safety. Thus, in several *morung*s, the wall that separates the porch and the dormitory can be quickly dismantled should the need arise to remove the bed for any reason whatsoever – for example, in the event of outbreak of fire.

The *morung*s in Khonoma are of two kinds. The first is the *rüsaki*, which is a stand-alone building not attached to a household. The second kind of *morung* is the *thehu*, which is unique to the Angami. It is attached to a household and the host family acts as its caretaker. In this set-up, the host family's living space begins from the room immediately after the dormitory. However, Chasie *morung* is a two-storeyed building, where the *morung* occupies the ground floor and the host family resides on the upper floor.

The Khurükha *morung* in Semoma *khel* and the lower and upper Nhakha *morung*s in Merhüma *khel* are named after the area in which they are located, while the other *morung*s are known by the names of the sub-clan or lineage to which the host family belongs. However, it is not the case that only those who belong to the same sub-clan or lineage of the *morung* host may make use of the *morung*. Rather, as *morung*s are meant to serve the needs of a *khel*, all males who belong to a particular *khel* are allowed to use the *morung*s within their *khel*. Men use the *morung*s as places to meet, chat and exchange news. At some *morung*s, men can be found engaged in basket making which is one of the important crafts of the menfolk. Various rituals and rites are conducted in the

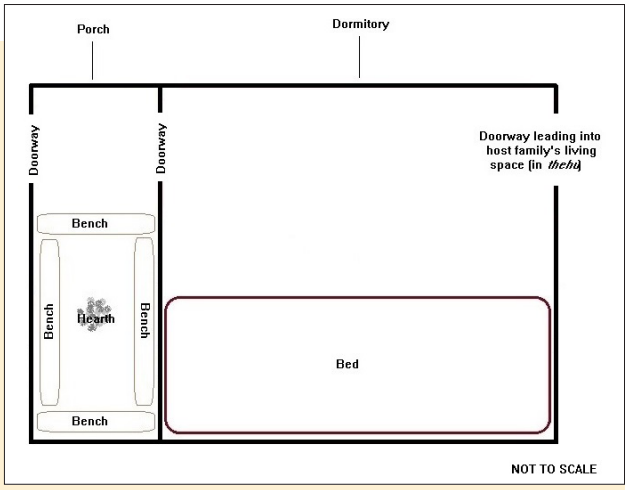

Figure 1
General plan of the *morung*.
Illustration by Shisachila Imchen.



Figure 2
Front view of Yalie *morung*, Thevoma *khel*, 28 September 2010.
Photograph by Shisachila Imchen.



Figure 3
The hearth in the porch of Punyü *morung*, Thevoma *khel*, 28 September 2010.
Photograph by Shisachila Imchen.



Figure 4
The dormitory in Yalietsu *morung*, Thevoma *khel*, 28 September 2010.
Photograph by Shisachila Imchen.

*morung*s from time to time. Some *morung*s, such as the Pier, Whiso and Yalietsu *morung*s in Thevoma *khel*, are still used quite frequently for sleeping.

While women are prohibited from entering the *morung*s among most Naga tribes (Mills 1922, 1926, 1937), women in Khonoma are not completely barred from entry. But they have to observe certain norms regarding their movement in and around the *morung*s. In the first place, since the system of a host family exists, it would be unfeasible to ban the entry of females, especially those who are members of the household. After all, one must pass through the *morung* porch and dormitory before being able to access the host family's living quarters. Female visitors of the host family are permitted to pass through the *morung* but not to linger unnecessarily, particularly in the dormitory. In the event that a meeting is being held in the *morung*, women who do not belong to the host family are expected to avoid going to the place altogether. When passing by a *morung*, women are supposed to greet the men seated in the porch as a sign of respect. In general, a woman is to approach a *morung* only if men are present. She has to announce that she is entering the *morung* and she may then enter the porch to speak with the men. But it is expected that the visit is kept short, and the dormitory is generally off-limits to her. It is absolutely taboo for a woman to climb atop the *morung* bed.

Previously, Khonoma also had provisions for groups of girls to sleep in a house under the care of a woman and her husband who were often the parents of one of the girls. Bachelors could visit and court the girls at such a home, and the males would retire to the *morung*s in the evenings. But this traditional arrangement for unmarried girls no longer exists.

In any case, both males and females are inducted into an age group when they reach the appropriate age. Males remain members of their age group for life. However, when a woman marries, and if her husband belongs to another age group, whether from her *khel* or another *khel*, she begins to participate in the activities of her husband's age group.

Initiation into the age group

The village elders Mr. Sebi Dolie (84) and Mr. Thoniu Savino (71) provided data on *selili*, a ritual that one undergoes at four or five years of age, before one can be inducted into an age group. This ritual is conducted by an elderly man if it is for a boy, and by an elderly woman if it is for a girl. It involves the symbolic washing of hair or bathing at the community well, the tying of leaves from the plant *tsohe* (which resembles paddy) around the child's forehead, wrist and leg, and the utterance of blessings by the elderly companion that the child may grow like the *tsohe* plant. The elderly companion and child fetch water, carry it home and light the fire. The child is made to touch a chicken which is thereafter strangled by the elderly companion. The companion observes the excreta and the way the chicken's legs cross. Its appendix is also

removed and examined to divine omens. The chicken is then cooked and consumed only by the child and its elderly companion, and any leftover meat is buried. Thereafter, they observe abstinence from all forms of work (*genna*), and avoid contact with animals and travellers. Children who undergo this ritual are henceforth recognised as members of the *khel* and are held responsible for their actions. A significant point to note is that the female child can no longer climb atop the *morung* bed. Breaking this taboo would require the entire village to observe *genna*.

Here, Turner's (1967) concept of liminality, which he has based on the theory of *rites de passage* as discussed by Arnold van Gennep, is useful in discussing the transitional phases that the child undergoes in the *selili* ritual. The act of washing of hair or bathing at the community well can be considered to fall within the first phase of separation, as identified by Turner, wherein the act symbolically represents the washing away of a previous state when the child had no responsibilities towards society and its detachment from the same. The child then enters the second phase, defined by Turner as margin or *limen*. In this phase, the child does not have a defined status in society and is in a transitional state. It is therefore both capable of polluting and vulnerable to being polluted. So, the meat eaten by the child and its companion cannot be shared with others, and the child and companion are kept in isolation. The third phase that the child enters is one of aggregation in which passage is consummated. The child has a stable status once again, and has clearly defined rights and responsibilities.

It is roughly between two and five years after a child has undergone the *selili* ritual that he or she joins the age group system. An age group is known as *thesü* and comprises both male and female members. Each *khel* forms a new age group every four to five years. An age group is assigned a 'father', known as *kikrakikeseu*, meaning 'he who takes care of the group of earning labourers'. The age group comes to be known by the name of its *kikrakikeseu* and is addressed as '(father's name) *Kikramia*', with *kikramia* roughly translating to patronage over members of an age group.

When the time comes for a new age group to be formed, older males from a *khel* will identify a suitable candidate for the role of the *kikrakikeseu*: he must have considerable resources to cover the expenses incurred by his age group, and his house must have sufficient space in and around it for his age group to carry out various activities. This is because the foremost duty of the *kikrakikeseu* is to provide his home as a setting for members of the age group to mingle, with the societal expectation that such mingling encourages strong bonds to develop among the members. It is at the home of the *kikrakikeseu* that members hold meetings as well. From time to time, the *kikrakikeseu* may also be expected to provide food to the age group when its members gather. He may, as a parent would, advise members of his age group on how to perform tasks and how to conduct themselves in order to become productive members of society. In matters of making decisions to undertake projects, the *kikrakikeseu*'s input is valued, but the age group ultimately has the final say. In this, it is the male members who make decisions, while the female members have no voice.

Once an appropriate candidate has been identified by the *khel*, the members of a senior age group approach the potential *kikrakikeseu*. My interviews with the *kikrakikeseu*s revealed that similar scenarios seem to have played out when they had been approached: each had at first declined the request to become the *kikrakikeseu* by saying that there would surely be other suitable candidates more fit for the role. A back-and-forth discussion followed, until the senior age group members were finally able to persuade the candidate by telling him that much thought had gone into the selection.

It may also happen that a *khel* is unable to find anyone suitable for the role of the *kikrakikeseu*, which results in the delay of the formation of a new age group in that particular *khel*. During the period of my field study, this was the case with Semoma *khel* which did not form an age group in 2011. Pezalhukho *Kikramia* was formed in Merhüma *khel*, and Dosalie *Kikramia* was formed in Thevoma *khel* that year.

Other procedures are in place for a change in *kikrakikeseu* in instances when death is involved. One, if the new *kikrakikeseu* dies before the next age group is formed in the *khel*, the age group members will be assigned another *kikrakikeseu*. However, Mekhrie *Kikramia*, which until 2011 had been the youngest age group in Merhüma *khel*, was not assigned a new *kikrakikeseu* after the *khel* granted the request of the family of the late Mr. Mekhrie Meru that it be allowed to continue taking care of the age group. Two, another *kikrakikeseu* must be found for the youngest age group in a *khel* in case there is a death in

the family of the *kikrakikeseu* before a new age group has been formed.

The initiation ceremony for a new age group usually takes place in May–June during the Thekranyi festival (more on this festival below). In the early morning, the new age group members are led by the elders of the *khel* to the home of their *kikrakikeseu*. Before the large-scale conversion of the populace to Christianity, a priest of the indigenous beliefs would slaughter a pig and invoke blessings for the house of the *kikrakikeseu*. These days, changing religious affiliations have led to adaptations in ritual, depending on the Christian denomination to which the *kikrakikeseu* belongs. Thus, when the new age groups were formed in 2011 in the Merhüma and Thevoma *khel*s, it was the Deacon from the Baptist Church and the Catechist from the Catholic Church who prayed and blessed the houses of Mr. Pezalhukho Thoü and Mr. Dosalie Punyü, respectively. After blessings have been invoked for the house of the *kikrakikeseu*, tea (which has nowadays replaced *zu* or local rice beer) and snacks are served as refreshments to the age group members. Thereafter the members are led to the paddy fields set aside by the *khel* especially for the use of the youngest age group. The members dabble about there for a while. In the evening, they deck themselves up in ceremonial attire and gather at the house of their *kikrakikeseu* to sing songs around a bonfire. This performance is watched by other members of the *khel*. Neither Pezalhukho *Kikramia* nor Dosalie *Kikramia*, however, held these evening activities, owing to the fact that many of their members were busy with school work.

A point to note about the initiation ceremony is that all new age group members, irrespective of which sub-clan or lineage they belong to, are treated in an equal manner. They are bestowed with the same blessings, served the same refreshments, and undertake the same kinds of work in the fields. Being members of the same age group, there is the expectation that they will continue to work together and grow strong bonds. Here, Turner's (1967, 100–101) remarks that collective rites for neophytes are usually characterised by equality are relevant. He had observed, for instance, that during the rites associated with circumcision seclusion among the Ndembu of Zambia, food was shared among the boys, notwithstanding rank, age or kinship position, and they slept in clusters of four or five around lodge fires. Deep friendships were encouraged, and even after the completion of rites it was thought that the ties developed would continue to link them and carry on in old age.

Acquisition of agricultural knowledge and transmission patterns

A new age group is required to work in the paddy fields assigned to it by its *khel* during the first few years following its formation. The youngsters pick up crucial knowledge and practical skills about crop cultivation through practical activity. In addition, the members learn to interact with one another and to work as a unit, which contributes towards building solidarity within the age group. The fields are later passed on to the next age group that is formed after some years.

Age groups are also hired to work in the fields of fellow villagers at certain times of the year. This work enables members of age groups to develop their knowledge and skills related to crop cultivation. At the same time, age groups contribute to the community by providing much-needed labour, particularly during the seed-sowing season in March–April and during the transplantation season in May–June. Such occasions provide the opportunity for the acquisition of agricultural knowledge. *Lica peli* (*lica* means 'mass', and *peli* means 'exchange of labour') illustrates this point well. It is an activity that is undertaken by an age group during the seed-sowing season in March–April, when the earth in the fields has dry, hard clumps of soil that need to be beaten down in order to make the fields suitable for sowing. Generally, work is carried out in the



Figure 5
Sievi *Kikramia* during *lica peli*, 11 March 2011. Photograph by Shisachila Imchen.



Figure 6
The midday meal of rice and pork on the occasion of *lica peli*, 11 March 2011. Photograph by Shisachila Imchen.



Figure 7
Members of Sievi *Kikramia* share the midday meal on the occasion of *lica peli*, 11 March 2011. Photograph by Shisachila Imchen.

fields of at least two individuals per day. At the time of my fieldwork, Sievi *Kikramia* from Merhüma *khel* observed *lica peli* on 11 and 12 March 2011. On the morning of the first day, the members of Sievi *Kikramia*, clad in appropriate attire for the occasion, met at Nhakha (lower) *morung* and then proceeded together to the terrace fields. They tilled the land by beating it with hammers. While at work, they sang songs known as *tsietichakru* (*tsie* means 'seeds', *ti* means 'to plough' or 'to sow', and *chakru* means 'songs'), which revolve around the acts of ploughing the land and seed sowing. Sievi *Kikramia* had sought the advice and help of older age groups from the *khel* to teach them the *tsietichakru* songs, which in the process ensured that this element of the community's cultural heritage was transmitted to them from the older generations. During *lica peli*, members of the older age groups arranged the positions of the workers based on how well-versed they were in the songs they sang. Those considered better versed in singing the songs were placed at the top of the terrace fields, while those not quite as well-versed were placed on the lower steps, and at the bottom were placed those considered 'dull'. When the workers left the fields for the midday meal, the females carried all the implements. This was because it is considered shameful for a man to carry his own implements since it indicates that he has no close female friend from within his age group. The midday meal was provided by the owners of the fields. They served refreshments of puffed rice and tea, and the main meal consisted of steamed rice and pork that had been cooked together with garlic, ginger, chillies and salt. The main meal was served in large basins from which groups of up to six individuals ate, to signify unity among the members of the age group. During work in the afternoon, a few members of Sievi *Kikramia* requested volunteers from the older age groups to hand over some wrapped-up puffed rice, saved from the midday meal, to someone in the audience as a token of admiration for that person. On the second day, work was carried out in the *jhum* fields that are owned by Merhüma *khel*. Traditionally, after work was over in the evenings, the male members of the age group would take part in sporting events such as long jump, high jump and short-put, and the female members would sing songs. Sievi *Kikramia*, however, did not hold any of these evening activities.

Expression of cultural practices and societal values

My observations of *lica peli* as carried out by Sievi *Kikramia* reveal a number of instances when cultural knowledge and societal values were expressed. Sievi *Kikramia*, having learned the *tsietichakru* songs from the older age groups, were able to express these songs to the audience who had come to watch *lica peli*. Additionally, *lica peli* was an occasion for the Merhüma to strengthen relationships within the *khel*, which is significant given the fact that the *thino* is the most important socio-political unit in the village. Working together, helping fellow-members carry their implements and sharing the midday meal served to create a sense of community among the members of Sievi *Kikramia*. They were also able to understand and reiterate their relationships with

other members of the *khel*, such as the older age groups whose advice and support they sought, and the owners of the fields in which they worked. Moreover, Merhüma *khel* was able to showcase itself in a positive light to the other *khel*s. People from all over the village came to watch the proceedings, and thus, the members of Sievi *Kikramia* and the older age groups worked hard together to put on a good rendition of the *tsietichakru* songs. This performance was an expression of the strong bonds shared by the members of Merhüma *khel*.

Application of agricultural knowledge in strengthening the khel

The importance of the *thino* in village life cannot be overstated, and the age groups are considered to be vital in maintaining social relations and fulfilling social obligations. Age groups are able to tap into the knowledge about the agricultural calendar and agricultural activities gained through practical experience to navigate their relationships with other members of the *khel* and to make contributions, enhancing not just the name of the age group but that of the *khel* as well.

For instance, the age groups are aware of the periods in the agricultural year when they can provide labour in the fields of fellow villagers and get paid for it. These earnings can then be invested in celebrations and projects. When paddy is transplanted from the nurseries to the fields in May–June, for example, age groups work in the fields of their members in rotation and also in the fields of other members of their *khel*. Payment for this work is usually made in cash nowadays. Much of it is spent the following year for feasting during the festival of Thekranyi. This is the biggest festival for the youth in the village. The festival's name is derived from the word '*thekra*', which indicates the earnings of the age group from having worked in other people's fields during the transplantation season the previous year; and from the word '*thenyi*' which means 'festival'. During Thekranyi, small donations (*thekhro*) of rice are collected from the households in the *khel*. To this is added meat that has been acquired through *thekra*, and the members of the age group feast together on this. The work carried out by the age groups in the fields of *khel* members, the act of households donating rice to the age groups, and the act of feasting together by members of the age groups all serve to reinforce ties among the various members of the *khel*.

Age groups also use the funds accrued through agricultural activity to execute projects that would be of benefit to the community. Most commonly, they build stone sitting platforms. These platforms are raised a few feet from the ground and are square or rectangular in shape. Many of them are found located next to the footpaths and in the fields, for villagers to rest upon. An age group that has built a sitting platform earns the community's appreciation. The platform comes to symbolise the unity and strength of the age group as well, since its members have constructed it together. By extension, the reputation of the *khel* to which the age group belongs grows.



Figure 8
Women take a break from working in the fields on a stone sitting platform, 20 July 2011. Photograph by Shisachila Imchen.

Conclusion

Age groups are vital to agricultural life in the village. In Khonoma, the relationship between the age groups and agriculture is made apparent right from the time of the initiation ceremony, when incoming members of a new age group are made to dabble around in the fields set aside for them. It sets the tone for the future, since agricultural work defines many of the tasks learned and undertaken in the following years. The terminology used to refer to the father of the age group, '*kikrakikeseu*', which means 'he who takes care of the group of earning labourers', also emphasises the relationship between the age groups and agriculture. In particular, age groups fulfil the very important need to provide labour in the fields of fellow villagers. But this is not all. While earning in the process of work, members of the age group pick up practical agricultural knowledge which encompasses a

wide range of cultural knowhow, skills, practices, rituals, festivals and values. This ensures the expression and transmission of agricultural knowledge from generation to generation. Such knowledge aids the age groups in navigating the economic and social life in the village.

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ENDNOTES

1. These are the tribes recognised by the Government of Nagaland as stated on its official webpage.
2. Merhüma comprises the sub-clans Gwizantsu, Lievüse and Meyase. Gwizantsu comprises the lineages Chase, Dolie, Meru and Savino. Lievüse comprises the lineages Khate, Liegise, Sakhrie, Terhüja and Thoü. Meyase comprises the lineages Iralu, Kenieu, Khwükha, Pulise, Sanyü and Zetsuvi.
3. Semoma comprises the sub-clans Chalieutsu and Kuthotsu. Chalieutsu comprises the lineages Chücha, Mor, Ratsa, Seyie and Vakha. Kuthotsu comprises the lineages Rürhie, Secü, Vüprü and Zhünyü.
4. Thevoma comprises the sub-clans Chatsu, Kuotsu and Phetsu. Chatsu comprises the lineages Chasie, Punyü, Sophi, Yalie, Ziekhrü and Zinyü. Kuotsu comprises the lineages Hieme, Khrieliezhü, Talie and Whiso. Phetsu comprises the lineages Kruse, Pier and Yalietsu.
5. All ages mentioned are from the period of fieldwork in 2010–2011. It must be noted that for individuals above 50 years or so, the ages that informants have provided for themselves are usually rough estimates. This is because even up to the middle of the 20th century the Naga were by and large illiterate, and records of birth dates were not kept.
6. The *morungs* in Merhüma *khel* are Gwizantsu, Khate, Meyase, Nhakha (lower) and Nhakha (upper). The *morungs* in Semoma *khel* are Chücha, Khurükha, Mor, Rürhie, Secü, Vakha and Vüprü. The *morungs* in Thevoma *khel* are Chasie, Kuotsu, Pier, Punyü, Sophi and Ziekhrü, Whiso, Yalie, Yalietsu and Zinyü.

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Quinceañera: a living cultural heritage safeguarding ethnic identity across borders

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ABSTRACT

In the context of an increasingly globalised world, indigenous rites of maturation – symbols of passage from one life stage to another – have seen a notable decline. Such rites, some of which might strike modern sensibilities as austere or even severe, are becoming vestiges of the past, relegated to commercialised ventures, as exemplified by activities such as bungee jumping, or confined to communities staunchly adhering to their ancestral traditions. Nonetheless, the *quinceañera* endures as a cultural artifact, not merely maintaining its ceremonial importance but witnessing a revival in its practice. This anthropological inquiry delves into the deep-seated traditions and origins of the *quinceañera*, its significance among diasporic communities, the structural and symbolic elements of the ceremony, and its broader socio-economic ramifications. At its core, the *quinceañera* embodies a complex interweaving of cultural narratives, bolstering community identities at the crossroads of historical continuity and contemporary shifts. It also has notable implications for local economic structures. Ultimately, the *quinceañera* underscores the evolving tapestry of cultural heritage, anchoring community ties and enhancing collective self-awareness.

Keywords

Mexico, cultural heritage, *quinceañera*, ethnic identity, cultural artifact, cultural narratives, local economic structures, collective self-awareness

Introduction

In contemporary society, legal adulthood is demarcated by specific legislative criteria. Simultaneously, individuals validate their legal and societal adulthood by practising their electoral right in participating as enfranchised citizens. Interestingly, the absence of a universally recognised social rite for a young person coming of age is evident; instead, privileges accrue with physiological aging. Traditionally, the defining features of a cultural or civilisational domain are encapsulated within the life-cycle ceremonies practised within its communities. As the 2020 Mexican population and housing census data (INEGI 2020) elucidates, 77.7% of the populace adheres to Catholicism, leading to a pronounced Catholic influence in matrimonial, funerary and ancestral commemorative rites. As earlier alluded to, rites of passage, which signify an individual's transition into societal adulthood, have been widely established. Such rites, affirming adulthood either communally or personally, play an instrumental role in shaping communal identity.

The *quinceañera*, a female rite of passage observed predominantly across Latin America and select Spanish regions, holds particular resonance in Mexico. This ceremonial event marks the transition of 15-year-old females towards sanctified maturity, symbolising societal

and familial recognition of their evolving maturity and responsibility. As with many life-cycle ceremonies, its religious implications are profound (Yokasta 2016, 28). However, a dichotomy exists. Despite its Mexican traditional roots, the *quinceañera* increasingly mirrors European debutante customs, with participants adorned in opulent gowns evoking European sensibilities within ballroom-esque settings. Notwithstanding, the medieval European social debut, paralleling a public betrothal, is fundamentally disparate from current practices. By drawing analogies with youthful characters in literary works such as *Romeo and Juliet* and *Chunhyangjeon* and referencing the age idiom of 'two-eights youth (Two multiplied by eight, signifying the age of 16)', the *quinceañera* appears to perpetuate medieval or pre-modern traditions.

Contemporary inclinations, such as the allure of Barbie dolls and archetypal princess narratives for young girls, coincide with the romantic idealisation of the *quinceañera*, particularly the anticipatory reverence of the 15th birthday. This ceremony carries substantial economic and societal implications. An examination of Instagram, a prevalent social media platform, reveals posts with the '*quinceañera*' hashtag exceeding 4 million; this figure surges beyond 10 million when accounting for indirect mentions (Salyers 2022). Given Instagram's user dynamics, these statistics underscore the ceremony's vast societal reach, highlighting the *quinceañera*'s pivotal role within the Latin cultural landscape.

Interestingly, the *quinceañera* has burgeoned as a prominent cultural fixture, especially within the southern United States. Initially, it solidified its position as a rite of passage within the Mexican immigrant community, serving to fortify a distinctive community identity juxtaposed against other U.S. communities. Presently, it transcends its origins, resonating across diverse minority cultures within the United States, notably within Mexican and Latino demographics. This phenomenon may still be influenced by the enduring allure of the Prince Charming archetype or, perhaps more simplistically, by the universal romantic yearning to momentarily inhabit the realm of princess-hood.

The *quinceañera*, recognised as an intangible cultural heritage, has been pivotal in shaping minority identity, particularly in delineating the social coming-of-age ritual for Mexican immigrant females in the southern United States. While it initially bolstered the cultural foundations and identity of immigrant communities, it is currently metamorphosing into a distinct social phenomenon. This paper elucidates the *quinceañera* as an emblematic instance of cultural inversion within the United States. Furthermore, by delving into the cultural connotations of the *quinceañera* and its centrality within the Mexican immigrant demographic, this research underscores the ceremony's cultural heritage merit and societal relevance, illustrating its burgeoning status as a novel trend. Discussions will span the inception and historical trajectory of the *quinceañera*, as well as its ceremonial constituents, geographical nuances and socio-economic facets.

Employing a multifaceted research methodology, this study integrates diverse voices and perspectives garnered from interviews, fieldwork and literary reviews, subsequently contextualised within scholarly paradigms. Through this synthesis, we aim to decipher the intrinsic cultural value of the *quinceañera* within the Mexican immigrant milieu. Concurrently, the study endeavours to chart potential policy and educational strategies that can bolster mutual comprehension and cultural pluralism within an increasingly multicultural society.

Of paramount importance is the realisation that while certain customs, such as the *quinceañera*, are categorised as intangible cultural heritages, they are not static relics of the past. Instead, they possess the vitality to be reinvigorated and contemporised, resonating as dynamic cultural expressions. The conditions propelling the revival of such intangible traditions within today's unique cultural contexts can also be ascertained.

Quinceañera: bridging cultural heritage and contemporary practice

The *quinceañera*, a ceremonial recognition of a girl's transition to womanhood on her 15th birthday, parallels coming-of-age traditions observed globally. Yet, its distinctive Mexican nuances render it a unique rite. Its enduring presence across regions – including Ibero-America, Spain, Portugal, the southern United States and parts of Canada – attests to its cultural significance, symbolising a tangible cultural continuum.

Origins and historical context of the quinceañera

The *quinceañera* traces its roots to ancient Mexican

traditions, notably those of the Aztec civilisation, and has evolved over millennia in tandem with Mexico's cultural trajectory. Initially symbolising immediate adulthood, it underscored familial values and religious convictions. Over time, regional and societal variations have enriched its tapestry. Notably, academic explorations of the *quinceañera*'s inception remain sparse, with many attributing its origins to Latin America's indigenous practices. In studying the cultural dynamics of Mexican-Americans, scholars often reference indigenous texts, albeit their formal recognition remains contested. The allure of cultural preservation, particularly in immigrant communities, and heightened ethnocentrism cannot be overlooked. For instance, while Korean immigrants may resonate with culinary staples such as soybean paste and kimchi, Mexican communities in regions dominated by white American culture might lean towards indigenous traditions. The *quinceañera*'s appeal, transcending racial boundaries especially in the southern United States, exemplifies such cultural inversions.

Universally, coming-of-age ceremonies punctuate societal rituals across age groups and geographies. Fray Bernardino de Sahagún's *Florentine codex: the universal history of the things of New Spain*, which documents indigenous customs during early Spanish colonialism, elaborates on rites for 15-year-old girls marking their societal transition to adulthood (Figure 1) (Sahagún 2006, 274–277). Although certain chronicles suggest these ceremonies paved the way for the contemporary *quinceañera*, their veracity remains debated. Some postulations cite European cultural infusion during the colonial era, with Empress Charlotte of Belgium potentially introducing the *quinceañera*, amongst other cultural nuances. However, substantiating such claims empirically remains challenging. Arguments suggesting Charlotte's influence on Mexican gastronomy, particularly desserts and tea culture, need cautious interpretation. The trade dynamics of the era, with Latin America's silver exports juxtaposed against European and Chinese imports, refute any presupposition of cultural lag in Virreinato de Nueva España. It is plausible that the *quinceañera*'s European-esque flair emerged during the Porfiriato era under Porfirio Díaz's leadership. Díaz y de Ovando's work hints at the *quinceañera* emulating European high society to some extent (2006, 365). In summation, the *quinceañera*'s evolution can be perceived as a confluence of indigenous rituals, Catholic confirmation traditions and European societal influences.



Figure 1
The heroine and her male bridesmaids. Although she looks like a bride in a wedding dress, she is the heroine of a quinceañera celebrating her 15th birthday. The bridesmaids are selected from among her relatives and friends.
Source: Provided by the author

Symbolism of the quinceañera *ceremony*

Predominant in Mexico, this multifaceted event underscores religious themes and familial participation. The ceremony typically commences with the honoree, surrounded by family, relatives and from 7 to 14 pairs of friends, taking part in a mass that accentuates devotion to the Virgin Mary and culminates in a priestly blessing (Odekirk 2019).

Interpreting the *quinceañera*, we discern its multifarious significations. Foremost, it symbolises the girl's burgeoning maturity and her readiness to embrace adult societal roles. Concurrently, it bolsters familial ties, bridging generational divides and reinforcing the identity of Mexicans, especially within diasporic communities. This ritual necessitates familial involvement and both tangible and intangible support, heralding the girl's ascent to adulthood within her familial realm. Yet, it is noteworthy that legal adulthood, encompassing responsibilities such as voting, alcohol consumption and marital privileges, is demarcated at 18 in both Mexico and the United States. In this context, the quintessential coming-of-age essence of the *quinceañera* seems somewhat attenuated in contemporary times (Reyes and Garnica 2018).

The societal gravitas once attributed to the *quinceañera*, celebrating solely female societal maturation, may wane given evolving gender egalitarian perspectives and the establishment of legal adulthood. Not all girls are compelled to host a *quinceañera*. Consequently, its

traditional societal import seems increasingly diffuse, with other facets gaining prominence.

Evolving quinceañera *traditions and contemporary realities*

Over the decades, the *quinceañera* has been a tableau of cultural metamorphosis. Central to Mexican diasporas in the United States, the ceremony has imbibed and melded with American cultural nuances, resulting in a hybrid form (Podetti 2004). Today's *quinceañera* juxtaposes Mexican tradition with modern elements, epitomised in opulent attir and decor, and a blend of traditional and contemporary music. While familial involvement remains integral, its ascendancy in the United States, especially in the South, indicates a subtle attenuation of purely Mexican attributes, supplanted by prevailing popular cultural trends, rendering the event both modern and exotic. This syncretism reflects the shared histories and cultural confluences between northern Mexico and the American West, typified by shared elements such as cowboy culture. A prevalent trend, evident across Latin America, Spain and particularly in the southern United States, manifests in the *quinceañera*'s evolution towards mirroring the lavish debuts of imagined aristocracy, combined with popular dance forms such as reggaetón and K-pop. Such transitions underscore the *quinceañera*'s academic pertinence as a seminal representation of cultural pluralism, symbiosis and interconnectivity in diverse societies. A nuanced examination of its present-day iterations will be elaborated upon in subsequent sections.

Quinceañera within the Mexican immigrant community

Amid the cultural dislocation experienced in a foreign milieu distinct from one's homeland, there is often an evolution away from one's original cultural identity. In studying immigrant cultures, the emphasis should lean towards the heterogeneity vis-à-vis their homeland, rather than homogeneity. The *quinceañera*, a poignant cultural legacy yet simultaneously a contemporary cultural influence, often mirrors the conservative tendencies of first-generation immigrants in preserving the cultural norms of their time of migration.

Formation and historical context of the Mexican immigrant community

Mexican immigrant communities constitute a pivotal facet of America's multicultural tapestry. Comprised largely of those who migrated for economic betterment, these communities endeavour to assimilate into American society while safeguarding their distinctive cultural ethos. The inception of the Bracero Program in 1942, designed to address the labour shortfall during World War II, solidified the rapport between northern Mexico and the southern United States (Ramírez 2013, 3–6; Ramírez 2023).

This liaison, encompassing initiatives such as Maquiladora, persisted and notably amplified after the 1980s following Mexico's fiscal crisis, leading to a surge in undocumented migration to the United States. In 2023, it was estimated there were more than 50 million Mexicans in the U.S. (United States Census 2023). Factoring in undocumented immigrants, multicultural Mexican families, and populations in states such as California, Texas, Arizona and Florida, the true number could potentially be double this figure. With a total U.S. populace of 334.3 million in 2023 (United States Census 2023), roughly a third can be broadly categorised as Mexican. This demographic foundation has facilitated the entrenchment of Mexican cultural practices, such as the *quinceañera* and culinary staples like tacos, within the United States. A pertinent observation would be the gender asymmetry in immigration, driven by economic motives, leading to a cultural dilution when Mexican males married non-Mexican females, contrasted against a heightened Mexican cultural preservation when Mexican females married externally. This possibly influenced the proliferation of *quinceañeras* even outside traditionally Mexican zones. Unravelling the *quinceañera*'s role within Mexican immigrant communities can elucidate its continued prevalence and adaptation within non-Mexican and non-Latin communities.

Significance of the quinceañera *within the Mexican immigrant community*

Within Mexican immigrant enclaves, the *quinceañera* epitomises a salient societal rite of passage. Serving as a conduit for cultural continuity and transference, the ceremony aids migrants in bequeathing their unique cultural paradigms and identities to successive generations, concurrently solidifying familial bonds. Moreover, the *quinceañera* holds considerable social capital, acting as an emblem of status and validation within immigrant circles (Pentoon 1999, 164). Subsequent sections of this paper will elucidate the significant costs associated with the ceremony, at times rivalling the expenditure on weddings in locales such as South

Korea. An irrefutable dimension is the gathering of locally influential members of the Mexican diaspora during the *quinceañera*, fostering alliances, matrimonial engagements or affinities among influential lineages, reminiscent of societal debuts in broader circles. Viewed through an ethnocentric lens, a primary imperative might be preserving lineage purity. Intermarriage within cultural confines remains the most potent mechanism for cultural preservation among diasporas. For Mexicans, horizontal relationship expansions via Catholic-rooted godparentage sustain traditional affiliations in foreign territories, with the *quinceañera* playing a pivotal role in this cultural perpetuation.



Figure 2
Preparations in progress for an event. The scale of the celebration indicates that it is not just for one girl, but for the community.
Source: Provided by the author

Evolution and impacts of quinceañera *in immigrant communities: a comparative analysis of Mexico and Latin American countries*

The *quinceañera* within Mexican immigrant communities has metamorphosed and evolved over the years. While it retains semblances in rites and significances to its counterparts in Mexico and Latin America, discernible variations and unique characteristics have emerged, contingent upon regional influences. Mexican immigrants, while bolstering their cultural heritage, often imbibe and integrate elements from local traditions. This transformative nature of the *quinceañera* in immigrant circles mirrors the dynamic cultural interplay between Mexican immigrants and other Latin American diasporas. Such shifts not only indicate cultural exchanges but also underscore their role in fostering social cohesion within the broader Spanish-speaking immigrant milieu.

While Latin culture distinctly deviates from the conventional Anglo-American or Anglo-Saxon paradigms, the Mexican ethos closely resonates with the Spanish one, positioning Mexican culture as a potential epicentre of Spanish-speaking Latin America.[1]

Furthermore, given the data indicating a mere 2 million Brazilian immigrants in the United States by 2020, the disproportionately large Mexican immigrant populace undeniably exerts a significant influence. The capitalist dynamics of demand and supply dictate that with the southern United States bordering Mexico, the latter emerges as a primary source for products emblematic of home, often substituting for Spain and other Hispanic nations. Nonetheless, it is essential to acknowledge that within the broad Latin cultural ambit, certain communities, owing to their pronounced national identity, racial affiliations, specific migration advantages (as witnessed in the cases of Puerto Rico and Cuba), or concentrated settlements such as the East Coast, may not be extensively swayed by Mexican culture. Yet, the persistent relevance of the *quinceañera* in regions such as the Caribbean and associated immigrant communities has significant implications (Figure 2). Delving into the circumstances, cultural milieu and, crucially, the demographic thresholds at which varied Latino immigrant communities assert their independence offers a compelling avenue for scholarly exploration.

Ceremonial components of the *quinceañera*

The *quinceañera* is a revered tradition across Ibero-America, which encompasses regions such as the southern United States, and parts of Canada, Spain and Portugal; as such, it manifests diverse interpretations. The extent to which the ritualistic elements, often referred to as the 'form', are shared across these regions serves as an index for evaluating their cultural congruence.

Attire and ornamentation in the quinceañera

Central to the *quinceañera* is the attire, which accentuates the celebrant's transition into womanhood and her elegance. Historically, *quinceañera* garments have been characterised by opulent, ornate dresses, predominantly in hues of white or muted pastels. These ensembles, in their richness and detail, encapsulate the girl's juxtaposition of innocence and burgeoning maturity. They are often adorned with meticulous embroidery, lace and other embellishments. Complementing the dress, a pronounced hair accessory or tiara frequently graces the



Figure 3
The quinceañera begins with a mass to bless the girl. It is usually attended by the heroine of the day, along with her parents, godmother and siblings.
Source: Provided by the author

celebrant's head, accompanied by decorated footwear and other accoutrements. The choice of decorative nuances largely hinges on the personal predilections of the *quinceañera* herself. Typically, the attire is donned for the mass and the inaugural dance, often shared with the father, following which it might be substituted for outfits conducive to other dance forms such as salsa, norteño or contemporary performances. The ubiquitous imagery of a princess-like dress remains almost a staple, with subsequent events reflecting individualistic tastes. In certain iterations, global phenomena such as K-pop dances find a place, or attire inspired by Aztec or Mayan traditions might be showcased. The nature of the *quinceañera* – whether it commences with a Catholic mass or unfolds as a purely secular celebration – often delineates its unique character. Yet, amid this vast spectrum of variations, one constant remains: the *quinceañera*, aged 15, gracing the occasion with an aura reminiscent of a Disney princess or, at times, evoking the visage of a Barbie doll (Figure 3).

Culinary traditions and reception of the quinceañera

The culinary aspect of the *quinceañera*, coupled with its reception, is of paramount significance, marking a cherished juncture between the young celebrant and her family. Historically, the *quinceañera* has embodied the essence of a grand feast, replete with an array of dishes and beverages. Predominantly, offerings hail from Mexican and Latin American culinary traditions, featuring staples such as tacos and empanadas. These dishes serve as a nexus for family and friends, fostering communal celebration. Analogous to the cake-cutting ritual common in South Korean wedding receptions, the *quinceañera* witnesses the celebrant sharing the cake with her kin, symbolising her nascent responsibilities and burgeoning adulthood. This tableau resonates with the *quinceañera*'s Mexican roots. Interestingly, Mexican-American communities often preserve and amplify these traditional elements, sometimes even surpassing their Mexican counterparts in authenticity. While it is challenging to encompass the exhaustive culinary repertoire, occasionally, dishes that might be considered exotic even in Mexico, or that may jolt unfamiliar palates (akin to South Korea's fermented skate dishes), grace the table. In instances where cultural identity is accentuated, distinctive elements gain prominence. Conversely, celebrations that borrow from a palette of cultural motifs rather than a deep-seated identity tend to resonate more universally.

Musical and dance traditions of the quinceañera: an exploration of identity

The auditory and kinaesthetic components of the *quinceañera*, namely its music and dance, add vibrancy to the celebration while underscoring the celebrant's cultural roots. Traditionally, the *quinceañera*'s inaugural dance, celebrating her 15th year, is shared with her father. In Mexico, this dance often unfurls to the strains of mariachi, but regional variations might favour a waltz or even a ballad. The choice of accompanying music for this seminal dance offers insights into the character of the *quinceañera*. However, just as with the culinary traditions, a direct correlation between indigenous foods and indigenous music for the dance has not been prominently documented in scholarly or popular sources. A plausible reason might be the challenge associated with sourcing and resurrecting paired dances from indigenous repertoires. In regions such as Cuba and its diasporic communities in the United States, family traditions sometimes dictate dances infused with African motifs, such as the Afro-Cuban rumba. The musical backdrop predominantly features traditional Mexican and Latin American rhythms, propelling the *quinceañera* and her peers into dance. Genres such as samba, cumbia and reggaeton find favour in Mexico, facilitating the celebrant's self-expression through cultural dance forms. Recent trends also spotlight the inclusion of K-pop routines. Furthermore, the dances symbolise the celebrant's journey from childhood to womanhood, shared in the company of loved ones (Figure 4). Paradoxically, occasional mismatches in makeup or attire reminiscent of a girl emulating her mother's wardrobe add a touch of imperfection, rendering the *quinceañera* all the more poignant and memorable.



Figure 4
Although it is difficult to specify from when, the heroine of the day teams up with male bridesmaids to perform as a group, and this is the same regardless of region. Of course, cases where the team performs like professionals are very rare.
Source: Provided by the author

Geographical variability and evolution of the *quinceañera* beyond Mexico

Geographical variations arise from multifaceted influences such as historical antecedents, cultural amalgamations, demographic compositions and the dynamics of immigrant communities. The manifestation and ceremonial attributes of the *quinceañera* vary across regions, influenced by these factors. For instance, in the southern United States, where there is a significant Mexican immigrant presence, the *quinceañera* strongly resonates with Mexican traditions. Conversely, in other territories, the *quinceañera* morphs, reflecting the nuances of the respective regional cultures.

The heterogeneous nature of the *quinceañera*, arising from regional disparities, offers a unique lens through which one can appreciate the rite from diverse cultural perspectives. This ritualistic celebration underscores the concept that intangible cultural heritages are not merely relics of the past, preserved in museums. Instead, they are living traditions, fostering community cohesion and individual identity. Like heritages that engender value as they are passed down, cultures too act as conduits, evolving and spawning fresh identities and narratives.

The southern United States stands as a prominent region actively celebrating the *quinceañera*, deeply entrenched in Mexican and Latin American traditions and echoing the cultural ethos of its immigrant populace. Elements such as attire, cuisine and music within this geographical sector distinctly mirror Mexican influences. Furthermore, the *quinceañera* emerges as a robust platform reinforcing cultural identity, especially when there is a perceived dilution of said identity.

While Mexico remains the heartland of the *quinceañera*, the rite has transcended national borders, undergoing adaptations based on regional cultural imprints. Traditional rites of passage in societies, akin to cultural mainstays such as food, clothing and shelter, are vital socio-cultural markers. Yet, as societies evolve, traditional ceremonies experience a decline, often morphing in the face of secularism or modernisation. Despite this, certain rituals, including funerals, commemorations, nuptials and coming-of-age ceremonies, persist in varied forms. The *quinceañera*, in essence, bridges the chasm between traditional rites of passage and contemporary norms, uniquely requiring only age as its qualifying criterion. This very characteristic perhaps explains its widespread popularity beyond Mexico.

In diverse regions, the *quinceañera* doesn't merely replicate Mexican traditions; it also integrates distinctive cultural elements of those regions. From attire to music, regional variations are palpable, with each area lending its unique flavour, redefining the *quinceañera*'s meaning and ceremonial essence. Thus, while the appellation remains consistent, the form and essence of the *quinceañera* exhibit a dynamic fluidity. This inherent flexibility, allowing for cultural adaptations, underscores the ritual's universal appeal and resilience (Figure 5).



Figure 5
A quinceañera in Dollars, United States, where the latest club music combined with medieval attire creates a unique local flavour.
Source: Provided by the author

Socio-economic dimensions of the *quinceañera* and its implications

The *quinceañera* isn't merely a cultural or familial rite of passage. It often serves as a platform for local elites to exhibit their influence and stature. The magnitude of these celebrations can range from intimate gatherings among close kin to expansive local events, surpassing the scope of community feasts. Such grand celebrations, especially those involving bookings of cathedrals or large event spaces accommodating hundreds, are often contingent upon the family patriarch's desire to showcase his affluence and extensive social network.

A particularly noteworthy instance surfaced in 2016 in San Luis Potosi, Mexico.\, when Crescencio Ibarra utilised YouTube to extend an open invitation to his daughter Rubí Ibarra García's *quinceañera*. While an overwhelming 1.3 million people intimated their intention to attend through online comments, the actual turnout numbered around 30,000 (Alvarado 2022). This particular event has been dubbed the largest *quinceañera* on record (Figure 6).

A 2019 survey, focusing on southern Mexican communities in the United States, revealed that an average *quinceañera* sees invitations extended to a minimum of 200 guests with an overarching budget surpassing US$21 (Salyers 2022). As of 10 July 2023, this converts to over 27.23 million won. Considering the prevailing context of the COVID-19 pandemic in 2019, coupled with the inflationary trends observed in the United States, it is anticipated that these costs have only escalated by 2023. Allocating such a sum for a 15th birthday celebration might seem the purview of those within the top 1% income bracket. Nonetheless, the intangible value of congregating with one's community amid the pandemic, relishing traditional food, music and dance, transcends mere opulence or indulgence. The resilience manifested through such identity-affirming events as the *quinceañera*, especially during the pandemic, mirrors societal revelations in times of crises as theorised by Karl Polanyi in his seminal work *The great transformation* (1944).

The lion's share of the *quinceañera* budget typically gravitates towards expenses such as elaborate attire, venue bookings, catering, decorations and invitations. Such outlays can exert substantial financial strain, prompting families to accumulate savings over extended periods. Yet, a grand *quinceañera* remains elusive without an upper-middle or higher socio-economic standing.

In the southern United States, where *quinceañeras* often involve inviting hundreds of guests and incurring significant expenses, the event is analogously reminiscent of the wedding industry in scale and significance. A multitude of sectors, encompassing costume designers, event planners, photographers, culinary establishments and hair stylists, cater to the burgeoning *quinceañera* market. These industries underpin thousands of jobs and invigorate local economies. Furthermore, the *quinceañera*, by leveraging establishments such as hotels and restaurants and by promoting targeted consumer purchases, fosters a beneficial cyclical effect



Figure 6
Crescencio Ibarra used YouTube to invite members of the public to attend his daughter's *quinceañera*.
Source: https://youtu.beY18JjpG8rN4



Figure 7
The event often lasts past midnight, with the venue, size and duration affecting the cost.
Source: Provided by the author

on the local economy. Its positive economic footprint was particularly pronounced during challenging epochs like the pandemic. Not only does the *quinceañera* bolster local economic growth by offering avenues for small businesses and professionals, but it also stimulates consumer activity (Figure 7). However, on the flip side, the financial commitment required for a *quinceañera* might accentuate economic disparities and heighten societal pressures, especially among young girls, in a competitive milieu.

Conclusion

This study has explored the *quinceañera* – from its historical roots and significance within immigrant communities to its ceremonial facets and even its socio-economic implications. Drawing from our examination, it becomes evident that the *quinceañera* has a multifaceted nature. Paramount among its roles is its capacity to fortify community identity, bridging the traditional and the contemporary, and concurrently stimulating local economic activity. At its core, the *quinceañera* underscores the dynamic nature of true cultural heritage, emphasising its primary function of fostering communal cohesion and identity.

In an academic context, it is noteworthy that the gradual diminution of traditional elements in the current epoch might be perceived as a natural progression. Specifically, within the demographic of Mexican-American immigrants residing in the southern and eastern regions of the United States, the *quinceañera* continues to manifest attributes of a social ceremony deeply rooted in Catholic traditions. Conversely, within the broader spectrum of Latin immigrant communities, particularly among those not of Mexican descent, the *quinceañera* frequently eschews its religious undertones, evolving into an event more reflective of current societal trends rather than adhering strictly to its traditional religious foundations.

This shift signifies a notable departure from the religious and traditional Mexican components historically associated with the *quinceañera*. Nevertheless, the core significance of the *quinceañera* as a societal rite of passage into womanhood remains intact, underscoring its universal relevance across diverse cultures. Such rites of passage have been ubiquitously recognised throughout millennia of human civilisation, transcending the legal definitions of adulthood – typically designated at 18 or 19 years of age in various jurisdictions – to emphasise a culturally acknowledged transition into social maturity.

Therefore, despite the evident attenuation of its religious and ethnic traditional elements, the *quinceañera* exemplifies a pivotal instance of how cultural rites of passage maintain their integral role in contemporary society. This phenomenon elucidates the persistence of cultural adulthood markers in the modern age, reinforcing the *quinceañera*'s position as a significant emblem of this enduring social construct.

However, it is not without its challenges. The capacity of the *quinceañera* to perpetuate conservative norms is undeniable. As the event garners larger prominence, the community's identity is emboldened. Yet, simultaneously, socio-economic disparities become more conspicuous, giving rise to inherent contradictions. The ceremony's roots in patriarchal traditions render it susceptible to critiques, especially given its potential reinforcement of antiquated female archetypes, seemingly incongruent with 21st-century realities. Originating within the Catholic socio-cultural framework of Mexico, characterised by its machismo, the *quinceañera* can be scrutinised – particularly through the lens of contemporary feminism. The manifestation of the 'Prince Charming' trope, for instance, invites critique, especially from modern educational perspectives.

Nevertheless, the *quinceañera* offers a unique perspective. By revitalising the coming-of-age ritual, a ceremonial tradition that has waned in modern nation-states, it proffers insights into how intangible cultural heritages can be contemporaneously integrated and appreciated within our modern societal fabric.

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ENDNOTES

1. Fuentes (2013, 2016) posits that although Spain bequeathed its traditions, language, faith and governance systems to America, the latter reciprocated by imprinting its distinct cultural hallmarks on Spain. He characterises the Spanish-American rapport as intense and intricate, akin to introspective dialogues. In '*Figuras maternas*', Fuentes underscores the shared cultural reverence for the maternal archetype between Spain and America. He portrays the maternal figure as an amalgamation of compassion and force, emphasising her pivotal role in Christianity and the profound veneration for the Virgin Mary in both regions. Essentially, Fuentes accentuates cultural consonance, articulating his insights through the lens of this shared cultural continuum.

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Semi-formal cultural governance and state-sponsored commercialisation in the intangible cultural heritage field: the case of Chongqing, China

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Semi-formal cultural governance and state-sponsored commercialisation in the intangible cultural heritage field: the case of Chongqing, China

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ABSTRACT

The safeguarding of intangible cultural heritage (ICH) in China is a state-led social movement involving multiple actors, including government bodies, commercial enterprises, inheritors and communities. Most of the established studies have focused on the tensions between the Chinese state and local communities, taking either a top-down or bottom-up approach, based on cases in regions with developed heritage tourism markets. In contrast, this paper examines how the intermediaries between the state and local communities can draw on forces other than the market to safeguard ICH. We offer Yuzhou embroidery, in Ba County, Chongqing, as a case study. Although the state capacities dedicated to the safeguarding of ICH at the grassroots level are limited, intermediaries can gain access to symbolic resources granted by the state through the accumulation of cultural capital. Thus, they may have more flexibility to cross boundaries, depending on the context, to access state resources from outside the ICH field for its commercialisation. In this semi-formal governance practice, state and cultural actors leverage each other to better safeguard and promote ICH.

Keywords

intangible cultural heritage,state-sponsored commercialisation, semi-formal cultural governance, boundary crossing

Introduction

Since the 1970s, the protection of heritage under the impact of globalisation, modernisation and urbanisation has emerged as a crucial priority within the cultural governance agenda for both international organisations and nation-states (Maags 2020; McCandlish and McPherson 2021). China has gradually transformed its prior cultural revolutionary attitude to one that emphasises the value of, and develops policies to actively protect, traditional and folk cultures (Blumenfield and Silverman 2013; Gao 2013; Ma and Zhu 2014). It is now witnessing a 'heritage craze' (Yan 2018). By 2019, China had the most extensive list of intangible cultural heritage (ICH) in the world. ICH is today a vital component of the country's cultural governance system, exerting an influence on society, the economy and even individuals' daily lives (Blumenfield and Silverman 2013; Kuah and Liu 2016; Maags and Trifu 2019; Oakes 2013; Zhu and Maags 2020). These achievements notwithstanding, questions remain as to how to effectively safeguard, inherit and utilise ICH in order to maintain cultural diversity and guarantee sustainable cultural development in China. Thus, it is essential to examine how to further strengthen China's governance of its ICH.

The governance of ICH in China is a complex process that involves not only the Chinese state actors, such as government agencies at all levels, but also cultural actors,

such as ICH inheritors and communities (Berger and Luckmann 2016). According to the types of actors, prior research on Chinese ICH governance can be classified into two main research streams. The first of these focused on the dominant role of the Chinese state actors in ICH practice by studying the various measures the Chinese government developed to strengthen the protection of ICH, such as the legislative framework, policy implementation and financial support (Blumenfield and Silverman 2013; Maags and Svensson 2018; Zhu and Maags 2020; Gao 2013; Ma and Zhu 2014; Kuah and Liu 2016). The second stream highlighted the societal dimension by examining the autonomy of cultural actors in ICH practice. These cultural actors include individuals, groups and communities that strive to protect, transmit and even further develop their local culture through strategic actions that dissipate, resist or appropriate the state's power from a bottom-up perspective (Maags and Svensson 2018; Bellocq 2006; Lee 2016; Maags 2018; Varutti 2015; Xia 2020; Yu 2015; Zhang and Wu 2016; Zhu 2015; Wang and Ren 2018; Gao 2006). However, although the state–society dichotomy in the prior literature can help us to understand ICH governance in China, several limitations exist. First, prior studies examined state and cultural actors separately; few studies have examined the complex interactions between them. Prior research views the interaction between state and cultural actors as a zero-sum game, in which 'innocent' cultural actors always struggle against the state's manipulation to defend their treasured culture (Kuutma 2012, 32), which view is inconsistent with the current situation in China. Second, there exist differences in awareness and resources regarding the safeguarding of ICH among officials at different levels, which might lead to 'gaps' in terms of supporting ICH governance effectively in the hierarchical state bureaucracy, requiring collaboration and cooperation with non-state actors such as cultural actors (Su 2020; Maags and Svensson 2018; Fraser 2020). However, little research has investigated how cultural actors act autonomously in response to the limited support offered by the state actors.

To address the abovementioned gaps, this study aims to examine the complex interaction between state and cultural actors in governing ICH in China by drawing on the governmentality approach to examine the relationship between state and self-governance (Foucault 2007). Additionally, we adopt the lens of substantivism, from economic anthropology and sociology, to propose 'state-sponsored commercialisation' as a way to examine the actions of cultural actors. 'State-sponsored commercialisation' refers to commercial activities that involve multiple stakeholders, but which are mainly supported and facilitated by government entities. This perspective is in line with the current situation of commercialisation of ICH in China and is suitable for exploring the autonomous behaviours of cultural inheritors under the government-led commercialisation environment. A case study in Chongqing Province was conducted using interviews and secondary data. This study offers an in-depth understanding of how state and cultural actors interact and collaborate to safeguard ICH.

ICH governance and commercialisation

ICH governance in China

Previous research on Chinese ICH governance has two predominant approaches, including top-down and bottom-up. The top-down approach attempts to examine the various policies and practices of the Chinese government in protecting ICH and, on this basis, proposes ideas that will improve the state-centric ICH regime. Indeed, after China joined the *Convention for the Safeguarding of the Intangible Cultural Heritage* in 2004 the Chinese government promulgated various policies and laws on safeguarding ICH from the top down (Xu et al. 2022; Xu and Tao 2022b). First, it established thousands of official institutions at the national and local levels to protect ICH (Bodolec 2012; Yang 2023). The cadres in these institutions conducted large-scale surveys of ICH resources, thereby establishing a four-level inventory system that includes lists of ICH items and inventories of ICH inheritors. Second, the Chinese government provides financial subsidies (in the form of housing assistance and pensions) to the inheritors (Huang 2013). Third, the Chinese government disseminates ICH through various means based on information and communications technology (ICT) (Xu et al. 2022), the national educational system (Tan 2011) and urban community activities (Li 2023). Finally, the Chinese government encourages and supports ICH projects and their inheritors in practising 'production-based safeguarding', enabling them to thrive in today's modern society by creating products and services for market consumption (Liu and Leng 2016).

Meanwhile, the bottom-up approach maintains a critical stance on the state's top-down 'utilisation' of ICH, advocating for a shift in research focus from the

conservation of heritage to the politics of heritage (Harrison 2012; Smith 2006). Research into the bottom-up approach to the governance of ICH in China typically employs a state–society binary opposition paradigm, highlighting contestations, dissonances and conflicts surrounding heritage-related hegemony and resistance (Waterton and Watson 2013, 550–551). On the one hand, government-led ICH safeguarding has solidified the state's dominant hegemonic role (Blumenfield and Silverman 2013; Maags and Svensson 2018; Zhu and Maags 2020; Gao 2013; Ma and Zhu 2014; Kuah and Liu 2016). For instance, the state has excluded the menhu as an ICH inheritance community in folk martial arts due to the negative culture it sees as implicit in the Authorised Heritage Discourse (AHD) (Zhang 2024). On the other hand, the bottom-up approach highlights the societal dimension by examining the autonomy of cultural actors in ICH practice. As noted above, such cultural actors include individuals, groups or communities that protect, transmit and even further develop their local culture through strategic actions that dissipate, resist or appropriate the state's power.

Indeed, both approaches enrich our understanding of ICH governance in China. However, there exist several limitations. First, although enacting the *Intangible Cultural Heritage Law* in 2011 underscored a national commitment to protecting ICH, the allocated resources, while seemingly extensive, are insufficient for the vast scope of 870,000 heritage resources. This situation raises a critical question: How can inheritors of ICH, especially those who do not receive recognition in the competitive listing system (particularly at the national level), achieve development? Second, prior research views the interaction between state and cultural actors as a zero-sum game in which 'innocent' cultural actors always struggle against the state's manipulation to defend their treasured culture (Kuutma 2012, 32), which, as noted, is inconsistent with the current situation in China. Moreover, power has spontaneously shifted from control and discipline to driving social subjects to regulate or self-govern, according to Foucault (2007). This has raised a question: Beyond the model of state hegemonic domination and community strategic resistance, what other characteristics can determine China's governance of ICH?

To answer the question, this paper utilises the governmentality approach to examine how the state and society intersect in protecting heritage, and what effects this interaction produces. The governmentality approach suggests that, historically, the state can no longer govern simply by controlling or disciplining; rather, its power lies in administering and fostering autonomous subjects (Hindess 2001; Rose and Miller 2010). The relationship between the state and society is not merely one of hegemony and resistance. Therefore, moving beyond the state–society dichotomy, the governmentality approach reframes heritage not as a process driven solely from one direction – either top-down or bottom-up. Thus, this study deems the governmentality approach as an appropriate one for examining interactions between state and cultural actors in governing ICH in China.

Market-driven and state-sponsored commercialisation of ICH

Market-driven commercialisation has emerged as a key strategy for advancing China's cultural system reforms. In this environment, state-led safeguarding of ICH has increasingly merged with marketisation efforts (Su 2020; Wang 2023). There are two primary ways the state influences ICH marketisation: it can grant cultural practitioners the prestigious title of 'ICH' and 'ICH inheritors', which can then be leveraged for branding and marketing (Demgenski 2020; Maags 2018; Pang and Sun 2020). The state can also provide free or low-rent spaces at tourism venues such as museums and tourist attractions, which enables inheritors to access the tourism market and boost their economic returns (Maags 2021; Zhang 2020).

Although the line between safeguarding and marketisation of ICH is increasingly blurred in practice, the debate over the impact of state-led marketisation on ICH remains significant in academia. Some scholars emphasise that marketisation distorts 'culture' – for instance, by making folklore performative and staged – leading to the loss of ICH's traditional and natural meaning (Yan 2021). In addition, a primary concern is that state-led ICH consumption and display practices with political and economic interests have led to the marginalisation of communities and individuals as bearers of ICH (You 2020; Zhang 2020). Nevertheless, other scholars argue for a more nuanced consideration of state-led ICH marketisation. They suggest that while marketisation can exacerbate social inequities, it also offers these inheritors avenues to enhance their social status and increase their economic returns (Demgenski and Maags 2021; Zhu and Maags 2020).

It is obvious that the state-led ICH marketisation has both positive and negative implications. The critical issue, therefore, is not simply to differentiate these impacts but to delve into the mechanisms and consequences of how ICH is marketised (Maags 2021). The existing research in this regard focuses on tourism-related aspects, but the fact is that many ICH sites are not equipped to handle tourism business. In China, the majority of ICH elements are located in areas at the county level and even below. Although local governments want to promote ICH-related tourism, very few places – with the exception of cities like Nanjing, Lijiang and Wenchuan – have succeeded (Zhang 2014; Zhu and Maags 2020). Most lesser-known regions do not have the conditions and opportunities to promote tourism successfully. Therefore, it is necessary to investigate how, in regions with little or no tourism infrastructure, ICH is safeguarded under the state-led safeguarding model.

We adopt the lens of substantivism from economic anthropology and sociology to address the above issues. According to the substantivist approach, 'commerce' is viewed as an exchange activity aimed at fulfilling human needs or sustaining livelihoods and not necessarily driven by profit motives (Polanyi 2001, 6). In contrast, the 'market' is defined as a competitive arena where numerous homogeneous, anonymous individuals engage in transactions at negotiated exchange rates, or 'prices' (Aspers 2011). The market mechanism that occupies the mainstream of modern society is not the initial model of commerce in human history (Braudel 1992); what has long been the main method of commercial exchange for humans is methods other than the market, such as reciprocity and redistribution (Polanyi 2001, 64–66). In other words, the market is merely one form of exchange within commerce. Today, the term 'market' is synonymous with commerce in mainstream society because a key characteristic of modern society is the dominance of the price-making market system as the primary method of exchange. Modern society is even called a 'market society', underscoring market logic's dominance (Cangiani 2011). This is true even for China post-1978 (Nee 1996). However, as noted by some theorists, modern society is differentiated into multiple spheres (Luhmann 1982). Therefore, although market logic (centred on profit maximisation through competition and price mechanisms) occupies a dominant position in modern market societies, it does not mean there are no other non-market means of commercial exchange, even if they are influenced by market logic.

Through the lens of substantivism, we define 'commercialisation' as the ongoing process of meeting human needs and sustaining livelihoods through various forms of exchange. Consequently, we propose an alternative to market-driven commercialisation: state-sponsored commercialisation. Unlike marketisation, where transactions between anonymous, homogeneous actors are driven by price competition and a simple profit motive (buy low, sell high), state-sponsored commercialisation occurs through social interactions among diverse, identified actors under state guidance. In this model, the action logic is varied and not primarily profit-focused. Although state-sponsored commercialisation and marketisation are often intertwined in practice, there is no clear boundary in ICH safeguarding. We propose that the conceptions here are mainly a distinction at the analytical level to help us further carefully examine the diversity and complexity of state-led ICH safeguarding practices.

Research settings and method

Research settings

Yuzhou embroidery, originating from Ba County in the northeast of Chongqing, exemplifies cross-stitch, an ancient form of embroidery that is recognised globally. Despite its somewhat rudimentary appearance compared to the detailed realism of random-stitch embroidery, cross-stitch has gained widespread acceptance in Ba County due to the relatively short time required to complete the embroidery. This study has selected Yuzhou embroidery as a case study for several compelling reasons.

First, in terms of its geographical context, Ba County has a predominantly agricultural economy and lacks a robust foundation for tourism development. This poses significant challenges for the market-driven commercialisation of ICH. As a representative form of ICH in Ba County, Yuzhou embroidery provides a critical perspective for exploring the interactions between ICH governance and state-sponsored commercialisation within economically underdeveloped regions. Second, the cultural evolution of Yuzhou embroidery from a local craft to a national-level ICH represents China's structured four-level ICH safeguarding system (national, provincial, city and county). Analysing the trajectory of Yuzhou

embroidery offers valuable insights into how county-level ICH can be effectively safeguarded and cultivated through concerted efforts among diverse cultural actors. Third, the role of the cultural inheritor Zhao (interviewee K), the primary inheritor of Yuzhou embroidery, stands out among China's ICH inheritors. Zhao merges her cultural interest in Yuzhou embroidery with entrepreneurial vigour, having established the Yuzhou Embroidery Company. This dual capacity enables her both to make significant contributions to embroidery worker training and to promote the cultural significance of Yuzhou embroidery. Critically, Zhao serves as a cultural intermediary, facilitating connections between the state and the ICH practitioners and playing an active role in promoting and safeguarding Yuzhou embroidery amid limited national support.

Research method

This study's empirical data, which included government official documents and interviews, was collected qualitatively from April to July 2020. Specifically, local official documents and archives were collected with the help of local officers. This secondary data can help us to understand the government's strategies and actions regarding ICH governance at different levels, while interviews can offer the individual experiences and opinions of various actors involved in ICH governance. Regarding interviews, although the pandemic was ongoing during that time, it was well under control in China, particularly in the rural areas of Chongqing. People were only required to wear masks while interacting with others; thus, 23 face-to-face, in-depth interviews were conducted with ICH inheritors, community residents and local government officials through a snowball sample (see Appendix). There are two types of interview questions, depending on the type of interviewee. For state actors such as government officials, the questions sought basic information (e.g. age, gender and personal position), work organisation and organisational structure, workflow and tasks regarding ICH governance, and personal experience and understanding related to ICH inheritors, ICH industry development, and existing problems, opportunities and challenges. For cultural actors such as inheritors, questions sought basic information (e.g. age and gender), personal experience related to ICH (e.g. journey and story about being recommended as inheritors), career plan regarding ICH, personal understanding related to ICH governance, ICH industry development, and existing problems, opportunities and challenges, as well as the role of the state/government. To ensure the confidentiality of this study, all personal information that could be disclosed was anonymised.

Within the ICH field: state capacity and its limits

Prior literature suggests that the state's capacity lies in the following dimensions: administrative, financial–resource/financial–extractive, relational, legal, coercive, and territorial control (Cingolani 2018; Wang and Hu 1993). In the field of ICH, legal, financial–resource and administrative capacities should be considered, since ICH typically does not involve relational, coercive or territorial control. Specifically, in the ICH field, the 'ability' of the state actor is mainly reflected in the fact that it can establish a national system of ICH safeguarding through a legislative framework and develop Chinese ICH projects for cultural governance. Simultaneously, the state actor has an 'inability', in that it has limited ability to achieve the goals of effective cultural governance due to its limited financial–resource and administrative capacities. Thus, legal capacity, financial resource capacity and administrative capacity were employed as three main dimensions for examining the state's capacity in ICH in this study.

'Extremely powerful': the legal capacity of the state actor

Legal capacity is an important state capacity for the ICH governance practice in China. The *Intangible Cultural Heritage Law of the People's Republic of China* (ICHLPRC) came into force in June 2011. It consists of six chapters in total, with chapters 1–4 forming the core of the text. The law summarises previous experience of safeguarding ICH in China and establishes a framework for the various actors in the field.

Chapter 1 of the ICHLPRC defines the objectives of the ICH governance as 'promoting the outstanding traditional culture of the Chinese nation', 'strengthening the cultural identity of the Chinese nation', 'safeguarding national unity and national solidarity' and 'facilitating social harmony and sustainable development'. In other words, ICH's cultural governance goals highlight political and ideological functions (Zhu and Maags 2020; Zhang and Lin 2017). In practice, these state goals often translate into evaluating the effectiveness of ICH safeguarding. According to the general understanding of the cultural administration and cultural officials such as Wang (2013, 287–289),[1] the effectiveness of ICH safeguarding can be evaluated from

two aspects: the effectiveness of ICH safeguarding itself, and the ICH's effect on the public's awareness. The former refers to the number and scope of folk culture resources covered by ICH safeguarding, while the latter refers to the public's knowledge and understanding of ICH. This assessment was also reflected in the view of several grassroots cultural cadres who treated their work as the investigation and dissemination of ICH. Interviewee A:

> The significance of our ICH work is inheritance and safeguarding. Firstly, we want more people to know and accept ICH. Secondly, we want to provide opportunities and space for more ICH through national financial support; thus, they can be better protected.

According to chapter 2, the most basic level of the ICH survey is organised by county-level governments and implemented by county-level cultural sectors. The ICH survey in Ba County, promoted by the County Bureau of Culture, was conducted twice, in 2007 and 2009, resulting in 61 county-level ICH items.

The ICH lists and inheritor lists are the core of chapter 3 and of the ICH governance practice in China. These lists involve national, provincial, municipal and county-level systems, and items and persons entering the two programmes can access symbolic and material resources provided by the state. These four-level lists constitute a hierarchy; the higher the level, the more resources are available. Various actors in the ICH field must participate in this competitive game and abide by its rules if they want to obtain more resources (Maags 2018). The county-level ICH lists are the lowest level and the basis of the vast system. The Ba County government has published three county-level ICH lists (in 2008, October 2010 and December 2010) comprising 61 ICH items. Yuzhou embroidery is from the third batch of county-level ICH lists. In addition, chapter 3 stipulates three rules for identifying representative ICH inheritors: they should be 'a master of the ICH', be a 'representative in a specific field and of great influence in a certain region', and 'actively carry out inherited activities'. These rules are implemented even at the lowest level of the system. Interviewee A, director of the ICH Office of the Ba County Cultural Center, said that they have three main criteria for recommending ICH inheritors to the Chongqing Municipal Commission of Culture and Tourism (CMCCT):

> First, we check whether the person's skills have any local influence or not [...]. Second, we check whether the person is enthusiastic about participating in the activities we hold or not [...]. Third, we check whether the person has a master. If the person meets all these three criteria, then we will recommend him/her as an ICH inheritor.

Finally, chapter 4 stipulates that the government should promote and display ICH. Indeed, the ICH display is an important indicator to assess the work of ICH safeguarding at the county level, and has become the core tasks of the ICH Office of Ba County. Interviewee A:

> The CMCCT not only requires us to participate in every exhibition activity related to ICH that it organises, but also instructs us to conduct activities related to ICH on Cultural and Natural Heritage Day [the second Saturday of June each year]. However, it does not stipulate any specific content.

The state actor has the legal capacity to establish the ICH regime, which includes a survey system, a four-level ICH lists system, a four-level representative ICH inheritor lists system and a system for disseminating ICH. Moreover, with its solid legal capacity, the state can also conduct ICH governance; since 2004, China has included 101,625 ICH items into the ICH lists and 89,744 ICH inheritors into the ICH inheritor lists (Song 2020, 14). Provinces, prefectures and counties nationwide actively conduct thousands of publicity, exhibition and dissemination activities for ICH each year, and 72 local regulations have been enacted to safeguard ICH (CCICHS 2017).

'The spirit is willing, but the flesh is weak': the financial resource capacity of the state actor

If people only consider the strong legal capacity of the state, they may view China as an 'extremely powerful' government in the ICH field (Wang and Hu 1993). However, this is not the case when analysing the state's financial resources and administrative capacities. Empirical data from Ba County shows that although the Chinese state appears to have invested significant money in ICH governance and has established formal bureaucratic organisations that have extended to the county level, the financial and human resources available to the state at the grassroots level are scarce.

In 2006, the central government established a special fund for national ICH safeguarding. By 2019, the state had

Table 1
Cumulative financial investment in safeguarding intangible cultural heritage in China, 2011–2015 (million yuan)

Administrative levels	Provincial finance	Prefectural finance	County-level finance
Nationwide	1637.31	1019.09	1236.56

Source: Ministry of Culture and Tourism of the People's Republic of China website.

invested more than 7 billion yuan in the fund. Moreover, the provincial, municipal and county levels have all invested considerable financial resources in ICH work. Considering the national data from 2011–2015, the money invested in ICH at these levels is shown in Table 1 (CCICHS 2017).

As the Chinese official report stated, '[Although] the financial support for ICH has been increasing year after year, it is still not sufficient to meet the actual needs of the work, and there is a general problem of inadequate funding for safeguarding in all provinces' (CCICHS 2017); and '[T]he financial support of districts and counties for traditional folk culture safeguarding is seriously limited' (CMCCT 2018). Interviewees agreed. Interviewee A:

> The apparent massive investment of financial resources for full coverage masks the fact that the spirit indeed is willing, but the flesh is weak.

Interviewee B, who is in charge of industry and economy at the Ba County Commission of Culture and Tourism (BCCCT), also stated:

> Ba County is far less wealthy than the cities in the developed eastern region, and we almost can't get any money from the county government.

Even though the Chongqing Municipal Finance Bureau invested 31.23 million yuan in ICH safeguarding between 2011 and 2015, funding for ICH work at the county level has been in short supply. Table 2 depicts the annual culture, sports and media expenditure in Ba County from 2007 to 2015. Cultural expenditure is almost always less than 1% of local financial expenditure (except in 2014). Interviewee A:

> We only have a very small portion of the project funding allocated by CMCCT, and the county government did not even give us a penny.

The state's limited financial resources at the grassroots level have had at least two consequences: first, both CMCCT and BCCCT have paid more attention to the economic dimension of ICH in practice. Interviewee A:

Table 2
Culture expenditure as a percentage of total local expenditure, Ba County, 2007–2015

Year	Total local finance expenditure (million yuan)	Culture, sports and media expenditure (million yuan)	Culture expenditure as a percentage of total local expenditure (%)
2007	722.37	2.47	0.34
2008	962.61	5.50	0.57
2009	1443.24	4.03	0.28
2010	1890.24	unknown	unknown
2011	2501.66	18.81	0.75
2012	3025.88	14.46	0.48
2013	3135.63	14.48	0.46
2014	3404.88	36.05	1.06
2015	4032.82	38.37	0.95

Source: Ba County Finance Bureau document.

If one ICH item already has an inheritor, CMCCT is reluctant to add more people, because each additional inheritor means paying an additional 6,000 yuan per year.

... [T]he best way for the government to safeguard ICH is to turn ICH into a cultural industry, thus attracting more people to work on it.

Second, if an ICH is not listed on the provincial lists, it receives almost no external resources. For instance, Interviewee D, the former director of the Ba County Cultural Centre, said:

[A]lthough there are 61 county-level ICH items in Ba County, the cultural department does not have the energy or funding to safeguard them. Only when their inheritors are listed on the provincial ICH inheritor lists, those persons get a monthly grant of 500 yuan from the provincial government. In addition, the county government will not give money, the cultural department has no money for inheritors, and there is only a little money for implementing projects.

'A thousand threads above and one needle below': administrative capacity of the state actor

There is a severe lack of administrative capacity for the state actor, as the bureaucratic organisation in the state does not have sufficient human resources to carry out its work on ICH.

In 2006 and 2009, the state established the China Centre for ICH Safeguarding and the ICH Department of the Ministry of Culture, respectively. It laid down a bureaucratic organisation for the work of the Chinese ICH, with the ICH Department (divisions and sections) of cultural sectors as the leading organisation, and the ICH Centre as the working body (Bodolec 2012). This bureaucratic organisation has been extended to the 31 provinces. The 2016 data reveals that there are 281 ICH divisions (sections) and 376 ICH centres at the prefectural level and 616 ICH divisions (sections) and 1749 ICH centres at the county level nationwide (Table 3) (CCICHS 2017). In fact, although the ICH work organisations in Ba County are only subsidiary units, they have completely transplanted this set of bureaucratic organisations. The leading organisational body for ICH work in Ba County is the Public Service Section of BCCCT, while the actual working body is the ICH Office of the County Cultural Centre, which, as one of the most basic units, constitutes a complete, huge administrative system for national ICH safeguarding.

Previous studies have argued that in both Western states and modern China, the increasingly sophisticated cultural governance bureaucratic hierarchy of the state means that the state actor is not only consciously intervening in the shaping and management of culture, but also increasingly capable of penetrating culture and society (Thomas and Meyer 1984; Xiao 2016). The well-developed cultural governance bureaucratic organisation from the central to the county level in China also foreshadows a state actor with strong state capacity in the ICH field. However, our empirical data suggests that this argument does not correspond to the actual situation. The ICH Office of Ba County, as the end of the vast and complete national cultural administrative hierarchy, is extremely understaffed. A Ba County cultural sector cadre uses a metaphor to describe this situation: 'A thousand threads at the top, a needle at the bottom',[2] implying the difficulty and challenges of resolving practical issues when human resources are limited.

Interviewee A:

Although BCCCT announced that I am dedicated to ICH work, I actually have no qualifications in folklore

Table 3
ICH work organisations in China, 2016

Administrative levels	Independent ICH divisions (sections)	Subsidiary ICH divisions (sections)	Independent ICH centres	Subsidiary ICH centres
Provincial level	22	9	14	17
Prefectural level	97	184	65	311
County level	84	532	208	1541

Source: Ministry of Culture and Tourism of the People's Republic of China website.

> or ICH. Moreover, I only have less than a third of my working time and energy to do this job, because I am also responsible for the cultural center, museum, relics management center, cultural activities, and so on. So, I have to take a perfunctory attitude towards the ICH work most of the time.

The shortage of actual staff at the grassroots level leads to the phenomenon of working perfunctorily, and to the ineffectiveness of ICH safeguarding, as many worthy folk cultures and inheritors cannot be included in the list by the ICH survey in time.

Despite the limitations of financial resources and administrative capacities, the state has developed a way of leveraging the limited capacity by asking for help from other forces. There are two ways of leveraging the actual work of the Ba County ICH Office: internal and external. Internal leveraging targets the social networks of cultural cadres. This approach is limited in its effectiveness in achieving cultural governance goals, as it is usually employed to fulfil the tasks and assessments of higher cultural sectors. For instance, BCCCT is required to provide ten seven-minute films when applying for the provincial ICH. It would cost about 150,000 yuan to complete all films. However, BCCCT provided only 30,000 yuan to the ICH Office to shoot and edit all the films. The cadres of the ICH Office had to ask their personal friends to donate money to complete the work. External leveraging comes from cultural actors in an advantageous position in the ICH field. External leveraging by the Ba County ICH Office is an unintended consequence. The following section further explains how cultural actors in the ICH field have sought resources from other fields.

Boundary crossing: the interaction between cultural actors and the state

In the Chinese ICH field, despite the state's domination of symbolic and material resources (Maags 2020), cultural actors can still access socio-cultural capital (Kuah and Liu 2016; Oakes 2013). As discussed above, the state financial resources and administrative capacities in the Ba County ICH field are insufficient; therefore, cultural actors (e.g. embroidery inheritors) must seek resources from outside the ICH field when resources are limited. For instance, Zhao, as an embroidery inheritor, used her own cultural capital and constructed the image of the 'crazy embroiderer' to cross the boundary of the ICH field and participate in the cultural elite group at Ba County which does not belong to the ICH field; by doing so, Zhao finally gained state recognition and was recommended as an ICH inheritor. 'Boundaries' refers to conceptual distinctions made by actors to categorise objects, people, practices, and even time and space (Lamont and Molnár 2002), such as the limits set up to distinguish ICH from other fields. 'Boundary crossing' means the act of traversing, violating or moving beyond a defined boundary. In this case, Zhao blurred the boundary of ICH, such as acting as an ICH inheritor, but moved beyond ICH to be a 'culturist' and even a 'businesswoman'. Therefore, she can obtain external resources from outside of the ICH field in Ba County, ultimately promoting the commercialisation and mass dissemination of Yuzhou embroidery.

'Crazy embroiderer': integrating into the cultural elite group and promoting heritagisation

People are legitimised to enter the field by their possession of some form of specific capital (Bourdieu and Wacquant 1992, 107–108), while the state overwhelmingly determines the rules, formation, stability and transformation of the field (Fligstein and McAdam 2012, 81). In Ba County, those who want to enter the ICH field must possess the relevant cultural capital and be accepted and formally recognised by the state and its agents. In the case of Zhao, her strategy was to accumulate objectified cultural capital by collecting a large amount of traditional embroidery, create the image of the 'crazy embroiderer', be recognised as such by a broader and wider community such as the cultural elite group in Ba County and, finally, to obtain from the group outside of the ICH field the resources and support needed to promote the heritagisation of Yuzhou embroidery.

The initial process of heritagisation of Yuzhou embroidery was concentrated during the period from 2005 to 2011 and included two main stages.[3] In the first stage, Zhao collected traditional embroidery and hired local people to make embroidery works based on masterpieces of Chinese art, with the specific aim of accumulating objectified cultural capital for herself. She had learned embroidery from her mother, a seamstress. (The traditional Yuzhou embroidery skills in Ba County were far less complicated than those of other embroideries, such as Su embroidery.) Since 2005, she has taught local women how to make embroidery and offered them high prices to replicate traditional embroidery. She believed

her approach was very far-sighted:

> At that time, I thought that if the traditional embroidery skills were not passed down, they might be lost in a few years; so, I decided to teach these left-behind women how to embroider free. Moreover, I provided them not only with free sewing materials, but also salaries so that they could go home and embroider [...] I spent an average of 3,000 yuan to buy a piece from them. I remember the most expensive embroidery I ever bought cost me 68,000 yuan, which could afford a 120 square meter apartment in our county at that time. Now I have not owned an apartment in the county seat yet. Do you think I am stupid? [...] I felt this would be a hit and popular when I conducted it; no one else could come and share the profits because I had already paid for these things before, and they belonged to me. That is why I was paying them well.

However, as researchers pointed out, 'a capital does not exist and function except to a field' (Bourdieu and Wacquant 1992, 101). Zhao understood that even though she had collected many traditional embroideries, it was difficult for her to 'make a splash' without obtaining attention and support from the government. Therefore, in the second stage, she actively created an image of herself as a 'crazy embroiderer' addicted to and skilled in embroidery (culture). Instead of confining herself to the ICH field, she crossed the boundary of ICH and participated in the cultural elite group to publicise her story. Interviewee C, a cultural cadre in Zhao's hometown, highlighted the impression that Zhao made:

> We were only paid a few hundred yuan a month for an inheritor in the early 2000s, but she was in debt tens of thousands of yuan for hiring people to embroider for her [...] In 2006, I was working with the chairman of the County Federation of Literary and Art Circles on the ICH survey, and I told him there was such a crazy person who engaged in culture. Then the literati in the county slowly started to bring Zhao along to the cultural circles.

Zhao also told the story of her engagement with the cultural elite group:

> That thing [embroidery] was constantly on my mind at the time, so I always subconsciously mentioned it when I was talking with others. The people around me thought I was crazy [...] I liked to hang out with the literati. There was a cadre in the County Propaganda Department when I was out with the literati at the time [2008]. After I told him about my embroidery, he thought the County Bureau of Culture should support me. At that time, neither he nor I knew about the ICH safeguarding. But he was close to the director of the County Bureau of Culture. After the director learned that I was obsessed with embroidery and that I had collected hundreds of pieces of embroidery by myself, the County Bureau of Culture started telling me how to apply for ICH.

Through the joint efforts of Zhao and the cultural elite group, the local government noticed the embroidery and finally included it on county-level ICH lists (2010) and provincial ICH lists (2011). In addition, Zhao became a county-level ICH inheritor (2012) and a provincial ICH inheritor (2013). Her strategy of accumulating objectified cultural capital and seeking external support by crossing the boundary of the ICH field eventually led to state recognition of both Yuzhou embroidery and herself, building the base for her to acquire resources from both inside and outside the ICH field.

'Culturist' and 'businesswoman': commercialisation in the context of limited state capacity

Initially, Zhao aspired to become a well-known folk artist by winning competitions with these large cross-stitch embroideries, selling them, and organising solo exhibitions of her Yuzhou embroidery collections. However, achieving the status of a provincial-level inheritor did not realise her aspirations. Although some official cultural institutions purchased and collected several of Zhao's large cross-stitch embroideries, providing her with an income of over 100,000 yuan, she did not gain instant fame. In addition, considering that these sold pieces took years to complete, they all cost more than 100,000 yuan in labour, so this approach is not sustainable. Moreover, our previous analysis indicated that national resources dedicated to safeguarding ICH are very limited in Ba County. Local cultural cadres also noted that the development of the embroidery industry in Yuzhou relies heavily on Zhao's efforts to seek multiple resources outside the cultural field. This means that we need to focus beyond that field.

Next, drawing upon Zhao's experiences, we will analyse the state-sponsored commercialisation of Yuzhou embroidery through three distinct phases.

1. The initial stage

With limited assistance from the cultural department for Yuzhou embroidery, Zhao took action on three fronts. First, she utilised her role as a provincial inheritor of ICH to participate extensively in provincial and national expositions focused on intangible cultural heritage, cultural industries, and arts and crafts. Her Yuzhou embroidery (cross-stitch) work *Premier Wen in Wenchuan* won the gold medal at the National Arts and Crafts Expo. Second, despite the honours, Zhao did not gain recognition from the market, and she quit her stable job to study random-stitch embroidery. This shift marked a significant career change and increased the financial pressures she faced. Third, Zhao became familiar with an official of the Chongqing Municipal Economic and Information Technology Commission because of the Yuzhou Embroidery Gold Award work *Premier Wen in Wenchuan*. This relationship resulted in governmental acknowledgement and guidance, culminating in the establishing of the Yuzhou Embroidery Company and a significant subsidy of 200,000 yuan from the Ba County Economic and Information Technology Commission.

At this stage, Zhao's focus is to display Yuzhou embroidery through exposition platforms at all levels, and its core image is the inheritor of ICH – that is, a 'culturist'. Through interaction with the Chongqing Municipal Economic and Information Technology Commission, Zhao established a related ICH company and received subsidies from the Ba County Economic and Information Technology Commission. From this point forward, Zhao gradually transformed from a 'culturist' to a 'businesswoman'.

2. Transformation stage

During the development of Yuzhou embroidery, Zhao gradually realised that Ba County's national capabilities dedicated to protecting ICH are extremely limited. However, the allocation of national capabilities may be uneven, which means that national capabilities in other fields, such as poverty alleviation, may be stronger (He 2016). Therefore, Zhao began to transform and integrate into the national 'targeted poverty alleviation' strategy. In China, 'targeted poverty alleviation' is a major political task nationally, and the Poverty Alleviation Office serves as a 'platform' that arranges the deployment of financial resources and fosters collaborative efforts across administrative boundaries (Wang and Su 2020). As Interviewee I said:

> In 2015, Ba County received 30 million yuan for targeted assistance, which could be used for various purposes, including subsidies and the planning of industrial parks. After deciding to build an e-commerce industrial park, we held an E-commerce Entrepreneurship Forum. When other entrepreneurs talked about agriculture and industry, only Zhao talked about developing culture, which everyone found novel. After the meeting, our leaders invited her to settle in the e-commerce industrial park for free. At the end of the year, city leaders came to inspect the e-commerce industrial park and spoke highly of their company's development.

The integration of Yuzhou embroidery and Ba County's targeted poverty alleviation strategy unfolds in two main ways. On the one hand, Yuzhou Embroidery Company, recognised as a local ICH enterprise, was granted free entry into the Ba County E-commerce Industrial Park and received financial support through government orders for embroidered gifts. This development was facilitated mainly by Zhao's effective engagement with the Ba County Commerce Commission and key leaders from Chongqing Municipality. As a 'culturalist', Zhao proposed the development of traditional cultural industries in Ba County, a traditional agricultural county, at the Ba County Rural E-commerce Entrepreneurship Forum, which the Ba County Commerce Committee leaders affirmed. As a 'businesswoman', Zhao has received many visits from Chongqing's main leaders in Ba County's e-commerce industrial park and gained recognition from them. These interactions boosted her company's visibility and secured significant preferential policies and economic incentives, such as free admission to the e-commerce park and substantial orders for her embroidery products.

On the other hand, Yuzhou Embroidery Company was chosen to implement several government-funded poverty alleviation projects. The Ba County Women's Federation provided Zhao with funds to promote the employment of rural women, recognising her influence as a local female entrepreneur and her capacity to drive socio-economic enhancement for rural women through cultural industries. This collaboration was viewed as an excellent opportunity to advance the Women's Federation's poverty alleviation

efforts. As Interviewee J said:

> We have a poverty alleviation fund allocated by the Poverty Alleviation Office to the Women's Federation. Zhao is a female entrepreneur and is well-known in the local cultural field. We invited her to conduct training projects for rural women to promote employment and income growth for these rural women.

Furthermore, the Ba County Human Resources and Social Security Bureau engaged Zhao's company to host poverty alleviation workshops and skills training projects. As Interviewee F stated:

> First, Yuzhou embroidery is a provincial-level ICH and has a certain influence and popularity. Second, it has local characteristics, and many women have embroidery backgrounds. Meanwhile, it is a skill that can help local people train and master a skill, and provide them with employment opportunities nearby. Thus, we are glad to give this project to Zhao.

Within these interactions, Zhao crosses the boundary of 'culturalist' and 'businesswoman', engaging with different government departments and leaders, promoting the safeguarding and development of Yuzhou embroidery.

3. Expansion stage

Zhao fully embraced her role as a cultural entrepreneur, gaining national recognition for her contributions to both the cultural and economic sectors. Her active participation in high-level exhibitions and substantial media coverage significantly raised her profile, establishing her as a prominent figure in cultural entrepreneurship. This phase marks her successful business transition, where she effectively utilised state-funded platforms to broaden her business scope and increase her influence across the country. Her work received commendations from various ministries, and she obtained numerous contracts from government and private sectors, showcasing her endeavours' economic and social impacts. This success illustrates the successful integration of cultural protection within a broader economic context. It is important to acknowledge that the government's primary focus was on alleviating poverty related to ICH, with secondary attention to supporting Zhao and her Yuzhou embroidery initiative specifically. After this round of targeted poverty alleviation, Zhao has turned her focus to the new national strategy of 'rural revitalisation'. By aligning Yuzhou embroidery with this new initiative, she aims to gain further support from various governmental levels, enhancing the sustainability and ongoing development of Yuzhou embroidery. With this expanded interaction, Zhao is enabled to leverage additional resources and support, potentially enhancing the scope and impact of her business endeavours. The more access Zhao gains to larger platforms and the more she engages with additional government departments, the more likely she is to encounter increased opportunities through the state-sponsored commercialisation of Yuzhou embroidery.

Between state and cultural actors: semi-formal cultural governance and state-sponsored commercialisation within the ICH field

The mutually complementary relationship between state and cultural actors has helped, to some extent, to achieve the goals of cultural governance. Despite the limited state capacity for ICH safeguarding, Zhao was given an official title, which she used to obtain resources from various state policies besides ICH to promote the commercialisation of Yuzhou embroidery, allowing embroidery to continue as an ICH in modern daily life. More community residents in the embroidery-producing workshop neighbourhood are becoming aware of the ICH that is defined and supported by the state. When we asked them how they heard about ICH, almost all of them claimed they learned about it through Zhao and her company's publicity.[4] Moreover, as Zhao continues to promote Yuzhou embroidery, an increasing number of grassroots people are becoming aware of and understanding ICH. For instance, more than 300 local people in Ba County received embroidery training from Zhao's company in 2018 and 2019. As Interviewee A said:

> The general public rarely understood the traditional skills, patterns, and meanings of embroidery, while if people engage in Yuzhou embroidery, they will gradually understand and become familiar with it, and eventually, their cultural confidence can be enhanced.

As a result, while semi-formal cultural actors such as Zhao leverage resources outside the ICH field to promote themselves, the outcome is consistent with the state's ICH governance objectives. What emerges between state and

cultural actors is semi-formal governance within the ICH field.

Semi-formal cultural governance embodies the 'arts of government' in the contemporary Chinese ICH field, where state-sponsored ICH commercialisation is dependent on the emergence of cultural subjectivity. According to Maags (2018), cultural practitioners commonly employ personal social connections to win inscription on the ICH items and inheritor lists. However, the state's limited financial and human resources for safeguarding ICH are usually directed to regions with developed ICH-related tourism, leaving cultural practitioners elsewhere with only the symbolic resources of an official title. Therefore, cultural actors in areas where tourism is neither renowned nor developed must meet the state's need for culture if they want to stand out and profit from ICH – that is, to become autonomous subjects capable of transmitting and promoting culture. Cultural actors such as Zhao understand how to use boundary work to establish a 'culturist' image promoted and valued by state actors at different levels, and how to flexibly employ this image to capture decision-makers' attention to profit from various state-sponsored programmes. Interviewee B, who helped Zhao with many embroidery skills-training projects, mentioned:

> We picked Yuzhou embroidery as a skills training project because Zhao is an ICH inheritor with a certain level of popularity. Embroidery may assist local people in acquiring a skill and satisfy the state's demand for targeted poverty reduction.

Unlike some Chinese governmentality studies (e.g. Bray and Jeffreys 2016) that emphasise the critical roles played by urban planners, hospital managers, public health agencies and other experts in transforming diverse fields of government in present-day China, the cultural subjects of the ICH field typically come from and operate at the grassroots level. However, they are also likely to interact with various other fields beyond that field.

Furthermore, semi-formal cultural governance requires operating in a specific social context. It is important to note that, on the one hand, this non-institutionalised governance requires that ICH be integrated into modern everyday life (whether as a way of life or as a cultural resource to be commodified). This means having audience groups for the ICH; for instance, Zhao profited in the market because of the boundary crossing and because consumers were willing to pay for cultural consumption (Fang 2018). On the other hand, semi-formal cultural governance also requires the support of several cultural practitioners, such as inheritors and producers, to function. For instance, the producers of Yuzhou embroidery are all landowning peasants. They can engage in farming while earning cash income through temporary jobs. This livelihood model is prevalent in contemporary rural China (Huang 2006a, 2006b; Xia and He 2017). The informal employment allows the Yuzhou Embroidery Company to compete in the market at a lower cost of production, as producers who have land as a welfare guarantee are willing to accept a lower income. In addition, this social context allows the company to obtain certain subsidies from the government (indirect subsidies from government skills training projects for the rural underemployed and direct subsidies from government incentives for the company to hire these people). In short, the specific social context in China (i.e. the growing middle-class audiences and prevailing informal employment) set the basis for autonomous semi-formal cultural actors such as Zhao to promote state-sponsored ICH commercialisation and contribute to the achievement of the goals of ICH governance.

Discussion and conclusion

This study initially examines the interaction of both state and cultural actors in governing ICH in China via a case study in Chongqing. The findings reveal that state and cultural actors in the Chinese ICH field are not in a conflictual relationship, as previous studies suggest, but in a semi-formal cooperative interaction. Specifically, first, our findings suggest that the financial and administrative capacity of state actors in safeguarding ICH are limited and insufficient at the grassroots level. Table 1 shows that substantial investments were made in safeguarding ICH, with provincial, municipal and county levels contributing 1637.31, 1019.09 and 1236.56 million yuan, respectively, over four years. However, a closer examination of Ba County reveals a stark contrast; between 2007 and 2015, cultural spending in Ba County did not exceed 1% of its total local expenditure (Table 2), indicating a significant discrepancy in the effectiveness of these investments at the grassroots level. In addition, our interviews also revealed that although Ba County has established an organisation dedicated to safeguarding ICH, this organisation is minimally staffed with only one part-time member. Therefore, the time and resources available to safeguard ICH in Ba County are

significantly limited. This discrepancy underscores the importance of assessing the implementation and impact of cultural heritage policies beyond macroeconomic data, focusing on the actual mechanisms at work within local contexts. These limitations hinder state actors' ability to effectively fulfil the goals of ICH governance, requiring that cultural actors independently seek out resources and support to safeguard their heritage. Second, our findings indicate two main ways for cultural actors to seek and obtain resources and support. One is to accumulate cultural capital to gain symbolic resources through the institutional recognition of state actors, such as being recommended as ICH inheritors, to improve their reputation and obtain advantageous positions both within and outside of the ICH field. The other way is to cross boundaries flexibly, depending on contexts, in order to acquire external resources from outside of the ICH field, such as the political and market fields, to accelerate the commercialisation of embroidery. In this semi-formal governance practice, state and cultural actors leverage each other to safeguard and better promote ICH.

This study also explores state-sponsored commercialisation, particularly in safeguarding ICH. Our analysis suggests that when commercialisation based on market logic proves unfeasible, a viable alternative may be to rely on state sponsorship. This perspective aligns with the inherent tension described by Bortolotto (2021) in the 'fuzziness principle', which contrasts the exclusivity of marketisation logic with the inclusivity of non-marketisation logic. Although marketisation typically focuses on exclusivity, commercialisation does not necessarily follow this pattern. In the state-sponsored commercialisation of Yuzhou embroidery, the state procures ICH-related products and services from intermediaries. It focuses on the social benefits these intermediaries provide, such as employment and skills training for rural poor households, rather than on personal or corporate profits. This approach highlights a significant shift from profit-driven market dynamics to a broader concern for social impact.

As previously analysed, state-sponsored commercialisation significantly supports entrepreneurial ICH inheritors, such as Zhao, by providing a robust development platform, social recognition, funding, and access to potential embroidery workers. Also, this model may ensure the survival of both embroidery workers and ordinary ICH inheritors. Meanwhile, as it is sponsored by the state, it is likely to provide a specific survival space for simple, traditional skills (such as the primary embroidery method of Yuzhou embroidery: cross-stitch) to avoid their being eliminated by the market. The implications of such commercialisation are substantial for both the cultural transmission and governance of ICH such as Yuzhou embroidery. Upon closer examination of this particular traditional craft, it is evident that state-sponsored commercialisation could profoundly influence the culture and governance of such crafts and ICH more broadly. This observation aligns with the findings by Xu and Tao (2022a) regarding the cultural impacts of state intervention in traditional handicrafts.

Furthermore, it is essential to recognise the pivotal role that Zhao has played in this context. The empirical evidence highlights two main strategies employed by cultural actors like Zhao in response to the limited resources provided by state actors: the accumulation of cultural capital and the crossing of identity boundaries, especially when she combined the development of Yuzhou embroidery with nationally significant strategies. These strategies offer fresh insights into cultural actors' autonomy and multifaceted roles in safeguarding and utilising ICH, underscoring their critical involvement in navigating and shaping the commercialisation landscape.

Finally, while we emphasise the mitigation of market pressures through state-sponsored commercialisation, it is important to acknowledge the internal tensions inherent in this model, which is influenced by semi-formal cultural governance. On the one hand, intermediaries positioned at the node of state and society possess the opportunity and conditions to execute strategic actions; however, their autonomy remains constrained within the boundaries defined by national strategies. On the other hand, an unbalanced interest relationship exists between ordinary ICH producers and these intermediaries. The producers, who create the bulk of the ICH products, often receive fewer economic rewards than the intermediaries, highlighting a significant disparity in the distribution of benefits within this framework that should be investigated in future research.

Appendix: Interviewee profiles

Interview number	Interviewee	Gender	Age	Date of interview	Profession
1	A	Male	40–49	29 April 2020	Director of the ICH office of the county cultural centre
2	A	Male	40–49	23 June 2020	Director of the ICH office of the county cultural centre
3	A	Male	40–49	24 June 2020	Director of the ICH office of the county cultural centre
4	A	Male	40–49	14 July 2020	Director of the ICH office of the county cultural centre
5	B	Male	40–49	14 July 2020	Officer of the county cultural bureau
6	C	Male	60–69	10 July 2020	Former head of the township cultural centre
7	D	Male	60–69	17 July 2020	Former director of the county cultural centre
8	E	Male	20–29	8 July 2020	Officer of the county human resources and social security bureau
9	F	Female	20–29	8 July 2020	Officer of the county human resources and social security bureau
10	J	Female	40–49	8 July 2020	Officer of the county human resources and social security bureau
11	H	Male	50–59	8 July 2020	Officer of the county disabled persons' federation
12	I	Female	20–29	8 July 2020	Officer of the county commerce bureau
13	J	Female	30–39	8 July 2020	Officer of the county women's federation
14	K	Female	40–49	27 June 2020	General manager of Yuzhou Embroidery Company, municipal-level ICH inheritor
15	K	Female	40–49	28 June 2020	General manager of Yuzhou Embroidery Company, municipal-level ICH inheritor
16	K	Female	40–49	28 June 2020	General manager of Yuzhou Embroidery Company, municipal-level ICH inheritor
17	L	Female	40–49	27 June 2020	Manager of embroidery shop, embroidery artisan
18	M	Female	30–39	30 June 2020	Township resident, former embroidery artisan
19	N	Female	30–39	30 June 2020	Township resident, embroidery artisan
20	O	Female	50–59	30 June 2020	Township resident, former embroidery artisan
21	P	Female	50–59	29 June 2020	Township resident, municipal-level ICH inheritor
22	Q	Female	30–39	30 June 2020	Township resident, former embroidery artisan
23	R	Female	40–49	30 June 2020	Township resident, former embroidery artisan

ENDNOTES

1. Wang Wenzhang is the former Vice Minister of Culture of the People's Republic of China (2008–2012). *An Introduction to Intangible Cultural Heritage*, edited by Wang, is not only a textbook used by many universities, but also a training material for cultural cadres responsible for ICH.
2. '*Shangmian qian tiao xian, xiamian yigen zhen* (上面千条线, 下面一根针)' describes the situation where many affairs arise from the upper-related organisations, but only one person is employed in the lowest-ranked organisation to deal with those affairs.
3. These two stages are logically sequential and often intersect in reality.
4. Interview with community residents, No. 17-22 July 2020.

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Connecting Tokyo 2020 with people and places: a case of the Nanairo Ekiden as sport heritage

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Connecting Tokyo 2020 with people and places: a case of the Nanairo Ekiden as sport heritage

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ABSTRACT

The Olympic Games is more than a mega sport festival and the myriad connections created through the interaction of sport, athletes, education, the public and community through Olympism is one of the great global expressions of education through sport. The linkages between the mega-event, society and sport are reflected in the tangible and intangible aspects of the event. These connections are created through participation, material culture and the intangible aspects of Olympism imbued in its expression. This paper considers material culture and the values education associated with it through an inclusive sporting event, the Nanairo Ekiden, an academic legacy project of the Tokyo 2020 Olympic and Paralympic Games. It considers the intangible heritage created through the event and disseminated and maintained through the memories, wishes and hopes of the participants, written on ribbon tanzaku. It also considers the ascription of value to tangible and tangible heritage via actors during the implementation of the ekiden.

Keywords

Nanairo Ekiden, Tanzaku, Ribbons, Memory, Tokyo 2020

Introduction

The Olympic Games are described by the International Olympic Committee (IOC) (2023) as the 'world's only truly global, multi-sport, celebratory athletics competition'. However, the Games are much more than a mega-sport festival; they represent a local and global multicultural environment connected through media and shared experiences (Haggis and Vasilache 2019). Linked by shared values, heritage and knowledge creation (Dell'Aquila 2020), the Olympic Games represent in a global form the intricate connections between sport and society. The linkages between the mega-event, society and sport are reflected in the tangible and intangible aspects of the event (Cassini 2022), whereby connections are made and maintained in local, national and international communities through the processes of participation, connection, reflection and memory. The memories associated with sporting events in the community are created through participation and via the material culture associated with the event (Stell and Pocock 2019), connecting people with the event long after it has finished. Exposure to the material culture creates and maintains the intangible heritage of the event and reinforces the connections in community and personal memory. Therefore, objects and places obtain and retain significance due to the values ascribed to them and through their association with people (Alivizatou 2007).

Objects, and the values associated with them, are an important component in the development of intangible heritage. The ascription of values is determined by people as agents, including collectives such as organisations and other groups (Andersson and Johannesson 2018). Andersson and Johannesson further suggest that 'an agent can be the one for whom a value is ascribed to a value object' and that 'an agent can be the one who

makes the value ascription[;] that is, the value ascription is performed by that agent' (2018, 29). These processes of value ascription are represented in two aspects of an inclusive sporting event, the Nanairo Ekiden, which was developed as a legacy project of the Tokyo 2020 Olympic and Paralympic Games (2020 Tokyo Games) and which uses IOC values education as a catalyst for engagement.

Olympism, the main philosophy of the IOC, reflects the idea that learning takes place through the balanced development of the body and mind. and that values education in sport promotes these concepts (IOC 2024). This harks back to the Ancient games, where sport and education played an important role in the holistic development of mind and body and where the *palestras* (wrestling schools) and *gymnasia* (gymnasiums) were positioned close to temples, marketplaces and other social spaces (International Olympic Academy 2019). The IOC promotes Olympic values education, whereby the use of sports and Olympism facilitates values-based learning and provides a framework to develop social attributes based on sport activity in the social and experiential setting of events such as the Nanairo Ekiden (IOC 2024). Values are taught via the educational initiatives and attached to the objects used to reinforce these values. In this way, the educational and cultural programmes associated with the Games allow people to connect with the Games and experience them second-hand, but at the same time create intangible heritage of the event despite being separated in time and space. Through participation in these programmes, people become connected to the Olympic Games in an intimate way. Their participation in the activity is finite; however, the intangible heritage associated with their participation remains.

The United Nations Educational, Scientific and Cultural Organization's (UNESCO's) Intangible Heritage Convention (2003) defines 'intangible cultural heritage' as '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 recognise as part of their cultural heritage'. Due to the finite nature of event participation, the individual and group awareness of the creation of intangible heritage may be lacking. Despite this, preserving the many and unique intangible heritages associated with the Olympic and Paralympic Games is an important initiative for unifying, and building cooperation and capacity between, people and communities within the global Olympic family (Hannewijk et al. 2020). In order to do so, recognition and awareness of the nature of the intangible heritage associated with sporting events needs to be disseminated both with the community and within the organisations and groups implementing activities such as values education. Sport heritage is a relatively new paradigm and still has some way to go before gaining the same recognition as other branches of heritage (Reilly 2015). The author, for example, experienced the disinterest of other faculty while trying to create a small programme archive at a previous university. The majority of the faculty considered sport an active field that was not associated with heritage. For this reason, it is important to continuously connect and maintain the links between sport and heritage (both tangible and intangible) to define these connections more clearly as part of the social fabric of sport.

This paper outlines some of the participatory practices connected with the Nanairo Ekiden, an inclusive sporting event associated with an academic legacy project of the 2020 Tokyo Games. It considers the objects used by the participants as a means of engaging the community with the event and connecting them to sport values, Japanese culture and the creation of intangible heritage. It seeks to show, through the analysis of activities and objects, the connections made between event editions and the ensuing creation of a global intangible heritage network, the existence of which is as valid as its tangible counterpart.

Background and rationale

The focus of this paper is the implementation of an academic and sport legacy project called the Nanairo Ekiden, as well as its material culture and the intangible heritage derived from it. The Nanairo Ekiden is considered a legacy project of Japan's Tsukuba International Academy for Sport Studies (TIAS), as it was conceived and implemented by TIAS faculty and was intended to remain after the 2020 Tokyo Games. For the IOC, the core idea of legacy projects is to promote the spread of Olympic values and ideals throughout the world (IOC 2012). The legacy aspect is already present, as the event has been held multiple times in Tsukuba, Kenya and Uruguay, and once in the United Kingdom. Uruguay is currently the only location in which the Nanairo Ekiden is being actively implemented. *Nanairo* means 'seven colours' in Japanese, and *ekiden* is a traditional Japanese long-distance road relay race where participants pass a *tasuki* (sash) from

one runner to the next. In the Nanairo Ekiden, each of the colours represents an Olympic or Paralympic value – friendship (red), excellence (yellow), respect (green), courage (purple), inspiration (white), determination (blue) or equality (black) – and the runners participate while keeping these values in mind. In the same way that the *tasuki* is passed from one runner to the next, the aim of the event is to use the team relay component and the associated education activities (*eki*) to pass on the spirit of the Olympics and Paralympics to the next generation.

This work on the intangible heritage of the Nanairo Ekiden is informed by the author's experience as faculty (2016–2021) of the TIAS at the University of Tsukuba (UT), an academic legacy project of the 2020 Tokyo Games and a partner in the Sport for Tomorrow Consortium (SFT). SFT was an international contribution-through-sport initiative of the Japanese government to the 2020 Tokyo Games (SFT n.d.). It is part of the TIAS archive project, the aim of which was to collect items associated with the projects, linkages and activities of TIAS and to create a tangible record that reflected the academic, historic, research and sporting aspects of the legacy programme. In the process of cataloguing the archive, it was noticed that the collection included many coloured ribbons from the 'Tree of Nanairo' which had been present at various Nanairo Ekiden since its inception in 2016. The act of writing in pen on the ribbons and attaching them to the Tree of Nanairo created an art object but also represents the intangible heritage of the ekiden. It has been suggested that intangible legacy captures the essence of Olympism through its manifestation in the Olympic Games (Girginov and Preuss 2021). Therefore, the ekiden objects contribute to this discourse through their associations with the sport, legacy and educational nature of the event conducted as part of the legacy of the 2020 Tokyo Games. These cultural objects have been referred to as having 'shared significance embodied in form' (Griswold 1987a, 4), because the intangible heritage manifested during their creation assigns value to them. This assigned value within the context of a sport event is also a *public value* because implementing organisations such as TIAS shape and create the public perception of value due to their co-creation of people's experiences at the event (Meynhardt 2015). During the Nanairo Ekiden, this is reflected via the aspects of values education and encouraging participants to ascribe value to the colour and sport value that they ran for and in the ribbons on which they wrote their comments, hopes or dreams. The presence of the Tree of Nanairo and its ribbons in the TIAS archive represents the memories that remain with the communities and people because of their participation. The collection of objects facilitates questioning of the relationship between objects and action, and of the reasons for specific choices in projects or activities and the intangible aspects of these connections. The objects are imbued with meaning through their association with communities, athletes, people and organisations and represent the intangible network of the Nanairo Ekiden.

Nanairo Ekiden

The traditional Japanese sport of *ekiden* has its origins in the messenger systems of the past when a runner ran between stages or stations (e.g. on the route between Kyoto and Tokyo) bearing letters or messages. The runners were instilled with a sense of responsibility and dedication to their task – traits which Havens (2015) has suggested match the group-orientated nature of Japanese society and which Ohira (2020) believes were necessary for nation-building. This traditional system has a strong history within Japan and, for this reason, the Nanairo Ekiden uses it to pass on the spirit of Olympism to the next generation. The teams comprise males, females, young and old, and people with disabilities. Team members usually have not met prior to the race. Teams must devise inclusive ways of working and 'running' together, as social inclusion is a essential aspect of the Nanairo Ekiden. It provides an opportunity for a diverse group of people to gather, have fun, and reinforce through their participation the Olympic and Paralympic values. Figure 1 shows the activities of the different Nanairo Ekiden.

There are two main components in the Nanairo Ekiden: the team race and the educational *eki* (stations). Often the team race is run first and the teams then rotate around the various educational stations. Other participants not running in the relay can try the educational activities at any time. The educational stations overseen by non-governmental organisations (NGOs), sports organisations and community groups have addressed a variety of topics: reproductive health, sports values, English, traditional games, menstruation, non-violence projects, right to play, disability, adapted sports, Olympic history, and Japanese culture (origami, hashi-okashi, daruma), to name a few. One activity, the writing of *tanzaku* by participants, although not initially meant to do so, provides the material culture and associated intangible cultural heritage of



Figure 1
Activities and locations of the Nanairo Ekiden
Source: de Soysa, 2017.

the Nanairo Ekiden. In Japanese culture, *tanzaku* is the process of cutting paper or wood into thin strips on which one writes short messages, poems, prayers, hopes and dreams. These strips are then attached to shrines, gates, public spaces, lanterns and other structures. The most famous use of *tanzaku* is during the *Tanabata* (star) festival in July, but the same activity is often used to espouse different philosophies, reinforce other traditions, or represent 'the ephemeral' in recovery and renewal activities (Ishida 2012). In the Nanairo Ekiden, participants were asked to write their sporting and personal aims on one of the seven coloured ribbons and attach it to the Tree of Nanairo. They could choose any colour they felt an affinity with: the colour they ran for/liked, or the Olympic or Paralympic value colour that resonated with them. The Tree of Nanairo was carried from one Nanairo Ekiden to the next, linking the participants and the events via the presence of the tree and intangibly through the messages it carried. This is one representation of the sport heritage of the Nanairo Ekiden.

The Nanairo Ekiden as sport heritage

Considering the ethos of the Nanairo Ekiden and its relationship to sport, education and communities, it is plausible to describe the participants as a heritage community. The Faro Convention states: '[A] heritage community consists of people who value specific aspects of cultural heritage which they wish, within the framework of public action, to sustain and transmit to future generations' (Council of Europe 2005, 2). The *ekiden* initiative represents the continuation of long-held connections with the Olympic movement, sport and education in Japan. Jigoro Kano, the first principal of the Tokyo Higher Normal School (1872)

(a predecessor of UT), was the founder of Judo and the first Asian member of the IOC. One of his pupils, Shiso Kanakuri (a marathon runner), represented Japan at the 1912 Stockholm Olympic Games and founded the Hakone Ekiden – the most prestigious inter-university long-distance relay race in Japan. UT is a forerunner of Olympic and Paralympic education and includes many Olympians and Paralympians among its faculty, alumni and student

Table 1
Nanairo Ekiden participants

Date	Name	Place	Sponsor	Supporters	Participants	Description of Participants
24/2/2016	1st Nanairo Ekiden	University of Tsukuba, Japan	University of Tsukuba	Pe de Vento club, Petropolis, Brazil	512	Top Brazilian runners; people with disability (wheelchair runners, blind runners and hearing-impaired runners); elementary school students
7/2/2016	International Nanairo Ekiden	Machakos, Kenya	Sport for Tomorrow University of Tsukuba	Light of Hope; Elimisha Dad a Race; 7 NGOs; Japan International Cooperation Agency, Nissin Foods	1269	8 primary schools; 2 junior high schools; 3 special needs schools; a university; 9 organisations for people with disability
31/8/2016	International Nanairo Ekiden	Rio de Janiero, Brazil	World Athletics University of Tsukuba	Correr Bem International; Consulate General of Japan; SAN-EI Corporation; Non-Violence Project; Estacio Taquara University	413	8 junior high schools; a university, 2 organisations for people with disability; and 1 athletic club
31/8/2017	International Nanairo Ekiden	Nairobi, Kenya	World Athletics University of Tsukuba	World Junior Athletics Championship; Kids Athletics; Kenyatta University, SAN-EI Corporation	1500+	People with disabitity from Machakos; elementary, junior high and high school students; Deaf Dance Troupe; top athletes; World Athletics officials; Kenyatta University faculty and students
2/9/2017	2nd Nanairo Ekiden	Tsukuba, Japan	University of Tsukuba	Ibaraki Prefecture; Tsukuba City Japan Sports Promotion Centre; Peter Pan Bakery	1000+	People with disability; elementary, junior high school and high school students; members of the public
7/10/2018	International Nanairo Ekiden	Montevideo, Uruguay	University of Tsukuba Red Internacional Basquetbol Educativo Juan Salvador Gaviota P.S.	Embassy ofJapan; Para-sport Organisations; Int'l Aikido Federation; Int'l Judo Federation; Uruguay Down Syndrome Association	400+	Members of the public (toddlers to seniors over 80 years of age); Para athletes
12/2/2019	International Nanairo Ekiden	Doha, Qatar	University of Tsukuba World Athletics	Qatar Olympic Committee; Kids Athletics; Qatar Anti-Doping Agency; Japan Anti-Doping Agency	490	Special needs schools; national team athletes; local and international school students
17/3/2019	3rd Nanairo Ekiden	Tsukuba, Japan	University of Tsukuba	Sekisho; Kasumi; Under Armour; Celespo; Kirinoha; local business	1500+	People with disability; elementary, junior high and high school students; members of the public; top athletes; student athletes
3/8/2020	International Nanairo Ekiden	Stirling, Scotland	University of Tsukuba University of Stirling Sport Management Students	Embassy of Japan; Forth Valley Disability Sport; Bridge of Allan Highland Games; Cricket Scotland; Stirling Fund	~200	Members of the public; University of Stirling students

body. It was due to these historical connections that the *ekiden* concept was chosen as the basis for the Nanairo Ekiden and for the transmission of Olympic and Paralympic education to the public. Table 1 shows the participants in the various Nanairo Ekiden and the relationship to their communities.

In addition to the events listed in Table 1 the *ekiden* was extended to include soccer and has been held at least twice more in Uruguay (2019 and 2023). As the main stakeholder, the University of Tsukuba connected academic, sport, business and community groups via the various *ekiden* and sustained these connections and other traditions throughout the different editions. One tradition was the use of seven colours to represent values; another was to design the medals and trophy of the first Nanairo Ekiden based on the theme of creating an 'interconnected world'. Similarly, the creation of the Tree of Nanairo connected the events via the different trees and the coloured hope messages attached to them. Although the traditions of the event were 'invented', they represent its tangible and intangible aspects and its heritage. The connection between the nanairo colours representing the Olympic and Paralympic values and the event's intangible heritage is outlined the following section, as is the material culture of the Nanairo Ekiden.

Material culture of the Nanairo Ekiden

The objects comprising the Nanairo Collection in the TIAS archive were collected as part of the running of the individual editions of the event. Aside from the focus on the Tree of Nanairo and its ribbons, selection bias in the collection of objects from the implementation of the *ekiden* was limited to recovering objects that were available for collection after the event was finished. As mentioned elsewhere, disinterest on the part of some faculty/organisers may have limited the amount of material that could be collected. In some cases, the lack of event provenance led to the large 'miscellaneous' count of ribbons in Table 1.

The material culture of the Nanairo discussed in relation to intangible heritage in this paper is represented by three categories: (a) the trees of Nanairo; (b) ribbons attached to the trees; and (c) miscellaneous objects. Figure 2 shows some of the material culture of the event. All the objects are associated with the Olympic and Paralympic values and their identifying colours, as described above. For 'equality', the T-shirts were prepared and printed on black; however, the ribbons to be associated with the Tree of Nanairo were grey – so that the writing could be seen clearly.



Figure 2
Material culture of the Nanairo Ekiden. Top L–R: Tree of Nanairo (Uruguay); purple participant shirt from Doha 2019 associated with the value of 'courage'; Tree of Nanairo (U.K.). Bottom L–R: Original Tree of Nanairo; ribbons expressing future sport goals (U.K.); mini frisbees with inscribed values (Japan).

During the assessment of the Nanairo Collection in the archive, it was noticed that there were many unlabelled coloured ribbons that had been inscribed by participants. To determine the number and breakdown of the ribbons, a count was undertaken and the ribbons were categorised according to *ekiden* and colour. The results are shown in Table 2. Unfortunately, the 'Miscellaneous' category comprises the second-largest count, indicating that the provenance is not known for these ribbons. It is assumed that they are from overseas *ekiden* and that they were mixed up either in transit or during storage. The largest count is attributed to *ekiden* in Japan, the provenance of which is easiest to secure and maintain. Blue (determination) and red (friendship) were the largest colour and category values, with 130 and 129 ribbons, respectively. The 'Stirling' category had limited content. This is because very few participants in the event in Scotland chose to write on a ribbon, and the organisers wished to have some of the ribbons on display on their Tree of Nanairo.

A subjective assessment of the coloured ribbons and their counts can give an indication of participant preference in relation to colour and value. It is regrettable that on the day of the various *ekiden* a more objective assessment of selection patterns and beliefs was not confirmed via a survey of the participants. Lyras and Welty Peachey (2011) suggest that the lack of data to measure the outcomes of sport for development programmes (of which values education is included), particularly within community settings, is a failure of the field and one that needs to be addressed. This information could have complemented the discussion on the connection between the object, the intention and the event.

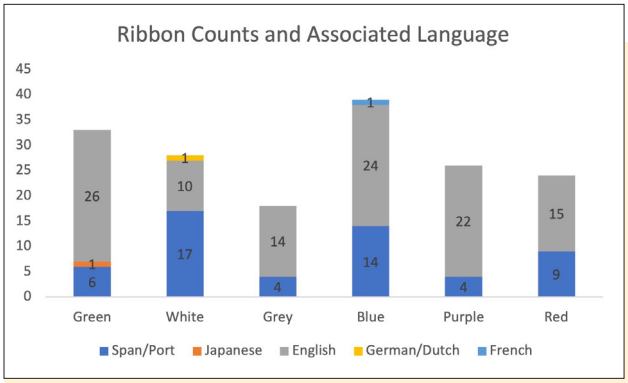

Figure 3
Ribbon counts, colours and associated language (miscellaneous)

In assessing the collection of ribbons and how their presence in the collection contributes to the intangible heritage of the event, a count was also undertaken of the 'Miscellaneous' ribbon category as a means of deriving data from them and ascribing value to this part of the collection.

This action correlates with the view of Andersson and Johannesson (2018) that ascription of values is determined by both organisations and participants, who act as agents during this process. English and Spanish/Portuguese languages were found on the largest number of ribbons. It is possible to infer that the Spanish/Portuguese category represents material from the Nanairo Ekiden held in Brazil in 2016. The Spanish/Portuguese languages are combined in one category because the text and some of the ribbons have degraded and it is not possible to clearly read the language on some of the ribbons. Conversely, given the large number of ribbons with English writing, it is not possible to infer which *ekiden* these were derived from, as

Table 2
Ekiden counts and ribbon colours

Ekiden/Colour	Purple	Green	Red	White	Blue	Yellow	Grey	Total
Doha	3		2			1	15	21
Brazil	16	12	18	16	27	24	5	118
Kenya	13	20	34	31	11	32	26	167
Japan	41	39	50	35	52	35	31	283
Stirling (Scotland)		1	1	1	1	1		5
Miscellaneous	26	33	24	28	39	20	18	188
Total	99	105	129	111	130	113	95	782

English is an international language and the ribbons could be representative of any of the *ekiden* (including Brazil).

Intangible heritage of the event

Attendees at the Nanairo Ekiden were asked to write their sporting and personal aims on any of the seven coloured ribbons and attach it to the Tree of Nanairo (Figure 1, 2), which was then carried from one Nanairo Ekiden to the next, linking the participants and the events. Between 2016 and 2020, the Nanairo Ekiden was held in Japan (three times), Kenya (twice), Uruguay (twice), Brazil, Qatar and Scotland. Local organisers of the event often made their own Tree of Nanairo with unique local characteristics; for example, the Japanese 'tree' was created from recycled material, the Stirling 'tree' from metal, the Uruguay 'tree' from wood, the Kenyan 'tree' from Masaai beadwork. In this way, local traditions were connected with the event and thus were also disseminated worldwide as part of the intangible network. The tangible heritage of the event was built up through the collection of 'ribbons' and 'trees' represented by the different Trees of Nanairo. The series comprises the different 'trees' and the hundreds of message ribbons and the values, hopes and dreams attached to them. This creates a linkage between the past, present and future. Such a dispersed collection contributes to the discourse on objects, intangible heritage and legacy.

The material culture of the event is linked to the memories that remain with the communities and individuals through their participation, as well as with those people who view the collection externally. The objects are imbued with meaning through these associations with communities, people and organisations. The act of writing on the ribbons and attaching messages to the Tree of Nanairo forms a 'social practice' or 'ritual' associated with the Nanairo Eikden, defining its intangibility and connection to both the heritage of the event and the contribution and memories of the participants (Harrison and Rose 2010). A social paradigm that the 2020 Tokyo Games sought to develop was the bonds of friendship, or *Kizuna*, among competitors, the public, and the national and international community. In this way, the Trees of Nanairo and their ribbons created a tangible and intangible heritage legacy network that connects participants in Japan and overseas.

Conclusion and future work

This paper has briefly considered the relationship between the material culture of the Nanairo Ekiden and its associated intangible heritage and should be considered a work in progress. It is too early to give a definitive view on all aspects of the intangible heritage created by this event. Future work will consider the breakdown of colours in more detail and the messages on the ribbons using content analysis to determine further connections between the participants, material culture and the intangible heritage of the events.

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BOOK REVIEW

Vicky Kämpfe, *Dance practices as research: approaches to the safeguarding and transmission of the intangible cultural heritage of dance*,

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This study by Vicky Kämpfe is addressed to researchers, practitioners and teachers who engage with questions and matters related to intangible cultural heritage. The author takes the ambiguous term and concept of *intangible cultural heritage* as the starting point for her reflections. In doing so, she aims to provide a theoretical foundation for the objectives of raising awareness of the diverse forms and expressions of cultural heritage, safeguarding and communicating them as living heritage, and researching and continuing to develop them in a contemporary way. The legal framework for the UNESCO World Heritage concept is provided by the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005), the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), and the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972). In the 2003 Convention, the manifestations of intangible cultural heritage are described as follows:

- oral traditions and expressions, including language as a carrier of intangible cultural heritage (songs, legends, fairytales, dialects);
- performing arts (music, dance, various forms of theatre);
- social customs and practices, rituals and festive events (parades, processions, carnivals, games);
- knowledge and practices concerning nature and the universe (healing methods, agricultural knowledge); and
- traditional craftsmanship.

Furthermore, these forms and expressions of intangible cultural heritage are characterised by the fact that they are primarily passed on from one generation to the next through physical practice and by oral transmission. In this process of transmission, they are continuously changed and reshaped. Within the practising communities, these processes also convey identity and continuity.

Kämpfe starts by retracing the discussion regarding cultural heritage within UNESCO. In doing so, she reveals how in approaches to praxeology and in aesthetic–performative artistic practices performed with the body, as well as for the thereby acquired knowledge and skills, the intangible and tangible aspects and components are intertwined and inseparable from one another. In order to provide a theoretical framework for the concept of intangible cultural heritage, the author draws on approaches in cultural sociology that are relevant in the discourse of dance studies, including Pierre Bourdieu's concept of habitus. The author uses concepts of performance and language theory to discuss

and elaborate in more detail on the mostly implicit knowledge contained in dance heritage. Performative empractical methods are seen as significant instruments of knowledge acquisition and are discussed with regard to their relevance for artistic and scientific research practice. In dance studies, these methods have mainly been explored in the context of 'Practice as Research' and are increasingly finding recognition and application – at least as complementary and exploratory research tools – in combination with methods of qualitative social research and historical–critical methods of analysis. In the highly multilayered academic discourse of the field, these methods are described and justified in more detail. With the help of these theoretical building blocks and lines of argumentation, Kämpfe supports not only her further discussion of and observations on the definition of the concept of intangibility, but above all her own research in the context of classes taught as part of the complementary studies programme offered at the Leuphana University of Lüneburg, Germany.

The recently successful application for the inscription of Modern (Expressive) Dance in the German-speaking countries on the Representative List of the Intangible Cultural Heritage of Humanity serves as an example to explain the provisions of the 2003 UNESCO Convention. In this context, several additional projects are discussed that were developed and implemented as cooperative, interdisciplinary practice-based research. The aim of those projects was to research the transformations over time of the teaching concepts, methods and techniques of modern dance that had emerged in the 1920s. Some artistic research projects on approaches to modern dance that were made possible by *TANZFONDS ERBE* funding or that took place in the context of dance symposia are also included in these considerations. Here, Kämpfe emphasises that dance and movement cultures are inherently capable of change. The implicit and tacit knowledge they contain and their potential for experience are then generally considered to be intangible aspects.

The second case study summarises the results of an evaluation conducted by the author on the effects of the rise in popularity of the South American tango and its designation as intangible cultural heritage (2009). The study looks at the different developments in the dance scenes around the world and at the institutional settings of this popular dance form. The author describes not only the processes of differentiation of various forms of style and stage performance, but also its economic exploitation. Furthermore, she analyses the changes in the discourses, narratives and attributions of meaning that stakeholders ascribed to tango and that ultimately led to new formats of production and performance. Kämpfe critically examines and reflects on not only the discursive equation of tango with national 'folklore' during the application process and the accompanying processes of institutionalisation, standardisation and codification, but also on the cooperation of selected protagonists with cultural institutions, the role of cultural policy, and the influence of the *Academia de Tango,* authorised and mandated by the State. These processes, however, also stimulated the creation of collections and archives of materials and media associated with tango, and thus the academia became a living place for a culture of remembrance of tango. In her conclusion, however, the author also warns of the danger of appropriation for political and economic interests that could result from the status of a cultural heritage officially recognised by UNESCO.

Following this introductory description of specific, and in some cases controversial, issues and developments in the courses of the current UNESCO nominations, chapter 2 examines different perspectives on intangibility, based on the discussion of the term surrounding and leading up to the 2003 UNESCO Convention. While intangible cultural heritage may have initially been seen as the antithesis of tangible cultural heritage, it soon proved to be its complementary, supplementary and inseparable side. The dependence of intangible cultural heritage on the human body as a medium becomes evident in the practice itself, in the act of exchanging experiences and ideas about intangible cultural heritage with others, and in its transmission from one generation to the next, because all of these actions are reliant on physical and sensory–aesthetic processes, which also include mimetic imitation. These activities ultimately influence personal and social identity while giving people a sense of continuity. Using the practices of dance as an example, the already mentioned connections between incorporated abilities, skills and specific implicit knowledge are then presented and reflected upon. The characteristic features of performative processes are also discussed, since, on the one hand, they create realities and, at the same time, are to be understood as changing and constantly evolving.

Combining the conceptual and theoretical framework of UNESCO positions with assumptions derived from

theoretical approaches to performativity provides new spaces of thought for the academic and practical study of traditional cultures of expression and movement. It reveals new perspectives that can then also be decisive for national and international nomination procedures. Kämpfe's study can therefore be considered an important starting point for specifying or redefining selection criteria, if necessary. Furthermore, the study can serve as a resource to justify follow-up or comparative research activities and considerations – for example, regarding the transmission, transformation and change of meaning of forms of expression, and practices of movement and the body.

This becomes even clearer in chapter 3, which begins by reviewing key findings in the sociology of the body and of movement. These theoretical approaches suggest that performative acts are also to be interpreted as a living archive of cultural practice. Especially in the sense that the practice of dance movements, whether in everyday life or specifically in the arts, is understood as a space for experiencing, as well as a representation of the zeitgeist, and a critical commentary on the respective present. Explicit reference is also made to the term 'knowledge culture of dance'. In this context, several concepts for archiving movement and dance are examined and notation systems from different historical periods are discussed. (They include the *Feuillet-Beauchamp notation* as a tool for recording and collecting court dances [17th/18th century], the *Sténochorégraphie*-concept developed by Arthur Saint-Léon [around 1852] and Albert Zorn [1887], as well as the *Benesh Movement Notation* [1955] for recording ballet compositions, the *Eshkol-Wachmann Movement Notation* [1958] and the *Labanotation/Kinetography* [1928] for recording, observing and analysing, as well as for generating movements.) The chapter also looks at digital methods and programmes for video recording and analysis that are predominantly used today (including *Motion Capture*, a tracking method that translates human movements into computer-generated 3D models). The author points out that the use of each of these analogue tools or instruments also requires detailed knowledge of the dance form, and that the possibilities of digital recording and analysis offered by the 'new media' provide new opportunities for the reconstruction of dance forms and choreographic works.

This discussion is followed by an introduction to the pedagogical concept of *dance literacy*, which is widely used in the English-speaking world and which aims, in a way, to achieve an 'alphabetisation of dance'. The author identifies the following areas of competence:

- knowledge and use of the specific dance vocabulary, its terminologies, and the corresponding notations;
- practical experience of dance; and
- contextual knowledge about dance styles, works and artists for their analysis, critical reflection and discussion of dance works.

In outlining this concept, the author primarily draws on the analytical results of the media scientist Dieter Mersch, who especially emphasises the stubbornness of the materiality of the body as well as its mediality. She also uses Nana Eger's remarks on the concept of 'Tanz*literacy*' (2011) – here the term is used more in the sense of an extended learning concept and serves as a basis for cultural–aesthetic education – as a reference for the identification of the above-mentioned areas of competence. This ties in with the previous explanations in chapter 2.3, 'Movement material in performative processes of becoming', as well as in chapter 3.2, 'Archiving incorporated knowledge'. At this point, the concept of *aesthetic education* would have deserved more emphasis, especially as it would have complemented the presentation of the concept of dance literacy. This is because the conscious perception of cognitive, aesthetic, emotional and physical experiences, as well as the ability to articulate, interpret and reflect on these in a specific context and environment, along with the aspect of 'experiencing difference', are to be considered in the concept of *dance literacy*. This is especially relevant when, as in the next chapter, the focus is on processes of education and transmission in and through dance.

In chapter 4, Kämpfe then focuses on the question of why performative methods can be considered an adequate scientific approach to researching dance practices and the knowledge contained in these practices. The author uses the positions discussed in the context of dance studies in order to justify this research approach and, in particular, highlights and discusses the perspective and ideas of 'dance knowledge' and 'danced knowledge'. In this context, the consideration of research conducted on the sociology of movement and on movement studies, as well as phenomenological analyses and approaches, proved to be insightful in order to further specify and more clearly contour the theoretical foundations for discussing concepts of the body and the knowledge that is immanently

transmitted through cultural practices of movement.

The author discusses and reflects upon the question of the significance of cultural dance practices in the social context using three examples: discussion of the effects of globalisation and the consequent confrontation with and recognition of diversity; the question of the identity-forming and identity-strengthening effects of dance activities; and the example of specific concepts for education and the teaching of dance in schools. Two case studies are used to critically question learning (in schools) in general and to argue that sensorimotor–kinaesthetic ways of learning should be given greater importance. First, the anthroposophical concept of eurythmy is presented; this is followed by a report on the use of contact improvisation in a school setting. Here, the focus is not only on learning how to dance alone, but also on exploring new approaches that emphasise learning through the body and through movement. The selected case studies certainly illustrate this fundamental concern, which is also the motivation behind the campaign '*Tanz in Schule*' (Dance in Schools), an initiative that has encouraged dance projects in schools and other educational institutions for the past 15 years. However, in view of the lively professional discourse and the increased research activity in this field, it is inconclusive, from a perspective of dance pedagogy, why the current state of discussion and research in educational theory was not taken into account. Since the fields of cultural education and dance education are undoubtedly central to the promotion and transmission of the cultural heritage of dance, it would be desirable to use the discussion presented here as a starting point for a reflective review and evaluation of studies conducted on educational concepts for teaching dance in schools and on the 'spaces of possibility' that dance projects aim to provide for aesthetic experiences, the development of general key competences and the acquisition of dance skills. This review and evaluation should be carried out from the specific perspective of dance as cultural heritage.

As the next step, the (in)tangible implications of dance experiences (which have already been discussed several times) are reflected on in a systematic manner. Here, the author considers aspects of the cultural materiality of bodies, along with the ephemerality of dance experiences and their presence in the present, as well as the question of change and authenticity of dance cultures. In this context, the fundamental question of the limits of 'reconstructing' historical dance forms is also raised. The physical–aesthetic dimensions of dance experiences are addressed with the concept of expressiveness as a special quality of dance movements. In addition, the characteristic of the ideal of the body and movement, which is acquired as a habitus through training the body and learning movements and which is virtually inscribed in the body of the dancer or the dancing body, is mentioned and described in more detail in this context. Furthermore, dance can also be seen as a space for thinking, which allows for a 'different' way of thinking, not least because of the sensory accesses it provides, and which also has the potential to criticise.

In a concluding step of the chapter, the author outlines how this multidimensional and complex intellectual construct of dance experiences and dance knowledge can be appropriately preserved and passed on in the sense of a dance heritage. Once again, Kämpfe refers to the importance of the knowledge acquired through practical performative activity and then presents some relevant institutions and their concepts for archiving performative acts and practices. In addition to the approach of the *Archives Internationales de la Danse* (est. 1931), Susan Melrose's concept of *performative–artistic archives* (since ca. 2000) is briefly introduced, along with the reconstruction project *Temporary Museum* initiated by Claudia Jeschke (2009), the *Oral History* projects and the idea of the *Living Archives* of the Swiss *SAPA Dance Archive*, and the *Tanzplan Germany* projects with an artistic focus on the *TANZFONDS ERBE* programme, the research project *Dance Techniques 2010* and the exhibition project *The Century of Dance*. New research initiatives of dance archives on digital media documentation and archiving are also mentioned.

In chapter 5, Kämpfe presents and discusses her own seminar concept for a *Performative Dance Archive*. The seminar was developed as a research laboratory to provide students in the complementary studies programme at the Leuphana University of Lüneburg with an empractical and explorative experience. It covers research methods from cultural studies as well as content relating directly to dance (historical and traditional dance forms, classical and contemporary dance techniques). In this seminar format, students had the opportunity to explore dance reconstructions – for example, with the help of archival materials and audiovisual media. Students can use methods of movement analysis according to Laban or the *Choreographic Tool Box* of Gabriele Klein, Gitta Barthel and Esther Wagner (2011) in order to explore different

dance forms and practices; they can also engage in artistic research by creating choreographic–creative seminar projects. As an integral part of the seminar, the empractical aspect is accompanied by a written critical reflection using a matrix. The chapter closes with some theoretical considerations and an assessment of the presented approach.

In the concluding chapter 6, Kämpfe summarises the main ideas and findings of her work. A number of conclusions regarding the approach to cultural heritage are reiterated in a more pointed manner. The author also argues for the integration of performative concepts and empractical research methods in the field of dance studies. She concludes with a reminder (to all of us) that the present has a responsibility for a living culture and heritage:

> The present decides what is to be remembered and how it is to be shaped, designated, and communicated. Thus, the present has the task of constituting cultural heritage by naming it, remembering it, practicing, and communicating it. (2023, 150)

In her publication, Vicky Kämpfe has succeeded brilliantly in combining the positions, guidelines and discourses on intangible cultural heritage formulated in UNESCO documents with the research findings she has presented from the perspectives of historical and cultural studies, the sociology of the body, movement studies and, not least, dance studies. Overall, the individual thematic components follow a comprehensible structure and inner logic. Thus, this volume provides important foundations and theoretical building blocks for future work on the issues and tasks that need to be addressed in connection with the contemporary safeguarding, transmission and communication of the (in)tangible cultural heritage of dance. Kämpfe has thus created an accurate compendium that summarises the current state of the discourse and can therefore be recommended to anyone interested in the practice of or theoretical reflection on intangible cultural heritage.

Lorenzo Casini, *Advanced Introduction to Cultural Heritage Law*,

Edward Elgar (2024),

ISBN 978 1 78990 008 8. vii + 153 pages

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Lorenzo Casini's new book is part of a series called "Elgar Advanced Introductions", which promises to "offer concise and lucid surveys of the substantive and policy issues associated with discrete subject areas", being "accessible yet rigorous".[1] In these respects, the book clearly succeeds. Lorenzo Casini offers us an erudite yet readable volume which, moving at a brisk pace, engages with major classic and emerging concepts of concern to the field.

The book, as an "Advanced Introduction", offers no overarching thesis, and its main intent is to map key debates for those seeking to enter the field. And yet, through its structure, Casini reveals a normative project: to leverage a cosmopolitan commitment to safeguarding cultural heritage beyond state borders, with its corresponding analytical backing.

The short book is divided in four chapters. The first chapter lays out an introduction to heritage law's dilemmas, by offering an overview of the movements, convergences, and dissonances of cultural heritage and art as conceptual and regulatory categories, also mapping public and private interests in heritage law, and major trends in contemporary scholarship in the field. Here, Casini's erudition is perhaps at its peak, and his wealth of expertise with both academia and legal practice shines most strongly. His insights on legal classification make us sit uneasily with how the law captures culture and heritage, laying the groundwork for his cosmopolitan vision.

The second chapter offers the reader six dilemmas around cultural heritage law. Each of these dilemmas attempts to transcend a framing concept of heritage law, via transcending a binary that creates and limits the work of said framing concept. So, Casini discusses ownership via a public versus private binary; history through a protection versus valorization binary; and borders via retention versus circulation. He scrutinizes heritage itself by reimagining tangible versus intangible; culture itself in juxtaposition to nature; and statehood in a conversation around the binary of national versus international heritage. I will return to binaries, and the work they do in Casini's book, below. However, it is worth noting that this chapter is where the most abstract analytical work of the book occurs, and it offers plenty of food for thought, challenging many assumptions in the field in ways different from the usual challenges. As part of an Advanced Introduction,

1 https://www.e-elgar.com/products/advanced-introductions/

this chapter confronts novice and experienced readers alike by rehashing old ideas in new ways (valorization, to which I return below), and foregrounding ideas which the legal field had pushed to the background (retention and circulation).

The next chapter, on "globalizing cultural heritage law", introduces UNESCO regimes and interests into the conversation, framed around three key regimes, in this order: the 1954 Hague Convention regime on cultural property in wartime; the 1972 World Heritage Convention; and the 1970 Convention on cultural objects. While Casini makes reference to the other two major UNESCO heritage regimes (the 2001 Underwater Cultural Heritage Convention, and the 2003 Intangible Cultural Heritage Convention), most of the discussion remains with the three older regimes, and particularly lingers on museums and cultural objects as specific sites of contestation. Cultural objects are useful to Casini's ultimate goal in this chapter – of teasing out what he calls "patterns of globalization" – given that cultural objects move across borders. It is understandable therefore that Casini stays with this regime the longest, even if I personally would have enjoyed a more even distribution among the five key regimes in a book that is meant to be an introduction to the field (however advanced).

Casini's commitment to a cosmopolitan heritage legal discourse across these three chapters enables conversations about institutional frameworks, values, and binaries. Each of these shows the reader a different facet of his articulation of key concerns in the field, converging towards what, in the fourth and final chapter, he calls "the three dimensions of cultural heritage law" (p. 127): institutional, regulatory, and procedural. The procedural dimension, in my view, is the one Casini least forcefully articulates, as my retelling of the argument below indicates.

On institutional frameworks, despite being very cognizant of nationalism and its influence in shaping our legal commitments to heritage safeguarding, ultimately Casini defaults to UNESCO as the clearinghouse for safeguarding cultural heritage. Yet, he relies on multiple concepts drawn from national traditions to inform what cosmopolitanism can accomplish. The move is unsurprising, as UNESCO frameworks often build on the convergence of local and national traditions, and rely on them for normative content.

However, Casini innovates here by reimagining the usual moves in the literature. The usual literature in the field that engages both domestic and international frameworks either uses national traditions as an historical artefact that UNESCO frameworks have effectively transcended (and then focuses on the latter); or starts from the UNESCO frameworks and then fills the normative gaps by relying on examples of domestic practice. In this way, the sequence is one that moves from domestic to international. Casini instead dispenses with directionality, and uses domestic and international frameworks, concepts, and values to construct an a-institutional legal discourse that is largely untethered from institutional constraints. This move, while salutary, invariably gets in the way of a procedural account of heritage law (one of Casini's three dimensions), because it challenges the sequencing of arguments that lies at the core of procedural law.

The procedural dimension is also one which demands that different stakeholders spell out their values, a point that in my view Casini under-utilizes in the book. Nonetheless, his conversation around values is very generative, particularly as he introduces the reader to the idea of "valorization", or the institutional pathway that replaces "protection" as the key driver of heritage law. The concept of valorization is relatively unfamiliar to English-speaking audiences, but rather common in civil law traditions (which cover most of the rest of the world). Part of the reason that the concept does not translate well to English-speaking audiences is that valorization is not even a word in English, it is a neologism. But to valorize heritage means to enhance its value by "increasing its knowledge and public enjoyment" (p. 55). The concept of valorization is a great instance of a domestic law concept being teased out to make a broader case for how we (ought to) think about heritage and our activity to safeguard it. Valorization in many ways aligns with the idea of safeguarding in regimes like the 2003 Intangible Cultural Heritage Convention, in that it also foregrounds community engagement with the heritage, rather than the heritage itself, as that for which to strive.

Binaries, as I indicated above, are a key structuring device in the book. Casini does much of that work through his six dilemmas. In doing so, he for the most part traverses familiar ground in the field. While the engagement with valorization is original, the other binaries are recognisable, which is fitting for the genre of an Advanced Introduction. Casini still offers fresh insight to these binaries by his mix

of sources and constant changes in register. Speaking to legal sources of many different nations and international institutions, as well as a wide range of non-legal sources, Casini weaves compelling narratives that recast these binaries in a familiar yet intriguing light.

Of particular interest to this Journal's readership is Casini's engagement with intangible cultural heritage as part of a binary in opposition to tangible heritage. In his discussion of this binary, surprisingly, Casini dispenses with the usual rhetoric about what intangible heritage is, and how it changes over time, and how it is often detached from a physical means; he explores all these questions elsewhere in the book. Here, and in a testament to the originality of the book, Casini largely focuses on what I would have instead classified as an author's moral rights over their creation. The idea of moral rights appears more often in the realm of copyright law than heritage law. Casini does not use the term "moral rights" per se, thus sidestepping intellectual property law and focusing the ideas on heritage; in doing so, he offers us a fresh perspective through which to think about the stakes of intangible cultural heritage, centring the creator(s) in relation to state institutions, the market, and other external actors. This fresh take on the work of intangible cultural heritage beyond the trappings of legal regimes and the usual suspects of heritage practice is a provocation to reimagine not only what intangible heritage is, but, most of all, what work it does, and ought to do, for people and peoples whose identities are at stake.

Overall, Casini has written a provocative book, which in parts may be too advanced, but I believe in a good way. By offering a new look at the field to newcomers, Casini's book can help dislodge many of our assumptions and path dependencies. By challenging the views of those who come to the book after already having spent time in the field, Casini invites us to reimagine the contours we once thought familiar and safe, to refocus on the mission of heritage law.

Taku Iida, *Heritage practices in Africa*, National Museum of Ethnology, Osaka (2022), ISBN 978-4-910055-02-2 C3030

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Following the UNESCO Recommendation on the Convention Concerning the Protection of the World Cultural and Natural Heritage in 1972 and the Convention for the Safeguarding of the Intangible Cultural Heritage in 2003, the concepts of heritage and intangible cultural heritage have garnered global recognition for their pivotal role in promoting heritage preservation, cultural diversity and continuity. With its rich indigenous heritage, Africa has actively engaged in this global movement. However, the implications of heritage policies and discourses in non-Western regions such as Africa raise important questions. How do heritage practices integrate with local traditional ways of life and society? Do they present new challenges of colonisation, or do they offer possibilities of decolonisation through culture safeguarding and community building?

In *Heritage practices in Africa*, Taku Iida addresses these questions through a cultural anthropological lens. Moving beyond the official discourses of UNESCO and other cultural policies, the book explores anthropological perspectives on the inherent value of cultural heritage and traditions.

In the book's introduction, Iida offers a concise overview, providing clear explanations of essential concepts and terminology. The author defines heritage as 'the cultural products that were created in the past, and/or have been repeatedly used over time, as well as bodily sources, such as knowledge, memory, and body techniques' (6). Consequently, the book focuses on 'heritage practices' rather than solely on the official term of 'cultural heritage' (2).

In accordance with Iida's perspective, this volume aims to deepen our understanding of cultural differences and the dynamics within modern communities. Throughout the three parts, contributors explore the inherent power struggles within cultural heritage, as identified by Smith (2006), thereby advancing the discourse on these critical issues. The chapters emphasise the significance of domesticating culture and heritage for 'the future of humanity and its diversity' (13),

The first part, titled 'Refurbishment of UNESCO heritage', comprises four chapters focusing on officially recognised heritage sites nominated by UNESCO as World Heritage or Representative Intangible Cultural Heritage. The heritage nominations have inevitably led to a transformation of community-based customs into audience-centred cultural performances aimed at attracting tourists. However, this transformation has also resulted in commodification and romantic consumption of these sites as exotic spectacles, posing challenges to their preservation (Zhu 2018).

For instance, Ryo Nakamura discusses the implications of tourism development in Kilwa Island (Kilwa Kisiwani), in Zambia, after its UNESCO nomination, highlighting the serious problems that have arisen. Tourists, without permission, have begun to enter cemeteries and graves associated with local beliefs, disrupting the local order (32–36). Similarly, exemplified by Taku Iida's chapter on the Zafimaniry of Madagascar, the UNESCO nomination of Zafimaniry wood-crafting knowledge has increased demand for local woodcrafts, attracting more tourists. However, this

influx of tourism also threatens the survival of traditional Zafimaniry knowledge and heritage practices (87).

All four chapters in Part I also underscore the inherent tension between heritage authorities and local communities amidst the process of modernisation in Africa. The chapter authored by Oussouby Sacko explores the restoration of Djenné's Great Mosque in Mali in 2008. This preservation endeavour, spearheaded by foreign agencies and experts rather than the local populace, overlooked traditional intangible architectural practices. Similarly, Katsuhiko Keida's exploration of the spiritual and cultural significance of Kenya's Mijikenda Kaya forests reveals how these sacred sites are deeply ingrained in the identity and traditions of local communities. However, local authorities have failed to recognise adequately the sites' sacred significance, leading to their politicisation as a result of being inscribed on the Heritage Lists.

As argued by Iida (10), these chapters reflect the importance of developing a deep understanding of local society and history when intentionally attempting to preserve culture, whether tangible or intangible. Such preservation efforts necessitate the involvement of professionals and active collaboration from local communities.

Part II of the book, 'Globalizing local culture', explores how globalisation and colonisation have influenced the preservation of local heritage, often with significant impacts on primary heirs. Jacqueline Grigo's chapter focuses on traditional African medicine (TAM) in a rural Baoulé village in the southern Ivory Coast. Grigo highlights that efforts to integrate TAM into formal health systems often prioritise adherence to standardised international quality norms, overlooking TAM's social and cultural dimensions, such as its ritual and symbolic aspects (103).

Furthermore, Allen Roberts examines the construction of citizenship and identity in Senegal through visual imagery – in particular, emphasising cultural heritage. Roberts discusses the 'refabulation' of portraits depicting religious leader Sheikh Amadu Bamba, noting potential influences from foreign interests rather than grassroots initiatives (125). In her analysis of cultural heritage representation at the National Museum of Natural History of the Smithsonian Institute in Washington, D.C., Mary Jo Arnoldi uncovers occasional conflicts stemming from these exhibitions. Nevertheless, these global human activities facilitate social connections, enabling individuals to interact with and understand the continuity and change in local cultural values and practices.

Part III, 'Past in the present, present in the future', explores how cultures of marginalised groups maintain continuity despite challenges. Thomas Laely's analysis illustrates the enduring significance of the *bushingantahe* system of authority amidst political changes in Burundi, and its relevance in the contemporary era. Despite its latent existence in post-conflict society, the system serves as a 'moral and cultural reference point' (186). John Mack's examination of burial practices highlights the contrasting meanings of 'the past for the present' (13). Funerary rituals are crucial in community cohesion, addressing disruptions caused by individual deaths and fostering social realignment and recalibration.

Similarly, Kenji Yoshida's chapter discusses ongoing cultural movements in Zambia, characterised by the revival of traditions banned by colonial authorities. Rather than establishing new festivals, these movements focus on reclaiming old traditions as vital tools for affirming local or ethnic identities within communities (209–214).

In conclusion, this book provides a nuanced exploration of the implications of heritage nomination and the interaction between global discourse and local practices in Africa. It transcends conventional discussions of Western-centred world heritage and intangible heritage by prioritising local empowerment and preserving cultural diversity.

Taku Iida's insights underscore the significance of collaboration between communities and authorities in safeguarding heritage practices, highlighting the profound influence of marginalised groups on local heritage in Africa. With its focus on non-Western empirical data and rich ethnographic depth, this book is poised to make a lasting impact in heritage studies, prompting critical reflection on the consequences and possibilities of heritage as both a new form of colonisation and of decolonisation.

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Guidelines for Contributors

GUIDELINES FOR CONTRIBUTORS

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A brief synopsis of the article, approximately 250 words or less.

Keywords

About 10 keywords or search terms. **Do not** include 'intangible cultural heritage', 'intangible heritage' or 'ICH' as keywords.

Biography

A brief biography of no more than 150–200 words, listing current position and research interests.



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International Journal of Intangible Heritage
HISTORY

2004

In October 2004, ICOM Korea held the ICOM 2004 Seoul: "Museums and intangible heritage" conference in Seoul, South Korea. This conference brought together scholars, experts, and practitioners in the fields of museums and intangible cultural heritage to discuss new approaches and strategies for preserving and promoting cultural heritage. The conference featured a variety of sessions and workshops focused on topics such as community-based conservation, intangible cultural heritage and museums, and the role of museums in promoting cultural diversity. The conference also provided an opportunity for participants to share their research and insights and to learn from one another.

In December 2004, a publication plan for the IJIH was addressed to UNESCO in Paris, France. The plan proposed the creation of a new international journal focused on intangible cultural heritage, with the goal of promoting and advancing research and practices in this field. The publication plan emphasized the need for an academic journal that could provide a platform for scholars and experts in the field of intangible cultural heritage to share their research and insights. The plan also highlighted the potential of the journal to contribute to the preservation and promotion of intangible cultural heritage, which is often at risk of being lost or forgotten.

2005

In June 2005, the IJIH Publication Agenda was introduced by the 107th ICOM governing board. This agenda proposed the creation of a new international journal focused on intangible cultural heritage, with the goal of advancing research and practices in this field. The IJIH Publication Agenda called for the establishment of a new publication committee, the development of a publication policy, and the solicitation of manuscript submissions from scholars and experts in the field of intangible cultural heritage. The agenda also emphasized the need for international collaboration and the promotion of diversity and inclusivity in the journal.

In July to October 2005, the IJIH Publication Committee was organized by the NFMK and ICOM Korea. This committee was responsible for overseeing the publication process of the IJIH, including reviewing submitted manuscripts, selecting articles for publication, and ensuring the quality and integrity of the journal. The committee was comprised of experts and scholars in the field of intangible cultural heritage from around the world, reflecting the international scope and significance of the journal. The establishment of the IJIH Publication Committee was a key step in the creation of the journal and its development into a leading academic publication in the field of intangible cultural heritage.

In December 2005, ICOM officially supported the publication of the first volume of the IJIH. This support was important in providing recognition and credibility to the new journal, as ICOM is a respected international organization in the field of museums and cultural heritage. The IJIH

Publication Committee reported the publication to the 108th ICOM Governing Board. This report highlighted the potential of the journal to advance research and practices related to intangible cultural heritage. The report also outlined the future plans for IJIH, including expanding the range of topics covered and increasing international collaboration and readership.

2006 In May 2006, the first volume of the IJIH was published. The publication of this first volume was commemorated at UNESCO in Paris, France, reflecting the global scope and significance of the journal. The first volume featured articles on various topics related to intangible cultural heritage, including traditional music, dance, storytelling, and festivals. Since its first publication, IJIH has become a leading academic journal in the field of intangible cultural heritage, and it continues to publish high-quality research articles and studies from around the world.

2019 In September 2019, a three-party conference was held in Kyoto, Japan among NFMK, ICOM, and ICOM Korea to discuss their collaboration on the IJIH. The conference aimed to strengthen their partnership and to explore new opportunities to promote and advance intangible cultural heritage research and practices. The conference was attended by representatives from the three organizations, as well as scholars and experts in the field of intangible cultural heritage.

2020 Between February and December 2020, a Memorandum of Understanding agreement was signed among NFMK, ICOM, and ICOM Korea to promote and advance ICH research and practices. As part of this agreement, there was a revision of the IJIH Publication Policy which aimed to improve the quality of the journal. The revised publication policy includes guidelines on manuscript submission, peer review, and ethical standards of authors and editors.

2021 In April 2021, a joint publication partnership was established among the NFMK, ICOM, and ICOM Korea for the IJIH. This partnership aimed to strengthen the publication of IJIH and to promote intangible cultural heritage research and practices around the world.

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2024
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Turn your paper into a Book!

Since 2023, the National Folk Museum of Korea has been running the "Intangible Cultural Heritage Book Publication Support Program" to expand the discourse on intangible heritage and to provide an opportunity for researchers to share cultural heritage with the public.

The book will be available in both English and Korean and will be distributed domestically and internationally by network of the Museum.

For details on submission, please visit the International Journal of Intangible Heritage (www.ijih.org) website in July, 2024 (KST). We look forward to having participants who wish to share their research achievements on intangible cultural heritage.

Who's Next?