Who owns Intangible Cultural Heritage? 
The role of bearers, experts and the State in the safeguarding of ICH in Slovenia

Adela Puki and Anja Jerin
Slovene Ethnographic Museum

In 2008, the Republic of Slovenia ratified the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003), and thus committed itself to its implementation which is partly carried out by the national Coordinator for the Safeguarding of the Intangible Cultural Heritage. During past ten years of the implementation of the Convention in Slovenia, experts have been continuously faced with challenges. The question which interrelate all stakeholders is: “Who is the owner of the heritage, or rather, who owns the heritage?” The Coordinator faces many professional challenges, especially at the preparation of proposals for inscription to the national register of the Intangible Cultural Heritage (ICH), when the Coordinator works closely with the bearers of the heritage, or at understanding the attitude towards the heritage, as some consider it as “authentic” and “unique”, while others think of it as an “ever-changing live organism” altering in time and space.

Keywords: legislation; promotion of the heritage, national inventory, Slovenia, UNESCO, safeguarding
Introductory thoughts

As an array of cultural expressions closely related to identity, diversity, and respect for individuals and communities, the term Intangible Cultural Heritage started appearing in the eighties of the 20th century within the framework of UNESCO’s mechanisms (Spanžel, 2012: 9). Today, interest in this type of heritage in Slovenia is increasing, both among its bearers as well as researchers. This can be understood as a result of the systematic recording, documenting, and studying of the elements of intangible cultural heritage whose legal basis for safeguarding at the national and international level is represented by the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage (2003) (hereinafter: the Convention). With the signing of the Convention, countries commit to its implementation, especially through creating and keeping lists of intangible cultural heritage elements, to establish safeguarding for this type of heritage. At the same time, services who work in the field of safeguarding intangible cultural heritage usually find themselves in a tug-of-war with bureaucratic procedures on the one hand and the wishes of the heritage bearers on the other and by this they face numerous challenges that require obtaining compromises and finding common paths for achieving the objective of safeguarding intangible cultural heritage within national geographical borders.

The system of safeguarding of the Intangible Cultural Heritage in Slovenia

In 2018, Slovenia marked the 10th anniversary of the accession by the Republic of Slovenia to the list of 178 member states (UNESCO Intangible Heritage, 2018) of the UNESCO Convention. In 2008, the safeguarding of intangible cultural heritage in Slovenia was implemented in accordance with the Convention within the Cultural Heritage Protection Act (hereinafter: CHPA-1), which introduced the term Living Cultural Heritage¹ into the Slovene territory. The term, which in some ways created a misunderstanding of the category of intangible cultural heritage² among the bearers, was in force until the end of May 2016, when an Act amending and supplementing the CHPA-1 was adopted, which introduced the technically more appropriate term intangible cultural heritage. In the same year, a public service for the safeguarding of the intangible cultural heritage was established, which is carried out by the Coordinator for the Safeguarding of the Intangible Cultural Heritage (hereinafter: the Coordinator). Between 2009 and 2010 professional tasks and obligations related to the safeguarding of the intangible cultural heritage were performed by The Institute of Slovenian Ethnology (ISE) at the Scientific Research Center of the Slovenian Academy of Sciences and Arts, and in 2011 a decision was handed down by the Ministry of Culture of the Republic of Slovenia that bestowed The Slovene Ethnographic Museum as the national Coordinator.

The approach to the implementation of UNESCO’s Convention from the signatory States requires the setting up of some of the measures at the national level for the competent services and bearers of heritage to allow for the systematic safeguarding of the intangible cultural heritage phenomena. For the purpose of recordkeeping the elements of intangible cultural heritage in the territory of the Republic of Slovenia, the Register of Intangible Cultural Heritage (hereinafter: the Register) was designed in the form of a list,³ in which individual elements are classified according to belonging to one of six domains: oral traditions and expressions, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe, traditional craftsmanship, and others (Standards and Guidelines for Lists of Heritage and Protection Guidelines, Article 7).

¹ More on this in the chapter on Challenges to the Profession in the "Registration" of Elements of Intangible Cultural Heritage.
² In terms of understanding the intangible heritage as a category, including natural heritage.
³ The entry is a professional evaluation of the intangible cultural heritage without formal legal consequences for the bearers (Kovačec Naglič, 2012: 16).
The state of Intangible Cultural Heritage in Slovenia

The system for safeguarding intangible cultural heritage in Slovenia allows that an initiative for the entering intangible cultural heritage into the national Register can be handed in by anyone - an individual, an informally organized group, a local community, a society, or an institution engaged in the study and interpretation of heritage. Initiatives that are collected by the Coordinator within the three deadlines for the current year and are assessed considering their suitability for inscription in the Register by the Coordinator’s Working Group three times a year are technically reviewed by the Coordinator and submitted to the members of the Working Group for a substantive discussion. For initiatives identified by the members of the Working Group as appropriate, the Coordinator, in cooperation with researchers of the individual phenomena of the intangible cultural heritage and the bearers, prepares a proposal for enrolment and submits it to the Ministry of Culture of the Republic of Slovenia, which keeps and regularly updates the Register.

The first element (The Škofja Loka Passion Play) entered the Register in December 2008. By the beginning of December 2018, the Register comprised 66 elements and 186 bearers of ICH (Register of Intangible Cultural Heritage, 2018).

Elements of ICH which have been identified by experts for their relevant achievement of creativity, individual elements recognized as making a valuable contribution to cultural diversity as an important part of life in the territory of the Republic of Slovenia or its regions, or those elements which represent important resources for understanding historical processes, phenomena, and their connection to the current culture (CHPA-1, 2008, Article 17, 20, the Act Amending and Supplementing the CHPA-1, 2016, Article 20), have been proclaimed intangible cultural heritage of local or national importance.

For an element of the intangible cultural heritage of national importance, the Government of the Republic of Slovenia adopts the proclamation act, and for an element of the ICH of local importance, the local community’s representative body does likewise. Their proclamation confirms the expert evaluations and recognizes the social significance of the selected elements for the state or local community (Kovačec Naglič, 2012: 17). By the end of December 2018, nine elements were proclaimed as cultural heritage of national importance.

Through experts, recognized units of ICH that were listed in the Register can apply for nomination for inscription on the UNESCO Representative List of the Intangible Cultural Heritage of Humanity (hereinafter: the Representative List). UNESCO’s Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage inscribed, by mid-December 2018, four elements from Slovenia on the Representative List. On December 1st, 2016, the nomination of The Škofja Loka Passion Play was the first unit from Slovenia to be inscribed; while on December 7th, 2017, the nomination of the Door-to-Door Rounds of Kurenti, proposed by the Republic of Slovenia in 2016, was the second unit. In 2018 two elements from Slovenia were listed on the Representative list. On November 28th the multinational nomination Art of dry stone walling, knowledge and techniques was inscribed, in which Slovenia participated with seven other State Parties.

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4 The Coordinator’s Working Group is composed of representatives from the Slovene Ethnographic Museum, the Ministry of Culture of the Republic of Slovenia, the Slovenian National Commission for UNESCO, the Institute for the Protection of Cultural Heritage of Slovenia, the Department of Ethnology and Cultural Anthropology of the Faculty of Philosophy of the University of Ljubljana, the Institute of Slovenian Ethnology (ISE) SRC SASA, Institute of Ethnomusicology (GNI) SRC SASA.
5 More on the procedure for submitting an initiative for registration to the Register in Púli, 2012: 30-32.
6 By the end of May 2016, the term "living masterpiece of local or national importance" was used.
7 The Škofja Loka Passion Play, Shrovetide Customs in Cerkno, Shrovetide Customs in Drežnica and Ravne, Making Palm Sunday Bunches in Ljubno, Traditional Production of Carniolan Sausages, Making Idrija Bobbin Lace, Making Slovenian Bobbin Lace, Easter dances and games in Metlika.
**Slovenia** was inscribed on the Representative List on November 29th 2018.

**Ways of promoting Intangible Cultural Heritage**

Among the main tasks that museums have is the dissemination of cultural heritage data, which is considered part of the general concept of culture, and especially to increase the awareness of its existence and spread the knowledge of its values (Židov, 2014a: 30). Taking into account the previously mentioned and the fact that culture can be seen as a process of communication and cultural heritage, which can be understood as a form of consolidation and transfer of humanity’s spiritual experience from generation to generation (Tahir, 2016: 85, 86), we at the Slovene Ethnographic Museum have since 2011, that is since the museum has been performing tasks of the national Coordinator, promoted intangible cultural heritage in various ways — the elements already listed or on its way to being inscribed in the Register as well as the ones proclaimed as relevant intangible cultural heritage or nominated for inscription on the UNESCO Representative List. Promoting this heritage through various media (exhibitions, publications, events, websites, etc.) can be seen by its visibility and the increased public interest in both the national Register and the entries on the UNESCO List and in the Register.

In order to increase the visibility of the listed elements and the promotion of intangible cultural heritage at the national and international level, the museum regularly updates the Coordinator’s website, which is accessible both in Slovene and English, and represents an important information hub for anyone looking for information on how intangible cultural heritage is safeguarded in Slovenia and internationally (from the national Register to UNESCO). On the website, short video presentations are added to individual units, under the guidance of the Coordinator, by the Department for Ethnographic Film within the Slovene Ethnographic Museum. As Valentinčič Furlan (2014: 51) writes, "the websites of national registers and UNESCO (...) are becoming growing virtual exhibitions of the intangible cultural heritage of individual countries and humanity."

In 2013, in order to improve the visibility of the units and the Register, a logo for the Register of the Intangible Cultural Heritage was created within the framework of the corporate identity of the Coordinator. The logo is intended for the use of bearers registered in the Register and can be applied to their products, published in publications and other printed materials, and on websites.

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9 In accordance with Cultural Heritage Protection Act - CHPA - 1, Article 20, relevant intangible cultural heritage in Slovenia can be proclaimed as the intangible cultural heritage of special importance.


11 By the beginning of December 2017, the Coordinator has issued the following publications for the promotion of intangible cultural heritage in Slovenia: Handbook on Intangible Cultural Heritage (2012), Promotion of the Intangible Cultural Heritage: The 10th Year Anniversary of the UNESCO Convention (2014), The Register of Intangible Cultural Heritage (2008-2015) (2015), Documenting and Presenting Intangible Cultural Heritage on Film (2016), The Register of Intangible Cultural Heritage of Slovenia (2008-2016) (2017). In 2013 and 2016, the Coordinator issued a calendar with content that represented the elements of intangible cultural heritage, that entered the Register until then with photographs and descriptions of the elements.

12 The Coordinator, in cooperation with the representatives of the institutions registered in the Register, organizes, every year since 2013, a Pandolo tournament, which was registered in the National Register in the same year. In 2015, the Coordinator, along with bearers, organized the First Slovenian Handicraft Festival, and in 2016 Ribnica Day with a presentation of the brand Ribrand (Red Dot Award) and a plaiting workshop.

13 In 2013, the Coordinator organized an international conference on the 10th anniversary of the UNESCO Convention, in 2014 the International Conference Video Documenting of Intangible Cultural Heritage and Short Video for ICH Registers, and in 2017 the International Conference Visualization of the Intangible Cultural Heritage. In 2018 the Republic of Slovenia hosted the 12th Annual Meeting of the South-East European Experts Network on ICH, which was organized in cooperation of UNESCO Regional office for science and culture in Venice, Regional Centre for Safeguarding of ICH in South-Eastern Europe under the auspice of UNESCO from Sofia, Ministry of Culture of the Republic of Slovenia, Slovenian National Commission for UNESCO and Slovene Ethnographic Museum as Coordinator.

Challenges in the "registration" of elements of Intangible Cultural Heritage

At the beginning of the 21st century, as a part of cultural heritage, the world "uncovered" a wide array of new problems associated with many cultural treasures called intangible cultural heritage (Santova, 2014: 7). The Slovene Ethnographic Museum, as Coordinator, has been confronted with numerous challenges and issues raised by the implementation of the UNESCO Convention in the Slovene territory from the very beginning.

Coordinating the safeguarding of living (intangible) cultural heritage is a great challenge for the museum since it places it in the centre of extremely lively events in the field of ICH, both in Slovenia and on the global stage. The museum faces professional challenges such as recording intangible cultural heritage and, in particular, monitoring the relationship of the heritage bearers to their activities; for some of them, heritage is a noble category and they want to preserve it practically intact, for others it is a medium for (re)vitalizing the local community and as such an open system for change and innovation, and the rest more or less use it as a tourism or market opportunity (Rogelj Škafar, 2014: 25).

For over nine decades, the Slovene Ethnographic Museum has been maintaining the safeguarding of intangible cultural heritage, which is inseparably connected with movable and immovable heritage, since one cannot exist without another. The naming alone of intangible cultural heritage in Slovenian legislation would not be a problem if the term, in particular, would not create confusion between the bearers of intangible cultural heritage. Thus, already in the implementation of the Convention in the CHPA-1, intangible heritage was professionally inadequately named: the term "living cultural heritage" was established for it, which in the field meant that natural heritage (e.g. grapevines) was also presented under the official term.

At the same time, the goal of the initiators of the inscription was the acquisition of the UNESCO logo, regardless of the nature of the heritage, the Convention, and the lists. The profession was under intense pressure from local politics and the media but ultimately prevailed with expert justification and explanation. Often, the people in the field are those who report what their heritage is, what it means to them, and above all – which is also one of the main points of the UNESCO Convention—that communities, groups and sometimes individuals recognize cultural heritage, take care of its transfer from generation to generation and continually recreate it as a response to their environment, nature, and history (MKVNKD, 2007, Article 2). We must be aware that without the bearers, with their perception and understanding of heritage, experts, politicians, and other interested public do not have the possibility of safeguarding their heritage. The top-down approach often does not yield long-term results. When ratifying the Convention in Slovenia 10 years ago, when we started the implementation, we also considered the appropriate elements for entering the UNESCO Representative List, but we soon came across a community that at that time rejected our proposal for preparing a nomination with the justification: "We will safeguard our heritage, regardless of UNESCO."

The importance of contact between museums/ethnologists and the field is also reflected in the successful cooperation with the bearers of the intangible cultural heritage; it has recorded 181 bearers in the Register so far. Such cooperation could only be achieved by considering Ms Hrovatin’s words, which have been taken into account since the signing of the Convention, namely, that groups and communities identify an element as part of their cultural heritage (Hrovatin, 2016: 96), and not, as some might think, that heritage of a group is determined by the profession and researchers.

The Convention requires signatory States to prepare one or more inventories of intangible cultural heritage in their national territory, depending on the situation in their country (MKVNKD 2007, Article 12). In doing so, each country itself decides which register will be established and regularly updated. In examining the
registers of different countries, Santova divided them into two types: a concept based on the entries, or the bearers-based concept. The bearers-based concept can quickly change into a long list of names, and the life of the bearers has a limited duration. Such a list requires constant communication between the field and the registry administrators. The concept of a register based on the entry of elements, as a self-evident component, understands intangible cultural heritage as something alive, which does not exist without the bearers, and therefore describes only the elements while their bearers are not personalized (Santova, 2014: 37-38). The Slovene Register is designed as a combination of both concepts. When enrolling in the Register, intangible cultural heritage has to be assigned to one of six domains. A single sample cannot be formed because a number of elements have their own particularities, which require further research and compromises, both in the field among heritage bearers and among experts who study this heritage. "In principle, we do not register units into the Register where there is an obvious folklorization of the heritage, where it no longer has a primary or even ritual function; an example of this is heritage found at tourist events. We also try to avoid the presentation of heritage elements that have been taken from their context, time, and space," (Židov, 2014b: 154).

In the Slovene Register most emphasis is placed on the description of the element, the bearer of which can be anyone (an individual, a group, a society, etc.), while next to the units the bearers are described along with their name, title and activity, and the list of bearers is constantly updated. The Slovenian system proved to be extremely well-placed among its colleagues from other countries of Southeast Europe, who, despite the importance of the inscribed element, emphasizes the bearers, which requires close and regular contact with the field. This type of list represents a particular challenge concerning the relations between the people in the field, namely among the various practitioners of the intangible cultural heritage since they often have different views regarding heritage, the privatization of heritage, what is traditional, and what is authentic. According to experience, it can be argued that such disagreements can change very quickly into staring towards a common goal, i.e. the safeguarding of the common cultural heritage. Conversions and thinking are usually the result of the involvement of an independent expert who wants to help the bearers recognize their heritage and does not see any benefit in it. The mediation of experts may also have negative effects and consequences.

However, the cooperation of the Coordinator and the bearers of heritage does not end after entry into the Register but is continuous. Each year, we prepare at least one thematic event where we promote the entered units and their bearers, such as, for example, the Pandol Tournament on the open space in front of the Slovene Ethnographic Museum. In accordance with our mission as a museum, we often participate in the preparation of exhibitions and in the formation of local collections, which relate to units registered in the national register. In doing so, we leave the interpretation of the contents to the heritage bearers, and we give advice specifically in the field of museology.

**Heritage in the hands of the bearers**

One of the fundamental principles of human rights derives from the fact that intangible cultural heritage is, by its very nature, alive and dynamic. This must be considered although its safeguarding should not be impeded by “authenticity” and “exclusivity” (Ivanova, 2016: 75). Questions of “authenticity” and “exclusivity” often arise for the UNESCO nomination regarding units entered into the Register and the desires of its bearers, experts, applicants, politicians, or those in the tourism industry. This happens with elements of the intangible cultural heritage that resemble other elements, bits of knowledge, and skills but with smaller features which are not recognized by some bearers and experts; so, they want to gain recognition only of “their” heritage by registering it in the Register. This can be described as a “privatization” of heritage, and entrance in the Register as a desire to protect. This is mainly because of ignorance that the Register is only a professional list without legal and
financial consequences. Santova drew attention to the importance of the formulation of Article 12 of the Convention, which states that the goal of national lists or registers is to ensure recognition for the purpose of safeguarding (Santova, 2014: 35). The provisions on the integrated safeguarding of the intangible cultural heritage of special importance, the support of groups and individuals who are its bearers, and the safeguarding of the cultural spaces associated with it, for certain elements in Slovenian legislation, are only formed after the proposal for the proclamation of relevant intangible cultural heritage.

The main focus in dealing with the intangible cultural heritage are the bearers. It is here that most challenges arise: the issue of life and the reproduction of heritage. As a good example, we can list the Making of Trniči Cheeses and Wooden Markers, which we listed in the Register in 2014. The question arises as to whether the entry in the Register has encouraged its development and safeguarding. In 2013, only one producer was registered, who was making trniči cheeses for the sole purpose of presenting it at the Festival of Trniči at Velika Planina. After three years, knowledge of making it was promoted and the traditional Velika Planina trniči cheese was also included in the Taste of Kamnik project, the object of which was to bring the heritage of trniči cheese closer to the general public. In any case, entering in the Register contributed a small amount to safeguarding the heritage. Also, a similar result is expected with the element of the Making of Drevak Boats, but currently, the knowledge of making the boats is shared only by two bearers, and the drevak boat no longer has its primary function in the present day. Nonetheless, it is important to include in the Register elements which are alive only to a lesser content, since they represent an important part of our intangible cultural heritage, and it is in this way that can be recorded its vitality, changes, and development.

Awareness of the dynamics of intangible cultural heritage and its understanding can stimulate knowledge and innovation that are crucial for its sustainable development (Polyniki, 2016: 213).

Photo 1: Making trnič cheese on Velika planina, 2013, A. Jerin

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15 Cultural Heritage Protection Act - CHPA -1, Article 20.
Intangible Cultural Heritage and its certification

Elements entered in the Register are often associated with other legislation, as is the case with the certification of related culinary units. So far, we have managed to inscribe in the Register seven\(^{16}\) elements concerning traditional food preparation and its consumption. Tradition is a dynamic and changing phenomenon, its manifestations have a current character, and their function as phenomenon is reflected in social interactions. Tradition is not frozen as movable objects or immovable heritage (Czerwinska, 2015: 129). Therefore, certification guarantees the original prescription on the one hand while freezes the possibility of dynamic development on the other. This was also one of the main causes of the negative recommendation from the Evaluation Body of the UNESCO Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage in 2015, which negatively assessed the Slovenian nomination of the Traditional Production of Carniolan Sausages for enrolment in the UNESCO Representative List. The Convention emphasizes the common heritage, its vitality, and not the freezing with such or other measures. Certification has its rules, which are often in favour of the bearers of the Intangible Cultural Heritage.\(^{17}\)

Safeguarding Intangible Cultural Heritage: the example of the Shrovetide Door-to-door Rounds of Kurenti

An outstanding example of this kind of heritage is the Shrovetide door-to-door rounds of Kurenti and the Kurentovanje carnival. The Kurent is the most popular traditional masked figure in Slovenia, which, according to folk belief, chases away the winter and invites spring to the country. Kurenti appear in the countryside, in their local surroundings, from the Candlemas to Ash Wednesday. What does it mean for the safeguarding of their heritage to appear out of their primary time and space, such as, for example, their presence at the 2012 Summer Olympics in London? What is the role of the national Coordinator for the Safeguarding of Intangible Cultural Heritage in "deviations" from their traditional customs and habits? This is about their promotion, and the Coordinator is not an institution that would set rules and exercise control. This is a matter for the bearers, people on the field who decide on their own what they will do with their heritage. In 2014, the Federation of Kurenti Associations was founded, which brings together about 20 kurenti associations with a total of more than 900 kurenti. The association is active "in raising awareness of organizers of various events and happenings on the ethnographic tradition in order to mitigate some of the modern and inappropriate forms of display regarding the kurenti's ritual, knowing that the ritual of the kurenti is a living phenomenon and that it can change to some reasonable extent" (Federation of Kurenti Associations, 2014). The purpose of the Federation is the interlinking and representing the interests of its members. In this case, "we are witness to an institutionalization of social relations, a centralization of powers, and the bringing into being of new social actors: centres, councils, associations, committees, commissions, curiae, networks" (Hafstein, 2015: 288). What this means for the development and safeguarding of the intangible cultural heritage of kurenti, which has, in some ways, been uncontrollably developed and adapted to the era, only time will tell.

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\(^{16}\) Traditional Production of Carniolan Sausages, Baking Poptinki, Baking Bela krajina Pogača, Baking Prosta Povitica and Bela krajina Povitica, Making Bohinj Mohant, Baking Pšenško Gibanica, Making Bovec Kraf.

\(^{17}\) Also, the exclusionary aspect of certification should be emphasized: e.g. someone has a certificate and can sell Bela krajina Pogača under this name, even though it is not from Bela krajina, while the citizens of Bela krajina who did not pay for the certificate do not qualify to sell under this name.
While the Convention encourages the involvement of groups, communities, and individuals in the "policymaking" of safeguarding, it does not specify the method of implementation. In most cases, experts, through critical reflection, have not yet adequately articulated a number of roles in the field they assume, such as teachers, advisors, and researchers (Baron, 2016: 12). In Slovenia, experts have different views on the involvement in the development and documentation of intangible cultural heritage: from active participation in planning and revitalization to passive observation and documenting. Our opinion is that the role of the experts is to monitor happenings and changes. Especially in the case of kurenti, and in particular in comparison with the societies that are not part of the Federation of Kurenti Associations, as they have their own rules and Shrovetide customs and keep them in their local environment.

Instead of the conclusion
Slovenia celebrates the 10th anniversary of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage in 2018. The first decade of the implementation of the Convention in the Slovene territory was a period of numerous challenges, systematic problems, political and legislative obstacles, which we managed to solve more or less successfully. We are aware that the liveliness of the intangible cultural heritage is the one that will dictate the work of the profession in the coming decades. As the Coordinator for the Safeguarding of the Intangible Cultural Heritage, we have an important task, the creation of the Register, which requires a structured treatment of the intangible cultural heritage, taking into account its vitality, which often causes friction in the field among heritage bearers, experts, colleagues from museums and other professional institutions, between professionals, and representatives of the Ministry of Culture. The challenges and difficulties that we face while creating the national Register are often also part of the proclamation of the units of intangible cultural heritage for the intangible cultural heritage of local and national importance as well as in the preparation of nominations for enrolment on the UNESCO Representative List. In these procedures, intangible
cultural heritage often faces the wishes of the authorities and politics, which, in its interpretation, can have undesirable opposite effects. Disagreements and subsequent compromises and finding solutions improve the results for the benefit of heritage, which should also be the goal of all those involved in the safeguarding of the intangible cultural heritage. It should not be forgotten, however, that there is no intangible cultural heritage without the bearers, groups, communities and individuals.

References