Protecting Intangible Heritage Values Through The World Heritage Convention?

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Monuments served to anchor collective remembering, a process dispersed, ever changing and, ultimately, intangible, in highly condensed, fixed and tangible sites. (Savage 1994: 130)

The world is scattered with jewels from our collective pasts. From the glittering Mogul mausoleum of the Taj Mahal in the heart of northern India, to the Neolithic stone huts on the remote, windswept island of Orkney in the Outer Hebrides. Material remnants remind us of extinct civilizations, forgotten people and lost worlds. What then of the things for which there are no material remains? What of the memories, ideas, beliefs and events that shaped the lives of these civilizations and of our own? What of this intangible heritage? We can record, preserve and protect for posterity the material leavings; can we do the same for the shadows that form the intangible associations with these places?

In this paper I will illustrate how intangible cultural heritage values are not a new phenomenon to the heritage arena and how they have been recognised thorough the World Heritage Convention – The Convention Concerning the Protection of the World Cultural and Natural Heritage – since its inception in 1972. I will demonstrate how intangible cultural heritage values have been identified in numerous World Heritage inscriptions since 1978.

Using the example of Auschwitz-Birkenau, I will then demonstrate the mutability of intangible heritage values even within places of international significance. I will discuss the problems of trying to protect intangible cultural heritage values through inclusion on a list, and issues of protection and management. In doing so, I will draw some parallels between the operation of the World Heritage Convention and the Convention for the Safeguarding of the Intangible Cultural Heritage – the 2003 Convention.

Intangible cultural heritage values and the World Heritage List

Since its inception in 1972, and its first inscriptions in 1978, the World Heritage Convention and its Operational Guidelines for the Implementation of the World Heritage Convention (Operational Guidelines) have facilitated the recognition and accommodation of associative, intangible heritage values on its World Heritage List (List) through a place’s association with an event in history or with ideas or beliefs of ‘outstanding historical importance or significance’ (UNESCO 1977), albeit within a western-centric framework. The mechanisms for such inclusion have primarily been through the use of criterion (vi), one of the ten cultural and natural criteria used to define ‘outstanding universal value’ for the inclusion of places on the List.

The use of criterion (vi)

Criterion (vi), like the other nine criteria for including places on the World Heritage List was conceived in 1977 as an autonomous criterion. It intended that places ‘most importantly associated with ideas or beliefs, with events or with persons, of outstanding historical importance or significance’ be included on the List (UNESCO 1977). It was not initially intended that criterion (vi) would necessarily be used in conjunction with other criteria. Over the years, however, its use has been viewed as highly subjective and problematic. As a result of these concerns, modifications were made to criterion (vi) to restrict its autonomous use. Until 2006 when these restrictions were removed, only nine places had ever been inscribed on the List solely for their intangible cultural heritage values using criterion (vi).

One of the main reasons why criterion (vi) was viewed as problematic is that it could, and did, result in the inscription of places that were associated with ‘particular historical events or famous people… strongly influenced by nationalism or other particularisms in contradiction with the objectives of the Convention’ (UNESCO 1979: CC-79/CONF.003/13, IV, 35, v).

Challenging the traditional western view of heritage, some of the first places to be inscribed on the World Heritage List using criterion (vi) commemorated heritage which was not a celebration of human achievement. In 1978, for example, the black slave forts of the Island of Goreé in Senegal were among the first seven cultural places to be inscribed on the List. Goreé was one of the first two places in 1978 to be inscribed solely on the basis of cultural criterion (vi). Goreé was a site which had, what in 1979 Michel Parent, French delegate to the World Heritage Committee, would have called ‘negative historical value’ (Parent 1979). The justification by the Republic of Senegal for its inscription stated that it should serve as a symbol for the ‘black man’s suffering throughout the ages’ (Republic of Senegal 1981). Senegal did, however, provide a positive spin, stating that the inscription was ‘prompted by humanistic considerations’ and that Goreé should act as a ‘sanctuary of reconciliation between men’ for the ‘exchange of noble ideas and forgiveness’ (Republic of Senegal 1981).

The archaeological site of L’Anse aux Meadows National Historic Site, in Newfoundland, Canada, was inscribed at the same time, also solely under criterion (vi). Its significance is related to the very early European settlement of North America; the 11th century Viking settlement on the site is an example of ‘human migration and discovery of the universe’ (ICOMOS 1978: 3). The use of criterion (vi) for the inscription of L’Anse aux Meadows was justified because of its association with an ‘event’ the World Heritage Committee considered significant in the history of human migration and of outstanding historical importance.

The next three properties to be inscribed exclusively under cultural criterion (vi) were all recommended for inscription by the World Heritage Committee Bureau Meeting in 1979 for their association with events of ‘outstanding historical importance or significance’. They were: The Forts and Castles, Volta, Greater Accra and Central and Western Regions of Ghana;
Independence Hall, USA; and Auschwitz-Birkenau Concentration Camp, Poland (UNESCO 1979). The Forts and Castles of Ghana, were mostly 17th century fortified trade ports related to pre-colonial trade in goods between Africa to Europe (mainly gold). Later in the 18th century they played a part in the slave trade and, in the 19th century, the cessation of that trade. It is the combination of these facts that makes the forts historically significant. Although they were initially listed for their historical role as colonial trading ports, the significance of the Forts and Castles of Ghana has now been more closely linked to the memory of slavery (World Tourism Organisation/UNESCO 1995). The Forts and the Island of Goreé were identified as part of UNESCO's Slave Route in 1995. The forts of Ghana, instead of being primarily historical significance as ‘characteristic examples of European fortified trade ports in the tropics’ (Ghana 1978) are now being emphasised by the State Party, UNESCO and the World Tourism Organization as ‘a monument… to the evils of the slave trade’ (World Tourism Organisation/UNESCO 1995). This demonstrates how the intangible heritage value of a place is mutable and that the historical significance ascribed to a place can change over time. It also shows a greater willingness in the 1990s to engage with negative values associated with places.

Independence Hall, US, where the declaration of American Independence was signed, was the last of the three places inscribed under criterion (vi) in 1979. Both Independence Hall and the forts of Ghana were inscribed on the List for their intangible cultural heritage values, and for their association with historic events in history, without comment from, or debate within, the Committee (Beazley 2006). The same was not true of Auschwitz-Birkenau in Poland which having been deferred for a year because of its negative heritage associations was finally inscribed in 1979.

The last four places to be inscribed on the World Heritage List solely for their intangible heritage values were a site that represented the cultural tradition of buffalo hunting in North America, Head-Smashed-in-Buffalo Jump (1981); Rila Monastery in Bulgaria (1983) and La Fortaleza and San Juan Historic Site in Puerto Rico, USA (1983). Political tensions surrounding the listing of the Hiroshima Peace Memorial in 1996, also solely under criterion (vi), resulted in further restrictions on the autonomous use of criterion (vi) prompted by representations from the US.

Having provided a broad outline to the type of sites inscribed on the List from the first World Heritage List inscriptions in 1978 to 1996 when restrictions were imposed on the independent use of criterion (vi), I would now like to highlight some issues concerning the protection and management of these mutable, intangible heritage values. I will achieve this by using Auschwitz-Birkenau as an example of a World Heritage site where intangible heritage values have changed over time and, as a result, the management of the memories and associations of that site have become very challenging.

**Auschwitz-Birkenau**

The rows of concrete pillars swathed in thick, opaque, plastic sheeting tell more about the eternal conservation of the fabric of Auschwitz-Birkenau than of the eternal memory of the millions of people killed there at the hands of the Nazis during World War II. It is, however, the preservation of the material remains, the mnemonic, which ensures continued commemoration at the largest graveyard in the world; Auschwitz is the locus of lost people and recovered memories. It is for these intangible cultural values, for its association with a dark, significant event in history, that it is inscribed on the World Heritage List but not, perhaps, for those that first come to mind. To most people this place is known as Auschwitz, but to Poles the place will always be known by its Polish name, Oświęcim. Although these two places, Auschwitz and Oświęcim, share the same geographic location, they are the locus of contested, conflicting memories and associations. It is this multiplicity of intangible heritage values associated with this place that creates problems for its ongoing management, interpretation and presentation.

Auschwitz, today, is the universal trope and symbol of Jewish suffering, the Holocaust, the Shoah, and the evils of Nazi Germany. That, however, is not how the values of the place were constructed and framed by the Communist government who nominated it to the World Heritage List in 1978.

An extract of the nomination document states:

> The Auschwitz-Birkenau National Museum was established by a law adopted by the Diet of the Polish People's republic, as a monument to the suffering and struggle of the Polish Nation and other peoples, on the site of the largest Hitlerite extermination camp where lie the ashes of some four million subjects of 24 countries...While conserving its character of a monument to the suffering and struggles of...
nations, the Museum serves as an historical exhibition and research institute with archives; it is also the largest cemetery in the world (People’s Republic Poland 1978).

The primary commemorative purpose of Auschwitz-Birkenau was, for the Poles, first and foremost the suffering of the Polish nation; that is why it was nominated to the World Heritage List. The framing of Auschwitz in public, Polish, consciousness began in the post-war period with the new Polish government deciding that a memorial should be erected on the site to the ‘Martyrdom of the Polish Nation and of Other Nations’ (Cole 1999). This emphasis on the Polish aspect of Auschwitz and the ignoring of Jewish loss has been explained by Cole as the need of the new Polish Communist government to link the act of memorialisation and construction of memories to those of other Communist Warsaw Pact countries (Cole 1999). The aim was to frame Auschwitz, and what happened there, as a symbol of fascist aggression from the West, and to use it as a warning monument against capitalist West Germany and all it stood for. As the Red Army had liberated Auschwitz from the Nazis in 1945, so the Soviet Union would protect and liberate the Communist parties of the Warsaw Pact from Western capitalism (Cole 1999).

Jeffrey Goldfarb, a Polish Jew who has written about his experiences of visiting Auschwitz in the early 1970s said:

I was very angry. My anger was not immediately directed at the Nazis, the German totalitarians, but the Polish totalitarians: Polish communists, who seemed to belittle the special suffering of the Jews on the grounds of what is in fact the largest Jewish cemetery in the world. At that time it was hardly even noticeable that Jews were among the victims. The sign at the entrance to the museum at the camp noted the suffering of many nations, from the Russians to the French, from the Dutch to the Czechs; Jews were not specifically mentioned. This was repeated in the written materials on sale at the museum store. I should add that this was the way the Holocaust was remembered throughout the old Soviet bloc … The museum presentation at Auschwitz washed out Jewish experience, memory and suffering and replaced it with the stale clichés of official Marxism (Goldfarb 2000).

It was not, however, just the Polish, Communist totalitarianism that was responsible for the framing of Auschwitz as a site of primarily Polish commemoration and identity. In the mid 1970s when Poland was witnessing the resurgence of Catholicism, the Polish Catholic Church began to openly identify itself with Auschwitz-Birkenau the place (Charlesworth 1994).

The dissonance of memory at Auschwitz is firstly as a result of the nation-building project pursued by the post-war Communist government of Poland and, secondly, as a result of the Catholic Church’s pursuit of its ideology and endeavours to materialize that ideological discourse in the fabric of Auschwitz (Schein 1997). Auschwitz, the place, was first adopted by the Polish Catholic Church as a site of martyrdom of Father Maximilian Kolbe, who gave his life at Auschwitz to save a Jew. He was beatified in 1971. A shrine to commemorate him has been established in Block 11, Auschwitz I, where he was held. Kolbe was canonized in 1982 an act which caused tensions between Catholic-Jewish relations because before the war he was known to have written material with an anti-Semitic bias (Rittner & Roth 1991). In 1972 a Mass was held by the Archbishop of Cracow – the future Pope – at Birkenau. At it he stated that the “Church of Poland” had seen “the necessity for such a site of sacrifice, of an altar and a sanctuary – precisely in Auschwitz” (Cardinal Wojtyla 1972 in Charlesworth 1994). The Cardinal wanted a church to be built at Auschwitz – this proposal foreshadowed the greatest desecration that was to occur in the eyes of the Jews at Auschwitz (Charlesworth 1994).

In 1978 the Catholic Church further extended its claim to the place by erecting a large cross at Auschwitz to commemorate the execution of one hundred and fifty two Poles by the Nazis in 1941 (Anon 1998). In 1979 this Catholicising, or de-Judaising, of Auschwitz was extended further when the Polish Cardinal Wojtyla, as Pope John Paul II, held a second Catholic Mass at Birkenau (Auschwitz II), this time on the ramp, the place where the Jews were selected for their death; the same cross was used as the focus of this Mass (Charlesworth 1994).
These early acts of appropriation of Jewish space by the Catholic Church were intentional. To the Polish Catholics conducting and participating in the beatification and Masses at Auschwitz they were commemorating their dead and their memories with a disregard for anyone else, including, or maybe, especially, the Jews. This was made blatantly apparent, as there was no specific mention of Jewish loss at Auschwitz-Birkenau during the Pope’s address in 1979 and the iconography used in the Mass related to Father Kolbe and Polish prisoners.

On 14th June 1984, the Polish Government and Catholic Church authorities authorised the establishment of a Catholic Carmelite convent in a building, known as the Theatergebaude (old theatre building), within the camp of Auschwitz I and inside the boundary of the World Heritage site. The purpose of this convent was to pray for all victims of the Nazis. This building was the former depot for the Zyklon B canisters – the gas that was used in the gas chambers and for the possessions of the murdered (Pressouyre 1996, Rittner & Roth 1991). The convent was established with the sanction of the Polish Catholic authorities but, it would appear, without any discussions with the Jewish community either domestically or internationally (Rittner & Roth 1991). Neither was the possibility of a convent raised with UNESCO’s World Heritage Committee. The Committee may have voiced concerns about the appropriateness of the establishment of a convent in this location as they may have considered that it would have an impact on the identified World Heritage values of the place. Such concerns were indeed raised by the President of ICOMOS, Michel Parent in a letter from him on the subject of the convent to the Director General of UNESCO on 14 April 1986 (Parent 1986). This in itself is interesting because although the site was inscribed primarily for the loss of Catholic, Polish lives, the World Heritage Committee had, since its inscription, considered that the intangible values of the place were those associated with the Jewish Holocaust.

The establishment of a Christian convent, in what was regarded by the Jews as sacred Jewish space, was deemed by them to be an act of desecration (Pawlikowski 1991). The appropriation of a space closely linked to the execution of the Holocaust by the Nazis was untenable to the world’s Jewry, particularly American and Israeli Jews. That it should be appropriated by a faith that they viewed as their persecutors affected the intensity of that desecration. The Church on the other hand thought the establishment of the convent an act of reconciliation and could not see the offence caused (Herschoopf Banki 1991).

Through the reuse of the old theatre building as a convent, the Catholic Church not just spiritually but physically appropriated Auschwitz-Birkenau in a way that was viewed by the Jews as defilement. As a result, the location of the convent in Auschwitz blew into a huge controversy, which strained Jewish-Catholic relations and brought forth accusations of anti-Semitism against the Catholic Church (Rittner & Roth 1991). Jewish fears concerning the Auschwitz convent in the end boiled down to one reality – desecration of the memory of the millions for whom the site constitutes, in the words of Elie Wiesel, ‘an invisible cemetery’ (Wiesel in Pawlikowski 1991: 64).

After much negotiation and Catholic-Jewish talks over the meaning of Auschwitz to the Jews and its symbolism in relation to the Nazi’s ‘Final Solution’, it was agreed, in 1987, that ‘within two years’ the Convent would move from its location and become part of a new centre for ‘information, education, meeting and prayer’ located outside the concentration camp (Rittner & Roth 1991). This was, in fact, the beginning of the controversy over the convent at Auschwitz, not, as one might expect, the end.

The convent was supposed to have been moved by 1989 and, when this date passed, things flared up. The agreement had not been kept and no notice of its projected breach was sent to the Jewish signatories to it. Notwithstanding this lack of courtesy, at the same time, another cross, twenty-four feet high was erected in the grounds of the Convent (Rubenstein 1991). The lack of adherence to the agreement to move the convent and the lack of consultation about the delay in doing so prompted direct action from extremist quarters of the Jewish community:

… when seven Jews from New York recently showed up to protest the construction of a Roman Catholic convent at the camp, they received a stunningly hostile reception. Polish workers shouted anti-Semitic obscenities, drenched them with water, tore off their skullcaps and manhandled them out of the convent gates … According to Israeli sources the Polish Foreign Ministry promised Israel that it would intervene to remove the convent from the site (Anon: Newsweek 31 July, 1989).

This time the desecration was not of Jewish hallowed ground but of Catholic sacred ground. A New York Jewish Rabbi, Avraham Weiss and his followers scaled the six-foot high walls of the Carmelite convent. They entered the precinct of the convent, a holy Christian space and that of a closed order of the Carmelite convent. They entered the precinct of the convent, a holy Christian space and that of a closed order of Carmelite nuns. Their entry marked the beginning of yet another conflict with the Polish authorities and the Vatican. The Carmelite convent was supposed to have been moved by 1989 but the Vatican refused to allow the move of the convent. The Carmelite convent remained in Auschwitz and was the focus of much controversy.

The international values of the sites have been reconstructed by the world since that time, as those of Jewish...
loss, a ‘universal trope’ (Huyssen 2003) of the Holocaust. As an aside, and of some interest is that at the time of inscription of Auschwitz on the list, many of the Committee members were already seeing the nomination as one that commemorated the Holocaust but in reality this was not the intention of the Polish government nor was it how the site was read by Jewish pilgrims to the site.

The creation of memories, dissonant with the dominant discourse of a place, whatever that discourse is, illustrates how the intangible values and meanings of a place can be constructed to serve different social needs and, in so doing, undermine that dominant discourse.

If ‘memory is always transitory, notoriously unreliable, and haunted by forgetting … As public memory it is subject to change – political, generational, individual. It cannot be stored forever, nor can it be secured in monuments’ (Huyssen 2003: 28), what are the policy implications for the World Heritage Committee in relation to including places with associative, intangible cultural heritage values, on the World Heritage List? What happens to the inclusion of places on the List when they no longer ascribed the values for which they were included and where these values have changed such as at Auschwitz? This is a considerable issue for the monitoring and management of places with intangible heritage values and the long-term maintenance and veracity of the World Heritage List.

For places with cultural associations ‘locational authenticity’ (Miles 2002) appears to be of paramount importance in the protection of the values of these heritage sites. Nora says, ‘memory relies entirely on the materiality of the trace’ (Nora 1989:13). It reflects modern societies’ compulsion to locate memory in place. It is only the occurrence of a place being destroyed, and through this destruction its gaining in significance, as elaborated by Taussig (Taussig 1999), that provides a counterpoint to this observable norm. If the maintenance of ‘locational authenticity’ (Miles 2002) is, then, a fundamental necessity as part of the protection of intangible heritage values, then the obsession with fabric and the retention and even replacement of ‘authentic’ fabric at places such as Auschwitz is vindicated.

Identification, and wherever possible, protection of the values for which a World Heritage property is inscribed on the List is key to its successful management. The protection of associative, intangible cultural heritage values, however, poses more of a problem than, for example, the protection of architectural values closely associated with material fabric, or biodiversity values associated with a particular wildlife habitat, because of the inherent mutability of these intangible values. While like the 2003 Convention, under the World Heritage Convention we can support and foster spiritual associations of a people with a place, such as at Uluru-Kata Tjuta, by supporting and encouraging sustainable community development – and thus the cohesion of a society – we cannot ensure that a memory associated with a place is preserved. Memories fade and places stop being places of memory and become places of history.

It is a challenge for heritage professionals to develop quantifiable, verifiable indicators for intangible heritage values through which to monitor them in order to assist in the management of places that are ascribed such values. Only when this is achieved will heritage managers be able to identify when the values for which a place has been initially inscribed are under threat, or no longer extant. The question of the mutability of intangible heritage values is one that confronts heritage managers at all places where the values of the place are those ascribed by a particular society, at a particular time, and which have no material manifestation. This is also a fundamental issue of the implementation of the 2003 Convention and the formation of its Representative List.

It is clear that it is not possible to protect the intangible heritage values of places, their associations and meanings, through inclusion on a List, but only to record their currency. All that can be protected through the World Heritage Convention are the physical manifestations of those values, the places and

**Figure 6** Electrified fences Auschwitz-Birkenau. (photo by Beazley)
landscapes to which these values have been ascribed and which materialize their meanings and associations as Auschwitz-Birkenau.

If the intangible values for which a place is included on the List are no longer ascribed to a place, the question of its continued authenticity is raised, as is the legitimacy of maintaining such places on the World Heritage List. This poses a wider question of whether the List should be reviewed on a cyclical basis to ensure the authenticity and currency of its inscribed intangible cultural heritage values.

With this in mind, there have been recommendations for the 2003 Convention to have what has been called by Smeets (Smeets 2007) a ‘sunset clause’. That is, that after a proscribed period of time (5, 10 or 15 years) intangible cultural heritage included on the Representative List of the Convention for the Safeguarding of the Intangible Cultural Heritage would be reviewed or rotated off. The reason for this is that as with intangible heritage values on the World Heritage List, the task of monitoring and evaluating intangible heritage to judge whether it still met the requirements of the 2003 Convention would be a difficult one. As Smeets says ‘keeping the Representative List up to date would require a complex system of monitoring and re-evaluation’ (Smeets 2007: 139). Although this was debated in relation to the 2003 Convention it appears that the proposal has not been adopted and so it will be of interest to see how UNESCO monitors the authenticity of the intangible cultural heritage. A concern with the 2003 Convention, and perpetuating something on the Representative List, was that the heritage might as a result become fixed, static and lose its function and meaning as it responded to economic imperatives such as tourism and commercialization (Smeets 2007). Rotation from the List would ensure maintenance of its authenticity. This is obviously not the same issue as that which is facing managers of intangible cultural heritage values at World Heritage sites, with the management of memories and associations which might die out, but there are parallels for the operation of an international convention that maintains a List.

To conclude: associations with place, identified through criterion (vi), are more transient than other types of heritage value and, as such, their inclusion on the World Heritage List as static and immutable is problematic. If the subjectivity of criterion (vi) can be embraced, and accommodated within the process of inscription (and de-inscription) on the World Heritage List, then problems of mutability may not occur in the future work of the Committee. With the inclusion of such places of memory and places of association on the List in the future, the ephemeral, ascribed and mutable nature of their values must surely be embraced, while the fragility of their currency is recognized.

References
Goldfarb, J. C., 2000, ‘Why Poland?’ paper presented to conference, Memory and History: Remembering, Forgetting and Forgiving in the Life of the Nation and Community, Capetown, South Africa.

Endnotes
1 Shoah, rather than Holocaust, is the word used by Jews.