# Chapter 6
# UNESCO's World Heritage Convention, the Intangible Heritage Convention and the Masterpiece Programme: An Analysis of Mutual Relations, References and Distinctions

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**Abstract** The article highlights selected relationships between the two currently best-known UNESCO heritage conventions, the 1972 World Heritage Convention and the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage. Although the latter was modelled on the former—with the important intermediate step of the UNESCO programme for Proclamation of the Masterpieces of the Oral and Intangible Heritage of Humanity (1998)—there are important differences between the conventions and the respective heritage regimes. The article examines in detail the delimitation of the subject areas of both conventions and the relationship between the key concepts of "outstanding" versus "representative". Other aspects are also addressed in a condensed form, such as the question of the preservation concepts of both conventions and their implicit cultural geographies.

**Keywords** World heritage convention · Intangible heritage convention · Masterpieces of the oral and intangible heritage of humanity · UNESCO · Safeguarding

## 6.1 Introduction

The UNESCO World Heritage Convention (in full: *Convention for the Protection of the World Cultural and Natural Heritage*) of 1972 and the UNESCO *Convention for the Safeguarding of the Intangible Cultural Heritage* of 2003 (hereinafter referred to as ICH Convention or 2003 Convention), as well as the regimes established by these conventions, are interwoven in many ways. This applies to their genesis, the regime designs including the listing principle, the professional debates on their basic concepts and also their public perception. The lists of the two different heritage

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regimes are often confused with each other in public discussions; for example, the German-language media often use phrases such as "intangible UNESCO World Cultural Heritage". This may surprise, amuse or irritate professionals, but in view of the genesis of the ICH Convention, such a perception by laypeople is understandable.

There are several source texts on the relationship between the two heritage regimes (Yamato Declaration 2004; cf. Buckley, 2004). A number of studies are dedicated to the paired concepts "tangible/intangible heritage" (for instance Rudolff, 2007). In publications that focus on one of the two heritage regimes, reference is often also made to the other (e.g. Schmitt, 2011; Hafstein, 2018).

As far as the limited scope of a book chapter allows, this contribution aims to compare the two heritage regimes from selected points of view and to illustrate the relationships between them. The article discusses the question of the relationship between the subject areas of the two conventions, which appears trivial at first glance, and explains the complex relationships between their central basic concepts of "outstanding" versus "representative". The more detailed draft versions of this article covered further aspects, such as the discussions of "authenticity" in both heritage regimes, their different concepts of preservation, their explicitly and implicitly mediated cultural geographies, and their similar but not identical forms of governance. For reasons of space, these points can only be touched upon in this article (cf. Sect. 6.4).

The article also draws on findings from the author's own research on both conventions, which dates back to the early 2000s. Specifically, the following analysis draws primarily on the Convention texts of 1972 and 2003 (both of which have remained unchanged since their adoption, as is not unusual with international treaties) and the *Operational Guidelines* (in the case of the World Heritage Convention) or the *Operational Directives* (in the case of the ICH Convention). The guidelines/directives are adopted by the respective Intergovernmental Committee of the convention; an examination of their older versions is also instructive for the analysis.

In order to explain the relationship between the two heritage conventions and regimes, a discussion of UNESCO's so-called *Masterpiece Programme* of 1998 and its genesis, which anticipated central concepts and procedures of the 2003 Convention in a simplified form, is also essential. For those readers who are not familiar with it, here is a summary. The UNESCO programme for the proclamation of the *Masterpieces of the Oral and Intangible Heritage of Humanity* was adopted in 1998; its structure was deliberately modelled on that of the World Heritage regime, albeit in a slimmed-down form. In three rounds between 1998 and 2005, a total of 90 Masterpieces were proclaimed, selected from national applications by an international jury of experts. The Masterpiece Programme defines the concept of intangible heritage with reference to the concept of folklore in the UNESCO *Recommendation on the Safeguarding of Traditional Culture and Folklore* of 1989, which, still as soft law, prepared the ground for the idea of the international safeguarding of intangible heritage. To a certain extent, the adoption of the 2003 Convention can be seen as a logical development of the earlier activities of

UNESCO or its member states. In addition to the adoption of the UNESCO Recommendation, these included a remarkable resolution by the UNESCO Executive Board, initiated by South Korea, on the "establishment of a system of 'living cultural properties' (living human treasures)" with the possible long-term goal of institutionalising "a world list of 'living cultural properties'" (UNESCO, 1993: 22–23; cf. Hafstein, 2009: 94). However, as the author of this article was able to reconstruct on the basis of interviews and internal UNESCO documents, an external impetus was needed which led directly to the development of the Masterpieces programme, and, secondarily, to the 2003 UNESCO Convention. This was an initiative by the renowned Spanish writer Juan Goytisolo (1931–2017), who approached the then UNESCO Director-General Federico Mayor in 1996 with the request that UNESCO should protect the traditions of the Jemaa el Fna square in Marrakech, Morocco as "*oral heritage of humanity*" before they disappeared in the course of a planned urban modernisation project (Schmitt (2008); Schmitt (2011): chap. 8). In comparisons of the two heritage conventions of 1972 and 2003, reference is also occasionally made to UNESCO's *Memory of the World Programme* of 1992. Although, like the former Masterpiece Programme, it does not have the status of international law, it has also attracted the attention of the interested public as part of UNESCO's heritage award instruments.

## 6.2 The Subject Areas of the Two UNESCO Heritage Regimes

Numerous publications, including those of UNESCO, suggest that the World Heritage Convention of 1972 and the ICH Convention (2003) should be seen as complementary and that the heritage regimes they form complement each other (cf. Matsuura, 2001: 2). Accordingly, a "newcomer" to the subject might plausibly assume that the two conventions, taken together, would cover the entire field of cultural heritage, both "tangible" and "intangible", or—since the 1972 Convention is also dedicated to World *Natural* Heritage—the entire conceivable field of societal heritage. However, this is not the case for several reasons, as will be explained below.

A closer look reveals that the World Heritage Convention is by no means intended to cover *all* material cultural heritage artefacts. In the field of cultural heritage, the Convention explicitly aims to safeguard monuments, groups of buildings (ensembles) and sites (cf. UNESCO, 1972: Art. 1); cultural landscapes were implicitly subsumed under the latter from the outset, and explicitly after 1992/1994 (Operational Guidelines 1994, §§ 35–42). *Mobile artefacts* are not covered by the Convention (as clearly stated in the current version of the Operational Guidelines (2023: § 48)). Movable cultural property, in addition to buildings and ensembles, can be safeguarded under the *Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict* of 1954 and its supplementary protocols of 1954 and

1999; this convention is also supervised by UNESCO. However, the Hague Convention, and even more so the (national) lists of objects protected by it, receive significantly less public attention than the World Heritage Convention; moreover, possible synergies between these two UNESCO heritage regimes have not yet been developed satisfactorily (cf. von Schorlemer (2016): 622). The UNESCO *Memory of the World Programme,* on the other hand, protects archives and individual documents, and thus potential movable heritage. Through a broad understanding of "document", artefacts such as the Bronze Age Nebra Sky Disc or the Behaim Globe dating from 1492 are also included. However, movable objects are now also making it onto the World Heritage List in an indirect way. This is possible if movable objects of great heritage significance can be linked to a spatially delimited site; the latter is placed under protection following the usual procedure of the World Heritage regime. A striking example from the field of cultural heritage is the World Heritage Site *Caves and Ice Age Art in the Swabian Jura*, Germany. The artefacts of Ice Age hunter-gatherer cultures found in the Swabian caves through excavations document an important stage of human prehistory, universally unique to date. Flutes, the figurine of the "Lion Man" or the female figurine called "Venus of Hohle Fels" demonstrate the artistic development of Ice Age man and allow conclusions to be drawn about his religious-spiritual or magical ideas (Kind & Conard, 2023); it can be asserted that an outstanding universal value can attributed to these *artefacts,* for the reconstruction of human prehistory. An outstanding cultural significance can *solely* be claimed due to their status as sites where the artefacts were found, where they were used and presumably also produced. After the excavations were completed, these caves were, in a sense, culturally emptied; the artefacts are no longer there but in various museums. The nomination and inscription in the World Heritage list of the "Ice Age caves", as the sites where the artefacts were found, can be understood as an acceptable *auxiliary construction* in this individual case, acknowledging, at least implicitly, the importance of the mobile artefacts. It can be concluded that there is a lack of an adequate safeguarding regime for such artefacts.

The ICH Convention by no means covers all (intangible) objects that could be regarded as cultural heritage. For unbiased observers, this is often surprising. If educated citizens or scholars of the humanities who are not familiar with the 2003 Convention were asked what they consider to be intangible cultural heritage, they would (depending on their own culturalisation) probably mention cantatas, masses, operas and symphonies by well-known composers such as Bach, Mozart and Beethoven, Gregorian chants, epic works, prose and poetry by well-known writers, perhaps also philosophical writings, and religious traditions such as the texts of the Bible, of Patanjali or the sermons of the Buddha. Apart from the ontological question of whether a work such as Bach's Mass in B Minor "exists" at all beyond concrete sheet music and/or performances or recordings, in the ICH Convention and its implementation, intangible cultural heritage is defined in such a way that an essential criterion for listing includes the *intergenerational transmission of* practices, and their permanent *recreation* and *recognition* as heritage by, ideally, "communities" (cf. UNESCO, 2003: Art. 2.1). A Mass in B Minor existing in our imagination or in a Platonic realm of ideas could therefore not be protected per se by this

convention. The UNESCO *World Documentary Heritage Programme,* on the other hand, safeguards selected *material representations of* such cultural property, such as autographs of the B Minor Mass or Beethoven's Ninth Symphony. Can comparable opportunities be found to draw attention to Bach's musical works, for example, by means of the ICH Convention? It would be easy to identify potential organisations as "bearers" dedicated to the preservation of the composer's works, such as the *New Bach Society*, and a perhaps only vaguely defined "community" of amateur and professional musicians and choral singers could probably be identified who repeatedly perform such works. In this case, it would be hard to find a plausible argument against accepting a soundly formulated application for inclusion of the *practice of performing* Bach's works in the Representative List of the 2003 Convention: as intellectual works typical of a high culture.

There may also be a certain reluctance to submit such an application in view of the fact that the ICH Convention was initially associated primarily with "popular culture", evolving from the above-mentioned UNESCO *Recommendation on the Safeguarding of Traditional Culture and Folklore* of 1989. In contrast to the provisions of the Masterpiece Programme, the terms folklore and popular culture are no longer mentioned in the ICH Convention (except as a quotation from the UNESCO Recommendation of 1989). In this respect, this text would no longer be a fundamental argument against nominating, for example, a Bach festival for one of the ICH lists.

This sub-chapter shows that the potential subject areas of the two UNESCO Heritage Conventions of 1972 and 2003 are neither (a) complementary, nor (b) can they be defined unambiguously, as the rhetorically favoured binary opposition tangible/intangible might suggest. In addition, (c) inherent contradictions can be found between original intentions and later inscription practices. This makes it clear that the development and adoption of the conventions has not followed an overarching, systematic "master plan", but that, just like the later, sometimes inconsistent implementations, they are the result of contingent negotiation processes (cf. Schmitt, 2011: 359). If their implementation is assessed here as *factually* inconsistent, this is expressly not an *ethical* value judgement. For, just as in everyday life, it is clear that in international regimes a rigid, consistent adherence to scripts can lead to unfavourable solutions for those involved. Such challenges are the rule rather than the exception in international agreements.

Two additional comments on the relationship between tangible and intangible in the two conventions conclude this sub-chapter:

- It is often pointed out in the literature that *intangible practices* generally require *material artefacts* for their implementation, which are often characterised by a specific design. The 2003 Convention includes them in its definition of ICH (cf. UNESCO, 2003, Art. 2). Craft practices are generally used to produce material objects. Conversely, *material artefacts*, including those on the World Heritage List, are an expression of implicitly or explicitly inscribed cultural beliefs, worldviews, norms and aesthetic ideas, i.e. "*intangible property*"—first

new insight and then common knowledge for anyone with a basic interest in art history.

- It is often pointed out that some intangible practices on the ICH lists are associated with sites included in the World Heritage list. This applies to the practices presented (in Schmitt, 2008) as the origin of the ICH Convention, namely the oral traditions of Jemaa el Fna square; the latter is located in the UNESCO World Heritage site of the old town of Marrakech (inscribed in 1985).

## 6.3 *Kulturwissenschaftliche* Distinctions Between ICH and World Heritage: "Outstanding" Versus "Representative"

While the governance structure of the ICH Convention is largely modelled on that of the World Heritage Convention, the different *kulturwissenschaftliche* (an approximate translation of this German adjective would be 'relating to the scientific study of cultural phenomena') terminology of the two conventions is striking. While the World Heritage Convention requires that the nominated objects must be of "outstanding universal value", the 2003 Convention, in contrast to the Masterpiece Programme, dispenses with the rhetoric of the exceptional and merely speaks of a "representative" list of the intangible heritage of humanity. The concept of "outstanding" has often been intellectually discussed and dissected, both in the interested sciences and in UNESCO-related forums, e.g. Cameron (2009), Schmitt (2009), the apparently harmless-sounding counterpart *"representative"* of the main ICH list has not been discussed to date: a serious omission.

Here, we will briefly (1) discuss the problems of both concepts and (2) clarify the extent to which the central concept of one convention is also relevant for the other.

With the label "outstanding universal value" (OUV), the World Heritage Convention calls for superlatives. As Titchen (1995) points out, both legitimacy considerations and the capacity limits of an international regime made it necessary to restrict the instrument of the World Heritage List to "exceptional" objects, since not every object worthy of being preserved can be safeguarded by an international regime. In accordance with a deliberate decision (Titchen, 1995), a definition of OUV was omitted from the Convention text; however, at least in Art. 2, less so in Art. 11.2 (UNESCO, 1972), it suggests an originally essentialist interpretation of the concept: the values thus appear to be intrinsic to the object. While IUCN explicitly adhered to such a "realist" interpretation of OUV until the 2000s, the constructivist understanding preferred by ICOMOS became established, at least in policy documents (Schmitt, 2009: 110; Schmitt, 2011: 127). Here, ICOMOS followed the tradition of Michel Parent, who already in the early 1980s spoke of the "dilemma of universality" (Parent, 1984) in the recognition of values. For Parent, the attribution of value always depends on a particular standpoint, on one's own culturalisation or own culture. Therefore, it cannot (at least not automatically) be binding for others

and certainly not universally; it is culturally bound. For Parent, this aporia might be a reason not to use the OUV concept, at least in theory, although it may be acceptable in practice.

To avoid such dilemmas, a solution could be a *narrow* concept of OUV which is linked to *global history* or globalisation history[1] (and not simply to impressive *iconic sites,* as is claimed for the early World Heritage List, cf. Cameron (2009)). Such a World Heritage List would include (only) those sites that are associated with the development of those global ideas and institutions that spread globally, in the sense of a "world society" (John Meyer) *or* that stand for the development of humanity as a whole. Inevitably, such a list would be even more Eurocentric than the existing World Heritage List. The ruins of Athens and Rome could be inscribed, as could those sites of ancient civilisations which, for example, stand for the development of writing, such as Uruk. It would also include the sites of early proven works of human art (such as the Ice Age caves mentioned above), or the Potala Palace of the Dalai Lama as an architectural icon of a globally received variant of Buddhism. With great numbers of inscribed World Heritage sites, it would not be possible to plausibly demonstrate such a narrowly understood universal value. If one looks at specific statements[2] on the OUV of sites, it becomes apparent that for a number of sites a universal historical significance has not been proven at all, but that this proof has at best been simulated. This applies, by way of example, to the old towns of Wismar and Stralsund in northern Germany, which I hold in high esteem. They were inscribed according to the criteria (ii) and (iv)[3] with the argument that they "contributed to the development and diffusion of brick construction techniques and building types, characteristic features of Hanseatic towns in the Baltic region, as well as the development of defence systems in the Swedish period." Based on these factual descriptions, it is plausible to infer a *regional historical value*, but it is hardly possible to justify a *global significance*. This is possible only if one allows the (initially not self-evident) construction that the OUV can be attributed to suitable *representatives* of *any* "cultural tradition" (cf. criterion iii) or processes in a "cultural area" (cf. criterion ii). To avoid misunderstandings, it must be said that the author considers this ethical position, which has long been common in the UNESCO context, to be desirable. It is in line with positions of *historicism,* for example, as represented by the historical theorist Leopold von Ranke in the mid-nineteenth century: "every epoch is immediate to God, and its value is not at all based on what emanates from it, but in its existence itself (...) each epoch must now be regarded as something valid in itself and highly worthy of scrutiny" (von Ranke, 1971, orig. 1854: 59–60; translated; see Seiffert, 1991: 66–69). This basic attitude is extended in universalism and especially in the UNESCO context from the temporal

[1] I am not aware of any such argumentation in the literature to date.

[2] These formulations are adopted by the World Heritage Committee, which generally draws on formulation proposals from the advisory bodies and the nomination dossiers.

[3] The OUV concept of the convention text is operationalised in the Operational Guidelines by means of various content-related criteria that have changed several times over the course of time.

dimension (epoch) to a spatial one (other world regions and cultures) and is also transferred to their legacies (buildings, practices, etc.).

As the example shows, the World Heritage List, and not just the ICH Convention, also involves a concept of representativeness. It could be surmised that such a "representative" understanding of the World Heritage List is a comparatively recent phenomenon, to be understood as a departure from the original spirit of the Convention for the safeguarding of truly universal sites, as has been suggested by Christina Cameron (2009: 133), who sees a temporal shift from "the 'best of the best' (...) towards 'representative of the best'". However, as a simple "archaeology" proves, the concept of "representativeness" was already anchored in the early years of the Convention. In both versions of the Operational Guidelines of 1977 and 1978, the asserted OUV of a site could also be derived from its representativeness for certain cultures:

> The definition of 'universal' in the phrase 'outstanding universal value' requires comment. Some properties may not be recognised by all people, everywhere, to be of great importance and significance. Opinions may vary from one culture or period to another. As far as cultural property is concerned, the term 'universal' must be interpreted as referring to a property which is highly *representative* (emphasis: T.S.) of the culture of which it forms part (UNESCO, 1977: § 6).

In later versions of the Operational Guidelines, after 1978, this passage was simply deleted. If the current practice of inscriptions on the World Heritage List can be partially described as an implicit intention of recognising cultural representatives, this could be explained as a convergence in the sense of an adoption (possibly unconscious) of the practice and terminology of the ICH Convention. However, it is in line with the once explicit (and no longer known to many of today's stakeholders) recognition of this principle of cultural representativeness for UNESCO World Heritage governance.

The notion of *masterpieces,* with which the 1998 programme for the safeguarding of oral and intangible heritage began, did not survive after the adoption of the 2003 Convention. It clearly takes up the highly culturally charged rhetoric of the World Heritage Convention (*outstanding*; *human genius*), even enhancing it and linking intangible traditions, as suggested by Simon (2001: 123), to a "more 'romantic' conception of authorship". How, and by whom, the problematic *masterpiece* wording, which even at the end of the 1990s seemed incompatible with ideas of what was then contemporary cultural anthropology, was incorporated in the development of the UNESCO programme, is unclear to me (and to the literature reviewed): it obviously did not originate from Juan Goytisolo.

As a result of criticism from the scientific community, a "disarmament" or departure from this terminology prevailed in the development of the ICH Convention. The alternative notion of "representativeness" chosen for the main ICH list seems more innocuous, and appears to be more directly understandable. The fact that it is not explained in the Convention text is to be expected, given the analogy with the World Heritage Convention. However, in contrast to the more detailed provisions on OUV in the *Operational Guidelines* of the World Heritage Convention, representativity remains (as yet) unexplained in the *Operational Directives* of the

ICH Convention; this is where the analogy between the two conventions ends. Incomprehensibly, Blake et al., 2020, a comprehensive commentary on the Convention, does not explain this term in any detail. Implicitly, the Convention and Operational Directives only contain *teleological* provisions for the inclusion of a new element in the Representative List. According to the current Operational Directives (2022: I.2), it should, among other things, "contribute to ensuring visibility and awareness of the significance of the intangible cultural heritage and to encouraging dialogue, thus reflecting cultural diversity worldwide and testifying to human creativity." In contrast to the analogous case of the OUV explanations in the Operational Guidelines to the 1972 Convention, the Operational Directives merely add a further aspect in the corresponding Article 16.2 of the ICH Convention, with reference to testifying to human *creativity,* but do not provide any real operationalisation of representativity. Further, it is required that the nomination should fulfil formal and procedural criteria (participation, consensus of communities).

Anyone familiar with empirical social research knows that there can be markedly different concepts of representativeness. A representative sample in *quantitative* social research is drawn according to a different logic and usually leads to a different composition of elements than in *qualitative* sampling, in which, in addition to cases considered "typical", "extreme cases" may also be deliberately taken into account, depending on the research interest; this is referred to as *conceptual representativeness* (cf. Strübing, 2015). This example shows that the term "representative list" is potentially ambiguous, and different interpretations can empirically be identified. One could interpret an entry in the "representative list" (or the list as a whole as the sum of the entries) as being "representative" of certain *regions of the world* or *countries*, and thus reproduce spatial container concepts of the cultural which are not unproblematic and often criticised. An element could also be understood as being representative of certain ICH *genres*: according to this idea, the list as a whole should cover all conceivable genres. But is an individual element within a genre then *arbitrary* (randomly drawn, so to speak), "*average"* (however determined), or perhaps *special* (original, impressive or sophisticated)? It could also be asked *how many* different elements within a region or genre, for instance Carnival practices, should reasonably be included in the Representative List. It would then be necessary to decide on a cut-off point after which new nominations would have to be rejected—with some similarities to the practice of "comparative analysis" established over time for the 1972 World Heritage Convention. Or should *all* elements of an approved genre be inscribed? *Further distinctions* are conceivable, which should be appropriately represented on the list, such as rural versus urban, female versus male, or religious versus non-religious practices or connotations. Finally, one could think of a *multidimensional matrix* with a regional dimension, a genre dimension and many dimensions for the other aspects of interest mentioned: each area of the matrix should be covered by at least one element of a representative list understood in this way.

However, if the current Operational Directives of the ICH Convention are taken as a benchmark, such considerations should not play a role in deciding on

inscription, provided that new nominations contribute to better *visibility* of the ICH concept. The idea of protection or safeguarding, which is central to the World Heritage List (it is concerned with safeguarding *specific* monuments, sites and natural features) and also to Goytisolo's impetus for the new ICH instruments, is already being pushed into the background in the wording of the ICH Convention. The idea of safeguarding *concrete* practices is retreating in favour of their use for general awareness of ICH. As a result, the "positive" meaning of the term "representativeness" remains to this day extremely vague. This term was intended in a "negative" sense to mark a deliberate break with the "superlative" rhetoric surrounding the World Heritage Convention. As explained above, the World Heritage Convention also (increasingly) shows characteristics of a "representative" list: the OUV rhetoric is maintained for the public, but internally the concept is being tacitly abandoned - an admittedly pointed, but not implausible interpretation. A further convergence between the two listing systems can therefore be observed here. From a normative perspective, the loss of "exclusivity" of the World Heritage List can be overcome as long as the member states make adequate efforts to protect the sites concerned.

## 6.4 Intangible/Tangible Heritage Regimes of UNESCO: Further Relations, Common Challenges—Outlook

So far, this contribution has attempted to highlight some of the key links between the two UNESCO Conventions of 1972 and 2003, without falling into the common trap of simplistic comparisons. It has been shown that, on the one hand, the 1972 Convention was an important source of inspiration for the Convention on ICH and, on the other, that the debates on both conventions and their central concepts and instruments often overlap and that concepts are understood and evaluated in a competing manner—with quite surprising findings. For reasons of space, however, it has only been possible to discuss a few selected aspects. Some other important aspects of the relationship between the two conventions are briefly addressed below:

- The question of the *cultural geographies* produced by the two conventions and their lists: the visual language of UNESCO publications conveys an image of the *planetary diversity* of both World Heritage and intangible heritage. However, the naked map of the distribution of World Heritage sites of the 1972 Convention still shows the great predominance of European World Heritage sites, which can be explained by an inherently Eurocentric concept of culture (already Rössler, 1995: 345), complemented by the "production conditions" of World Heritage, which favour richer states with well-developed cultural administrations (Schmitt, 2009: 110–113; Schmitt, 2011). The Masterpiece Programme and the launch of the ICH Convention were also promoted by UNESCO as suitable means of compensating for the imbalance in the representation of the Global South on the World Heritage List with the new instruments (cf. the then UNESCO Director-General Koïchiro

Matsuura (2001)). If one looks at the geographical distribution of the 90 masterpieces inscribed by 2005 (e.g. in UNESCO, 2005: 8–9), the goal of an appropriate geographical representation of the Global South seemed to have been fairly well achieved; in addition to some empty areas in the Global South (e.g. in East Africa), the emptiness in parts of the "Global North" (North America, Australia) is striking. While some European states, for instance, were initially hesitant to ratify the ICH Convention, numerous European entries can now also be found on its lists; an (imaginary) map of the ICH lists resembles to some extent that of the World Heritage Convention. The effect known from the World Heritage List is that richer states, once they have discovered the charm of the ICH Lists, tend to find it easier to submit applications than poorer states—even if applications for the ICH Lists entail a significantly lower workload than those for the World Heritage List. In normative terms, this development can be assessed in different ways: while some may see a growing under-representation of the Global South now also in the field of the ICH, others may welcome the fact that the ICH concept is also being recognised in European societies.

- The concepts of *preservation/ safeguarding/ conservation* in the two conventions: based on debates over theoretical monument conservation in the nineteenth century, the *Venice Charter* (1964/1965) regarded the *conservation* of a monument (as opposed to restoration or reconstruction) as the ideal for appropriate monument preservation, in the sense of keeping its form and material substance as unadulterated as possible, with reconstructive interventions allowed only as an exception. With regard to conservation practices, especially in East Asia, this ideal was at least partially relativised (although not necessarily for the European building tradition) in the famous *Nara document on authenticity* (1994), whose Appendix 2 attempted to introduce a "broad"—ultimately rather empty—concept of conservation. In the specialist discussion on intangible heritage, however, conservation was quickly identified as an undesirable objective: attempts to "conserve" traditional cultural practices would mean a "freezing of culture". A "living heritage" is generally only compatible with *dynamic transmission,* which must allow changes to the (usually informal) scripts. As far as the central objective of *safeguarding* cultural heritage is concerned, the ICH Convention, and to some extent the Masterpiece Programme, contain an astonishing expansion of the term. By definition, this now also includes, in a prominent position, certain *scientific* practices, namely "identification, documentation, research" on intangible heritage (UNESCO, 2003: Art 2.3). In the understanding of the Venice Charter (ICOMOS, 1964), such activities would be regarded as *essential preparatory work* for the adequate protection of a monument or site, but not as an actual protective measure. To some extent, this "definition" of safeguarding seems like a major job creation programme for scholars of cultural anthropology and related disciplines, and at the same time demonstrates embarrassment regarding an answer to the self-imposed question of how to adequately safeguard intangible cultural resources.
- Similarly, the concept of *authenticity* receives completely different assessments within the contexts of the two heritage regimes. However, this discrepancy is not necessarily a deficiency, but is understandable and reasonable in view of the

different objects (material artefacts and sites versus practices) and their different evaluation in the basic sciences, scientific heritage conservation versus cultural anthropology (cf. Schmitt, 2011: 128–133).

- The *governance structures* of the two heritage regimes conventions are very similar, albeit with different degrees of independence and autonomy for the scientific advisory organisations. However, they tend to have very different *national "substructures*". In many countries, national or local authorities for the protection of monuments and nature were established before the introduction of the World Heritage Convention, while the ICH Convention only stimulated the increased establishment of national authorities for this subject area in many countries. Both heritage regimes can be described as complex multi-level governance systems (Schmitt, 2011, 2015).
- The two heritage regimes share similar problem areas. This is due to the fact that, although the World Heritage regime directly targets artefacts and non-human nature, it also indirectly affects *people* and *communities* or *societies*. The consequences of listing for people and communities are potentially ambivalent; it can result in a variety of irritations (see, for example, Schmitt, 2005); indigenous groups in particular do not see themselves adequately represented in the two regimes (cf. Disko & Tugendhat, 2013).
- The list of overlapping phenomena and common challenges for tangible cultural heritage, natural heritage and ICH can now extend to many other issues The ongoing climate crisis with its effects on world heritage and ICH, touristification and commodification, nationalist appropriation, and also the diagnosed "politicisation" (cf. Schmitt, 2009; Meskell, 2015) of the intergovernmental committees are all urgent topics.

The World Heritage Convention predates the ICH Convention by 31 years, and in general the accumulated experience with the possibilities and limits of preserving material culture is significantly greater than with regard to safeguarding intangible practices. The author considers that intangible heritage has a positive individual and social significance, above all where it (1) brings people together, and (2) addresses deep dimensions of human existence.

If we look into the long-term future of global society, we can make fairly plausible estimates of the extent to which material architectural evidence of the past will still exist in a hundred or two hundred years' time, taking different scenarios, such as different scenarios of expected climate change, into account, and provided there is no Third World War, for example. Does this also apply to the elements of the ICH lists? Any answer to this question must be much more speculative—given the acceleration of social and cultural change since the beginning of modernity.

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