



**The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage: A critical analysis**

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# The UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage: A critical analysis

## Abstract

This article presents a critical analysis of the actions carried out by UNESCO to safeguard what is considered to be ‘intangible cultural heritage of humanity’. These actions have been implemented under the aegis of its international convention adopted in 2003: the Convention for the Safeguarding of the Intangible Cultural Heritage. However, the principles laid down in this document and the objectives sought are somewhat hazy after 15 years of their application. We have examined the effectiveness of UNESCO’s policies and management by way of a qualitative and quantitative study of the functioning of the Convention’s management bodies (the General Assembly and the Intergovernmental Committee) and the intangible heritage inscribed on the Lists (number and distribution by lists, years, countries and economic and demographic weight). The main focus of our analysis is to assess the democratic functioning of the Convention and the universality of the intangible heritage inscribed by UNESCO.

Key words: Intangible Cultural Heritage, List System, 2003 Convention, Universality.

## Introduction

The process for recognition of the existence of intangible cultural heritage (ICH) has been both slow and controversial. At an international level, UNESCO established the basis for this recognition under its Convention for the Safeguarding of the Intangible Cultural Heritage adopted by the General Conference of UNESCO at its 32nd session in October 2003.<sup>1</sup> Nonetheless, the precursor to this Convention was UNESCO’s Convention Concerning the Protection of World Cultural and Natural Heritage of 1972 and the associated World Heritage List. It was precisely the criticism regarding the shortcomings of this List which led to the

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3 growing acceptance of the idea of intangible heritage (Ahmad, 2006). The assets recognised as  
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5 'heritage of humanity' were limited solely to material objects, without application of a  
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7 comprehensive and holistic approach (Bouchenaki, 2007). This concept of heritage was based  
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9 on historical and aesthetic arguments, with an emphasis on monumentally grand and aesthetic  
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11 sites and places, archaeological remains and, in terms of natural heritage, features or sites of  
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13 outstanding universal value.<sup>2</sup> Critics of the Convention and the World Heritage List questioned  
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15 the very definition of 'heritage' provided and the difficulty of its interpretation (Blake, 2000)  
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17 given that it is founded on a Eurocentric perspective, even in terms of the meanings given to  
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19 the term (Craith, 2008:55).  
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24 Our aim is not to enumerate all the actions by UNESCO during the years prior to adoption of  
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26 the Convention, but rather to highlight how these actions laid the foundations for the idea of  
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28 world or universal cultural heritage and subsequent policies relating to ICH implemented by  
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30 UNESCO and its member states under the terms of further conventions. This development of  
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32 the concept of ICH has been marked by certain significant milestones. The World Conference  
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34 on Cultural Policies held in Mexico in 1982 offered a wider definition of cultural heritage than  
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36 that proposed by the World Heritage Convention of 1972, including both, tangible assets,  
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38 whether movable or immovable, and intangible assets; this was one of the first occasions where  
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40 official reference was made to the idea of 'intangible heritage'. In 1984, a meeting was held in  
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42 Rio de Janeiro to discuss preservation and development of handicrafts in the modern world. In  
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44 1989, UNESCO issued the 'Recommendation on the Safeguarding of Traditional Culture and  
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46 Folklore', the first legal instrument of this nature aimed at safeguarding intangible heritage.  
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50 During the last two decades of the 20th century, intergovernmental negotiations continued in  
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52 an attempt to identify adequate strategies to address this 'poor relation of culture' (Bedjaoui,  
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54 2004:151). The actions aimed at protecting this heritage (which eventually ended up being  
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56 identified with the term 'intangible'), although poorly defined, fragile and too often fraught  
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3 with danger of disappearance, became a priority for UNESCO (Aikawa, 2004; Bedjaoui, 2004b;  
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5 Jacobs, 2016). In 1993, the Living Human Treasures programme was set up based on a proposal  
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7 by the Republic of Korea,<sup>3</sup> with the aim of adopting a system whereby Member States could  
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9 grant official recognition to the bearers of knowledge and skills linked to ICH, thereby  
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11 encouraging its practice and ensuring its transmission to younger generations (Aikawa, 2004).  
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13 In 2001, UNESCO approved the Universal Declaration on Cultural Diversity. Finally, mention  
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15 should also be made of the Programme for ‘Masterpieces of the Oral and Intangible Heritage  
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17 of Humanity’ (2001-2003), conceived as a means of filling the void in the concept of ‘world  
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19 heritage’ due to its sole focus on natural heritage and tangible cultural heritage (Aikawa,  
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21 2004:141). Various of these ‘masterpieces’ were selected during 2001, 2003 and 2005,  
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23 recognising a total of 90 cultural expressions and spaces<sup>4</sup> from a total of 70 countries. Following  
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25 the apparent success of the first proclamation of masterpieces in 2001, the Member States  
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27 requested UNESCO to draft a regulatory instrument to complement this Programme which  
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29 could be used as an effective tool for protection of ICH.  
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35 From 2001 onwards, numerous meetings were held between intergovernmental experts to  
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37 prepare the preliminary draft of what would eventually become the text of the Convention for  
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39 the Safeguarding of the Intangible Cultural Heritage adopted in 2003. The draft text sparked  
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41 many adverse reactions to the different principles enunciated. For example, Japan, one of the  
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43 driving forces behind the Convention, considered that the text should be “broad and flexible  
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45 enough” so that each Member State has the opportunity to decide its scope and the definition  
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47 of “cultural community”. It also stressed that “the Convention should not create any new  
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49 property rights or any legal titles,” not even for cultural reasons.<sup>5</sup> France raised issues relating  
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51 to the list system and the decision-making procedures of the committees, stating: “We do not  
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53 think we should discuss Part III (Committees and Lists) of the present preliminary draft; it is  
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55 not appropriate to the intangible heritage. What is required here is safeguarding rather than the  
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3 creation of a hit-parade by establishing a list of items of ‘outstanding universal value’.” The  
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5 representatives of Australia, although declaring that they were clearly in favour of effective  
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7 international initiatives for preservation of ICH, considered that the very nature of ICH impedes  
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9 its treatment applying a list-based approach as it could create an “inappropriate hierarchy and  
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11 a fossilisation of living cultural practices” (Duvette, 2017:34). Koïchiro Matsuura, Director-  
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13 General of UNESCO at the time, played a fundamental role in overcoming each and every one  
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15 of these doubts to achieve the adoption a text that was agreed by all the States Parties (Duvette,  
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17 2017:33). However, over time it has become evident that some of these concerns were not  
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19 unfounded. In practice, the objectives of the Convention have been distorted and its underlying  
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21 principles have been manipulated.  
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25 Our analysis is particularly interested in demonstrating the politicisation existing in the  
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27 Convention’s decision-making bodies and in the processes for inclusion of ICH on the Lists.  
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29 Among other effects, this politicisation has encroached upon two original purposes of the  
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31 Convention: the eradication of territorial inequalities in the designation of cultural heritage and  
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33 the expansion of the idea of heritage by recognising the existence of the cultural diversity of  
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35 communities and peoples. These contradictions are implicit in the very terms of the Convention:  
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37 the universality of the heritage included in the Lists as opposed to the particularism involved  
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39 with identifying this heritage with a certain community or group.  
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### 46 47 ***Policy and Managing Intangible Cultural Heritage UNESCO***

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49 The text of UNESCO’s Convention for the Safeguarding of the Intangible Cultural Heritage  
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51 defines ICH as ‘the practices, representations, expressions, knowledge, skills – as well as the  
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53 instruments, objects, artefacts and cultural spaces associated therewith – that communities,  
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55 groups and, in some cases, individuals recognize as part of their cultural heritage (Article 2)’.  
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57 This definition and its subsequent development granted a decisive role to the bearers of this  
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3 heritage, the communities and individuals themselves, with independence to political and  
4 technical agents and specialists in the field; ‘there is a strong focus on communities in  
5 UNESCO’s Convention for the Safeguarding of the Intangible Cultural Heritage (ICH)’ (van  
6 der Hoeven, 2019, p 232). According to the terms of the Convention, ICH plays a role in the  
7 establishment of a sense of identity through its sharing among communities and groups who  
8 symbolically identify with it, and also for the maintenance of traditions through its transmission  
9 from generation to generation. Most of the experts contributing to the text of the Convention  
10 saw ICH along these lines. However, the range of activities and practices this definition can  
11 potentially embrace ended up being wider than its drafters imagined (Kurin, 2004: 69). There  
12 has been a progression from the essentialist view of ‘tradition’ as something linked to an  
13 unalterable past moment, thereby complicating recognition of ICH under the terms of the  
14 Convention. Given that culture is a living, changing entity, intangible heritage may only identify  
15 a community or group if it is capable of continuous evolving over time to keep up with  
16 transformations in the cultural context. Doubts are also raised regarding the effectiveness of the  
17 very concept of ‘safeguarding’ under the Convention. Lenzerini asked whether it is possible to  
18 ensure safeguarding of ICH if it is continuously recreating itself, and therefore changing its  
19 constitutive elements on a permanent basis. The same author states that “the word  
20 ‘safeguarding’ must not be considered tantamount to ‘protection’; on the contrary, it  
21 encompasses a more dynamic concept, meaning that international action should ‘simply’  
22 provide a favourable environment within which ICH is allowed to flow freely according to the  
23 expectations and needs of its creators and bearers’ (Lenzerini, 2011:109).

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51 The idea of a living and changing heritage over and the difficulty of specifying its features is  
52 clearly at odds with certain objectives of the Convention. Firstly, the list system was intended  
53 to identify certain cases of ICH from among all the possible examples manifested by peoples,  
54 communities and groups all over the world. The viability of the Convention Concerning the  
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3 Protection of the World Cultural and Natural Heritage of 1972 was dependent upon an extension  
4 of the idea of universality. It involved demonstrating which monuments or sites were of such  
5 relevance in the history of humanity that they should be considered universal heritage. The very  
6 preamble of the Convention includes the following declaration: “Considering that parts of the  
7 cultural or natural heritage are of outstanding interest and therefore need to be preserved as part  
8 of the world heritage of mankind as a whole.”<sup>6</sup> UNESCO’s Convention for the Safeguarding of  
9 the Intangible Cultural Heritage adopts the same list system used for the World Heritage List.  
10 It extends the features considered ‘heritage of humanity’ beyond historic, cultural and natural  
11 sites and features to include living cultural practices and expressions. Some authors suggest that  
12 this paradigm shift was propounded to address the imbalances produced by the 1972  
13 Convention and bring the benefits of the World Heritage brand to other more disadvantaged  
14 countries, producing a ‘democratisation’ effect by allowing expansion of the UNESCO brand  
15 to poorer countries than those in the WHS List (Aikawa, 2004; Ryan, 2015). However, time  
16 has shown that this initial idea is questionable, and our study seeks precisely to confirm to what  
17 extent ICH inscriptions comply with the principle of universality. It seems clear that political  
18 and economic factors influence the choice of the heritage manifestations included in the lists.  
19 According to Jiménez, achieving UNESCO inscription grants added value to cultural heritage  
20 with repercussions for the population where this heritage is located, granting them greater  
21 visibility and privileges such as increased tourism attraction (Jiménez & Seño, 2019:1127). This  
22 has led to increased interest in inclusion on the UNESCO Lists and greater competition between  
23 countries to achieve inscription. The Operational Guidelines for application of the Convention,  
24 the selection criteria and the composition and jurisdiction of the decision-making bodies should  
25 guarantee equality of opportunities among the nominations and the countries they represent.  
26 However, the idea of the so-called ‘democratising’ effect of the Convention is distanced from  
27 reality.  
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3 The idea of universality, of a heritage considered to be ‘world’ heritage, implies appropriation  
4 of that heritage by an undefined ‘everyone’ (the world, humanity, the international community)  
5 and its redefinition as a ‘public good’, something that we should all protect and for which we  
6 are all responsible, which may be accessed by any person without restriction and which is  
7 owned and managed by the competent governments and political institutions. This vision of  
8 cultural heritage justifies the action of international organisations such as UNESCO, the  
9 involvement of civil society in decision-making actions regarding ‘its’ heritage and the increase  
10 in citizen movements to defend and promote this heritage. Precisely one of the indispensable  
11 requirements for admission of nominations for inscription on the ICH Lists is the ‘participation  
12 of communities, groups and individuals’ (Article 15), requiring presentation of the prior  
13 informed consent of the above parties to the proposed inscription. Currently, there is debate  
14 regarding the idea of protection of cultural heritage as a ‘public good’. Arizpe shows how the  
15 main actions of the cultural policies of UNESCO and the World Bank have focused on cultural  
16 heritage, cultural assets and public cultural undertakings and assets. This author also raises  
17 questions regarding the global nature of cultural heritage and whether it may be considered as  
18 a ‘public good’, stating that: “Not all cultural heritage has a universal significance but this  
19 depends on how you define ‘universal’ and ‘cultural heritage’” (Arizpe, 2006:15).

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42 Whether consciously or unconsciously, the contradictions between the supposed universality  
43 of universal cultural heritage and its role in establishing local-group identity have complicated  
44 recognition of the existence of cultural diversity among communities and peoples, another of  
45 the initial objectives of the Convention as identified by its drafters. Arizpe highlights that one  
46 of the international debates regarding ICH focuses on the need to take into account how “the  
47 creativity that gives meaning to cultural heritage in each generation is coupled to procedures of  
48 representation of cultures and their heritage in specific settings” (Arizpe, 2004:131).

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3 To sum up, the principles underlying the creation of this international instrument designed to  
4 protect intangible manifestations that may be considered cultural heritage are being called into  
5 question. We have approached this issue by way of a quantitative and qualitative analysis of  
6  
7 the factors influencing the representativeness of the Lists in terms of world cultural diversity,  
8 the extent of democratisation in the procedures and management bodies and equality of  
9 opportunities and safeguarding policies. The results are presented below.

### ***The list system: composition and management***

21 As in the case of the World Heritage Convention of 1972 for tangible heritage (monuments,  
22 buildings, sites and natural features), UNESCO proceeded to institutionalise and regulate  
23 recognition of intangible heritage at a worldwide level via an international convention of  
24 mandatory application by the States Parties that have ratified it. This Convention establishes  
25 the possibility of inscription of intangible heritage in any of the three existing Lists: ‘The  
26 Representative List of the Intangible Cultural Heritage of Humanity’, ‘the Register of Good  
27 Safeguarding Practices’ and the ‘List of Intangible Cultural Heritage in Need of Urgent  
28 Safeguarding’. Inclusion in any of these Lists (especially if it is not for reasons of ‘urgency’)  
29 entails not only its identification as intangible heritage, with the potential positive consequences  
30 (or not) in terms of its safeguarding, but also cultural, social and economic impetus at a local,  
31 state and international level. The precedent for the Convention is the Proclamation of  
32 Masterpieces of the Oral and Intangible Heritage of Humanity, with 90 inscriptions prior to the  
33 regulatory development of the Convention which directly form part of the Representative List,  
34 provided that the corresponding countries previously ratify the Convention.

35 The Convention establishes a series of purposes in Article 1, issuing recommendations to the  
36 States Parties and assigning a series of functions to them. Operational Directives also needed  
37 to be drafted and implemented to ensure its effective regulation. These Directives were  
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3 approved during the second session of the General Assembly of the States Parties in June 2008,  
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5 the same year the first inscriptions began to be made on the Lists, apart from those already  
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7 directly included as ‘Masterpieces’. The Convention establishes that ‘intangible heritage’ may  
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9 be manifested in the following five areas:<sup>7</sup>  
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- 11 a) oral traditions and expressions, including language as a vehicle of the intangible  
12 cultural heritage;
- 13 (b) performing arts;
- 14 (c) social practices, rituals and festive events;
- 15 (d) knowledge and practices concerning nature and the universe;
- 16 (e) traditional craftsmanship

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26 The States Parties are called upon to draw up inventories<sup>8</sup> in order to ensure identification with  
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28 a view to safeguarding of their intangible cultural heritage and to include the elements that may  
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30 be nominated for inscription on any of the lists contemplated under the Convention. The body  
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32 for approval and acceptance of nomination files for heritage elements that are candidates for  
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34 inscription on any of these lists is the Committee of the General Assembly. The proposals must  
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36 fit within one of the five areas established in the Convention, regardless of whether the original  
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38 country has established different areas, as in the case of Spain.  
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42 The Lists are the most recognisable instrument under the Convention and the one with the  
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44 greatest repercussion. The Representative List of the Intangible Cultural Heritage of Humanity  
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46 was created ‘in order to ensure better visibility of the intangible cultural heritage and awareness  
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48 of its significance, and to encourage dialogue which respects cultural diversity.’<sup>9</sup> At the same  
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50 time, ‘with a view to taking appropriate safeguarding measures’, a List of Intangible Cultural  
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52 Heritage in Need of Urgent Safeguarding’ was created,<sup>10</sup> and a Register of Good Safeguarding  
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54 Practices<sup>11</sup> which ‘allows States Parties, communities and other stakeholders to share  
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3 successful safeguarding experiences and examples of how they surmounted challenges faced in  
4 the transmission of their living heritage, its practice and knowledge to the future generation’.

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7 The list with the largest number of inscriptions is the Representative List of the Intangible  
8 Cultural Heritage of Humanity. In light of the objectives of these Lists according to the terms  
9 of Article 16 of the Convention (which include ensuring better visibility of ICH), it seems  
10 logical that this list is more numerous. On the other hand, the List of Intangible Cultural  
11 Heritage in Need of Urgent Safeguarding gives communities that are unable to prevent the  
12 disappearance of their intangible heritage the opportunity to require their governments to  
13 initiate the process for inscription on the List. Among other matters, the Convention  
14 contemplates provision of funding to assist with safeguarding efforts. It is here that a conflict  
15 arises. If we consider the following graphs:

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31 **Figure 1:** Total number and % of inscriptions on each of the UNESCO lists. Source:  
32 prepared by the author.

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35 [Insert Figure 1 near here]

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38 **Source:** UNESCO (2020).

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40 **Figure 2:** Total number and % of countries with inscriptions on each of the UNESCO  
41 lists. Source: prepared by the author.

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44 [Insert Figure 2 near here]

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47 **Source:** UNESCO (2020).

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50 This shows the distribution of the inscriptions on the different lists, in terms of both total  
51 numbers and by countries. The Representative List is more extensive, with a total of 463  
52 inscriptions from 124 countries, while the Register of Good Safeguarding Practices has the  
53 lowest number of inscriptions. These figures suggest that inscription on the Representative List  
54 is prioritised over the other lists. It should be highlighted that the ‘Convention numerically  
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3 orders firstly the Representative List (Article 16), followed by the List of the Intangible Cultural  
4 Heritage in Need of Urgent Safeguarding (Article 17) and the Register of Good Safeguarding  
5 Practices (Article 18). However, the Operational Directives for the application of the  
6 Convention, which were drafted immediately following its adoption, intentionally reverted this  
7 order, placing the emphasis on urgent safeguarding rather than the Representative List. This  
8 reflects an oscillation between the desire to promote and the urgency of safeguarding' (Duvelle,  
9 2017:38). The problem with these issues regarding the order of priority and the arguments  
10 among experts as to the prevalence of one list over another is the "significant distancing from  
11 its objectives: instead of serving as a means of "ensuring visibility and awareness of the  
12 significance of the intangible cultural heritage and to encouraging dialogue, thus reflecting  
13 cultural diversity worldwide and testifying to human creativity" as stated in inscription criteria  
14 R2, it is often used to affirm a 'national identity' and suggest exclusivity or 'exceptional' origin  
15 or nature." (Duvell, 2017:38). These are not the purposes of the Convention as declared in  
16 Article 1, which are:

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35 a) to safeguard the intangible cultural heritage;  
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37 (b) to ensure respect for the intangible cultural heritage of the communities, groups and  
38 individuals concerned;  
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40 (c) to raise awareness at the local, national and international levels of the importance of the  
41 intangible cultural heritage, and of ensuring mutual appreciation thereof;  
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43 (d) to provide for international cooperation and assistance.  
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49 Accordingly, it is necessary to reflect regarding the direction being taken by the list inscription  
50 process and the interests it is thereby favouring. Although the list system was initially intended  
51 as a 'driving force' (Aikawa, 2004:43), it seems that the priority given to inscription on the  
52 Representative List is a reflection of economic and political interests rather than those expressed  
53 in the declaration of intentions laid down in Article 1 of the Convention. However, the issue of  
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3 the suitability of the list approach is not a new problem nor does it solely affect the 2003  
4 Convention. Nakano & Zhu (2020) present UNESCO's heritage lists as 'an international  
5 platform for states to seek global recognition and reputation of their national heritage' (p 3).  
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7 The List of the World Heritage Convention of 1972 has been described as 'unbalanced' in terms  
8 of the types of elements included (Bertacchini & Saccone, 2011; Frey & Steiner, 2011) .  
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10 Authors have criticised the Lists of the 2003 Convention due to the lack of inclusiveness and  
11 the deviation from its initial intentions: 'By making a special place for those left out of the other  
12 two World Heritage programmes, UNESCO has created an intangible heritage programme that  
13 is also exclusive in its own way (and not entirely consistent with its stated goals). The Intangible  
14 Heritage list preserves the division between the West and the rest and produces a phantom list  
15 of intangible heritage, a list of that which is not indigenous, not minority, and not non-Western,  
16 though no less tangible' (Kirshenblatt-Gimblett, 2004: 57).  
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30 As regards the evolution of the elements inscribed on each of the UNESCO Lists<sup>12</sup> from 2008  
31 to the present day, the Convention continues to have a repercussion and there are new  
32 inscriptions on a regular basis. Following the incorporation of the 90 masterpieces in 2008 and  
33 the 76 elements inscribed in 2009, the Representative List has apparently progressed steadily,  
34 with a very balanced annual average of new inscriptions. The other Lists also continue to show  
35 a similar trend, although maintaining a significant quantitative difference between these other  
36 Lists and the Representative List.  
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46 The General Assembly of the States Parties is the sovereign body of the Convention and it holds  
47 ordinary sessions every two years. We wish to clarify that when we refer to States Parties this  
48 means countries that have ratified the Convention. The first ordinary session was held in the  
49 UNESCO headquarters in Paris on 27, 28 and 29 June 2006. The Intergovernmental Committee  
50 elected during this session was charged with the role of drawing up the Operational Directives  
51 for implementation of the Convention following approval by the General Assembly. Following  
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3 the election of its members by the General Assembly, the Intergovernmental Committee met  
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5 for the first time in September 2006. In that same year and also in Paris, the first and only  
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7 extraordinary session of the General Assembly to date was held on 9 November 2006. This  
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9 session established the necessary operational directives regulating the process for inscription  
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11 on the UNESCO Lists and regulations covering areas where the terms of the 2003 Convention  
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13 were unclear, among other matters. Following these first two sessions, the General Assembly  
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15 has held ordinary sessions every two years as provided without holding any other extraordinary  
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17 sessions. The eighth and last ordinary session was held from 8 to 10 September 2020, during  
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19 which two new states ratified the Convention<sup>13</sup> to increase the number of States Parties to 180  
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21 countries.  
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26 The Committee is responsible for deciding matters relating to the processes for inscription on  
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28 the Lists. Its members are chosen in accordance with the terms of 'Rule 13: Geographical  
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30 distribution' of the Rules of Procedure of the General Assembly of the States Parties to the  
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32 Convention for the Safeguarding of the Intangible Cultural Heritage. It originally consisted of  
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34 18 members;<sup>14</sup> however, the terms of the Convention provided that the number of States  
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36 Members of the Committee was to be increased to 24 once the number of the States Parties to  
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38 the Convention reached 50.<sup>15</sup> The election process for the members of the Committee is  
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40 regulated in the Convention and obeys a series of perfectly structured rules. All countries  
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42 forming part of the General Assembly are included in a series of groups which are distributed  
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44 geographically. There are five groups in total, distributed as follows: Group I - Western Europe;  
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46 Group II - Eastern Europe; Group III - America; Group IV - Asia; Group V(a) Africa; Group  
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48 V(b) Arab Countries. In reality there are six groups, given that group V is subdivided into two  
49  
50 groups, V(a) and V(b). The General Assembly is responsible for electing the 24 Members of  
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52 the Committee. During the first meeting the first 18 members of the Committee were elected in  
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54 accordance with the geographical distribution rule imposed by the Convention. This provides  
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3 that there must be at least three States Parties from each existing group (given that there are six  
4 groups the distribution is clear, with three countries from each of the six existing groups  
5 totalling the necessary 18 Members). The problem arose when Zimbabwe became the 50th  
6 country to form part of the Convention on 30 May 2006, at which time it became necessary to  
7 increase the number of members of the Committee to 24. Given that the first 18 countries had  
8 already been voted by secret ballot and were complying with the rule that there must be three  
9 countries from each group, it was now necessary to elect six more. The new members were not  
10 elected as in the previous case by way of a secret ballot, but rather by drawing lots among the  
11 different countries that opted to present their candidature to the Committee. Another of the rules  
12 is that the members of the Committee are elected for a term of two years; every two years 12  
13 of the 24 members cease office and 12 new members are elected. At this stage, we wish to  
14 highlight the terms of Article 6(1) of the Convention:

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*“The election of States Members of the Committee shall obey the principles of equitable geographical representation and rotation.”*

With the aim of reflecting the diversity of opinions and safeguarding measures for intangible cultural heritage all over the world, the General Assembly established that the election of the members of the Committee should obey the principles of equitable geographical representation. In order to confirm whether this requirement of equitable geographical distribution is being met, we carried out general analysis of quantitative data on the area (km<sup>2</sup>) and the total world population distributed by continents,<sup>16</sup> that is, taking into account all the countries that make up those geographical zones regardless of whether they have ratified the Convention or not. The results show that Asia represents 59.94% of the world population with a total of 4.494 billion inhabitants, while Europe has 10.11% with a total of 745 million. While Article 6(1) of the Convention states that the election of States Members of the Committee must obey “the principles of equitable geographical representation”, but the figures outlined above indicate that

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3 this principle is not being duly complied with. Asia has an area of 45 million km<sup>2</sup>, while Europe  
4 barely covers 10 million km<sup>2</sup>. However, this idea can be taken even further. Europe is  
5 represented in Groups I and II with a total of 46 countries, yet it solely represents little more  
6 than 10% of the world population. Asia, however, is included in group IV with a total of 40  
7 states, a group which accounts for practically 60% of the world's population. Asia is perhaps  
8 the most striking example, but the same occurs in the case of Africa and Latin America, which  
9 have much greater geographical areas and populations yet they have less representation on the  
10 Committee. Evidently, the geographical component is of vital importance if the aim is to  
11 achieve equitable distribution of decision-making powers. However, it is equally important to  
12 remember that the population of these geographical areas may distort this supposed equity  
13 sought by UNESCO.  
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16 As a minimum, there are two problems with the representativeness of the UNESCO bodies that  
17 make decisions regarding the elements to be included as ICH. Firstly, not all the countries in  
18 the world have ratified the Convention and consequently they do not have any decision-making  
19 powers. Countries such as the USA, the United Kingdom, Australia and Canada are yet to ratify  
20 the convention, some of which have very large territorial areas, populations or repercussions in  
21 the international arena. Accordingly, the Committee has an incomplete structural configuration  
22 and its decisions are made solely in relation to the States Members that have ratified the  
23 Convention. Furthermore, as can be seen from the data presented, the configuration of the  
24 geographical blocks established by UNESCO suffers from demographic imbalances, bias and  
25 inequity in the composition of the Committee and the internal system for election of its  
26 members.  
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29 In order to more objectively analyse the application of Article 6(1) of the Convention in terms  
30 of the principles of geographical distribution, we have carried out a further comparison taking  
31 into account solely the countries that have ratified the Convention with the aim of corroborating  
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3 our conclusions. The results of this new estimation are even more revealing, especially given  
4 that we have also cross-matched the figures with another particularly significant parameter: the  
5 GDP per capita of the individual countries and the groupings of countries established by  
6 UNESCO.  
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12 The following procedure was applied. After confirming one by one the data on population and  
13 GDP per capita of all the countries in the world as confirmed by respected international  
14 organisations such as the FAO<sup>17</sup> and the World Bank,<sup>18</sup> we added up the populations of all the  
15 countries that make up the six groups, as well as the total populations of the countries that make  
16 up each of the groups. We applied the same procedure with regard to the GDP per capita.  
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18 Although this was a complex and painstaking process, in the end it revealed interesting results.  
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20 Upon dividing the total population and GDP per capita of each of the groups by the total  
21 population and GDP per capita of all the groups, we obtained the following results:  
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33 **Figure 3:** % population of each group compared to the total population of all the groups.

34  
35 Source: prepared by the author.

36  
37 [Insert Figure 3 near here]

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39  
40 **Source:** UNESCO (2020).

41  
42 **Figure 4:** % GDP per capita of each group compared to the total GDP per capita of all the

43  
44 groups. Source: prepared by the author.

45  
46 [Insert Figure 4 near here]

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48  
49 **Source:** UNESCO (2020).

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52 The results leave no room for doubt. Europe continues to represent slightly less than 10% of  
53 the population, while Asia records even higher percentages (61.86%). We wish to highlight  
54 that, regardless of the representation established by groups in the Committee, some of these  
55 groups may increase their representation following the drawing of lots, as is currently occurring  
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3 in the case of China, although this is merely circumstantial. As explained previously, each group  
4 contributes three members which are renewed every two or four years, and the remaining six  
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6 required to reach the total of 24 members are chosen by drawing lots among the different States  
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8 Parties that have presented their candidature, a situation which is merely temporary and does  
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10 not structurally resolve the population imbalance explained previously.  
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15 Upon analysis of the GDP per capita, the results are even more concerning. Europe, with Groups  
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17 I and II, accounts for 48.56% of the GDP per capita of all the States Parties that make up the  
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19 six groups, while Asia represents 16.90% and Africa, integrated in Group V(a), solely accounts  
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21 for 6.33%.  
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25 It seems that the election process and composition of the Committee do not obey criteria of  
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27 equitable geographical or demographic representation. Europe is the region with the lowest  
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29 population, yet it accounts for two of the six groups and as such it has greater representation on  
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31 the Committee. Furthermore, the two groups that make up Europe have the highest GDP per  
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33 capita, accounting for nearly half compared to the rest. This leads to the conclusion that the  
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35 mechanism established to determine the composition of the Committee is mainly dependent  
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37 upon economic factors, meaning that we should consider the possible consequences of this lack  
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39 of true representativeness in the decisions this body makes regarding ICH. The principles of  
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41 equity embodied by the Convention in the preamble and in its terms are at odds with this evident  
42  
43 Eurocentric bias in its procedures and practices.  
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47 Upon an analysis of the inscriptions of intangible heritage on the Lists by geographical group,  
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49 the following trends may be identified:  
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52 **Figure 5:** Inscriptions on the Representative List by geographical groups. Source:

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54 prepared by the author.

55  
56 [Insert Figure 5 near here]

57  
58 **Source:** UNESCO (2020).  
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3 **Figure 6:** Inscriptions on the List of Intangible Heritage in Need of Urgent Safeguarding  
4  
5 by geographical groups. Source: prepared by the author.

6  
7 [Insert Figure 6 near here]

8  
9 **Source:** UNESCO (2020).

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13 Groups I/II representing European countries have a total of 183 elements inscribed, more than  
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15 Asia (Group IV) with 156 inscriptions, and Africa with only 39. We come across the same  
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17 situation: a geographical region which is much smaller in size and population, but with a  
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19 substantially higher GDP per capita, has more inscriptions on the Representative List than the  
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21 rest.

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24 We will now consider the List of Intangible Heritage in Need of Urgent Safeguarding: Europe  
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26 no longer heads the ranking, even if we add its two groups together, with a total of 12  
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28 inscriptions; Asia heads the list with 24, while Africa has 15.

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31 Upon a comparison of the number of inscriptions on the Representative List and the List of  
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33 Intangible Heritage in Need of Urgent Safeguarding, it can be seen that priority is given to  
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35 inscription of ICH that does not need safeguarding measures on the Representative List, in  
36  
37 detriment to the inscription of elements that do require urgent safeguarding measures. This  
38  
39 especially occurs in the case of the European groups with higher income, further accentuating  
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41 the existing imbalances.  
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## 48 **Conclusions**

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50 The Convention for the Safeguarding of the Intangible Cultural Heritage adopted by UNESCO  
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52 in 2003 is still the international benchmark for actions relating to this type of heritage. The  
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54 creation of a Representative List of the Intangible Cultural Heritage of Humanity to highlight  
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56 certain elements that are 'representative of humanity' constitutes an achievement in itself,  
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3 particularly given that as we have highlighted, not all the countries in the world are members  
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5 nor is there adequate representation in its decision-making bodies.  
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8 In light of the evidence presented in this paper, the observation by Craith (2008) regarding the  
9  
10 Eurocentric vision offered by the Convention would appear to be true. Given the results, the  
11  
12 question arises as to whether this is due to the fact that in the countries with greater economic  
13  
14 weight the procedures to safeguard intangible heritage are more effective than in poorer  
15  
16 countries, or whether on the contrary, it is simply undesirable to have the ‘bad press’ of  
17  
18 inscribing elements on the List of Intangible Heritage in Need of Urgent Safeguarding and/or  
19  
20 as identified by Hafstein (2009) and Kirshenblatt-Gimblett (2004), the Convention ‘could be  
21  
22 misused as a means of government control and regulation of community-based culture in the  
23  
24 guise of actually supporting it.’  
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29 It is difficult to overlook the absence of significant countries such as Canada, the United  
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31 Kingdom, Switzerland, the USA and Australia. Kurin (2007) stated that the USA was  
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33 reconsidering its position and it was likely that all these countries would end up ratifying the  
34  
35 Convention. However, more than a decade later none of them have done so, suggesting that it  
36  
37 is necessary to step up efforts, listen and analyse the complaints and proposals of these countries  
38  
39 in a bid to unite the entire global community under the same protective framework.  
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43 In light of our calculations of the population and economic weight of the States Members under  
44  
45 the Convention, there are significant imbalances in the decision-making body (the Committee)  
46  
47 and in the decisions themselves regarding inscriptions on the Representative List and the List  
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49 of Intangible Cultural Heritage in Need of Urgent Safeguarding. This suggests the existence of  
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51 an ‘imbalance with respect to the geographical zones of the world represented’ (Bertacchini &  
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53 Saccone, 2011; Frey & Steiner, 2011). It seems neither equitable nor ethically justifiable that  
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55 9.81% of the world population accounting for 49% of the GDP has the majority of the assets  
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57 inscribed on the Representative List and control of the Committee. In addition, it can be seen  
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3 that the majority of world heritage is located in developed regions, particularly in Europe  
4 (Bertacchini et al., 2015). These matters raise further issues to be addressed in future articles,  
5  
6 in which we will use statistical models to interrelate the quantitative data of the inscriptions  
7  
8 with other qualitative variables such as the nationalities of the members of the Committee and  
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10 the origin of the inscriptions during those mandates.  
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14 While the Convention Concerning the Protection of the World Cultural and Natural Heritage  
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16 of 1972 arose to address the threat of heritage destruction due to armed conflict, natural disasters  
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18 and the impact of human action,<sup>19</sup> the Convention for the Safeguarding of the Intangible  
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20 Cultural Heritage of 2003 arose in response to a different threat: the loss of this heritage due to  
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22 the effects of cultural globalisation. However, according to the very text of the Convention,  
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24 inscription on the ICH Lists produces the contrary effect, for when local or regional heritage is  
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26 considered to belong to all humanity, it is being globalised. Nas (2002) also highlights this  
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28 paradox.  
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32 To conclude, we will cite Duvell once more: ‘If we examine the different management aspects,  
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34 it is evident that there is a certain paradox. While the Convention places the focus on  
35  
36 communities, groups and individual bearers of intangible heritage in all these processes, it is  
37  
38 the Member States that dominate management processes. Only states can ratify the Convention,  
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40 when this gives rise to rights and duties at both a national and international level’ (Duvell,  
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42 2017:41). As also stated by Kurin in 2004: ‘the Convention is clearly a work in progress by  
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44 experts and community members, legislators and academics to seek to determine how to  
45  
46 safeguard culture in the coming years’ (Kurin, 2004). We must continue with this task,  
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48 constantly improving in the knowledge that individuals and their communities are the true  
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50 bearers of ICH and their active participation is necessary in safeguarding processes. Therefore,  
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52 we should not overlook the territorial, population and economic inequalities identified in this  
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54 study. We must all contribute and play our part to prevent this instrument from becoming a tool  
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3 for countries with solely economic or political intentions in order to reinforce nationalistic  
4 identities or tourism attractions, in detriment to the true vocation of the Convention: the  
5 safeguarding of ICH.  
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10 Given these contradictions, and in the knowledge that they are not premeditated, it would be  
11 appropriate for UNESCO to review these procedures and consider the possibility of new  
12 methods to make them more equitable, because “while nobody seriously questions the  
13 principles of this international Convention which seeks to safeguard ICH despite the doubts  
14 surrounding its drafting, the first ten years of its existence confirm that the Convention has still  
15 not found its comfort zone.” (Duvell, 2017:31). We agree with Duvell that we need to continue  
16 our research efforts to find the ‘comfort zone’ he refers to.  
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## 28 Notes

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32 <sup>1</sup> The Convention did not enter into force until 20 April 2006.

33 <sup>2</sup> Initially, the idea of ‘natural heritage’ refers to sites of natural beauty and exceptional features  
34 unaltered by human activity, that is, in a wild state.

35 <sup>3</sup> The Korean delegation proposed the creation of a List inspired by the World Heritage List and  
36 an associated legal instrument and executive committee. The idea was to base it on the  
37 experience UNESCO had gained regarding world heritage with the hope of achieving the same  
38 success (Hafstein, 2009:94).

39 <sup>4</sup> These were the two modes of inscription included in the Masterpieces of Humanity  
40 programme.

41 <sup>5</sup> Doc.CLT-2003/CONF.205/5. The UNESCO website also includes the reports of the  
42 Intergovernmental Meetings of Experts on the Preliminary Draft Convention held in 2001 and  
43 2003.

44 <sup>6</sup> Preamble of the “Convention Concerning the Protection of the World Cultural and Natural  
45 Heritage”, approved by the General Conference of the United Nations Educational, Scientific  
46 and Cultural Organization at its 17th session held in Paris from 17 October to 21 November  
47 1972.

48 <sup>7</sup> In Spain, the National Plan for the Safeguarding of Intangible Cultural Heritage expands these  
49 areas to 7.

50 <sup>8</sup> Article 12(1) of the 2003 Convention.

51 <sup>9</sup> Article 16 of the 2003 Convention.

52 <sup>10</sup> Article 17 of the 2003 Convention.

53 <sup>11</sup> Article 18 of the 2003 Convention and the Operational Directives (I.3: Criteria for selection  
54 of programmes, projects and activities that best reflect the principles and objectives of the  
55 Convention).

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<sup>12</sup> Retrieved on 19/01/2020 from:

<https://ich.unesco.org/es/listas?multinational=3&display1=inscriptionID&display=stats#tabs>  
[https://ich.unesco.org/es/listas?multinational=3&type\[\]=00003&type\[\]=00002&type\[\]=00005  
&display1=inscriptionID&display=stats#tabs](https://ich.unesco.org/es/listas?multinational=3&type[]=00003&type[]=00002&type[]=00005&display1=inscriptionID&display=stats#tabs)

<sup>13</sup> These two new countries were Angola and Somalia, which joined group V(a).

<sup>14</sup> The members of the Committee are States Parties that have previously ratified the Convention.

<sup>15</sup> This occurred during the first ordinary session in 2006 following the inclusion of Zimbabwe as State Party number 50 to ratify the Convention.

<sup>16</sup> <https://es.statista.com/estadisticas/634787/distribucion-de-la-poblacion-mundial-en--por-continente/>. Retrieved 17/02/2020

<sup>17</sup> <Http://www.fao.org/faostat/es/#data/FS>

<sup>18</sup> <https://datos.bancomundial.org/indicador/NY.GDP.PCAP.PP.KD>

<sup>19</sup> The idea of global ownership of cultural heritage gained credence following the campaign undertaken around 1960 to safeguard the Nubian Monuments of Abu Simbel and Filae in Egypt from being submerged due to construction of the Aswan Dam. This operation headed by UNESCO to rescue the ruins and relocate the temples was an exceptional means of raising public awareness and participation by the international community in a safeguarding operation. Other international monumental heritage protection initiatives include the campaigns to alleviate the effects of the devastating floods of Venice and Florence in 1966.

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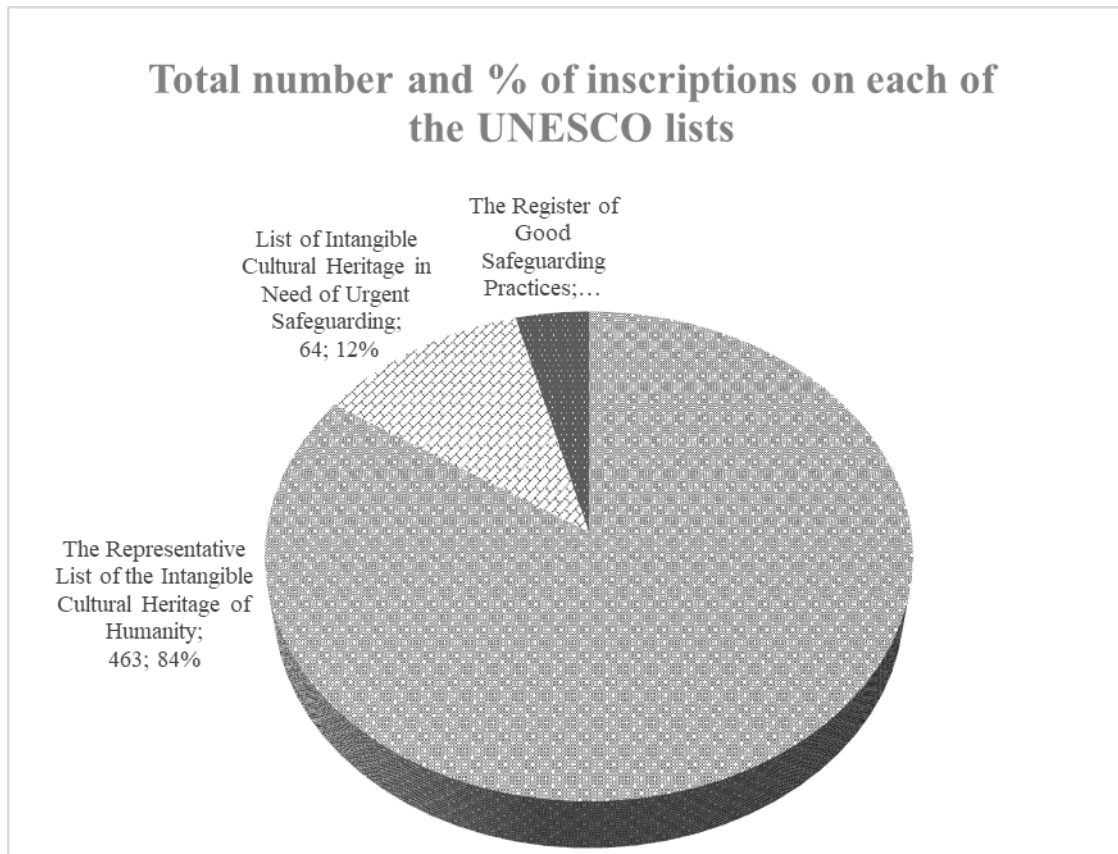
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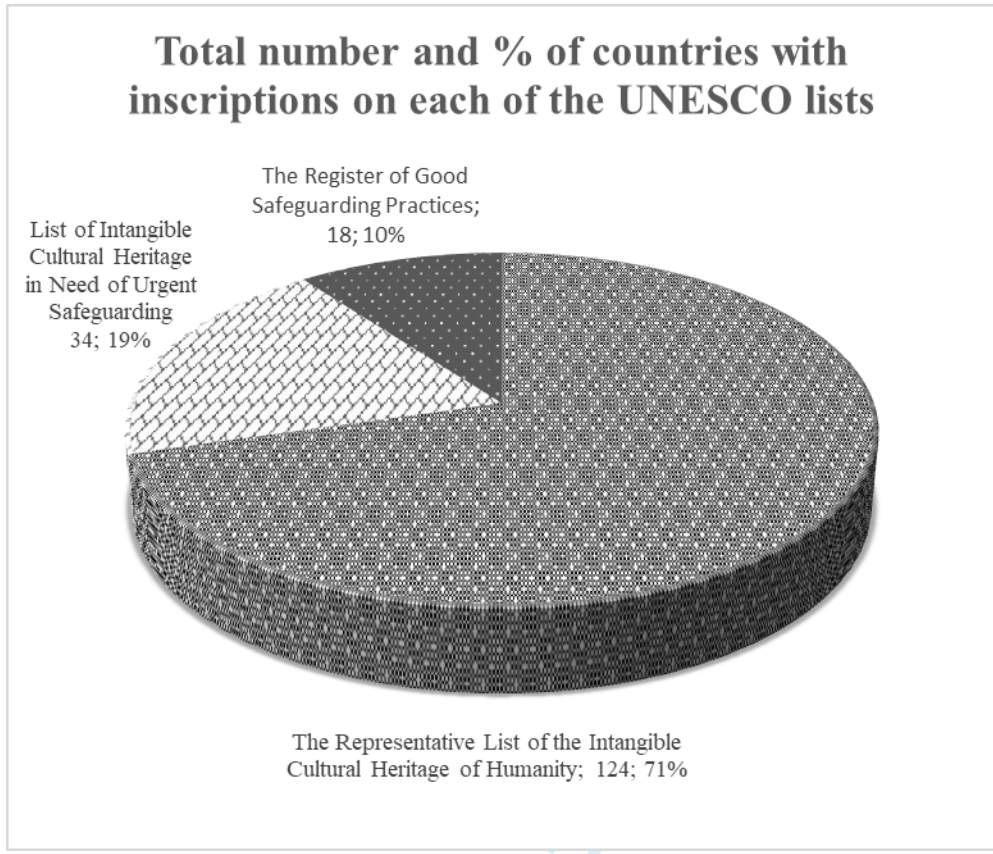


**Figure 1:** Total number and % of inscriptions on each of the UNESCO lists. Source: prepared by the author.

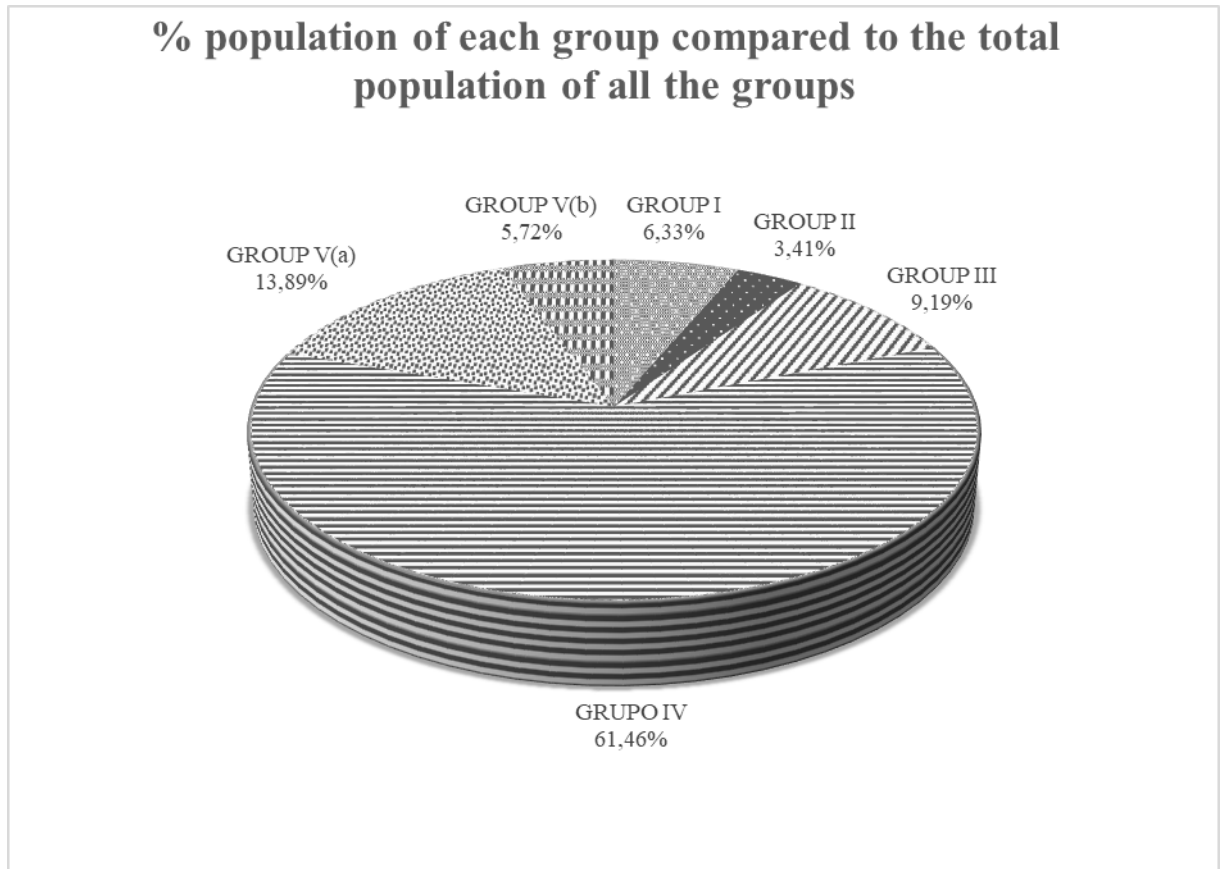
[Insert Figure 1 near here]

Source: UNESCO (2020).

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**Figure 2:** Total number and % of countries with inscriptions on each of the UNESCO lists. Source: prepared by the author.  
[Insert Figure 2 near here]  
**Source:** UNESCO (2020).

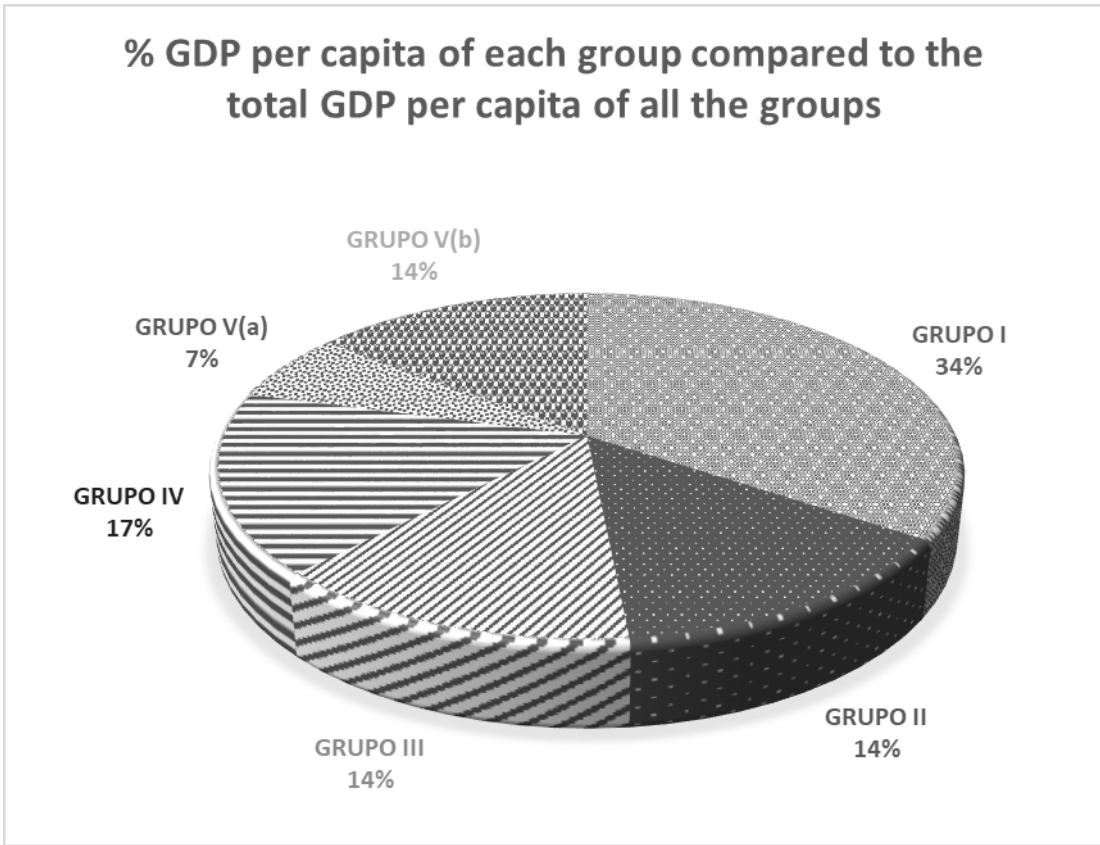


**Figure 3:** % population of each group compared to the total population of all the groups. Source: prepared by the author.

[Insert Figure 3 near here]

**Source:** UNESCO (2020).

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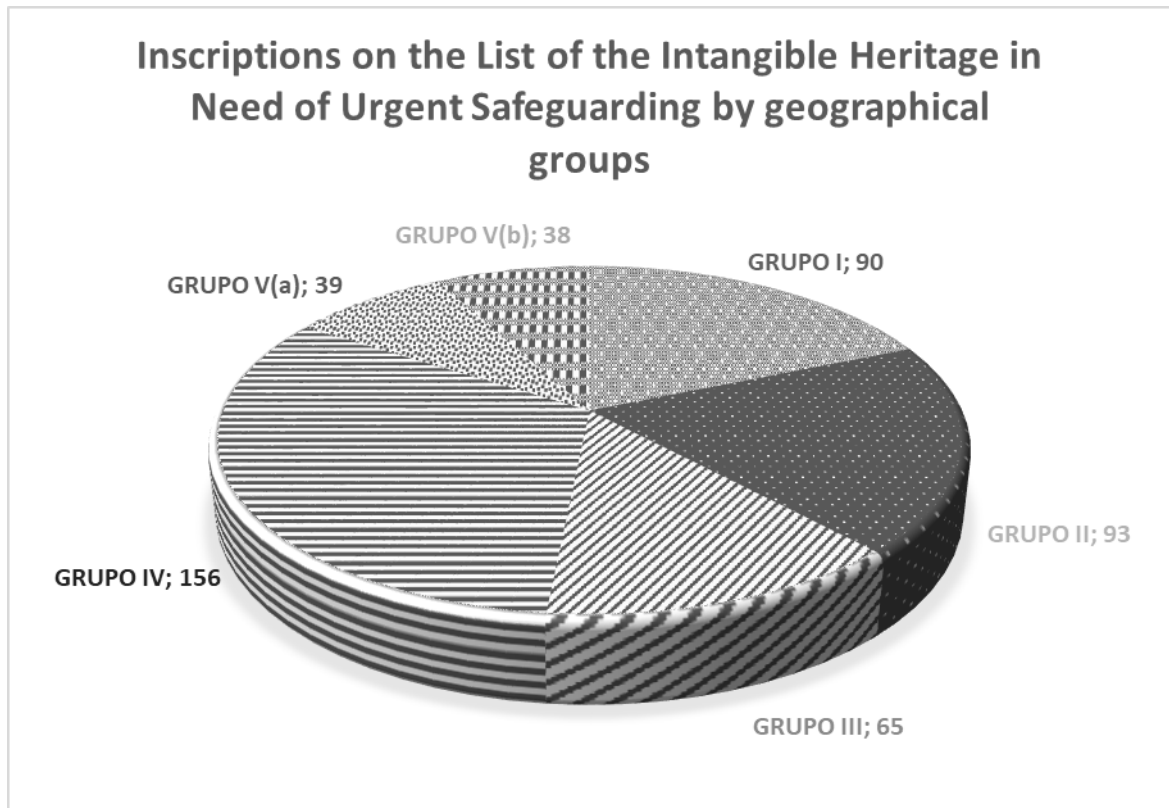


**Figure 4:** % GDP per capita of each group compared to the total GDP per capita of all the groups.

Source: prepared by the author.

[Insert Figure 4 near here]

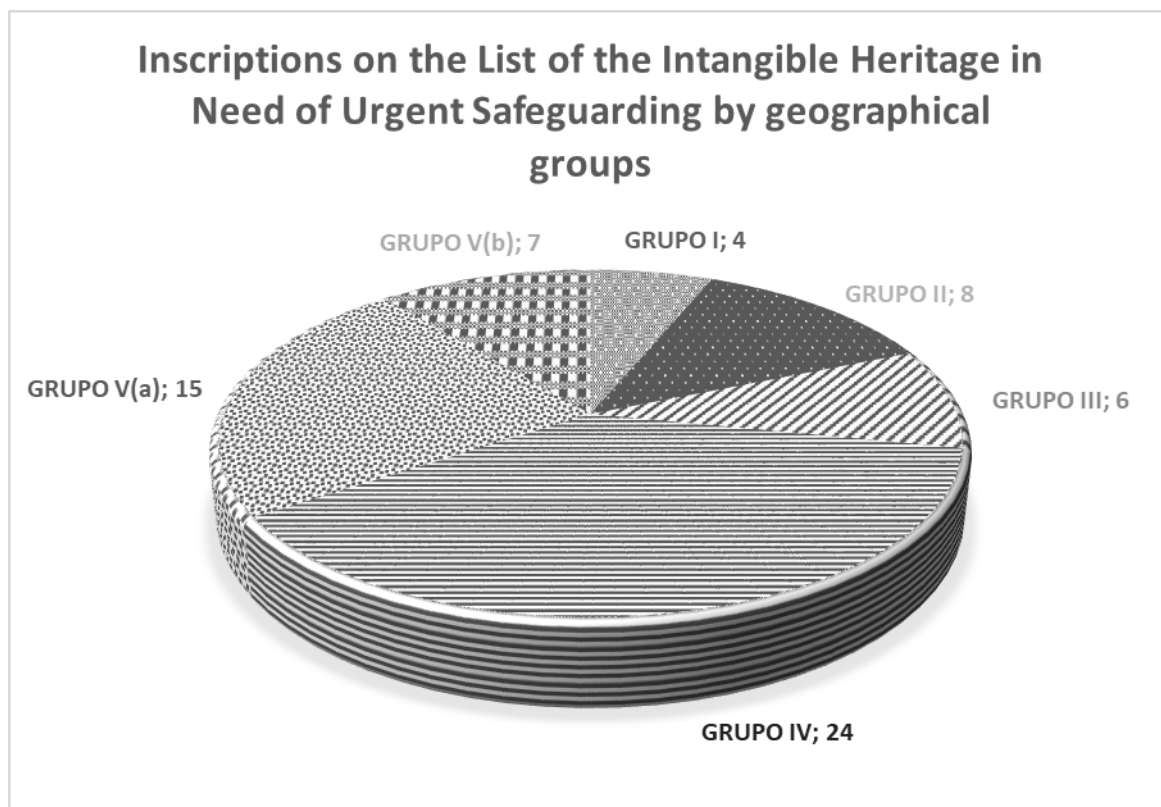
Source: UNESCO (2020).



**Figure 5:** Inscriptions on the Representative List by geographical groups. Source: prepared by the author.

[Insert Figure 5 near here]

**Source:** UNESCO (2020).



**Figure 6:** Inscriptions on the List of Intangible Heritage in Need of Urgent Safeguarding by geographical groups. Source: prepared by the author.

[Insert Figure 6 near here]

**Source:** UNESCO (2020).