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Coordinamento Scuole Storiche di Venezia

Papers Preview

CULTURAL HERITAGE. SCENARIOS 2016

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[1] This preview collects both the papers'abstracts presented at the International Conference on "Cultural Heritage. Scenarios 2015" held in Venice on November 26-28, 2015, and the abstracts accepted by the Scientific Committee solely in light of the final publication. The preview does only anticipate the topics of the final publication and does not mirrow the definitive structure of the book expected to be published by the end of 2016. The authors's names following the symbol °°° are the authors of the abstracts not presented at the Conference.
Only a minimal layout revision has been provided. Authors are solely responsible for the factual and language accuracy of their work.

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Opening Remarks

2015 SCENARIOS ON CULTURAL HERITAGE. WHY HERITAGE IS SO IMPORTANT?

Lauso Zagato, Ca' Foscari University of Venice

The following is an abstracts' collection of papers presented at the International Conference on "Cultural Heritage. Scenarios 2015", held at Ca' Foscari University in Venice on 26-28 November 2015. In addition, we have collected a selection of significant proposals that had not been presented, for organizational reasons, during the Conference (but the relative papers will be included in the final volume following the Conference as well). Prof. Pietro Clemente, chair-person of the third session on "Cultural Heritage Compacts", has then honored this cut-off date with a very exciting cameo which is proposed below and that anticipates some distinctive features of that session.

For clarity's sake and in order to contextualize the following abstracts, we evoke briefly the three premises on which the Conference has been built, and which help to track down the interdisciplinary research framework that holds up them.

First, we strongly endorse the central role of cultural heritage in the present scenario, in the light of the statement that launches the Conference: "Today, cultural heritage manifests itself in real life as well as in the imagination of individuals, communities and groups, and mankind, with an overwhelming force". This is not a value judgment, nor do we underestimate some side aspects related to the patrimonialization of cultural heritage: the sub-session on "Patrimonialization and Communities", of the main session "Cultural Heritage Inspires", focused precisely on the topic.

Secondly, at the time of the Conference we already considered decided – at least at great lines - some of the issues concerning the relationship between the existing international legal instruments on the subject, thanks to the consonance in place between the theoretical thinking and what is happening in practice. Indeed, a mutual contamination between legal instruments is ongoing: among the UNESCO instruments primarily, but also between the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and the Framework Convention of the Council of Europe on the Value of Cultural Heritage for Society (Faro 2005). It is true that there is a difference on the subjective and territorial (at local, national and international level) application of the two instruments. However, the Faro Convention is open for accession, upon invitation from the Council of Europe, to non-European States, and a

real interest to be part of the Convention has already been manifested by some countries of the Southern Mediterranean area.

The third premise, strictly connected to the previous one, concerns the relationship between human rights and cultural heritage. Today we cannot ignore, or even deny, the belonging of this heritage to the human rights sphere. Rather, this belonging has been articulated more precisely through the recognition of a specific human right: the right to cultural heritage - set forth in the Faro Convention (Preamble and art. 1 lett. a) - as a basic human right. This issue has been discussed in the second sub-session on "Cultures, Rights, Identity" of the session on "Cultural Heritage Inspires".

A Scientific Committee has been created to lead the Conference's process. It includes members from Ca' Foscari University affiliated to two different University entities which conceptualized and developed the Conference's themes: CESTUDIR - the Centre for Studies on Human Rights, with proff. Perissinotto, Pittarello, Tarca, Zagato and Dr. Pinton (the soul of the event), and MACLAB - the Management Laboratory of Arts and Culture, with proff. Tamma and Panozzo. Other Venetian and non-Venetian members include: prof. Picchio Forlati, in charge of the coordination of the joint activities on intangible cultural heritage of the historical Great Schools of Venice; prof. Clemente, historical "icon" of Simbdea; prof. Vecco, who ensured the collaboration of the Erasmus University in Rotterdam, and the Venice Foundation for Research on Peace. Yet, prof. Del Gobbo from University of Florence. At the beginning of 2016, the University of Florence launched a training course on "Heritages: Pedagogical Approach to the Safeguarding and Valorization of Cultural Heritage2. First of its kind, this course integrates many of the themes of the Conference.

The Conference has been crossed by a circular wave - end / principle - that did not limit to the anticipatory nature of the initial presentations (in this collection only dr. Peranetti's abstract is included, while the final volume will include also the papers from Commander Zanelli and from dr. Pellizzon, the Director of the Research Office at Ca' Foscari University), but that holds a deeper significance and polyphony. The Conference, in fact, started with a session entitled "Cultural Heritage Blazes" - opened by prof. Venturini's lecture on the international law applicable to the intentional destruction of cultural heritage, and by prof. Scovazzi's lecture on the return of cultural objects illegally removed. The final session - "Cultural heritage either finds hearths' and hands' care or dies"- ended with a sub-session dedicated to "Traditional Knowledge, Lagoon, Sustainability". Well, the closing remarks of the second sub-session, and of the entire Conference, made by Alessandro Ervas, from Associations El Felze and ArcheoClub Venice, have been dedicated to the "cultural sterilization" of Venice: a meaningful expression launched by Alessandro during an important debate held at the Venice Arsenal in late summer 2015, in the realm of an event promoted by "Stories under the Felze".

Let's synthetically conclude with some intriguing proposals launched during the Conference.
First, we follow with great attention the project of a joint observatory on intangible cultural heritage among the Universities of Campinas and Padova, being Venice also very interested in becoming part of it. From the Venetian academic front, there is no need to invent new acronyms simply because the interplay between Maclab and Cestudir (the latter has in its Constitution the mandate to take care of cultural heritage, intangible or tangible, in Venice and its lagoon) seems strong enough to contemplate an entity in charge of these matters (in any case a greater involvement of other humanistic disciplines would be appropriate).

The second proposal, stirred by prof. Arantes (the virtual keynote speaker of the second session), focuses on a joint research on the protection of *traditional knowledge*. This is an issue of great importance, to be integrated by the Brazilian experience that is rich in additional stimuli: for example, the connections and differences between traditional knowledge of indigenous peoples and traditional knowledge created by the expertise and practice of artisan communities that, variously located, do not still fall under that concept. Experiments of this type are abundant in Venice.

A further commitment of those who work at academic level on the patrimonialization's issue is to help to create a service structure and to promote an intellectual co-operation benefiting the local communities. The expression "intellectual service structure" refers to several aspects that some interventions of the sub-session on "Patrimonialization and Communities" have begun to develop. In this regard the Conference has offered a new perspective of analysis by means of the interventions developed in the first sub-session on "Traditional Knowledge and Communities" of the final Session on "Cultural Heritage either finds Hearths' and Hands' care or Dies". The centrality of the nexus between commons and traditional knowledge has been brilliantly investigated by the key-note speaker prof. MacMillan.

The research ahead is thus re-shaped in the light of this nexus: we intend to explore the extent of the protection/safeguard of cultural heritage, tangible and intangible, with special attention to the traditional knowledge in the perspective of common goods.
More generally, the interested scholars must be able to make a contribution, through their specific disciplines, to the efforts, accomplished or in progress, of the local heritage communities to deal with the very complex challenges they have ahead. With regard to Ca' Foscari the reference is, in the broadest sense, to the Lagoon / Veneto region, as outlined from the lecture of prof. Vallerani.
This is the expectation: that the online availability of these abstracts may provide a useful tool to face with the looming key problems and issues on cultural heritage.

FOLLOWGONDOLA

Claudia Peranetti, former Veneto Region

The website *Followgondola* represents one of the tasks realized by Veneto Region through the "AdriaMuse" project, supported by EU funds of the IPA Adriatico Operative Programme, programmed period 2007/2013. The final goal of the project was to boost the common cultural heritage of the Adriatic coast.

The website in brief

Starting from an interactive map of Venice, *FollowGondola* allows discovering the major places of interest related with the *gondola*. It is accessible from any browser and it is available in eight languages; an app can also be downloaded for free on smartphones with geo-localisation system, both on Android and IOS.
Detailed multimedia content can be accessed from the menu, namely:

- A description of the project;
- Some charts drown by a Venetian artist and historian showing the evolution of the gondola, the bow iron, the *forcola*, and the *vela al terzo* throughout the centuries; some charts illustrating the steps of the *gondola* and *sanpierota (sandolo sanpieroto)* construction process. Since one of the partners participating to the project – with which the region realized some coordinated activities – is the city of Scutari in Albania, there are also some images of Scutari boats. Such rare images are included in an unpublished book "*Sailing and fishing in Scutari waters*", by Zamir Tafilica. These are traditional boats, similar to the venetian ones, which are found especially on Scutari lake and are realized by people from Scutari for fishing activities, but also for sailing;
- 8 videos specifically focusing on the fluvial tradition developed between Euganei mountains and Venice, and the crafts related with the *gondola*. Such videos show Venetian artisans in their *botteghe* while exercising the art of *squerarioli*, *remèr*, *battiloro* and *fondidór*.

Followgondola guides through an itinerary in the city to discover places that are alive and continue these traditions, by nourishing this cultural heritage. In particular, attention is paid to the gondolayard (the *squeri*) and the artisanal laboratories where some elements of the gondola are made, such as the *forcola*, the iron and the gold decorations. In addition, on the interactive map are shown also the places where it is possible to take a *gondola*, even only for going from one bank to another of the Canal Grande.
The idea is to arouse people's curiosity through such videos, but also to invite them to go to such places to see and understand them in person.

Finally, on the interactive map of Venice there are some points of interest showing the strong connection existing between Venice and Albany during the Middle Age, consisting of several commercial and cultural exchanges. Nowadays, such connections exist in the Venetian toponomastics. Several "Albanian roads" ("*Calli dei Albanesi*") recall Albanian people's principal occupation in the textile sector, that is washing and treating (mostly wool, but cotton and silk also). Other points of interest focus on the historical Albanian or Turkish-Albanian presence in the city, whose record is kept nowadays in the archive documents only.

Some considerations

The creation of Followgondola is the result of a relevant activity consisting of analysis, research and classification of demoetnoantropological tangible and intangible goods belonging to the *marineria*, supported by experts and the active cooperation of the artisans, which allowed to insert 360 sheets (177 for intengible goods and 193 for tangible goods) in the database of the cultural heritage of the Region.

Cataloguing represents the first step for preserving memory and protecting goods. With respect to intangible heritage, it is a particularly complex activity and therefore it is essential that it is realized within specific timeframes. In fact, as indicated by cataloguer Beniamina Viola in her report "An extremely relevant heritage, not only for Veneto region, resulted from the research activity. Also, it resulted very clearly that such an heritage risks, in absence of adequate safeguard and development actions, to inevitably lose its last representatives and be forgotten".

And still: "In the artisan's craft and related products can be found, in a perfect synthesis, all those elements creating the identity of a land". And, finally "This vast heritage, which people generally perceive like a world confined in the tight borders of a remote past, rather than like a starting point towards future, still has much to give and say".

From this standpoint, patrimonial communities can be adequate subjects for promotion and re-use of the cultural heritage.

Selected websites

http://www.followgondola.it
https://youtu.be/muAdcA4mr3g
http://catalogo.regione.veneto.it/beniculturali/
http://beniculturali.regione.veneto.it/xway-front/application/crv/engine/crv.jsp

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INTERNATIONAL LAW AND INTENTIONAL DESTRUCTION OF CULTURAL HERITAGE

Gabriella Venturini, University of Milan
President, Italian Branch of the International Law Association

1. Intentional destruction of cultural heritage in armed conflict may result from use for military purposes, collateral damage resulting from attacks against military objectives or direct targeting, but also looting, theft and pilferage.
Museums are especially vulnerable in times of armed conflict. Examples include the serious damages caused to the National Museum Oron during the Nigerian Civil War (1967-1970) and to the Swat Museum in Afghanistan in 2007; the looting of the National Archaeological Museum and the National Library in Baghdad in 2003; the destruction of artefacts of the Mosul Museum in 2015. Looting, theft and pilferage are often attributable to vandals, but also to professional thieves for the purposes of illegal trade in cultural objects. Religious and educational institutions, monuments and historical architectures also suffer gravely in armed conflict. The war in the Former Yugoslavia (1991-1995) caused widespread destruction of and damages to mosques, catholic churches, synagogues and educational institutions. Historic buildings and monuments such as the Old Town of Dubrovnik or the Mostar bridge also paid a heavy price. In 2003 military operations in Iraq extensively and seriously damaged historic sites, mosques, landmark buildings and old city neighbourhoods. Archaeological sites are also exposed to significant dangers from military operations or military uses, such as the construction of military camps on the site of ancient Babylon in Iraq or within the grounds of the Ciudad Perdida Park in Colombia in 2007. Recently the world has been deeply shocked by the destruction of Syria's archaeological sites by the Islamic State in furtherance of a plan of cultural cleansing but also with the practical purpose of gaining from the illicit traffic of cultural items.
Last, but not least, destruction of cultural heritage not only affects material aspects; it also takes place by depriving individuals and communities of the possibility of maintaining their cultural identity. Today millions of people are internally or internationally displaced by armed conflict worldwide; for most of them displacement involves the loss of their cultural heritage.

2. In international law the concept of cultural heritage is strictly associated with that of cultural property, although to some extent their relationship is still discussed. The 1954 Hague Convention defines cultural property as "movable or immovable property of great importance to the cultural heritage of every people." The concept of cultural heritage acquired autonomy in the 1972 Convention concerning the protection of the World Cultural and Natural Heritage which focuses on the outstanding universal value of monuments, buildings or sites from the historical, artistic or anthropological point of view. A more important instrument for developing the notion of cultural

heritage is the 2003 Convention for the Safeguarding of Intangible Cultural Heritage, which adds an immaterial element that clearly differentiates the concept from mere tangible property. Thus the actual notion of cultural heritage includes movable and immovable cultural property as well as oral traditions, performing arts, rituals forming part of the intangible cultural heritage.

3. The 1907 Hague Regulations provide that "In sieges and bombardments all necessary steps must be taken to spare, as far as possible, buildings dedicated to religion, art, science, or charitable purposes, historic monuments … provided they are not being used at the time for military purposes." This provision has acquired the status of customary international law (ICRC Study of CIHL, Rule 38). It makes the protection of cultural property dependent on whether such property is used for military purposes and subjects it to military necessity ("as far as possible").
The 1954 Hague Convention establishes the obligation to safeguard and to respect cultural property by refraining "from any use of the property … for purposes which are likely to expose it to destruction or damage in the event or armed conflict" and "from any act of hostility directed against such property." A waiver is granted in cases of "imperative" or "unavoidable" military necessity.
The 1977 Additional Protocols to the Geneva Conventions prohibit any acts of hostility directed against the historic monuments, works of art or places of worship that constitute "the cultural or spiritual heritage of peoples" and to use such objects in support of the military effort; AP I also prohibits reprisals against such objects. The APs do not make reference to military necessity, however they are without prejudice to the provisions of the 1954 Hague Convention; therefore the justification of imperative or unavoidable military necessity is still valid. The 1999 Second Hague Protocol also retains the waiver, although subject to some restrictive conditions.
The abovementioned treaties are focused on the protection of property. They are complemented by international humanitarian law (IHL) dictating rules on the protection of civilians – the ultimate owners of cultural heritage – including the prohibition of forcible displacements and of unlawful deportations. Identifying the link between the protection of cultural property and the protection of civilians in IHL is a necessary prerequisite to afford comprehensive protection to cultural heritage in armed conflict.

4. A State which intentionally destroys or fails to take appropriate measures to prohibit, prevent, stop, and punish any intentional destruction of cultural heritage bears the responsibility for such destruction. An example is shown by the case of the Stela of Matara, an ancient obelisk wrecked by an explosion in 2000 during the war between Eritrea and Ethiopia. After the conflict he Eritrea-Etiopia Claims Commission concluded that Ethiopia as the occupying power was responsible for the damage. The case-law on State responsibility, however, is very limited.
Destruction of cultural heritage in armed conflict may also entail individual criminal responsibility. Both the 1993 Statute of the International Criminal Tribunal for the

Former Yugoslavia (ICTY) and the Rome Statute of the International Criminal Court (ICC) recognize that the intentional destruction or wilful damage done to institutions dedicated to religion, education, art, science or charitable purposes and historic monuments that are not military objectives are war crimes.
The jurisprudence of the ICTY has addressed and interpreted the basic tenets of criminal responsibility for the destruction of cultural property in several cases. Recently the first suspect in the investigation into the alleged crimes committed on the territory of Mali during the armed conflict in 2012 was surrendered to the ICC. He is accused of having ordered or carried out the destruction of mausoleums and of an ancient mosque in Timbuktu.

5. The international protection of cultural heritage in armed conflict has a number of positive elements. It is based on a considerable number of treaties complementing and mutually supporting each other and its fundamental principles are also firmly anchored in customary law, binding on all States. The relevant treaties commit States to implementing several provisions in time of peace, thus increasing awareness of the need for protection. The rules on protection are judicially enforceable and the developing case-law of international tribunals is substantially contributing to their interpretation and application.
These strengths are balanced by several weaknesses. States' participation in the various treaties is far from universal. To a greater or lesser degree all treaties are subject to the waiver of military necessity, which hampers the full implementation of the protecting rules. Non-state armed groups are not parties to the treaties protecting cultural property in armed conflict and often do not share the core values that have inspired them. This is perhaps the most challenging situation that the protection of cultural heritage in armed conflict is facing today.

THE AGREEMENTS BETWEEN THE ITALIAN MINISTRY OF CULTURE AND AMERICAN MUSEUMS

Tullio Scovazzi[1], University of Milan-Bicocca

1. Introduction

Particularly notable to address the question of the restitution of illicitly exported cultural properties is the practice developed by the Italian Ministry for Cultural Properties and Activities [2] to conclude understandings with foreign museums[3]. The understandings in question, usually called "agreements", cannot be considered as international treaties, but belong to the category of contracts between States and foreign nationals[4].

Agreements of this kind have been concluded with the Metropolitan Museum of Art of New York, the Museum of Fine Arts di Boston, the Princeton University Art Museum, the John Paul Getty Museum of Los Angeles, the Cleveland Museum of Art and the Dallas Museum of Art[5].

The agreements allow the State of origin to overcome the obstacles posed the uncertain outcome of litigation before a foreign court on the ownership of the claimed properties. They also allow the foreign museums to preserve their reputation as truthful cultural institutions that do not encourage the pillage of the heritage of foreign countries and do participate in the fight against the destruction of cultural contexts and the illegal traffic resulting therefrom. Both parties agree on the strengthening of their relationship through future cooperative activities, including loans granted by Italy of archaeological properties of equivalent value.

2. The Agreement with the Metropolitan Museum of Art

While the text of most agreements is kept confidential, an exception is the agreement signed on 21 February 2006 by the Ministry and the Commission for Cultural Properties of the Region of Sicily[6], on the one hand, and the Metropolitan Museum of Art of New York[7], on the other.

In the premise of the agreement, the Ministry states that the Italian archaeological heritage "is the source of the national collective memory and a resource for historical and

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[2] Hereinafter: the Ministry.

[3] See FIORILLI, *Cultural Properties and International Agreements*, in MINISTERO PER I BENI E LE ATTIVITÀ CULTURALI, *International Meeting on Illicit Traffic of Cultural Property*, Roma, 2010, p. 161; SCOVAZZI, *Analisi e significato della pratica italiana,* in SCOVAZZI (ed.), *La restituzione dei beni culturali rimossi con particolare riguardo alla pratica italiana*, Milano, 2014, p. 3.

[4] This type of legal instruments, which has an important background in the field of exploitation of natural resources (for example, concessions to foreign companies for oil exploration and exploitation), are used here to pursue a rather different purpose.

[5] In 2012 an agreement was concluded with a Japanese institution, the Tokyo Fuji Art Museum. It provides for the return, under certain conditions, of the *Tavola Doria*, an anonimous painting of the 16th century reproducing a portion of *The Battle of Anghiari*, a lost fresco painted by Leonardo da Vinci at *Palazzo Vecchio* in Florence.

[6] Under the Italian constitutional system, Sicily is the only region entitled to exercise an exclusive competence as regards the cultural properties existing in the region.

[7] Hereinafter: the Museum.

scientific research". It also recalls some basic aspects of the Italian legislation on cultural properties, in particular that

"the archaeological heritage includes the structures, constructions, architectural complex, archaeological sites, movable objects and monuments of other types as well as their contexts, whether they are located underground, on the surface or under water" (preambular para. B);

"to preserve the archaeological heritage and guarantee the scientific character of archaeological research and exploration operations, Italian law sets forth procedures for the authorization and control of excavations and archaeological activities to prevent all illegal excavations or theft of items of the archaeological heritage and to ensure that all archaeological excavations and explorations are undertaken in a scientific manner by qualified and specially trained personnel, with the provision that non-destructive exploration methods will be used whenever possible" (preambular para. C).

In fact, under the Italian Legislative Decree 22 January 2004, No. 42, called Code of Cultural Properties and Landscape, all cultural properties found by anyone in any way in the subsoil or on the seabed belong to the State demesne, if immovable, or to the inalienable patrimony of the State, if movable (Art. 91, para. 1). The finder is entitled to a reward which cannot exceed one-fourth of the value of the properties found. A reward is also granted to the owner of the immovable property where the find has been made and to the holder of a concession for research[8]. The reward may be paid either in money or through the cession of part of the properties found (Art. 92, para. 4)[9]. A special procedure, as specified in Art. 93, applies in order to determine the amount of the reward. Legislation based on similar principles has been in force in Italy since 1909 (Law 20 June 1909, No. 364; Law 1st June 1939, No. 1089; Legislative Decree 29 October 1999, No. 490).
In the premise of the agreement it is also stated that the Museum

"believes that the artistic achievements of all civilizations should be preserved and represented in art museums, which, uniquely, offer the public the opportunity to encounter works of art directly, in the context of their own and other cultures, and where these works may educate, inspire and be enjoyed by all. The interests of the public are served by art museums around the world working to preserve and interpret our shared cultural heritage" (preambular para. F);

"(…) deplores the illicit and unscientific excavation of archaeological materials and ancient art from archaeological sites, the destruction or defacing of ancient monuments, and the theft of works of art from individuals, museums, or other repositories" (preambular para. G);

[8] No reward is due to the finder if he has entered into an immovable property without the consent of the owner (Art. 92, para. 3).
[9] A tax credit of value corresponding to the reward can be granted on request to those who are entitled to the reward.

"(…) is committed to the responsible acquisition of archaeological materials and ancient art according to the principle that all collecting be done with the highest criteria of ethical and professional practice" (preambular para. H).

The first objective of the agreement is the return of a number of archaeological items that the Ministry has requested, affirming that they "were illegally excavated in Italian territory and sold clandestinely in and outside the Italian territory" (preambular para. E). The Museum, "rejecting any accusation that it had knowledge of the alleged illegal provenance in Italian territory of the assets claimed by Italy, has resolved to transfer the requested items in the context of this Agreement" (preambular para. I). The transfer does not constitute an acknowledgment on the part of the Museum of any type of civil, administrative or criminal liability for the original acquisition or holding of the requested items. The Ministry and the Region of Sicily waive any legal action in relation to the returned items.
The items in question magnificently document the spreading of ancient Greek civilization in Southern Italy. They are the Euphronios *krater*[10], four vases (namely, a Laconian *kylix*, a red-figured Apulian *dinos* attributed to the Darius painter, a red-figured *psykter* decorated with horsemen and a red-figured Attic amphora by the Berlin painter), a set of fifteen Hellenistic silver items[11] and a *pyxis*. They have been displayed at an exhibition held from December 2007 to March 2008 at the Quirinale Palace in Rome (the residence of the President of the Republic), together with other objects recovered from abroad[12].
The second, but not secondary, objective of the agreement is to promote cultural co-operation between the parties. In exchange for the Euphronios *krater*, "to make possible the continued presence in the galleries of the Museum of cultural assets of equal beauty and historical and cultural significance", the Ministry agrees to make four-year loans to the Museum of archaeological objects of equivalent beauty and historical and artistic significance selected from a list of twelve artefacts specified in the agreement (Art. 4, para. 1). In exchange for the transfer of the four above mentioned vases, the Ministry agrees to "loan a first-quality Laconian artefact to the Museum for a period of four years and renewable thereafter" (Art. 3, para. 2). In exchange for the Hellenistic silvers, the Ministry agrees to make to the Museum loans of cultural properties "of equal beauty and historical and artistic significance (…) on an agreed, continuing and rotating sequential basis" (Art. 5, para. 3)[13]. Throughout the forty-year duration of the agreement (Art. 8,

[10] See *infra*, para. 3.
[11] The fifteen refined items of gilded silver, called *Morgantina Silvers*, are the most important set of jeweller's art coming from Hellenistic Sicily. They were illegally excavated after 1978 from the archaeological site of Morgantina, an ancient city destroyed by the Romans in 211 b.C. They were bought by the Museum for 3,000,000 US $. After the return, they are now exhibited at the *Museo Archeologico Regionale* of Aidone.
[12] See the catalogue of the exhibition: *Nostoi – Capolavori ritrovati*, 2007. *Nostoi* means "returns" in Greek.
[13] "The Museum shall arrange and bear the costs of packing, insurance and shipment of the requested and loaned items for transit to and from Italy" (Art. 6, para. 4).

para. 1), the mutual co-operation extends to excavations, loans and restorations of cultural objects (Art. 7)[14].

3. The *Euphronios Krater*

The story of the *Euphronios krater* (a bowl used to mix wine and water) well documents the gravity of the looting of archaeological sites and the consequent international trafficking of cultural properties that affected Italy in the last decades[15].

After having been manufactured by Euxitheos, the vase was painted and signed by the Athenian artist Euphronios (active between 520 and 470 b.C.), one of the three great masters of red-figure vases. It is one of the best Attic vases, the only complete among the twenty-seven known as painted by Euphronios. The obverse side represents the god Hermes who supervises the transport by *Hypnos* (Sleep) and *Thanatos* (Death) of the corpse of the Trojan hero Sarpedon, killed in battle. The reverse side represents warriors arming themselves. At the time of Euphronios, the most valuable Greek vases were manufactured and painted in Athens and then exported to Central Italy where the Etruscans bought them for high prices.

In 1972 the *Euphronios krater* appeared for the first time in the collections of the Metropolitan Museum. It was bought in exchange for 1,000,000 US $ and several ancient Greek coins. In an interview given on 12 November 1972, the director of the Museum, Mr. Thomas Hoving, provided quite vague information about the provenance of the property:

"We got it from a dealer who was the agent for a person who has had this in the family collection since about the First World War and we don't talk about the name of these people because they have other things that we might want to buy in the future".

"(…) we bought it from somebody who happened to be in the country of Switzerland, who was acting as the agent for somebody who was even in another country whose family had it since around the First World War and that goes back a nice long time"[16].

The story became even less credible when Mr. Dietrich von Bothmer, the curator of Greek and Roman art at the Museum, disclosed that the previous owners of the property were the members of an Armenian family who because of unfortunate events were forced to leave their home in Lebanon and emigrate to Australia[17].

After some time, the truth was unveiled following an unexpected event. An Italian antique dealer died in a car accident. In his pocket the police found a piece a paper with the names of several people involved in the trafficking of illicitly excavated archaeological properties. The Italian authorities concentrated their interest on Mr.

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[14] According to BRIGGS, *Consequences of the Met-Italy Accord for the International Restitution of Cultural Property*, in *Chicago Journal of International Law*, 2006-2007, "this unprecedented resolution to a decades-old international property dispute has the potential to foster a new spirit of cooperation between museums and source nations, spawn stricter museum acquisition and loan policies, reduce the demand for illicit cultural property, and permanently alter the balance of power in the international cultural property debate" (p. 623).

[15] On the looting see WATSON & TODESCHINI, *The Medici Conspiracy – The Illicit Journey of Looted Antiquities from Italy's Tomb Raiders to the World's Greatest Museums*, New York, 2006; FELCH & FRAMMOLINO, *Chasing Aphrodite – The Hunt for Looted Antiquities at the Worlds' Richest Museum*, Boston, 2011.

[16] The interview is published in MEYER, *The Plundered Past*, New York, 1973, p. 302.

[17] "Why not an Eskimo moving to Florida?" (cfr. MEYER, *The Plundered* cit., p. 93).

Giacomo Medici, another Italian antiquarian. In cooperation with the Swiss police, they inspected a three-roomed warehouse held by Mr. Medici at the free-port of the Geneva airport. What they found was astonishing. In the warehouse were kept about 3,000 artifacts, often of very high quality, most of them illegally excavated in Italy[18], together with a detailed archive that shed light on a chain of people involved at different levels in the illegal trafficking, export and sale of archaeological properties: diggers (so-called *tombaroli*, in Italian), middlemen, traders, restorers, experts, European and American museum curators and collectors. Pictures were also found that provided useful evidence about the relevant facts. In the case of the *Euphronios krater*, the pictures documented the vase when found in a clandestine excavation[19], the vase during the restoration and the vase exhibited at the Museum, with Mr. Medici and Mr. Robert Hecht (the American antiquarian who bought the vase from Mr. Medici and sold it to the Museum) smiling next to it. Besides recovering the items deposited in the warehouse, the Italian police and prosecutors were able to reconstruct the whereabouts of many archaeological properties that had already been sold to museums and collectors[20].

It was finally proved that the *Euphronios krater* had been clandestinely excavated in 1971 at Cerveteri, in the core of the area inhabited in ancient times by the Etruscans[21]. It was illegally[22] exported from Italy to Switzerland and, after a number of transfers, sold to the Museum by Mr. Hecht, who imported it legally[23] in the United States[24]. It seems that the customs officer at the airport in New York made a pertinent comment when the box was opened and Mr. Hecht showed him the vase:

"I don't know anything about Greek art, but you've really got something beautiful here"[25].

After its return to Italy as a consequence of the 2006 agreement between the Ministry and the Museum, the vase is now exhibited at the *Museo Nazionale Etrusco di Villa Giulia* in Rome. Would the agreement have been concluded, if a car accident had not occurred?

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[18] Including frescos detached in the area of Pompei from a villa clandestinely excavated and irreparably damaged by the looters.

[19] The looters used the *polaroid* technique, also to avoid the risk of entrusting a photographer with the printing of the pictures. The *polaroid* technique, which was developed in the United States after World War II and introduced in Europe some years later, provides sure evidence that the excavations were made after the enactment (1909) of the Italian legislation that prohibited unauthorized archaeological excavations.

[20] Unfortunately it was not possible to locate a rare Etruscan *Sarcophagus with Spouses* which appears in one of the pictures seized. Was it sold to a private collector who keeps it hidden?

[21] See RIZZO, *Gli scavi clandestini a Cerveteri*, in Ministero per i Beni Culturali e Ambientali, *Bollettino d'Arte*, Annex to No. 89-90, 1995, p. 15.

[22] Illegally according to Italian law.

[23] Legally according to United States law.

[24] Today such an import would be illegal also according to United States law, because of the Agreement between Italy and the United States concerning the imposition of import restrictions on categories of archaeological material representing the pre-classical, classical and imperial Roman periods of Italy (Washington, 19 January 2001; renewed in 2006 and 2011).

[25] SEE MEYER, *The Plundered* cit., p. 91.

4. Other Returned or Non-Returned Archaeological Properties

Under the agreement concluded in 2006 with the Museum of Fine Arts of Boston, the Ministry got the restitution of thirteen items, including the marble statue of *Vibia Sabina*, wife of the Roman emperor Hadrian[26], and several vases.

Under the agreement concluded in 2007 with the John Paul Getty Museum of Los Angeles, the Ministry got the restitution of the *Venus of Morgantina* (a statue of 2.20 m, with head and limbs in marble and body in limestone, illegally excavated in Morgantina[27] and exported after having been cut in three pieces, paid by the Museum 18,000,000 US $), the *Trapezophoros* (a support for ritual table that represents two griffons attacking a hind, illegally excavated nearby Ascoli Satriano, paid by the Museum 5,500,000 US $)[28], as well as several vases;

Under the agreements concluded with the Princeton University Art Museum (2007)[29], the Cleveland Museum of Art (2008) and the Dallas Museum of Art, the Ministry got the restitution of respectively eight, fourteen and six cultural properties.

Several other cultural properties illegally exported abroad are claimed or might be claimed by Italy. Some of the claims relate to properties that were not included in the above mentioned agreements with American museums, such as the bronze statues of the *Victorious Youth* (or *Athlete*), attributed to Lysippus and held by the John Paul Getty Museum[30], and the *Cleveland Apollo*, attributed to Praxiteles and held by the Cleveland Museum of Art.

5. Conclusive Remarks

The question of restitution of removed cultural properties to which the treaties in force do not apply for chronological or other reasons is far from being settled under customary international law. While it is not possible to elaborate here on the matter[31], it seems that an evolutionary trend is developing in present customary international law according to which claims relating to movements of cultural properties should be

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[26] See POVOLEDO, *Returning Stolen Art: No Easy Answers*, in *The New York Times*, 27 October 2007, p. B13. According to a joint press communiqué of 28 September 2008, "the agreement includes the creation of a partnership in which the Italian government will loan significant works from Italy to the MFA's displays and special exhibitions program, and establishes a process by which the MFA and Italy will exchange information with respect to the Museum's future acquisitions of Italian antiquities. The partnership also envisages collaboration in the areas of scholarship, conservation, archaeological investigation and exhibition planning". The statue is now exhibited at the archaeological site of *Villa Adriana* in Tivoli.

[27] See *supra*, note 10.

[28] The *Venus of Morgantina* is now exhibited at the *Museo Regionale Archeologico* of Aidone, the *Trapezophoros* at the *Museo Civico-Diocesano* of Ascoli Satriano. The picture of Mr. Medici next to the *Trapezophoros* at the John Paul Getty Museum was found in the warehouse in Geneva (see *supra*, para. 3). In 2012 the museum returned to Italy also several marble fragments that belonged to the same tomb from which the *Trapezophoros* had been illegally excavated.

[29] See POVOLEDO, *Princeton to Return Disputed Art to Italy*, in *The New York Times*, 27 October, 2007, p. B7.

[30] The statue was found on the seabed of the Adriatic Sea. It was clandestinely imported in Italy and then illegally exported abroad. See SCOVAZZI, *Dal Melqart di Sciacca all'Atleta di Lisippo*, in *Rivista di Diritto Internazionale Privato e Processuale*, 2011, p. 5; LANCIOTTI, *The Dilemma of the Right to Ownership of Underwater Cultural Heritage: The Case of the "Getty Bronze"*, in BORELLI & LENZERINI (eds.), *Cultural Heritage, Cultural Rights, Cultural Diversity – New Developments in International Law*, Leiden, 2012, p. 301.

[31] Elaboration can be found in SCOVAZZI, *Diviser c'est Détruire: Ethical Principles and Legal Rules in the Field of Return of Cultural Property*, in *Rivista di Diritto Internazionale*, 2011, p. 341.

addressed in order to achieve an equitable solution, taking into account all the relevant circumstances, such as, *inter alia*:
- the factors surrounding the removal of the cultural property from the State of origin, in particular the legality of the removal under the law of the State of origin or the substantive injustice of the removal;
- the importance of the cultural property for the State of origin, including its emblematic character;
- the harm to the integrity of the cultural context from which the cultural property was removed;
- the amount of time since the cultural property was removed from the State of origin;
- the appreciation for and the care used to preserve the cultural property in the State of destination;
- the State of origin's commitment to care for the preservation of the cultural property if it is returned to it.
In this regard, the participants to the International Conference of Experts in the Return of Cultural Property, held in Seoul on 16 and 17 October 2012, recommended, *inter alia*, that

"States discuss cases relating to the return of cultural objects not governed by international legal instruments, seeking equitable solutions taking into account all the relevant and specific circumstances, such as integrity of the cultural context, significance of the object for the States concerned, ethical propriety of its removal, treatment of the object by the present possessors, and the State's of origin commitment to security and care of the objects"; (…)

States, in attempting to reach equitable solutions, consider means of co-operation with other States, entities and individuals through cultural policy in general, including loans, temporary exhibitions, joint excavation activities, research, and restoration".
The Operational Guidelines for the Implementation of the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Properties (Paris, 1970), adopted by consensus on 18th May 2015 by the Meeting of States Parties to the convention[32], provide as follows:
"For items of illegally exported, illegally removed or stolen cultural property imported into another State Party before the entry into force of the Convention for any of the States Parties concerned, States Parties are encouraged to find a mutually acceptable agreement which is in accordance with the spirit and the principles of the Convention, taking into account all the relevant circumstances. (…)" (Op. Guid. 103).
The agreements between the Italian Ministry of Cultural Properties and Activities and the American museums go in the direction of settling disputes on the return of cultural properties in order to reach an equitable solution taking into account all the relevant circumstances. This objective should govern the relationship between the States of origin and the States of destination of cultural properties and should also be shared, if

[32] See SCOVAZZI & FERRI, *Recent Developments in the Fight against the Illicit Export of Archaeological Objects: the Operational Guidelines to the 1970 UNESCO Convention*, in *Art Antiquity and Law*, 2015, p. 195.

this is the case, also by non-State entities concerned through non-adversarial procedures, such as negotiations, mediation or conciliation.

YEMEN. A HUMANITARIAN AND CULTURAL EMERGENCY

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Methodologies: practical research, qualitative analysis of reports and studies submitted by Yemeni Cultural Institutions

Since March of 2015 the Yemeni people have been experiencing one of the bloodiest conflicts in their country's history – ac onflict that goes beyond international non-armed conflict borders. A mix of tribalism, sectarianism, proxy war, geopolitical interests and economic factors is heavily altering Yemeni social fabric. After six months of continuous bombing and fighting, the country is now facing famine, internal displacementand bankruptcy and issues relating to the protection of Yemeni cultural heritage appear not to be on the government's agenda notwithstanding its cross-cultural importance. Furthermore, both the Saudi coalition and the Houthi militias are attacking cultural and archeological sites in different locations of the country, adding new losses to the already long war-casualty list. Bombing the Old City of Sana'a, a world heritage site since 1986 can only have the meaning of an insult to the country's pride, since no military objectives were reported to be given. We must point out that, after examining all the attacks perpetrated that were intended to hit heritage sites, the targets hit have been monuments that are symbols of the rich cultural and historical past of Yemen: the Dam of Marib, the Museum of Dhamar containing ancient South Arabian inscriptions, the al-Qahira citadel in Ta'izz, the old city of Sa'da, the archeological excavation of Sirwah and Baraqish, among others.

Striking monuments, museums, and places of worship is a crime, a shrewd attempt at crossing out the traces of an ancient cultural identity that are protected by different international treaties.

This paper is an attempt to give an interpretation of these events by considering both the local context and international legislation regarding the protection of cultural heritage during armed conflicts. This paper won't examine the political aspects related to the ongoing war in Yemen; however, it will give a brief look at the actors involved and the most relevant episodes concerning cultural heritage. This paper's core objective is to depict the strong boundary between Yemeni cultural heritage and Yemeni national identity, taking vernacular architecture as an example of a living tradition able to engender social and economic wealthand to attract people from different professions. The promotion and the transmission of traditional building techniques has been proven vital for the preservation of the authenticity and the charm of Yemen's historic centers. This will be even more urgent after wartime, when cultural and educational issues will slide into the background. Such actions can generate sustainable microeconomic systems that will create new revival opportunities in a context deeply affected by poverty, unemployment and years of armed conflict. Moreover, the safeguarding of this ancient intangible heritage is strictly linked to national and international measures carried out in recent years for the restoration of

many Yemeni monuments. These actions, in fact, have been very worth while in raising awareness on the issue of cultural heritage, mostly among Yemen's young people who have been involved in different cultural cooperation projects. Therefore, Yemeni institutions are not exempt from the lessons learned on fieldwork, particularly the importance of combining the enhancement of tangible and intangible heritage, as this should be the cornerstone of future initiatives. Post-conflict leaders must consider the idea that heritage is identity, and this identity is reflected in the daily life of their population which for too long have been exhausted by conflicts, abuse of power, corruption and poverty.

Thereafter, this paper will look at the international treaties that were created to safeguard cultural heritage and their implications on the Yemeni case. The paper will also consider the UNESCO call to respect international humanitarian law and to avoid striking heritage sites. The paper will then point out the astonishing silence of the international community on the Yemeni conflict and its helplessness in enforcing in practice the rules of war. As the conflict drags on, mounting civilian casualties and a worsening humanitarian crisis have led human rights activists to call for an investigation into human rights violations committed by all sides. UN agencies and other NGOs have unsuccessfully called on both parties not to target civilian infrastructures and to respect humanitarian truces; even during the Holy month of Ramadan people were unable to find a respite from the violence. This open violation of the rule of proportionality is deeply affecting the Yemeni population, whose life conditions have been deteriorating since the siege of Sana'a in September 2014.

There is no doubt that the future of Yemen is in danger, not only for the political vacuum it will have to face but also for the delicate re-building process it will have to undertake. The international community has not been able to prevent violence there from exacerbating, so in the future it must assist Yemeni institutions both economically and logistically through different UN agencies and NGOs. This international aid must be capable of sustaining not only humanitarian needs but also cultural ones, since Yemeni heritage is a world heritage that should neverbe forgotten.

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THE PROTECTION OF IRAQI AND SYRIAN CULTURAL HERITAGE IN SECURITY COUNCIL RESOLUTION 2199 AND BY THE EUROPEAN UNION: ASSONANCES AND DISSONANCES

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On 12th February 2015 the Security Council adopted resolution 2199 on 'Threats to International Peace and Security Caused by Terrorist Acts' (hereinafter: resolution 2199). This resolution adopts sanctions against commercial activities, accomplished by ISIL, ANF and all other individuals, groups, undertakings and entities associated with Al-Qaida, in order to finance their acts of terrorism. Among these commercial activities, resolution 2199 also includes those concerning cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance coming from archaeological sites, museums, libraries, archives, and other sites illegally removed from Iraq, since 6th August 1990, and Syria, since 15th March 2011. In this framework, resolution 2199 asks United Nations Member States to take appropriate steps to prevent the trade of Iraqi and Syrian illegally removed cultural items, thereby returning these objects to their people. Furthermore, resolution 2199 asks to UNESCO, Interpol and other competent international organizations to assist Member States in its implementation.

Resolution 2199 is not the first one adopted by the Security Council concerning terrorism acts and the Iraqi and Syrian past and current regimes. Nevertheless, it is the second that takes into consideration the protection of cultural heritage and especially the return of illegally removed cultural objects. In fact, in 2003 the Security Council adopted resolution 1483 (reaffirmed by resolution 2199) where there are measures for the protection of Iraqi cultural heritage and, in particular, the safe return of cultural property illegally removed from Iraq was requested. In this framework the relevant regulations of the European Union for the protection of cultural heritage in Iraq and Syria are: the Council Regulation (EC) No 116/2009 of 18th December 2008 on the Export of Cultural Goods; the Council Regulation (EC) No 1210/2003 of 7th July 2003 concerning Certain Specific Restrictions on Economic and Financial Relations with Iraq and Repealing Regulation (EC) No 2465/96; and the Council Regulation (EU) No 36/2012 of 18th January 2012 concerning Restrictive Measures in View of the Situation in Syria and Repealing Regulation (EU) No 442/2011.

The purpose of this paper is to determine how resolution 2199 and the European Union Regulations can protect the Iraqi and Syrian cultural heritage, in ensuring the return of illegally removed cultural property, in this period of conflict. In order to achieve this purpose, firstly, the fields of application (*ratione materiae*, *ratione temporis* and *ratione personae*) of resolution 2199 and of the three, above mentioned, European Union Regulations will be studied. Secondly, an assessment and a comparison of the extent of the fields of application of these legal instruments will be carried out. In so doing, the following main issues will be treated: 1) On what legal

bases the European Union has founded the adoption of its rules concerning the fight against the illicit traffic in Syrian and Iraqi cultural objects? 2) Has the European Union given a complete application to measures adopted in resolution 2199? 3) Can the European Union do more? 4) Is the European Union legislation more complete than that of resolution 2199? 5) Are the Syrian and Iraqi cultural heritages better protected by resolution 2199 or by the European Union Regulations?

This analysis will establish that the European Union Regulations have a larger and more comprehensive field of application than that of resolution 2199. In fact, these regulations cover, not only commercial activities, but also importations, exportations and brokering services. Furthermore, it will be shown that these regulations concern not only commercial activities, relevant for the financing of terrorist acts, as resolution 2199 asks, but also other kind of activities. This has to be considered an advantage because a larger spectrum of cases of illegally removed cultural property can be taken into account under the European Union Regulations.

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CULTURAL HERITAGE IN RECONCILIATION AND PEACE BUILDING

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Introduction

This paper considers the role of cultural heritage within the reparations' discourse in the post-conflict context. As cultural heritage is representative of a people's core identity, it has a lot of potential in strengthening reconciliation and peace building processes in transitional and post-conflict contexts, as well as in preventing new conflicts from occurring. Arguably, a sensible use of cultural heritage in such contexts can thus increase the chances of long-term reconciliation between various societal groups, including former opponents. For example, cultural heritage may be a vector to encourage constructive discussions about the past.

In particular, the use of cultural heritage in reparations can be a key symbolic component in recognizing and repairing past abuses. Furthermore, including cultural heritage within a specific category of reparations, i.e. guarantees of non-repetition, can contribute to long-term peace building (and state building) efforts by supporting measures put in place to ensure the non-recurrence of conflicts and conflict prevention more in general. For example, the use of cultural heritage in peace education. Therefore, this paper considers the various forms of reparations (such as restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition) and the way cultural heritage has been included in them.

The focus of this paper is on the role of cultural heritage belonging to a people in the reparations discourse to remedy *collective* harm, rather than looking at individual claims for restitution of artworks in post-conflict situations, for example. Therefore, individual reparations for privately owned cultural heritage is not be considered in depth herein.

This paper also considers the various mechanisms which have so far considered cultural heritage within their processes, including judicial bodies such as regional human rights courts and international criminal courts, as well as quasi-judicial mechanisms like the UN Treaty Bodies, as well as non-judicial mechanisms like Truth and Reconciliation Commissions, and voluntary efforts such as those emanating from the cultural sector.

Finally, this paper seeks to identify good practice and thus provides some guidance in order to strengthen the role of cultural heritage in this area and support reconciliation and peace building processes.

Key Principles of Reparations under International Law

Under international law, reparations used to consist of what can be called 'victor's justice'. Before World War II, the state that won the war decided on the reparations to be attributed, no matter what state had violated international obligations during the

armed conflict. Over time, a number of principles developed with regard to reparations. The first requirement for reparations to be awarded is the existence of an internationally wrongful act committed by a state. The wrongful act must in turn have caused harm to the other party, which means that there must be a causal link between the act and the harm suffered. When these conditions are met, their immediate corollary is the obligation to provide reparations to the party which suffered harm. In the *Factory at Chorzów*, the Permanent Court of International Justice added that, if restitution is possible, it should be the preferred mode of reparations.

Cultural Heritage within the Various Forms of Reparations

The International Law Commission's Articles on State Responsibility (2001) consider three modes of reparations: restitution, compensation, and satisfaction, with the latter referring to measures acknowledging the wrongful act, apologies, establishment of the truth, etc. The United Nations Basic Principles and Guidelines on the right to a remedy and reparation for victims of gross violations of international human rights law and serious violations of international humanitarian law (2005) add rehabilitation, which seeks to restore victims health (including both physical and mental health) and guarantees of non-repetition, which consist of measures aimed at avoiding the re-occurrence of conflicts.

Restitution, the primary mode of reparation, is commonly used to return cultural objects to individuals or communities (see for example the return of the portrait of Adele Bloch-Bauer by Klimt). Compensation, the mode chosen when restitution is not possible, is also a common mode of reparation for disputes involving cultural heritage (see for example the recommendations of the UK Spoliation Advisory Panel in the case of the 16th century Swiss tapestry in the Burrell Collection; see also the German policy of 'Wiedergutmachung'). With regard to satisfaction, cultural heritage may be involved through the removal of contested cultural objects (or the creation of new cultural heritage such as memorial built for victims). While rehabilitation is generally understood to benefit human beings, it may also consist of the restoration of cultural properties which have been destroyed (see for example the bridge at Mostar).

Finally, guarantees of non-repetition, which are perhaps the most important for long-term peace-building, are not often considered within the reparations discourse. However, cultural heritage appears to have the potential to play a greater role in providing assurances that a conflict will not occur again. Cultural heritage may be used to teach about a former enemy's culture and thus develop an appreciation for its identity and diminish resentment. Certain places of historic significance, which may because of it be considered 'cultural sites', may be used to teach about past struggles or battles in order to minimise the risk that the next generation engages in the same destructive events all over again. For example, the Auschwitz concentration camp, which became a UNESCO World Heritage site in 1979, is now used to inform about genocide; site-specific teaching brings a different dimension to understanding the past and is likely to have more impact than regular classroom teaching.

Recommendations for Decisions-Making Bodies

When considering the reparations awards of various decision-making bodies, including both judicial and quasi-judicial bodies, three key recommendations can be raised.

1. Decision bodies should not focus solely on restitution or compensation

While the European Court of Human Rights focuses on compensation, the Inter-American Court of Human Rights has been more creative in its awards, often including culturally-sensitive measures of satisfaction. For example, states are systematically asked to broadcast a judgment concerned with Indigenous matters in the Indigenous language in question.

The UN Compensation Commission (UNCC), which is concerned with the aftermath of the Iraqi invasion and subsequent occupation of Kuwait, and the Eritrea-Ethiopia Claims Commission (EECC) are both focused on compensation. While the UNCC stated that it is looking for the 'commercial value' of the harm suffered, the EECC mentioned that compensation is the 'most appropriate' form of reparation. The EECC did consider the case of an obelisk which had been destroyed by Ethiopia, awarding 50,000 USD in compensation to Eritrea. Although the EECC considered the harm suffered as a result of the destruction of cultural heritage, awarding other forms of reparations in combination with compensation may support longer term peace-building efforts.

2. Decision bodies should adopt a new understanding of reparations

The aim of reparations, as currently understood, is to wipe out the consequences of an internationally wrongful act and thus restore the victims in the situations they would be in if the violation never occurred. Additionally, awarding reparations offers an opportunity to provide measures that can improve the context in which the violations occurred, such as through teaching about past violations using cultural heritage, for example.

Cultural heritage should not be seen as central to reparations as there would then be a risk to award reparations limited to those of a symbolic nature. Nevertheless, cultural heritage should be systematically considered by decision-making bodies as its use in reparations has the potential to transform past contexts of abuses.

3. Decision bodies should consider the wishes of victims and ensure their participation in the reparations process

Reparations' awards should always adopt a culturally sensitive approach and be respectful of the cultural heritage of the victims. The decision makers should incorporate the victims' culture in the reparations process. This can be illustrated by an example given by Justice Gray, Australia's former Aboriginal land commissioner, where farming leaseholders attempted to prove to Aboriginal leaders that they had a right to use the land in question by producing a contract which was not recognised under Aboriginal law. While such issue may appear irreconcilable, certain courts have demonstrated flexibility in the application of their procedures in order to accommodate

different cultures. This was for example done by the Supreme Court of British Columbia in the Tsilhqot'in case, during which it moved the seat of the Court to the Nemiah Valley to hear elders tell stories, including certain stories which were only to be told after dark.

In post-conflict settings the focus is on economic recovery and reconstruction. However, in such fragile contexts, it is key to ensure the non-repetition of conflicts. Considering guarantees of non-repetition and the role of cultural heritage therein may allow to minimise the risk of conflicts re-occurring and thus strengthen reconciliation and peace-building.

FROM THE MULTILEVEL INTERNATIONAL LEGAL FRAMEWORK TOWARDS A NEW PRINCIPLE OF INTERNATIONAL LAW TO PROTECT CULTURAL HERITAGE IN TIMES OF PEACE AND WAR BY STATES, IOS AND PRIVATE ACTORS.

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Preliminary remarks

The international legal framework on the protection of cultural heritage in times of peace and war is very wide and complex and needs to be investigated in order to check if all the principles, rules, mechanisms and procedures in force are still valid or demand for a comprehensive review to face the new challenges attempting to the value and integrity of the cultural heritage worldwide.

Conceptual thesis and related analytical methodology

1. Normative framework

The legal framework under attention includes in a vertical perspective both general norms and principles as well as some *lex specialis* examples covering both hard and soft laws that deserve a proper analysis aimed at informing on the root causes which put cultural heritage at risk or in danger as well as on the role and cooperative contribution from all concerned public and private stakeholders.

So far we are used to distinguish between:

1.a) conventional laws elaborated, adopted and implemented mainly in the post-second world war period in some of the most relevant institutional systems (UN and ICRC namely) and introducing several definitions of cultural heritage in danger such as

1954 Hague Convention and related Optional Protocols aimed at protecting cultural heritage in danger in times of war (arts. 1, 2, 3, 4)

1970 UNESCO Convention on the protection of world cultural heritage (arts. 1, 2) to prohibit and prevent the illicit import, export and transfer of ownership of cultural property

2003 UNESCO Convention for the safeguarding of the intangible cultural heritage (arts. 2.1, 2.3)

1949 Geneva Conventions and 1977 related Protocols providing for the codification of the international humanitarian law applied to the protection of cultural rights represented by museums, monuments and artistic, archaeological and cultural sites of the Countries under attack: refeference to *UNESCO 1954 Hague Convention OP2 (art. 7)*

1995 UNIDROIT Convention to prevent and contrast illicit trafficking as well as to favour the return of cultural goods to their Countries of origin whenever stolen – as occurred very often in recent times - in territories where civil conflicts have attempted or unfortunately destroyed the beauty and the traditional signs and emblems of ancient cultures (arts 2, 3-4, 5-7)

1.b) soft law/sources of international law produced by an IO/statutory body: a multitude of examples introduced by UNESCO General Assembly, UNGA and Security Council in very recent times in relation to civil conflicts in place now

Declaration of October 16 2015 by the Director General of UNESCO on escalating violence around and against cultural and religious heritage in the Middle East, reiterating calls to all parties to ensure that cultural heritage, including religious, is preserved and accessible to all and to resume dialogue in the spirit of mutual understanding

UNESCO World Heritage Committee Bonn Declaration, adopted on June 28 2015, which in both PPs and OPs (17, 18, 19; 22, 25, 27, 28, 23) condemn barbaric assaults, violence and crimes committed in recent times by the so called Islamic State of Iraq and the Levant (ISIL) also known as Daesh against the cultural heritage of Iraq and deplore the exposure of and use of cultural heritage sites in military operations as occurred for Aleppo and the site of Palmyra.

So far States parties to 1954 Hague Convention and its Protocols and 1970 World heritage Convention are called upon to refrain from military use or targeting of cultural and natural heritage sites and monuments that constitute flagrant violation of international law and are reminded to safeguard cultural and natural heritage of outstanding universal value at the national and international; they are requested to strengthen their national legislation and practice for the protection of cultural and natural heritage, also by introducing more effective measures to combat illicit trafficking and illegal trade of cultural properties as well as intergovernmental and law-enforcement cooperation on the protection and preservation of cultural heritage, also involving third parties.

UNSC is recommended to analyze the possibility of introducing a specific dimension of heritage protection in the mandates of peacekeeping missions where appropriate and of delivering complementary training modules to military and civil personnel.

United Nations Security Council Resolution 2199 of February 12 2015, co-sponsored by 35 UN Member States and adopted unanimously (OPs: 15, 16, 17): condemnation of the destruction of cultural heritage in Iraq and Syria (in particular by ISIL and ANF) whether such destruction is incidental or deliberate, including targeted destruction of religious sites and objects; introduction of a general ban on Iraq antiquities ban and need for preventing the trade in Iraqi and Syrian cultural property and other items of archaeological, historical, cultural, rare scientific, and religious importance illegally removed from Iraq since 6 August 1990 and from Syria since 15 March 2011, including by prohibiting crossborders trade as well as arms-for-antiquities in such items.

Meanwhile some intergovernmental organizations (i.e. ICCROM, ICOMOS, ICOM) have elaborated relevant codes of conducts addressed to professionals working in places where cultural heritage is in danger in order to prevent and manage damages and restoration, avoiding intentional pillage of movable objects pertaining to historical, artistic, archaeological collections in cultural sites or museum to be sold in the international market illegally.

2. Systemic framework

In line with the need to involve private collectors and owners of cultural goods of inestimable significance

Question: could the review of the conventional legal instruments and related practical tools as put in force and implemented in a very high number of Countries worldwide be interesting also for them to support the idea that a strengthened compliance will be accomplished by both public institutions and private entities in the next future?

In effect we find some references to their role in both hard and soft laws even if it is, respectively, not properly explicated or, on the contrary, much clearer, above all when they are mentioned as the main addressees of the norms of conduct and soft law codes adopted within the above mentioned intergovernmental IOs competent in the field of countering risking and dangerous actions in damage of cultural heritage.

In line with the need to take into account regional systems, in particular those ones where the illicit transfer of cultural goods has increased in recent times due to the high exposure of cultural heritage at risk in conflict areas.

Question: regional systems could face this challenge better than the global one? Do regional systems need to enforce *lex specialis* norms in force as *per se*? Do the MS of some regional IOs and pertaining to UN regional groups supported a new legal vision leading to the insertion of new soft laws? Do regional systems could have the opportunity to train their own professionals and experts in order to prevent the pillage of cultural goods representing their historical, cultural and artistic traditions?

Answer: as occurred for other paths to develop new legal frameworks or to reinforce norms already in force, the role of regional systems should be strengthen because of the strong linkage between the cultural heritage and foundational values of the regional MS. This also demands for the adoption of a bottom-up approach, based basically on the idea to shift from the regional to the global level according to the relevance of the protection of the tangible and intangible cultural heritage as part of the global commons, adapted to the cultural, historical, artistic and archaeological heritage. It is an approach that could be easily taken on board by private actors working for the protection of cultural heritage in all its forms.

In conclusion, in line with the reflections introduced in points 1 and 2, the ultimate proposal could consist of the elaboration of a new general principle to prevent and protect cultural heritage in danger *per se* in contemporary conflicts, including the following components:

1. cultural heritage is at risk/in danger in its integrity, to be pillaged, stolen and illegally transferred abroad;

2. individual and collective commitment of States, IOs, and all the concerned public and private stakeholders aimed at strengthening preventive and countering cooperative measures to cope particularly with the preservation of the cultural movable heritage representing intangibly the historical, artistic, archaeological intrinsic values of peoples.

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ON THE VALUE/S OF HERITAGE SEMIOPHORES, AND OF THEIR DESTRUCTION

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Anthropological research has shown that in erasing or removing social, cultural, and political conflict from its *universalist* representation of cultural heritage, Unesco actually excites, or even produces, competition and conflict (Palumbo 2003; De Cesari 2010; Labadi, Long 2010; etc.). In many respects and in many fields, Unesco's Lists have become a symbolic battleground inside nation-states (Palumbo 2003; Ciminelli 2008, 2009, 2011; De Cesari 2010), between nation-states (Amselle 2013, etc.) or nations and nation-states (Berliner 2012, etc.), and, finally, between "the West and the Rest" (s. Meskell, Brumann 2015: 34). Unesco's cultural heritage apparatus is in fact representative not only of discrete cultural identities—which, incidentally, are rather *produced* by Unesco branding (Palumbo 2003, 2011; etc.)—, but also of the international organization that is empowered to endow certain cultural "things" with an alleged Universal value, whose Eurocentric connotations appear by now evident (Palumbo 2003; Addison 2004; Kirshenblatt-Gimblett 2004; Ciminelli 2006, 2008, 2009, 2011*;* etc.). In other words, World Heritage (WH) global "collection" also represents Unesco itself, as in the self-referential Unesco *World Heritage Game* (Unesco 2012). Therefore, if "globally Unesco has come to stand for heritage" (Meskell, Brumann 2015), the converse proposition seems true as well, and can be supplemented, in non-Western contexts, by the equation Heritage=Unesco=the West. The relatively straightforward transition from a symbolic to a concrete battleground has unfortunately already been made, as known, in several geographical areas: outbursts of violence have occurred between government and local community, between Unesco representatives and local community, between different local religious-political groups.

In the light of these premises, the paper firstly questions the symbolic value/s attached to Unesco WH "brand", underlining the Eurocentric character of Unesco WH discourse and of some cultural heritage tourism practices; secondly, it expounds the hypothesis that iconoclasm carried out by militant Islāmic fundamentalists against WH sites and cultural properties have also been directed against what Unesco WH apparatus has come to represent, i.e., "the West". In order to illustrate these arguments, the paper builds upon critical heritage literature and case studies, and discusses textual examples from the media and other sources. The final part deals with what has been called "the fetishization of cultural heritage" (e.g. Hardy 2015). In the media as in other arenas, utterances like "global culture war", "cultural war crimes" , "crimes against humanity", and even "cultural cleansing" and "cultural genocide" are more and more delivered about the deliberate destruction of WH. Unesco is not at all a stranger to this verbal escalation: starting with the *Declaration concerning the Intentional Destruction of Cultural Heritage* (2003), immediately following the destruction of the Buddhas of Bamiyan, the international organization has chosen to

adopt a warlike vocabulary ("fight", "combat," etc.) that cannot be considered just a "cognitive metaphor" (Lakoff 1993), and seems to be adverse to Unesco's ultimate goal—promoting world peace.

In the concluding remarks, the paper raises concerns about a possible *hetherogenesis of the ends*, i.e., about the unforeseen and unintended consequences that might be triggered by Unesco's action in the cultural heritage domain, and that have, indeed, already emerged (Ciminelli 2008, 2009, 2011; Stoczkowski 2009; De Cesari 2010; Bellato 2014; Meskell, Brumann 2015, etc.).

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MEMORY OF EPHEMERAL: THE NEW PROBLEMS OF INTANGIBLE CULTURAL HERITAGE

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Memory is what characterizes the human being, each of us is an heir and a proponent of a memory. It is generally associated with the "materials", such as documents and monuments. For some years, however, it turned a relevant interest in what are known as intangible cultural heritage. Some Countries, particularly that founded on an oral culture or with a big component of intangible heritage, before others, dedicated particular attention on this kind of heritage (especially after armed conflicts that had ventured the popular identity).

A cornerstone of this complex issue has been brought by UNESCO in October 2003 in Paris with the “Convention for the safeguarding of intangible cultural heritage”. A total of 137 Countries signed this agreement, Italy too.

After examining the concept of cultural heritage in the Italian legal system and intangible cultural heritage in the Convention, it will be analyzed the legal gap between the present legislation in Italy and the Convention as well.

The central problem is the individuation of the object of conservation and its nature. It can have, in fact, a material manifestation, but its essence, generally, isn’t in the material, but into something of intangible such as a knowledge, a “savoir faire” keep into a person. So there is an overlap between material and intangible, and between the subject and the object of law.

Usually we talk about a community, that, in some way, it is responsible of the heritage’s survival and of it hand down to posterity, to future generation.

Finally a big problem is the changeability of these “heritage”, because it is alive and a living thing.

Everything create many juridical problems because is ventured a based principle of law: the certitude.

As example, I take the dance, the art of the body, which is a strong element of identity.

Every kind of dance have a different problem, here I want to do, firstly a general discuss, to then focus on the traditional dance.

Extremely sensitive to the phenomena of globalization, dance is likely to be disrupted because of contamination. Today, thanks largely to the virtual channels, everything has a big spread, but without the proper use and understanding of what approaches can lead to increased corruption and, in the worst hypothesis, lost the roots.

The other danger is the “freezing”. Some scholars believe that, sometimes, the researchers create "anomalies" schematizing too dances instead are changing and tied to the personal style of each individual.

You cannot reduce the dance (or any other intangible heritage) to a wreck destined to dusty windows of museums, therefore, no longer corresponding at the society changes which it is subject.

It must be assumed that, in this “body art”, the main element is the dancer, who is at once the source, the archive and the heritage/work of art, just like many contemporary artistic tendency. In fact today the art, mirror of society, is more and more ephemeral, for these reason it has the same problem on conservation like the dance. So is often diffuse the interview and a direct participation of the artist on the archive’s creation.
This reference is important to understand the methodology that I intend to use.
My personal approach is to an art’s historian, trained in a faculty of Cultural Heritage in Italy (where meaningful is the theory of the restoration of Cesare Brandi).
My aim is to try to understand what is the best solution both from a legal perspective, but also conservative (*strictu sensu*), for intangible heritage, specifically the dance, that I will treat as if it were a work of art in its own right. These considerations induce us to reflect on the places chosen to conservation. The question is not only how and what to preserve, but also where? Into a museum, an archive, a research center? Although these sites are subject to the upheavals of this “fluid” and full of dichotomies century.
You can talk about the places involved, increasingly virtualized and held accountable to the new frontiers of art and culture.
In conclusion I can said that the memory of the ephemeral involves various problems, from the legal, to the more strictly conservative. The greatest paradox is that new technology, although it seems to have made some solutions, actually they confront us with new challenges and risks (like the above mentioned “freezing” - for ex. through the video - or oblivion for an "overabundance of memory"- remembering all, means not remember anything). Furthermore, with the technology gives you an ephemeral materiality (virtuality), creating other forms of immateriality.
Certainly we cannot remain closed in one subject area, but is fundamental a dialogue between the various fields of knowledge to meet and compare the various points of view. Is also important put at the center of reflection the artist/the person holders of knowledge, and spread interest, culture, starting, for instance, from schools.

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ANIMALS AND/OR HUMANS. ETHNOGRAPHY AND MEDIATION OF 'GLOCAL' CONFLICTS IN CARRESI OF THE SOUTH MOLISE (ITALY)

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This paper outlines some reflexions on a recent ethnography that the authors conduced during the last three years in the South Molise, focused around a group of ceremonials involving animals (cows and horses): three ritual oxen-charts races in S. Martino in Pensilis, and in two minority language small towns (arbëreshë) - Ururi e Portocannone -, and one cow-charts procession in Larino, a ceremonial which originally was a race too, then transformed in a very articulated procession in the honor of the local Patron Saint.

The research has involved during the years participating observation of the local communities of practice and heritage, of people concretely involved in the complex organization of these ceremonials and on relationships of different competing groups and families involved.

In the last years - particularly since the so called Martini's Decree (2009) regulating the use of equids in popular events - a strong controversy between animal rights movements and local associations aroused, even if this kind of controversies were already active since the Eighties.

In the Spring of 2015, few days before the celebration of the rituals, we assisted, in fact, to the official stop of the races imposed by the local Prosecutor's office with the official seizure of the stables and with specific accusations for associations and their legal representatives. This was the outcome of an inquiry that Police conducted in the precedent year at the request of the National Association for Protection of the Animals (ENPA) supposing injuries and mistreatments against animals involved in these ritual races.

From this moment the work of research focused on an ethnography of the activities produced by local communities as a reaction to this traumatic event and relative law actions.

On one hand the research insisted on documentation of respect and care that these communities have towards their animals, on symbiotic relations they share with, in order to enhancing race performances and ritual efficacy of ceremonials.

On the other hand, ethnography centered around the traumatic event for communities, the loss of their fundamental heritage and this provoked many reflexions on animal rights movement debates and on the conflict between global rules and values and local rights.

Reflexion has particularly focused around the conflict between global values and animal rights safeguard and local rights of people belonging to these communities, included minority language communities.

The role of the ethnographers - involved also as experts in the court case - becomes extremely complex and methodology of research has been influenced by this effort of mediation of 'glocal' conflicts and negotiation in this contested heritage *querelle* which is still ongoing.
Classical methods of inquiry (participating observation, deep interviews, regular sharing of activities along all the ceremonial year) have been then coupled with a specific ethnography of the practices of training, care and tests of the animals involved. Particular attention has been reserved to video documentation and reviewing of these documents with local communities of practice. We considered extremely important, in fact, documentation of relation with animals as long as organization of time and space of sociality of stables and ritual groups as structuring collective space and time.
The research has imposed, then, a reconsideration of all the animal rights movement debate and of the more recent animal studies debate, an attentive evaluation of the notion of intangible heritage itself and of relative processes of safeguard and valorization, but also a wider reflexion on relationship between local culture manifestations, new transnational feelings towards animals and 'global hierarchies of values' at a national and transnational scale.

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FROM MARCO PORCIO CATONE TO KHALED AL-ASAAD VIA VOLTAIRE. STRATEGIES AND NECESSARY RESPONSE TO ANTAGONISTS' ACTIONS

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Marco Porcio Catone, Khaled al-Asaad, Voltaire: three characters who lived in different historical eras, having dissimilar value and stature, will be the leading thread of this work. Some aspects of their lives, of their deaths and/or the quotes credited to them, remind in fact the issues, reactions and challenges we are all called to face in trying to preserve, defend and keep safe the Cultural Heritage during armed conflicts.
If it's famous Porcio Catone's quote (assigned to him by Plutarch): *Carthago delenda est*[1] – which some of the antagonist subjects would today apply to anything they judge as an "object of idolatry", including "historical documents" and, as a consequence, to the cultures which credit importance and purport to History and its artifacts – Khaled al-Asaad's public murder stands for one of the cruel acts of such an ideology, that was committed, what's more, in the amazing setting of Palmira - gradually destroyed. This could lead us, or maybe the intent is to drive us, to deny, as a counter-reaction, any chance of making effective, despite the difficult situation, the principles of liberality, democracy and debate … as stated in the quote ascribed to Voltaire: *I disapprove of what you say, but I will defend to the death your right to say it*, thus leading us to a dangerous, extremist response to the antagonist fundamentalism.
Carthage wasn't destroyed by Porcio Catone, but by Scipio's soldiers when the war was already over. It is said that, after he saved a few artworks, Scipio let the city to be plundered. Carthage was razed and set ablaze, the walls were torn down, the harbor demolished and finally salt was spread all over the soil to prevent anything from growing in the future. Such themes – firstly depredation, then plunder (and selling) – are contemporary more than ever.
Usually media tend to charge Al Quaeda, Isis, Daesh with the last three aspects (depredation, plunder and selling), but they forget, in considering Iraq, that these dramatically started soon after the first Gulf War, and that in the southern part of the country – mainly Shiite – the excavations became far from clandestine since whole villages participated in such activities in order to survive the war and its economic consequences[2]. A few years later the flourishing black market of art pieces made a "breakthrough" by joining the traffics in weapons and drugs[3]. Its danger – beyond all the scientific risks – lies in the fact that the link with serious criminality is mainly ruled by economic logic. The destruction of artworks seen as idols is, instead, tied to the ideology allowing their exploitation, for money, in the black market. Highlighting

[1] Plutarch, *Vita di Catone*, XXVII 2.
[2] See, among others, S. Chiodi, *Tutela italiana del patrimonio culturale del sud dell'Iraq, verso la cooperazione civile – e militare nelle missioni internazionali*, Nuova Antologia, Le Monnier, Firenze 2009, pp. 5-28.
[3] See, e. g., point 'h' of the "Proposta di Risoluzione Comune sulla distruzione di siti culturali ad opera dell'ISIS/Da'ish (2015/2649(RSP)" http://img.musvc5.net/static/59850/documenti/1/ListDocuments/1430394706623-F6R37HLC.pdf

such difference it's not secondary while trying to design and conceive safety measures (forms and structures) which, in order to be forceful, have to involve, in my opinion, the whole civil society. Such a structure also has to be based on dialectical, critical thinking – nor unique nor fundamentalist – being it able not only to contrast with the extremist one – unique and fundamentalist – but has to be supported by the whole civil society: this representing the harder challenge. In this regard, it's important to take into account the three destabilizing aspects reminded by Jason Burke[4], expert in Jihadist terrorism, which are parts of Abu Bakr al-Naji's Islamist strategy: "Aim at economy", "polarize", "unleash the chaos". Abu Bakr al-Naji in the clandestine handbook *Management of Savagery*[5] asks militants to extend their attacks in order to drain enemy's resources or to point «directly at economy», because this will lead to «economic weakness» and will determine the lack of those «frivolous pleasures these societies are greedy for», this instigating, as a consequence, «a competition for such things». In his view, all that would contribute in creating the crucial element of fragmentation. «When savagery is applied, people living in the region left in the grip of chaos, an instinctive polarization starts to rise». This, together with the economic collapse, would allow Daesh to expand in the target area.
Further to the above mentioned problems, in the second part of the contribution I will focus, thanks to my personal, decade-long experience in Iraq I already presented in several works[6], on how to try to involve the civil society by means of agreements between Universities, public Research Institutions and schools. This could help, indeed, to make all the people aware of their own cultural heritage, which belongs to each and everyone, not just to the upper, wealthy class, as suggested by the black market and its clients. Moreover, I will deal with the long-standing issues concerning the military sphere and the spread of an Ethical Code. In conclusion I will pay attention to what emerged during the CNR Congress "Beni culturali e conflitti armati, catastrofi naturali e disastri ambientali le sfide e i progetti tra guerra, terrorismo, genocidi, criminalità" (2014), offering some suggestions on how to update the requests made by UNESCO and Aja Conventions and Protocols to their member States.

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[4] *Jason Burke, Il manuale clandestino sulla gestione della ferocia, Ecco perché gli estremisti colpiscono l'Occidente*, in *la Repubblica,* November 16, 2015, p.20-21, It. trans. by F. Galimberti.

[5] Abu Bakr al-Naji, *Management of Savagery: The Most Critical Stage Through Which the Islamic Nation Will Pass o anche Administration of Savagery,* published on the internet in 2004.

[6] See S.M. Chiodi, G. Pettinato, «Temi e problematiche di attuale discussione sui beni artistici ed epigrafici provenienti da zone in conflitto», in G.B. Lanfranchi - D. Morandi Bonacossi - C. Pappi - S. Ponchia (Eds.), *LEGGO! Studies presented to Prof. Frederick Mario Fales on the Occasion of his 30 65th Birthday (=Leipziger Altorientalische Studien, 2)*, Wiesbaden: Otto Harrassowitz, 2012, pp. 99 – 129, and S.M. Chiodi – M. Mazzei – G. Pettinato, *La pietra nera di Nassiriya. In margine alla missione di ricognizione archeologica effettuata ad Ur ed Eridu (Iraq meridionale)*, in "Atti dell'Accademia Nazionale dei Lincei" Memorie, Serie IX, volume XXII, Fascicolo 2, Roma 2007; see also S. M. Chiodi, G. Pettinato, *La pietra nera e il guardiano di Ur*, Editrice San Raffaele, Milano 2009.

LAW NO. 1089 OF 1 JUNE 1939
THE ORIGIN AND CONSEQUENCES OF ITALIAN LEGISLATION ON THE PROTECTION OF THE NATIONAL CULTURAL HERITAGE IN THE 20TH CENTURY

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Introduction

This research is aimed at examining the historical and political context in which, during the summer of 1939, the Italian Law on the "Protection of objects of artistic or historical value" (in force until the beginning of the 21st century) was formulated. This is renowned as a context seriously characterized, during the years leading up to the outbreak of WWII, by the ruinous affinity between the Nazi and the Fascist regimes. From 1938 to 1943, prior to the occupation of Italy, the political circumstances made it possible for a great number of Italian works of art to cross national borders and end up in the collections of the main Nazi leaders, with the widespread consent and acceptance of Mussolini's government and part of the Italian society. Therefore, Law No. 1089 of 1939 should be approached as something of a paradox.

Discussion

The events regarding the forced transfer items of Italian Cultural Heritage, which occurred in the period leading up to the passing adoption of the 1939 Law on Cultural Protection, highlight two key categories of expropriation of Italian art works. The first category is constituted byexports to Germany, carried out mostly by decision of the Reich government, actively supported by the Fascist authorities, who breached the pre-existing laws on cultural property and tariffs. The second category deals with works of art and entire collections which were seized via the wrongful abuse of citizens and institutions affected by the Italian provisions on racial and political persecution (prior to 1943 regarding mainly the attempts to flee the country).

The discussion will focus on the provisions set out in Law No. 1089, which need to be compared to those of the previous law regarding cultural protection, Law 364/1909. This is necessary in order to formulate a reasoned criticism of the so-called innovative and effective measures brought in through the law passed by the Italian Parliament in 1939. The principal reason for these measures seems to stem from the desire of the Fascist authorities to keep on national soil all the valuable cultural property, which belonged to those who were trying to escape from Italy due to the intensification of persecutory regulations. On the other hand, an alarming number of valuable public and private works of art (also those identified by the law) was leaving the country under the orders of the government itself. Indeed, it can be verified that following the coming into force of Law No. 1089 exports of cultural property carried out under the

compulsory auspices of the Nazi regime neither stopped nor decreased. Following the military occupation of Italy in 1943, this type of export was merely replaced by uncontrolled seizures of depots and private houses, carried out by German troops and officers.

Methods

Those events, which constitute the background and prelude to the approval of Law 1089/39, and which, in view of their political and historical relevance, deprive it of any form of long argued judicial innovation, can be reported primarily on the basis of important archived materials. First, in view of its size, the *U.S. National Archives and Record Administration*, whose records are readily accessible on the Internet. The research has been conducted on documents in US governmental and military records created both during and after WWII. These records regard Italian and European areas of operation, including a great number of documents from official Italian records testifying government policies adopted between 1938 and 1943. This extensive source of reports mitigates the lack of reference made to the main Italian national archives, due to research deadlines. For a fuller understanding of the issue of the creation of Law 1089, the political and diplomatic framework of the time is integrated by the interpretation of points of International law aimed at regulating cultural restitution and issues of State responsibility.

Conclusions

The last remarks emphasize the responsibility of the Italian government for the outflow of the national cultural heritage under the fascist administration, undertaken with the intention of pleasing the German elites (prior to the military intervention throughout the country, a fact that requires a different legal approach when looking at cultural restitution). This Italian responsibility was paradoxically marked by the passing of the new law for heritage protection, endorsed in those months when local agencies, banks, transportation firms and public institutions were amassing in their depots all of the cultural property seized along the Italian border. This followed the ownership restrictions which were put in place by the measures for racial and political persecution imposed between 1938 and 1939. The approval of Law No. 1089 came in June 1939, and significantly the authorization for the transfer of the Roman statue known as Discobolo Lancellotti to Nazi authorities came the same month, symbolizing the beginning of government activity which had become fatally subject to German dictate. This policy raised some doubts with regard the legitimacy of some of the cultural restitutions granted to Italy by the Allied military authorities after 1945, taking into account the responsibility of states as well as state organs as set out in projects of the League of Nations between the two world wars. Several doubts arise, in fact, concerning the feasibility of identifying violations of Italian law on cultural protection and tariffs, following from Fascist and German orders, with the concept of internationally wrongful act. This puts seriously into question part of the Italian State's right to reparations in the form of restitution.

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EXTRACTIVISM, MEGA-PROJECTS AND DEFENSE OF THE CULTURAL HERITAGE OF INDIGENOUS PEOPLES: CASE STUDIES FROM MEXICO

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The prevailing model of accumulation by dispossession in the countries of the global South is reflected in the aggressive creation, impulsed by governments and transnational companies, of mega-projects and mining operations of various kinds, especially related to energy and mining. The exploitation of the natural commons ignores the respect of human rights, since it involves the expropriation of lands and the expulsion of the originals inhabitants, as well as the destruction of the environment and the local cultural heritage.

In the American Continent, indigenous peoples are the most affected by this process in the first place because of the wealth of the territories they inhabit, usually so far not so much affected by intensive depletion; in the second place it is due to the relationship that the indigenous societies maintain with the land, whose expropriation in many cases means the destruction of their culture and ethnocide. On the other hand, in many cases indigenous peoples have been the main protagonists in the struggle for resistance.

Mexico is a symbolic case in these processes, in which the movements for the defense of the territory developed by indigenous peoples are characterized by the centrality that is given to the cultural, material and especially immaterial heritage: which is connected to territory and ethnic identity. Between the defense of territory and the cultural heritage of a community there is a relationship of necessity: the *biocultural* area is the condition of reproduction of culture and of cultural practices, therefore defending the cultural heritage means to protect the territory, and vice versa.

The defense of the holy places for the indigenous spirituality, of the ritual geography crossed by pilgrimages and theater of their own festivities, of the biodiversity which is at the root of traditional medicine and nutrition, like so many productive activities connected to crafts, are the motor of the struggles that utilize in a creative way mobilization, direct action and legal battle.

The analysis will focus on four paradigmatic experiences that combine the vindication of the rights of indigenous peoples with the cultural heritage used to defend the country. First of all, the struggle of the Wixárica people defending the sacred mountain of Wirikuta and the large desert territory, theater of perinegration, and that of the Me'phaa people that are defending their forests and ritual paths: both communities are fighting against the installation of open-pit mining in their territories.

Then, the last Coca community, an indigenous people that has almost disappeared and that it’s claiming the importance that Mezcala Lake plays in the history of their people and in their collective identity, opposing the expropriation and exploitation of the tourist place.

Finally, the Nauha population of Tepoztlán who is fighting against the ampliation of the highway which threatens the destruction of a pre-Hispanic archaeological zone, which is still a place of ritual celebrations related to the agricultural calendar. In this context, the issue is if the characterization, and the eventual legal protection of indigenous cultural expressions such as the "immaterial cultural heritage" or the "intangible", could be useful tools for its defense, issues around which there is currently an ongoing heated debate in Mexico.

On the one hand, the concept of wealth is considered an expression of a hegemonic project of symbolic domination, emphasizing that protection policies are declined in vertical and hierarchical decisions and that "the process of capitalization of human actions always involve the creation of external control regimes and quality assessment" (CPCI 2012: 26). On the other hand, proponents of cultural heritage from the "bottom" refer to a "feeling of belonging based in the constitutive role that belongs to the ideas and cultural values of individuals, the community and nation states" (Arizpe and Nalda in Machuca, 2004: 75), and the capitalization as a protection strategy and a tactic of strengthening the cultural heritage.

The intangible cultural heritage is made up of a system of interconnected elements, that belong to different ranges: from socio-cultural context to objects, including the landscape and the territory, intangible element that represents a fundamental support for the identification of cultural heritage.

The territorial definition of heritage is still an unsolved problem of great urgency, as it is clearly shown by the analyzed experiences in which various indigenous peoples are struggling to safeguard their sacred sites by using the ILO Convention 169.

Some of the exposed cases are developing processes of self-directed capitalization as a strategy of cultural and territorial defense, but their experiences show the limitations of this proposal, that are particularly evident in the coding of the cosmovision and in the expressions of spirituality, as well as in the juridical framework of the process of cultural claim.

Therefore, I consider that the legislation has to facilitate the recognition of the more extensive right to autonomy of indigenous peoples, which includes both the territorial aspect as the cultural and political, together with the faculty of self-government in their territories and with their own decision on projects that interest them, more than to the protection of cultural heritage, tangible and intangible.

That is an option that is visible in the daily practice of the defense of the territory, where the indigenous people protect their own culture and the meaning of their life that implies their identity as communities. At the same time, the persistence and strengthening of cultural and spiritual events related to the territory is also a form of resistance, that the processes of self-directed capitalization can possibly support, but never replace.

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THE INTENTIONAL DESTRUCTION OF CULTURAL HERITAGE BETWEEN INTERNATIONAL CONVENTIONS AND DIRECT INTERVENTION

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This work analyses the deliberate destruction of cultural heritage in Iraq and Syria. Starting investigating the most important Conventions and international instruments concerning the protection of cultural heritage, it is underlined how weak these instruments are. In particular, three of the main international Conventions, the 1954, the 1972 and the 1999 I Protocol of the 1954 Convention are analysed. In the light of the limits of these Conventions, the second part focuses on terrorist actions comparing the IS action in 2015 to the Taliban action in 2001 and analysing the differences with previous behaviours in history. In the last part, international reactions have been studied specifically on terrorist actions and the possibility of a direct international intervention will be investigated.

The interest for cultural heritage has gradually increased since the end of the II World War and the adoption of the first Convention about the protection of cultural heritage in 1954.

The Conventions concerning the protection of cultural heritage usually classify cultural properties, that need general protection, and cultural properties with an outstanding value that, for that reason, need a "special" protection. However, there are many limits to these international instruments and the provisions of the Conventions have failed in stopping terrorist attacks. On the other hand, terrorists do not respect the international law and use the destruction of cultural heritage for a massive media campaign.

Francioni and Lenzerini analysed how the Taliban actions in 2001 against the Buddha statues in Afghanistan were different from all other cases in history. Their analysis can also be applied to IS actions in Iraq and Syria. In fact, both Taliban and IS do not destroy part of the cultural heritage belonging to an enemy but that of the Afghans, Iraqis and Syrians themselves: they are not destroying a different culture but their own history. Indeed, the actions of Taliban and IS seem to be guided by the will to erase the pre-Islamic past and restart from Year Zero. Furthermore, in both cases these destructions were not due to military necessity, nor these properties were near military objectives but they were their focused targets.

Also the link made by Francioni and Lenzerini between the destruction of Buddha statues and the sanctions imposed by UN in 1999 and 2000, seems to be confirmed in the IS case, since IS destructions occurred after the imposition of UN sanctions.

Furthermore, we remark another important analogy between these two cases: the international reaction has not been strong enough. More precisely, the 2003 Declaration concerning the intentional destruction of cultural heritage is a soft law instrument characterized by the use of the conditional *should*, that weak even more this already frail instrument. Now, the international response leads to numerous

awareness campaigns that, however, have not brought, at the moment, to important changes. For that reason, the possibility of a direct intervention seems to be an important possibility to explore. Actually, the possibility to intervene either individually or through the UNESCO Committee, in conformity with the UN Charter, is already provided by art. 31 of the II Protocol to the 1954 Convention. This article underlines that the international cooperation in favor of cultural heritage is not a mere possibility but States *undertake to act:* this means that the action is actually an obligation. States can act both through measures to repress violations against cultural heritage and to punish the perpetrators.

Moreover, the Security Council resolution 1483 of 2003 considers the illicit traffic of cultural heritage a danger for international security. Since Chapter VII of the UN Charter concerns security issues, with this resolution the Security Council intervenes directly against the illicit traffic of cultural heritage.

Through that resolution, the protection of cultural heritage becomes an international obligation, not anymore limited to the States party of the Conventions. The Security Council resolution 2199 of February 2015 gives a new contribution since it states that cultural heritage has to be protected also from deliberate destructions. In that way the Security Council can intervene with a stronger action.

In that direction, the Italian proposal at UNESCO has been recently co-firmed: a deployment of UN peacekeepers for the protection of cultural heritage in risk areas could make the protection of cultural heritage a UN task.

In conclusion, the direct intervention for the protection of cultural heritage seems to be the only possibility to avoid deliberate destruction of important sites in Iraq and Syria. Moreover, some of the rules protecting cultural heritage are considered customary laws with an *erga omnes* value thus allowing an international intervention.

This work analyses the problem of the intentional destruction of cultural heritage from a legal point of view. It focuses on the main international Conventions concerning the protection of cultural heritage addressing the problem of the destruction of important sites.

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THE NEW DIRECTIVE ON RESTITUTION OF CULTURAL GOODS AND ITS EFFECTS ON INTERNAL MARKET.

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According to art. 36 TFEU: "The provisions of Articles 34 and 35 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of… the protection of national treasures possessing artistic, historic or archaeological value". Under the terms and within the limits of Article 36 TFEU, Member States retain the right to define their national treasures and to take the necessary measures to protect them.

The European Union is an evolving international organization. Even if one of its main goals is to establish a single market (including for cultural goods), the duty to protect national cultural property became more and more considerable as soon as it became clear that cultural goods have also an enormous economic value, that makes illegal trafficking of cultural objects one of the most profitable of criminal activities.

For this reason, starting from the Nineties, the EU passed legislation to protect cultural property, with the particular intent to prevent and to fight the illegal import and export of it and encouraging cooperation between Member States with a view to protect cultural heritage.

The most relevant provisions in this field are Regulation 116/2009[1] (previously Reg. 3911/92[2]) and Directive 2014/60[3] (previously Directive 93/7[4]).

In my paper, I would like to examine in depth the new Directive of 2014, recasting Council Directive 93/7/EEC and its legal consequences on internal market, in particular in regard of good faith acquisition foreseen in art. 1153 of the Italian civil code. The new version of the directive clarifies that in case of return, the court shall award the possessor fair compensation, but the possessor must demonstrate that he exercised due care and attention in acquiring the object. In Directive 93/7 the burden of the proof was not specifically regulated, and it was discussed among scholars and researchers if the possessor should give the proof of his due care in the acquisition.

It is well known that directive 93/7 was issued to counterbalance the establishment of the internal market and to secure the return of cultural objects that have illicitly been removed from a Member State. The directive conferred a right to return in respect of cultural goods classified as national treasures possessing artistic, historic and archaeological value and belonging to the categories listed in the Annex. This list was quite discussed among MS. The adopted parameters where whether the cultural importance of the good or its economic value. The new directive has eliminated the

[1] Council Regulation (EC) No 116/2009 of 18 December 2008 on the export of cultural goods.
[2] Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods.
[3] Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014, on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast).
[4] Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State.

Annex and it has extended the duty of restitution to all cultural goods classified as national treasures by a MS.
Directive 2014/60 also increases the duty to cooperate and promote consultation between MS central authorities. Duty to cooperate is essential for the purposes of the directive, because it concerns the obligation to seek a specified cultural object unlawfully removed and the identity of its possessor, notify the discovery of a cultural object, enable to check the cultural object, or to act as an intermediary with regard to its return. The directive 2014/60 increases the Internal Market Information System (IMI), established by Reg. 1024/2012, in the field of cultural objects. MS may also use the IMI to disseminate relevant case-related information concerning cultural objects, which have been stolen or unlawfully removed from their territory.
Very important is also the provision of art. 8, first sentence, according to which: «Member States shall provide in their legislation that return proceedings under this Directive may not be brought more than three years after the competent central authority of the requesting Member State became aware of the location of the cultural object and of the identity of its possessor or holder». In the previous directive, the limitation period was only one year and it was judged too short to assure effectiveness to the provision.
Directive 93/7 has been rarely used, due to its limited scope, its restrictive procedural time limits and the high costs associated with claiming the return of cultural objects. In my paper, I will verify if the new directive improves the old provisions, or if the extension of its scope to all cultural goods belonging to a MS, the lengthen of time limits, to place the burden of proof on the holder of an illegally moved national treasure are only a first step to ensure its goals.

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2nd Session: *Cultural heritage inspires*

CULTURAL HERITAGE INSPIRES

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Dear friends,

First, allow me to express my thanks and honour for being invited to make this keynote speech. I intend to address the theme of this session by exploring, even if shortly, some issues encapsulated in the equation 'cultural heritage and society'.
I will do so referring to UNESCO's Convention of 2003 on the Safeguarding of Intangible Cultural Heritage and the Council of Europe's Framework Convention of 2005 on the Value of Cultural Heritage for Society, two conceptually and politically innovative and inspiring multilateral agreements. Both are built around ideas of 'community' and refer to the community members' roles and rights regarding cultural heritage. But there are important differences between them.
Of course, the idea of community has changed over time in anthropological theory and is a matter of controversy among experts, but for the purposes of this meeting it is unproductive to elaborate on this matter purely on academic grounds. Definitions do not exist in a vacuum, particularly those produced as tools of public policies. They respond to questions such as: Which practical issues should they serve? What socioenvironmental, political and historical issues should they address?
The understanding put forward by Unesco's 2003 Convention, for example, is that communities, groups and individuals are those that 'create, maintain and transmit' (Art. 15) the cultural elements that people 'recognize as their own heritage' (Art.2,1). In terms of this agreement, heritage is defined as an object with a subject and, in the process of its implementation, for practical purposes, it makes sense to ask: whose heritage is it? whose ways of living and futures would be affected by the implementation of safeguarding measures?
Furthermore, coherently with this understanding, the 2003 Convention's Operational Directives indicate that community members are those who can legitimately give their free, prior and informed consent to the implementation of specific safeguarding measures.
To understand heritage as belonging to a social group, as being 'someone's heritage' is in itself a crucial step towards bringing common people to the often exclusive academic cultural heritage circles and creating the possibility – not always fulfilled due to political regimes in various countries – of making it viable for them to participate in decision making on these matters.

The ideas put forward by the Faro Convention, in their turn, are also very inspiring, theoretically and politically. This agreement articulates the concept of the "common heritage" to human rights, and adopts in its Preamble the principle that 'every person has a right to engage with the cultural heritage of their choice, while respecting the rights and freedoms of others'.

Heritage is here recognized as significant not just to stakeholders, but also to 'others', that is, the many and varied people belonging to neighbouring communities, visitors and buyers, audiences and participants of public performances, and so on. The Faro perspective suggests that cultural heritage is not just 'someone's heritage', but involves strong symbolic constructs that also interest 'others', and that touches you and me, not just its bearers or practitioners. Faro also recognizes that cultural heritage establishes a dialogue with cultural repertoires of 'others', possibly inspiring and being inspired by them, both symbolically and practically, and is thus open to innovations.

I would also like to highlight in these preliminary remarks that because cultural elements are dynamic realities, their continuity and sustainability are crucial, as well as the continuity and sustainability of the programs and projects that aim to contribute to their continuity and viability. Threats to traditional cultural practices are highly variable and contextual, hence safeguarding policies cannot be produced on the basis of general principles alone. Let me offer two examples.

In a seminar at Antananarivo, Madagascar, in support of the implementation of the UNESCO Convention, I asked the participants: "What are the threats that you as a community face in safeguarding your heritage?" To my surprise, the first answer from the audience was: "Christianity, because we are prevented from praising our ancestors, from paying respect to them and from taking care of their bones, which have to be left freezing, under the earth. We cannot care for our ancestors' remains in our own way, in the Malgache way. The Christian church would not allow it. So, we face a very difficult problem in practicing our heritage." I found a similar example at a workshop in Mozambique where a participant stated: "One of the main problems that we face in relation to the continuity of our cultural heritage is that we could not bury our relatives and ancestors who had been killed in battle fields. We could not perform what was necessary to pay respect to our ancestors and ritually purify those lands."

I had not realized until then how deeply cultural heritage would sink into peoples' hearts; how deeply meaningful it can be to them. And also that its continuity and sustainability depend not only on propaganda, on the involvement of new practitioners and availability of material resources, but also - if not mainly - on the ideological dispositions of the practitioners, on the ideological orientations embedded in national legal systems and in how these legal systems are effectively put in practice by those who are in control of these material and political resources.

One consequence of this understanding about the implications of cultural heritage policies and of the existing conceptual diversity of their instruments is to acknowledge the need to make explicit the ethical principles that should be followed by those who implement them.

Heritage is not just an object with a subject, but also a construct that takes place in complex political arenas in which the public officials involved must be made visible and responsible for the acts they perform.

Is cultural heritage inspiring?

Yes, I think it is. It inspires when it helps us to realize from experience the symbolic strength of culture and the richness of human creativity. It also instigates understanding of deeper symbolic meanings of culture, meanings that transverse cultures, regardless of differences in cultural codes and values.

Music and dance: they inspire us! They can remove us from our everyday lives, just because they are what they are. They do not need explanations. They are, so to speak, pure expressions of human creativity.

Cultural heritage is also very inspiring when it provides the base around which a growing community - which includes people like you and me, and our colleagues across continents - to talk about it and to celebrate it, in academic symposia, in festivals or in local performances around the globe.

These are experiences that remind us of our commitment to building bridges of dialogue and understanding among people and across cultures.

I deeply regret that I could not be with you in person. However, I wish you a productive and pleasant meeting and thank the organizers of this symposium for their kind invitation. Congratulations for the inspired perspective offered by this program!

Antonio Arantes

São Paulo, November 26, 2015.

Antonio Arantes, PhD King's College, Cambridge. Professor of Social Anthropology

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D. Miccoli (Rothschild Foundation Europe Fellow, Ca' Foscari University): *History, nostalgia andthe birth of new diasporas: experiments in Mediterranean Jewish heritagisation*

Maria Luisa Tufano (University of Naples "Parthenope"): *Through an effective method of governance of cultural heritage sites (CH sites)*

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THE MANY VOICES OF THE HERITAGE COMMUNITIES IN INTANGIBLE CULTURAL HERITAGE PARTICIPATION: THE ROLE OF ETHNOGRAPHY

Alessandra Broccolini, Sapienza, University of Rome

Heritage communities, patrimonialization processes and participation in intangible cultural heritage are key concepts that belong to a new landscape arisen in the wake of the 2003 UNESCO Convention for the Safeguarding of Intangible Cultural Heritage. With its emphasis on participatory processes, this convention has produced a great deal of debate and complex repercussions for local and national cultural policies. The Representative Lists in particular were highly contested during the proceedings leading up to the Convention but have since become very popular in Italy. The creation of these lists has produced sweeping change at the local level, variously affecting both institutions, with the advent of new political and economic interests, as well as the collective subjects of various kinds that hold elements of intangible heritage (festivals, knowledge, etc.), including previously marginalized subjects, with the emergence of new aspirations and heritage imaginaries. Pressures from above and below converge in granting increasing emphasis to participatory processes, reflecting both current political-ethical leanings (heritage as a basic human right) and the multiple trajectories of contemporary democratization processes, aided by widespread and growing access to the internet and new media.

This participatory fervor triggered by the UNESCO imaginary materializes in heterogeneous ways and shapes, ranging from more rigid institutional control (for example, the emergence of new institutional actors, regulations, foundations dedicated to specific heritage forms or lobbies) to new instances of cultural creativity and intangible heritage participation both locally and individually. However, these new phenomena often have to face off against or interact with the historical holders of heritage forms and their traditional ways of participating in social and civic life, represented by committees, confraternities, societies, associations, spontaneous groups or familial traditions. These actors' ability to transmit and 'preserve' heritage, rooted in established practices, often derives from fields of cultural and expressive autonomy that have in various ways secured them spaces of action and individual and collective agency, the real prerequisite for and guarantor of cultural diversity.

To what extent does the UNESCO scenario enhance and safeguard these traditional spaces in which traditional heritage communities have been able to participate and express cultural creativity? To what extent does it instead generate broader processes leading to forms of institutionalization or promoting the emergence of 'new' heritage communities? What are the many voices of the old and new heritage communities animating the contemporary landscape, a landscape characterized by a growing emphasis on intangible cultural heritage, and to what degree does this changed landscape foster participatory processes?

Discarding facile positions on the intangible heritage field and UNESCO policy, whether apocalyptic or generically celebratory, anthropology is ideally positioned to contribute to a critical interpretation of the complex participatory, political and more generally cultural processes unfolding in the sphere of intangible heritage. It does so through the fundamental role played by ethnography, perhaps the only tool that can truly help us to analyze in detail contemporary contexts, terrains and processes that otherwise end up represented by institutions or local actors in facile and imitative ways. It makes sense to employ an ethnographic approach that is ever more engaged and collaborative, open to dialogue with the communities involved and prepared to listen carefully to the multiple "voices," while at the same time attentive to processes of change and the spaces of action occupied by old and new collective subjects.
The presentation will examine several Italian areas that have been affected by the UNESCO scenario and subject to ethnographic investigation in an effort to develop an initial understanding of the complex relationships between participation and heritage communities. These cases include: a) the emergence of new intangible heritage networks (e.g. The Shoulder-borne Processional Structures Network, the Network of Truffle Cities, etc.), collective actors, often powerful ones, characterized by institutional interests and new forms of political-economic representation; b) the new leading role played by historical intangible heritage holders such as confraternities, which have traditionally been an important voice in civil life and the sphere of religiously based festivities; c) the recent 'community-based inventories' initiatives, seeking to catalogue festive phenomena, laborious and complex experiments that reveal the emergence of new cross-cutting communities and heritage awareness, as seen in the ethnographically observed cases of 'community-based inventory' for festivities in Marta (VT) and Cocullo (AQ); to conclude with a reflection on d) marginalized communities, lacking a voice of their own, that hold an instance of intangible heritage not supported by political or economic representation or scientific visibility, communities whose traditional capacity for transmission is threatened, thus presenting an urgent need for safeguarding and reiterating the role anthropology can play in "taking care."

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COMMONS, EUROPEAN HERITAGE OF THE LOCAL COLLECTIVE ACTION

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A major transition of Western society we face for decades is according to one of its claimants characterised by denying the existence of common values, immanence of narcissism and self-realization (Gallagher, 2003 in Bahovec, 2015). Commons represent not only one of bottom up evolved historical institutions all over Europe, to which a role of institutional infrastructure for socio-political change is attributed (de Moor, 2008), but also a living practice of common values. As an institution and an ongoing process they are closely related to local community and share its basic functioning. Historical evolution of Commons faced declines e.g. at the end of feudalism and revivals e.g. after restitution processes in Eastern Europe in 20th century (Bogataj, 2014). Existence of Commons and their importance underline collective action studies (Ostrom, 1990 and others) but also policy with adjustment of States´ institutions (e.g. forestry) to the needs of their users and global movements like International Association for Study of Commons which promote Commons but also seek for further methodological shift in addressing their complexity. Theoretical framing thus roots in definition of their core element, community, and in principles of collective action, both still studied by several authors.

Commons survived centuries of political, economic and other changes. Therefore we argue they are a living laboratory, a basin of heritage, where particular attention and priority of lace like precise observation should be given to their intangible characteristics e.g. cooperative mechanisms, establishment and maintenance of functional rules, organisational procedures and adaptations. One of particularities of Commons has always been participatory decision making. Its pattern(s) represent an accent of communities to inclusive communication as part of community's´ constant balancing of rights and duties among primary units, which are households and not individuals. Participatory experience enables evolution of responsibility (towards community and its resource), identity and attachment of members. Governance principles therefore take into consideration two-fold relationship, linking members into a community and linking community with its resource(s).

Ostroms´ differentiation of official rules from rules-in-use (Ostrom 2005; Ostrom and Basurto 2011) differs between internal self-organised rules, based on cyclic adaptive feedbacks, and externally implemented rules e.g. ownership rules. Rules in use are locally specific and as important as nesting, the next particularity of Commons, crucial for their cumulative representation at higher organisational levels. Intergenerational transmission of these mechanisms was particular important in periods and frames of undemocratic regimes when rules in use kept Commons functioning invisibly, non-formally (Gatto, Bogataj, 2015). This way they fulfilled the basic community principle of self-sustenance. However, subsequent pressures of diverse nature caused decline of Commons, for example in Slovenia recently only 1/3 still function according to a

Register in comparison to pre WWII situation. Situation is up to now predominantly attributed to decades of official abolition and nationalisation of their land and infrastructure. However, marginalisation of the issue does not allow clear interpretations and limits learning potential of Commons. The same also goes for the potential Commons have in addressing recent societal transition.

A brief overview on the European situation evidence is presented with the accent on Slovenia. The nearby rural geographic area shares this European heritage of Commons. Comparative observations in Veneto and Slovenia have shown weakening of both, internal ties among community members (due to an increased social heterogeneity) and ties of most members with natural resources, once used for subsistence (eventually due to increased welfare and emerging gap between recent production and primary production of past times). As personal local experience of participation and resources´ characteristics seem to be weakened or lost, and structure of Commons may be changed, local communicative practices, closely related to the type, size and the nature of communities´ resources, change.

Historically gained experiential territorial knowledge thus represents important heritage which is according to our opinion in need of empowerment. Communities and their collective action, framed into circumstances of (eventual) material welfare decline and social changes, may be in need of learning infrastructure. The future of Commons is seen in promotion and support of the local critical reflexive dialogue in the frame of (intentional) learning. As environmental change (e.g. in terms of climate changes) and society change (e.g. in terms of migrations) are not "linear process of predictable causality but a complex of choices in the life-long learning" (Del Gobbo, 2015), capacity discourse is justified. Commons my thus inspire our capacities only with their further functioning, innovative responses and transmission of their tradition into the future. To achieve this, we propose to improve understanding of Commons and their system support by provision of learning infrastructure.

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THE CLAIM ABOUT AUTHENTICITY AS A FINANCIAL INSTRUMENT. CRITICAL ETHNOGRAPHY IN AN ITALIAN SETTING

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The essay analyses the contemporary terrain of the ICH in Abruzzo (Italy) and starts from an Italian debate about "what is folklore" and thus what is "authenticity". Ethnology in Italy is open to the cultural change, follows the interpretative methodology proposed by Antonio Gramsci and investigates the folklore as a subordinate culture through transnational cultures that shift from a peasant society to an industrial society. Besides this, Italian searchers are interested in what the public sphere considers as "Intangible Heritage" into an artificial society that no longer has to deal with the matter and with the environmental limits, and it is therefore untenable. Therefore, ethnology focuses on the environmental sustainability and on the reflexive processes of inventorying and capitalising the Intangible Cultural Heritage. In the global world, the normative actions around the ICH (UNESCO Convention 2003; EU Convention of Faro; several specific national and regional laws) produce this wide dimension of a return to the field. Beside the engagement with the "heritage communities" and the "heritage safeguard", in Abruzzo the ethnology currently operates with people who struggle against power and governance, now identified as those who struggle with any kind of official lifestyle. This means to look for a folklore that faces the future, more than a folklore that borders the identity. Despite the folklore that faces the future, there is a powerful and official folklore that remarks the identity and focuses on the past: this kind of folklore is unfortunately enhanced by the institutions and implemented through rhetorical invention of purism and atavism. This turn started from the'80s, when the mass culture started to read the popular and traditional culture as "objective", "official" and "pure", to promote an idea of the ethnicity that was unfortunately implemented by some readings of the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore (1989). These recent initiatives weigh on public finances for hundreds of thousands of Euro and are the historical costume parades and shows. Those new brand traditions experienced their greatest popularity since the '80s, becoming unsustainable from 2010 because of the high economic costs. The coexistence of divergent initiatives (old vs new, paesant vs urban, really archaic vs archaic sounding) has created difficulties both in the governance of events, both in public communication, both within the competition for financial redistribution which led conflict between communities. Today the stake-holders and institutions draw freely around the rhetoric of the "prestigious UNESCO mark", as evidenced by the absence of a specific schedule in communication and social pedagogy by the institutions. The meanings of "ethnicity" support a kind of mystification that misrepresent the social dimension of the contemporary life and avoid any possible mediation and solution. Recently, policy considers the grievances to the scarcity of public funding allocated to the countless events that the heritage community recognize as "authentic traditions" and think

around an istituenda regional list of "Intangible Cultural Heritage", then called the cultural anthropologists to help a regional bill on the matter and, pending a more extensive cultural program, identified in adult education as a tool for increasing awareness and responsibility on what the communities selected as "intangible heritage." This means that instead of confining the “ethnicity” into a nostalgic or authentical key, the humanities should look for a common denominator between cultures, and find this common denominator in the ICH reproducing. In this way, science can mediate between the local cultures and reflect on the rapport between universalism, particularism and social responsability: a cultural translation that seems to be the mission and the future of cultural science applied to sustainability.

A DYNAMIC MODEL SUPPORTING CULTURAL GOODS RHETORIC

Bruno Bernardi, Hariclia Hampsa, Pietro Marigonda, University Ca' Foscari of Venice

A growing concern about cultural heritage exploitation feeds a lot of expectations which will be soon scrutinized to assess if they can keep their promises. Since, a reliable measurement process is needed to foster day by day operations and to support strategy ongoing invention in cultural production organizations, such as museums, for instance.

In these institutions a coherent fruition process is considered as relevant as research and conservation activities. Unfortunately, the word heritage itself may suggest a number of inappropriate meanings. We share the vision of measurement as a vital tool in social processes representation and understanding, but we are worried about heritage measurement eventually leading to financial approach stressing only. It could seem an emphasis that is not part of research and good practices priority.

We are interested to design a metrics allowing outcome appreciation of cultural heritage uses, whatever the value notion adopted. We should not blur heritage with what is produced by its enactment in a variety of areas extended till social and environmental responsibility, well beyond the financial dimension.

Information so gathered are very useful to feed internal management processes and addressed to a variety of stakeholders involved in cultural management: local community, researchers, public bodies, firms, other cultural institutions, potential investors, and so on.

This paper focuses on museums' management even if a lot of issues may be employed in other sectors without relevant meaning losses.

Our perspective meets also the needs of decision makers involved in territorial development projects and in community identity enforcing. The proposed model belongs to integrated performance measurement systems research area since it links a sound basis of financial information with qualitative and quantitative non-monetary variables -and their interaction.

Being aware of contemporary decision making vision, a dynamic model is proposed where control variables take different roles in the various steps of system design and implementation as derived from the behavior of a given set of indicators. The model is designed also to foster competencies growing processes in cultural organizations and may be observed as a sequence of steps linked by recursive relationship.

The first step, strongly inspired by Balanced Score Card approach, is devoted to organization strategic map recognition by means of internal processes and organizational environment analysis. The need to shape external communication in order to raise consensus is particularly cared.

The second step deals with control requirements and features design following stakeholders' expectations.

The third step focuses on performance appraisal system launch: contingent organizational premises will deeply influence tools variety and change management pace as far.

Effectiveness in performance appraisal system adoption is supported by an original analysis model of organizational premises and constraints influencing organization's outcome. The proposed model answers the need for information disclosure and failure mitigation causes in updated performance measurement system adoption in cultural production organizations.

FROM THE VALUE OF CULTURAL HERITAGE FOR SOCIETY

Prosper Wanner, Hôtel du Nord cooperative

The Framework Convention on the Value of Cultural Heritage for Society, know as the "Faro Convention", was adopted by the Committee of Ministers of the Council of Europe on 13 October 2005 and came into force on 1 June 2011. To date, seventeen member States have ratified it and five others have signed it.

The originality of the Faro Convention is that it is the first international convention related to cultural heritage that is not about *how* to preserve cultural heritage but it asks the question of why and for whose benefit should we enhance cultural heritage. The Faro Convention completes the other Conventions on cultural and natural heritage.

This Convention gives an important framework which defines stakes, general objectives and thematic routes in which States are invited to progress each according to their respective contexts, practices and legal and institutional frameworks. The Faro Convention provides indications and does not impose obligations on States.

The Council of Europe recognises that rights relating to cultural heritage are inherent to the right to participate in cultural life, as defined by the Universal Declaration of Human Rights, and encourages a reflection about the participation of citizens, alone or collectively, in the process of identification, study, interpretation, protection, conservation and presentation of the cultural heritage. The Faro Convention undertakes to recognize "*heritage communities*" to afford an opening on a social, collective imaginative realm which connects, establishes and bonds according to the paths the philosopher Cornelius Castoriadis recommends in order to strengthen society.

The Faro Convention proposes heritage as a resource that can be mobilised for and by citizens to revitalise the society, strengthen democracy and create governance that can renew the conditions for a better co-existence. The Faro Convention links the values of "*existence*" and "*use"* of the cultural heritage as the economist Xavier Greff defines them. Cultural heritage is at the same time "*commons*" in the sense of the belief of Elinor Ostrom, economist and political analyst, winner of the 2009 Nobel Prize in Economics, and "*first common live"* of co-existence as defined by the philosopher and anthropologist, François Flahaut.

The Convention agrees in recognising the individual and collective responsibility towards cultural heritage, encourages respect for diversity of interpretations and undertakes to establish processes for conciliation to deal equitably with conflicting situations of use, interpretation or designation. This Convention proposes a democratic framework which allows communities to realize the sharing of "*words and thinking*", to establish the common of a community, as defines by the philosopher Pierre Dardot and the sociologist Christian Laval.

From the experiences of local practices recognized by the Council of Europe and led or not by the author (Marseille, Pilsen, Venice), the article proposes to illustrate how

these innovative practices do not contribute to extend cultural heritage fields by adding new actors like heritage communities, new uses or new heritage categories but that the innovative aspects is about a new framework “for society” and “by society” to recognise cultural heritage, in the spirit of the Council of Europe objectives, as a value for the development of a peaceful and stable society, built on the respect for human rights, for democracy and for the rule of law.

As an engineer in urban planning and project management, I have worked for 20 years with community members, entrepreneurs (as a cooperative manager, investor or trainer), and public institutions (as a consultant or expert) in Italy and France, to develop cooperative innovations.
I have performed this work in various geographic contexts (e.g., Marseilles, Venice, Europe, Mediterranean), professional contexts (e.g., expert for the Council of Europe, collaborator of the City of Venice on the Arsenal, manager of a cooperative of inhabitant in Marseille, European Capital of Culture), and sectorial contexts (e.g., social tourism, car sharing, fair trade). In each situation, I have worked to couple grassroots initiatives with initiatives and priorities of public institutions.
For the past dozen years, the Faro Convention on the value of cultural heritage for society has served as the framework for my experimentations thorugh such bottom-up initiatives, and, in particular, as a concrete attempt to foster their economic feasibility, and political, regulatory, and cultural impact.

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THE FARO CONVENTION, THE LEGAL EUROPEAN ENVIRONMENT AND THE CHALLENGE OF COMMON GOODS

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Aim of the Paper

The paper aims at investigating the role of cultural heritage, both tangible and intangible, from the perspective of "why" culture has a meaning for individuals and societies and whether, and eventually how, this approach has been accepted and incorporated into the international legal framework, also through the concept of common goods.

The analysis thus will focus on: a) the Council of Europe (CoE) Framework Convention on the value of cultural heritage (Faro Convention) in its more interesting and innovative aspects; b) the extent that the Faro Convention exercises in a pan-European environment; c) the relationship among the concept of cultural heritage and the notions of commons, common goods, common heritage of humankind in international law.

At this stage the reflection raises more questions than offering solutions; but this International Conference is the perfect occasion to discuss the issues outlined and to advance the investigation on the main questions delineated.

The CoE Faro Convention on the value of cultural heritage

The Faro Framework Convention, adopted by the CoE Committee of Ministers of the Council of Europe on 13 October 2005, entered into force on 1 June 2011. As an open international treaty it may be ratified also by States which are no parties of the CoE. The Faro Convention marks a significant departure from previous documents by clearly affirming the growing importance of cultural heritages as: a) precious resources in the integration of the different dimensions of development: cultural, ecological, economic, social and political; b) resources for the protection of cultural diversity and sense of place in the face of growing standardization; c) resources on which to develop dialogue, democratic debate and openness between cultures.

But the Convention, being part of the CoE mechanisms, and inspired by the basic values pursued by the CoE - respect of human rights, rule of law and democracy - focuses on strengthening social cohesion by managing cultural diversity, on improving people's living environment and quality of life and on expanding democratic participation, as priority axes chosen in order to underline the contribution of the Convention to the achievement of political objectives of the CoE (see CoE, *Action Plan for the Promotion of the Faro Framework Convention on the Value of Cultural Heritage for Society 2013-2015*, 25 November 2014).

As to its general content approach, the main novelty of the Faro Convention is represented by its *focus on society, and the importance to accord value to cultural heritage for societies*. It encourages reflection about the role of citizens in the process of defining, deciding and managing the cultural environment in which they live, by

asking for what and for whom should cultural heritage be enhanced. Differently, the previous Conventions address rather the issue of how to preserve cultural heritage. The originality of this Convention is thus traceable in the innovative notions of cultural heritage, common heritage of Europe, and heritage community.

The role of the Faro Convention in a pan-European environment

At point 8, the Faro Convention's preamble affirms "the importance of creating a pan-European framework for co-operation in the dynamic process of putting the principles of the Faro Convention into effect". This means the need for joint action to ensure Europe-wide achievement of the Convention's aims. Follow-up monitoring mechanisms will be put in place to ensure that the application of the provisions of this Convention establishes the link between human rights and heritage values in European society. The reach of the Faro Convention beyond the borders of the Member States of the COE and their citizens towards and in a legal environment defined more as *pan-European* is emerging at least from two aspects.

On one side, there is the idea that a common heritage of Europe exists and should be understood and promoted. Indeed, as stated in art.3 of the Faro Convention, the Parties agree to promote an understanding of the common heritage of Europe, which is composed of two inseparable elements: the cultural heritage, which represents a resource and a source of collective memory for people in Europe, and the shared intellectual heritage of an agreed set of social values, rooted in history, which form "the European ideal" in terms of how society should operate. The mutually-supporting interaction of these two elements constitutes a unifying theme of the Convention, developing the important principles of the Declaration on Intercultural Dialogue and Conflict Prevention (the Opatija Declaration), of respect and fair treatment for "cultural identities and practices and the expression of the corresponding forms of heritage, provided that these comply with the principles upheld by the Council of Europe". This is not an easy task but it is interesting the approach promoted by the States Parties in order to create a European perspective on cultural heritage as one of the values in society. Heritage is treated both as a "source" (Preamble 1) and as "resource" for the exercise of freedoms (preamble 3 and art. 2).

On the other side, the Faro Convention has had and is having a unique influence on the policies on cultural heritage in Europe. That is, to some extent, we can see in the new EU approach to culture and cultural heritage an echo of the Faro Convention's art. 2 and 3. Both these aspects have to be investigated in scope and legal strenght.

The connections among the concept of cultural heritage and the notions of commons, common goods, common heritage of humankind, in international law

Preamble 5 of the Faro Convention ("Convinced of the need to involve everyone in society in the ongoing process of defining and managing cultural heritage") specifies that cultural heritage, understood as a common good, justifies the widest possible democratic participation, and the exercise of cultural citizenship (see *The CoE Faro Convention, Explanatory Report*).

The notion of common goods is not very explored in international law and even more complex is its relationship with cultural heritage. Thus: Which is the meaning of notions such as commons, common goods, common heritage of humankind in relation to cultural heritage in international law? Which are the advantages and disadvantages of addressing cultural heritage as a common good and / or common heritage of humankind? How is the heritage's common good created, and how does it evolve? Which are the implications in terms of the governance challenges of heritage as commons? Does a potential "tragedy of the commons" still exist also in relation to cultural heritage?
These questions will be addressed in the last part of the paper, introducing also a new line of research on the topic of common goods and traditional knowledge.

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HERITAGE COMMUNITIES, DISCUSSION RIGHTS AND EXISTENCE

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According to the definition proposed by the Faro Convention[1], a heritage community consists of people "who value specific aspects of cultural heritage which they wish, within the framework of public action, sustain and transmit to future generation" (art. 2). The analysis of numerous heritage communities that have been active in Venice for several years has provided us with useful information to analyse and expand this definition.

A heritage community (hereafter HC) is a social group organized to act effectively in the long term. It exists as a "community" only if capable of developing its own culture, that is, its own world vision. This culture exists only when it is specific, shared and transferable. A HC must have the means to express its vision through public discussion as well.

Communication is always directed to someone and it is always purposeful. A HC communicates with two main stakeholders: citizens and political power. Its purpose is to create and disseminate specific cultural models that may define new citizenship rights and influence the decisions taken by the governing bodies.

In this respect, a HC is a fully-fledged political body which acts outside the party system in a transversal way. These communities are very inclusive, ever encouraging the practice of democracy with a strong sense of public ethics. In other words, the HC claims to be a fully recognized public organization. It is a matter of transformation from a paternalistic "allowance and goodwill" regime of the political power to a system where HC is a fully legitimated political body within a context of participatory democracy. Most of venetian HCs have sprouted to protest against a sequence of decisions of local government who have eased the sale of public propierties in order to boost the mass tourism economy. The transformation of historic buildings, with a long and rich history to tell, into hotels and supermarkets has worsened the quality of life of locals who have been leaving the city for years.

Over time many HCs have been able to be more and more proactive and purposeful. Their projects are focoused on the governance of valuable extensive areas of the city as Arsenale, Poveglia island, Sant'Andrea fortess. These projects also express the willingness to take care of local heritage, protecting the fragile Venice lagoon environment in its physical and biological forms and manifestations, renewing life and work practices, local productions, traditional knowledge.

Therefore, Venetian HC have grown, becoming active citizenship organizations in a real sense. They have grown in number, dimension and organisational skills, but:

- the concept of common good is still basically extraneous and hardly

[1] The Framework Convention on the Value of Cultural Heritage for Society was adopted by the Committee of Ministers of the Council of Europe on 13 October 2005, and opened for signature to member States in Faro (Portugal) on 27 October of the same year, at http://www.coe.int/it/web/conventions/full-list/-/conventions/rms/0900001680083746

understandable for the vast majority of citizens;

- the same applies to the concept and practice of the participatory democracy and active citizenship;
- the active citizenship is actually no more than 2% of the electoral body (estimated on the basis of the the latest municipal elections in 2015);
- The effective participation of civil society organisations in political decision making is non-existent and often actively hampered by political bodies.

An awareness about these obstacles has also emerged from the study groups activated as part of the "Participatory Governance in Cultural Heritage" project[2] still ongoing. It's now evident that not all kinds of public participation concerning the cultural heritage can be considered as "participated" government. Citizens can participate in educational projects, entertainment activities, consultation processes, but these types of participation are not examples of "participated government".
Only shared government and power can be considered a partecipated practice. Only numbers 6-7-8 in Arnstein 's Ladder[3] regarding civic participation can be considered as "participated government":

8 - *Citizen Control*. Have-nots handle the entire job of planning, policy making and managing a programme with no intermediaries between it and the source of funds.
7 - *Delegation*. Citizens holding a clear majority of seats on committees with delegated powers to make decisions.
6 - *Partnership*. Power is in fact redistributed through negotiation between citizens and power holders.
5 - *Placation*. For example, ineffectual co-option of hand-picked 'worthies' onto committees.
4 - *Consultation*. Frequently this is just a window dressing ritual.
3 - *Informing*. Frequently the emphasis is on a one-way flow of information. No channel for feedback is in place.
1 - *Manipulation* and -2 *Therapy*. Both are non participative. The aim is to cure or educate the participants.

In short, the HCs existing in Venice (but not only there) have developed in in such a way as to go far beyond the short definition of the Faro Convention. They express a fundamental need, that is to overcome some obvious limitations connected to the representative democracy. This evolution should be better investigated using demo-anthropological research methodologies, to overcome the gap between theories and actual practices.

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[2] *Voices of Culture - Structured Dialogue between the European Commission and the Cultural Sector*, provides a framework for discussions between EU civil society stakeholders and the European Commission with regard to culture, at http://www.voiceofculture.eu/

[3] *A Ladder of Citizen Participation*, Sherry R Arnstein, (1969), at http://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.html

The Voices of Culture Report suggest a number of basic conditions for an effective *participatory governance.* It is about *shared governance plus shared responsibility*. It requires:

- Trust, ethics and respect
- Political will (no tokenism)
- Professional and social will
- A legal framework
- Transparency and access to information
- Education/training for all the actors involved
- Funds for promoting true participation.

At present, we are far away from the presence of these conditions. Doubtless, the primary reason for this is the lack of a clear political will.

THE RIGHT OF ACCESS TO AND ENJOYMENT OF CULTURAL HERITAGE UNDER INTERNATIONAL LAW: A WAY TO LINK THE PRESERVATION OF CULTURAL HERITAGE TO THE PROTECTION OF HUMAN RIGHTS

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Introduction

According to the United Nations Special Rapporteur on Cultural Rights:
"[under international law] a shift has taken place from the preservation/safeguard of cultural heritage as such, based on its outstanding value for humanity, to the protection of cultural heritage as being of crucial value for individuals and communities in relation to their cultural identity".[4]
This statement stresses the importance of the individual and collective *human right dimension of cultural heritage*, in the light of the cross-fertilisation between human rights and international cultural heritage law, which emerges from a series of international instruments, in particular, to name a few: the 2003 UNESCO Declaration on the Intentional Destruction of Cultural Heritage; the 2005 UNESCO Convention for the Protection and Promotion of the Diversity of the Cultural Expressions; the 2005 Council of Europe's Faro Convention.
Even if references to the relation between cultural heritage and human rights have been made in such instruments, the explicit recognition of an autonomous *human right to cultural heritage* cannot be identified. Nonetheless, whereas several legal scholars have examined the various intersections between culture and human rights,[5] the possibility to identify a specific human right category which entails the protection of cultural heritage has not been thoroughly explored.

Main thesis

This paper will argue that the *right of access to and enjoyment of cultural heritage* could play a pivotal role in linking the protection of human rights to the safeguard of cultural heritage.
According to the abovementioned *Report on the Right of Access to and Enjoyment of Cultural Heritage*, this right forms part of international human rights law.[6] The conventional international human rights system recognises, nonetheless, the *right to take part in cultural life* (art. 15 of the International Covenant on Economic, Social and Cultural Rights, hereinafter ICESCR) on which, as underlined by the Special Rapporteur, the right of access to and enjoyment of cultural heritage finds its legal basis.[7]

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[4] UN Doc A/HRC/17/38, para 20.
[5] See, inter alia, VRDOLJAK (ed.), *The Cultural Dimension of Human Rights*, Oxford University Press, 2013; BLAKE, *Taking a Human Rights Approach to Cultural Heritage Protection*, Heritage and Society, Vol. 4, 2011.
[6] UN Doc A/HRC/17/38, Paragraph 78.
[7] *Ibid.*, Paragrah 34.

From another point of view, as highlighted by the UN Committee on Economic, Social and Cultural Rights (CESCR) in its General Comment n.21,[8] it is evident that, in many cases, there can be no exercise of the right of access to and enjoyment of cultural heritage without the preservation of the integrity of cultural heritage itself[9].
In view of these considerations, the right of access to and enjoyment of cultural heritage appears to be a legal category which *meaningfully links human rights,* in particular the one to participate in cultural life, *to the preservation of cultural goods*.

Methodology
The proposed paper will provide an analysis of the normative elements of such right, as outlined by the Special Rapporteur, and it will then enquire how these features fit in the contemporary international law system. In particular, it will focus on the definition of the concepts of access and enjoyment, the individuation of the right-holders, as well as on the issue of the participation of local communities in the identification/selection of cultural heritage.
In this regard, it will be shown that some references to the concepts of access to and enjoyment of cultural heritage can be found in regional and international human rights instruments, such as the abovementioned *Faro Convention,*[10] the 2006 *Charter for African Cultural Renaissance*[11] and, nevertheless, the ICESCR, read through the interpretation given by *General Comment n. 21*.
The paper will also analyse the practice of the international monitoring bodies, such as the United Nations Human Rights Committee (HRC),[12] and human right courts, especially the Inter-American Court of Human Rights,[13] which have played an important role in the definition of such concepts.
Furthermore, it will be shown that a sort of right of access to and enjoyment of cultural heritage has been increasingly recognised by States' practice. In fact, some national constitutions include the State's obligation to recognise the right of people to access culture or cultural heritage and remedies have been set forth by the domestic legal systems.[14]

Conclusions
The paper argues that the *right of access to and enjoyment of cultural heritage* forms part of international human rights law and that this new legal category can play a pivotal role in linking the protection of human rights to the safeguard of cultural heritage.

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[8] CESCR, *General comment No. 21, Right of everyone to take part in cultural life (article 15, para. 1 a) of the Covenant on Economic, Social and Cultural Rights),* E/C.12/GC/21.
[9] E/C.12/GC/21, Paragraph 50.
[10] See Article 12 of the Convention.
[11] See Articles 4 and 12 of the Charter.
[12] See *Lubicon Lake Band v. Canada* (HRC, Communication No. 167/1984, views adopted 26 March 1990).
[13] See, inter alia, *Saramaka People v. Suriname* (Int-Am Ct HR 2007, Series C, No. 172) and *Kichwa Indigenous People of Sarayaku v. Ecuador* (Int-Am Ct HR 2012, Series C, No. 245).
[14] UN Doc A/HRC/17/38, Paragraphs 49-57.

MAINSTREAMING GENDER IN THE PROTECTION OF CULTURAL HERITAGE

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The purpose of this contribution is to reflect on the relationship between gender equality and cultural heritage, applying the lens of human rights. We will demonstrate that the two elements are not conflicting, but mutually reinforcing. For the purpose of our presentation, we will only concentrate on the role of women, despite the notion of gender must be considered as broader, and we will refer to both tangible and intangible cultural heritage (ICH).

Most binding international legal instruments are silent on gender equality in this context, although non-binding instruments have recently emphasized the role of women in cultural heritage. Hence, for example, in a report commissioned by UNESCO, published in 2014, experts analysed the relation between gender equality and cultural heritage, starting a debate which should inspire the activities of UNESCO in the years to come.

Different scenarios may be envisaged from a human rights law perspective. In some cases, certain practices can never be accepted from a human rights perspective since they impair women's rights, and constitute a clear discrimination against women. It is the case of the Fijian practice of *bulubulu* because of its use in rape cases, whose elimination was recommended to the Fijian government by the UN *Committee on the Elimination of Discrimination against Women* (report of 2002).

In other cases, it is not the cultural practice that has proved to be a form of discrimination against women, but the official recognition of this practice as intangible cultural heritage: it is what has happened in the Gnawa community in Morocco, who is known for its music and rituals. Women were as important as men in the community of practitioners, but now that the practice is famous worldwide, women have become no more than an ornament on a male-dominated stage.

Other practices can be transformed, provided that the community accepts this transformation: in the Japanese *Kabuki* theatre, women could not traditionally play any role. However, there is now a troupe of Kabuki actors who include women playing female roles. The same could be said for the traditional gondola, usually driven by men; only recently a woman passed the exam and became a "gondoliere", or, to stress the importance of language in gender equality, the first "gondolier*a*".

Striking a balance between human rights and cultural heritage is not always easy. Turning to tangible cultural heritage, the access to some cultural heritage sites is prohibited to women, and it is a clear discrimination, but the nomination of these sites was determined by their culture and history; to be only open to men is undoubtedly part of their history. This is why UN treaty bodies and UNESCO could play a significant role in recommending countries the best way to achieve gender equality

and at the same time promoting cultural heritage. Women can play an active role in this field and should be allowed to contribute to the development and implementation of national and regional plans. As posited by the *Special Rapporteur in the field of Cultural Rights*, Farida Shaheed, in 2014: "a key challenge is how to ensure women's equal participation in discussions and decision-making on these issues and enable them to create new cultural meanings and practices."

It seems that women can play a further role in the protection of cultural heritage, taking into account the most recent events. Women (belonging to Yazidi and Christian minorities) victims of violence perpetrated in Iraq by the Islamic State, the terrorist organization recognized as such by the international community, can contribute to preserve the cultural heritage of their lands. Ancient sites have been destroyed by the Islamic State, but cultural practices and the memory of ancient sites can be safeguarded by women. It was a woman indeed, Sister Diana Momeka, spoke before the US Foreign Affairs Committee last May and witnessed the existence of a culture which is in danger.

The expression chosen for one of the sessions of the conference, "Cultural heritage inspires", has 'inspired' us an analysis using an international human rights perspective and a gender-based approach. The approach is twofold. On the one hand, it should be acknowledged and emphasised the contribution given by women in the preservation of traditional practices and heritage sites (for example establishing research centres such as the one in Nigeria, or museums, such as the Vietnamese Women's Museum). On the other hand, gender should be mainstreamed in the protection of cultural heritage – provided that the participation of local communities is ensured, - in order to empower women and gradually combat discrimination against them, by taking into account the importance of economic, political and social factors in furthering those changes.

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INDUSTRIAL HERITAGE IN ACTION: NARRATIVES OF BECOMING IN *DOLOMITI CONTEMPORANEE*

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The proposed paper offers an empirical reconstruction of the birth and the becoming of an experience of cultural action in and around industrial heritage sites.

In the last decades there has been a surge of attention for industrial heritage, both among policy makers, urban planners and researchers. While during the last three decades of the last century the emphasis was on raising public awareness on the value of industrial sites as a form of heritage in itself (Hudson 1963; Alfrey et al., 1992), around the turn of the century the discourse shifted to claiming the value of industrial heritage as a strategic resource to be restored, modernized and reused as cultural destinations for some consequent presupposed job creation, territorial competitiveness and local development (Edwards & Coit, 1996; Hospers, 2002; Pawlikowska-Piechotka, 2009; Lamparska 2013). This, we believe, invites to an investigation of industrial heritage as part of broader programs of culture-led regeneration (McCarthy, 1998; Bailey et al., 2004) that considers the urban fabric and its material artifacts as the context where cultural processes can be encouraged and used to transform the economy, and culture as a strategic resource at the service of urban strategies, of the vision that a territory has of itself, and of its future positioning.

We argue that the industrial heritage discourse shares with the culture-led regeneration one some of the limitations noted elsewhere (Calcagno, Lusiani & Panozzo, 2013). First, it mainly focuses on the macro policy level, virtually disregarding empirical investigations in the dynamics of concrete practices of what happens in and around heritage sites and what is, if ever, regenerated. Second, it is imbued with a sort of functional determinism, as if restoring former industrial sites and reusing them for some cultural activity could regenerate almost "by magic" any place. We therefore propose to move on from a policy discourse by zooming into the dynamics related to industrial heritage reuse at the micro practice level, and to move on from a functionalist assumption of industrial heritage as a strategic resource, seeing it rather as part of a bundle of processes of several kinds.

Empirically, we plunge in the case of Dolomiti Contemporanee (DC), a major curatorial project that was founded in 2011 by Gianluca D'Incà Levis, a contemporary art curator. The original idea of DC is to identify relevant abandoned sites on the Dolomites, such as large factories, other complexes of industrial archaeology, or residential settlements that are no longer active, to occupy them and to reactivate their potential by rethinking their relationship with the surrounding nature and society in a non-trivial and nonstereotyped way, through the curatorship of temporary visual arts events. This seemed an interesting case where we could study what happens in and around industrial heritage sites when they are reactivated with culture and how this all is made possible. Having access to several sorts of primary narrative data on DC (interviews and in-depth conversations, self-ethnography accounts, diary entries,

online articles, etc.), we will propose a reconstruction of the web of actions and beliefs constituting DC . This, we believe, will lead to a detailed narrative of the birth and becoming of a cultural intervention on industrial heritage in action.
Upon preliminary analysis, what is starting to emerge is that DC is an entrepreneurial initiative constituted of temporary acts (the visual art events) led by an individual curator/entrepreneur who takes over a place, brings culture in these sites, puts them back on the map, raises attention for them, and then leaves, deliberately, to act elsewhere on the Dolomites and "turn other sites on" by other "cultural blitzes". This stands in stark contrast with cultural reuses of industrial heritage as something designed and commissioned by public policies in the name of some supposed local regeneration. And yet, somehow paradoxically, DC way of acting is having the outcome to mobilize policymakers and to start a conversation on the Dolomites industrial heritage, more than many planning policies about culture-led regeneration elsewhere. Based on these findings, implications for cultural heritage management, cultural policies and heritage studies will be discussed.

FROM THE RIGHT TO TAKE PART IN CULTURAL LIFE TO THE RIGHT TO CULTURAL IDENTITY: WHICH PROTECTION FOR MIGRANT PEOPLE?

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Introduction

Our study is based on the idea that cultural goods can not be ascribed merely to their material substratum because they are «vectors of identity, values and meaning» (UNESCO Universal Declaration on Cultural Diversity, Article 8). Recalling a set of values, culture provides individuals with a "horizon of meaning" where they can find references allowing them to build their identity. Consequently, culture plays a fundamental role in order to allow everyone to define and to express its identity.

Within this perspective, the protection of cultural identity represents a critical condition in order to assure human dignity. Even if protection of cultural identity is fundamental for everyone, there are some people experiencing a condition of high vulnerability: we can think in particular about migrant workers, refugees, asylum seekers that generally live in a context where their cultural identity is not shared with the majority.

Methodology

This paper aims to analyse the extent to which the international human rights law assures protection to the right to cultural identity of migrant peoples. We will examine some relevant human rights Treaties as the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of All Forms of Racial Discrimination (CERD) and the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW). To develop our study we will focus on interpretation elaborated by Committees monitoring implementation of these Treaties.

Analysis and arguments

Our analysis allows us to underline that the international human rights law tends to protect the right to cultural identity merely in favour of people belonging to indigenous people and to the so called "national minorities".

This trend emerges especially from the interpretation of the CERD elaborated by the Committee on the Elimination of Racial Discrimination. The Committee developed a significant analysis concerning the subjects of cultural rights but generally it recognises these rights merely in favour of individuals belonging to indigenous people and to national minorities. The Committee point out discriminations experienced by migrants with regard to some fields (education, work, health services…) but, at the same time, it does not underline the requirement to assure their cultural rights.

At this regard it is significant to recall also the practice of the Human Rights Committee concerning the Article 27 of the ICCPR recognising to members of ethnic, language and religious minorities the right to enjoy their own culture. The interpretation of the Committee shows that this provision gives limited room to protection of migrants' cultural identity. Firstly, there are many doubts about the possibility to extend Article 27 scope to migrants; secondly we have to underline that even if the provision recognises the right in favour of individuals, its ratio is to assure protection of the minority as a whole.
The CMW includes some meaningful provisions concerning the right to identity of migrants underlining that protection of identity is capital for migrants people. Despite this the Convention displays some remarkable limitations: firstly it concerns only rights of migrant workers and does not protect refugees and asylum seekers; secondly it was not ratified by the majority of migrant-receiving States where the protection of migrant people identity is more urgent.
Finally, we have to recall the significant evolution characterising interpretation elaborated by the Committee on Economic, Social and Cultural Rights about the right to take part in cultural life, provided for in Article 15, para 1(a), of the ICESCR. During its *Travaux préparatoires* the concept of culture, recalled by this provision, was approached from a materialistic and narrow vision focused on art, literature, music and underestimating the "identitarian" value of culture.
Following the adoption of the Covenant, the notion of culture has been subject of a significant evolution because of studies developed by scholars and reflexions promoted within UNESCO.
This debate had influenced the interpretation elaborated by the Committee on Economic, Social and Cultural Rights that, since the 1990s, has been adopting an "identitarian" concept of culture. This notion is definitely formalised by the Committee in the General Comment 21 (2009) on the right to take part in cultural life, where it states that culture includes «all manifestations of human existence» (para. 11). Within this perspective, the Committee gives to the right to take part in cultural life a really broad interpretation encompassing all rights allowing a person to build and to express its identity. In this occasion the Committee recalls explicitly the right to cultural identity and the right to cultural heritage as components of the right to take part in cultural life.

Conclusions

The General Comment 21 of the Committee of Economic, Social and Cultural Rights marks a fundamental turnaround. In referring to the right to cultural identity as an individual right, it opposes the trend, partly still rooted, to protect cultural identity merely in favour of people belonging to minority and to indigenous people.
Into our pluralistic societies cultural identity, while keeping a collective dimension, is becoming a good to ascribe to every individual. Especially, in the light of limitations affecting the CMW, the right to cultural identity, stated by the Committee of

Economic, Social and Cultural Rights, could play a critical role to protect the right to cultural identity of migrant people.

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MISRECOGNITION OF MYSTIFIED CULTURAL HERITAGE. THE CASE OF THE ROMA PEOPLE

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Processes of patrimonialization of cultural heritage risk to be turned from instruments of dialogue among differences, into a device aimed at strengthening identitarian closures and exclusive imagined communities.

The ongoing economic crisis, in the context of the political and social instability characterizing the contemporary globalization, is artfully exploited by increasingly strong European nationalist and xenophobic political European parties, in order to nourish suspicion of any possible confluence between different religious, ethnic, or national "memberships". These processes are endangering the diverse syncretic cultural heritages of Europe, of which the same "common heritage of Europe", as defined by the Faro Convention, is an emblematic example.

Fictitious identitarian narratives tend to be built in opposition to migrants or resident minorities, that are defined as distant and unsociable 'alterities', considered as monolithic and immutable, often by putting into place practices of disavowal or mystification about their cultural heritage.

As in the case of the Commons, cultural heritages, in order to be defined as such, need to be recognized as such both by the heritage community that can protect and renew them, and by the rest of the society in which they are located.

How do the persistent forms of stigmatization and discrimination experienced by specific groups and minorities in Europe obstacle the recognition of their cultural heritages by both heritage communities and society?

How do practices of Misrecognition fostered by nationalistic discourses and forces affect the arts, traditions, customs and competences of stigmatized and discriminated people?

And, conversely, what kind of consequences do these dynamics have on the processes of patrimonialization of cultural heritage of those groups who discriminate and stigmatize minorities?

Starting from this bunch of questions, this paper attempts to explore the specific conditions of the Roma people and of its cultural heritage, by paying peculiar attention to the Italian context.

Indeed, Roma people, at different levels, are misrecognised with respect to their cultural heritage, which is affected by a durable mystification leading to the risk of its loss. Some Roma people have been socially integrated since they accepted to renounce the more visible symbols of their cultural traditions. Whilst the majority of them suffers the mainstream racist narrative and has been forced to change lifestyle in order to adapt to the dominant stereotypes.

The ghettoization of Roma people in the so-called "gipsy camps", for instance, derives from the prejudice related to their assumed cultural attitude to nomadism (this phenomenon, on the contrary, regards less than the 3% of them). Therefore, their concentration into camps is told as a cultural choice, or as a consequence of their inability to respect the rules characterizing the social life. On the basis of this kind of rhetoric, the European governments manage this minority through its continuous dislocation from a camp to another, in extreme living condition, by hypocritically affirming to respect its 'culture'. Moreover, in the name of this alleged nomadism, Roma people have been excluded from the provisions which protect other linguistic and cultural minorities.

This 'case study', therefore, is particularly eligible in order to examine and assess the risks and the potentialities of the processes of patrimonialization of cultural heritages, as it concerns an ethnic group the identity of which has been denied through centuries, also from a cultural point of view, despite its immense cultural heritage. This latter, paradoxically, has been deeply plundered by many excellent representatives of the dominant European culture, with respect, for instance, to the music and other forms of art. Moreover, the cultural heritage of Roma people is of particular interest also because it is an immaterial heritage par excellence, and this has been tempered, more than any others, through the contempt and the exclusion from what is recognised as the mainstream Culture.

CULTURE AND THE DIGITAL WORLD. THEORETICAL CONSIDERATIONS ON "DIGITAL HERITAGE"

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When speaking about the digital in relation with cultural heritage, usually the problems are twofold: piracy and the digitalization of existing heritage. The chance that the digital world can now create its own peculiar form of *digital heritage* is rarely taken into consideration outside utopian views; and while surely the form of heritage that can be produced by the digital interaction of the Human is not the cultural heritage as commonly intended, it can be argued that there is something in common. In recent years, the internet diffusion allowed the Human to participate in online forums, boards and websites devoted entirely on the production of cultural elements, from paintings to music to videos to novels, that are born, shared and debated on the Web, and from the Web pours in the physical reality. The number and magnitude of these peculiar cultural productions ask for consideration not only by artists and sociologists but also from those involved in the traditional cultural heritages, lest they will be caught unprepared by its rising. This calls to a tentative to understand exactly if and how we can speak of "digital heritage".

The focus of this paper is then to try to show how we can speak of "digital heritage" by giving some directions according to the peculiar nature of digital *physis*. The digital we are daily in touch with is strictly tied to the dimension of *information*, a concept that can have two different interpretations. First, information can be every quantifiable string of data that is transmitted between a sender and a receiver through a medium. Information is then DNA, an e-mail, even these very words written on this abstract. Thus, information from an ontological point of view does not have any particular dignity outside the three elements of sender, receiver and medium; but it is an ontological dignity that the latter interpretation tries to recognize. In thinking information as having ontological dignity, thanks to the considerations brought forth by Joo Han Kim, Luciano Floridi and in some aspects Teilhard de Chardin's *noosphere*, information acquires a peculiar ontological status that, given its delocalization, synchronization and correlation, can be defined as *relational* – similar to the Buddhist *interdependence*, or rather Raimon Panikkar's *inter-in-dependence*.

The key aspect that drives the considerations on digital heritage can be pinpointed in the main difference between this and the traditional cultural heritage: the lack of materiality. However, digital heritage neither can be considered as a form of intangible cultural heritage, for lack of the traditional and historic dimension; nevertheless, what the UNESCO 2003 convention says is a possible way to speak on this matter. In this paper, I take the five points expressed in Article 2 of the Convention and examine the cultural manifestation of the digital under their light. The first point, the intergenerational transmission, obviously does not apply – in the traditional sense. The first web dwellers of the Silicon Valley '70s have now children, and new generations

live in a world where internet is commonplace; and there are some form of expression that are still used. Expression that are re-enacted, the second point, even now. The third point, that express a sense of belonging in a community, is present and strong: content created in the Web are a way to identify a navigator in a particular community, with boundaries strongly stressed – but not exclusive. This is why the fourth point, the promotion of cultural diversity, is the most accurate: thanks to the interconnection granted by internet, creativity and diversity is stimulated by the inter-in-dependence of information, that for example allows a webcomic reader from America to be able to convince the Italian author to develop the story in a different way. Digital heritage seems in this way to have recovered one of the key aspect of cultural production that the artistic piece in the technic age seemed to have lost, according to Benjamin: the participation outside a consumeristic commercial reproduction. However, is the fifth point, the human right respect that is the less applicable: as the debate on cyberbullying shows, internet is the place where everybody has the chance to say his or her opinion. And thus to promote and produce content that are insulting, oppressive and racist under the banner of a perverted form of free speech: this has caused, as shown by a number of studies, a decline in the basic form of civilized and scientific achievements.

In conclusion, the hope of this paper is to offer some standpoints from which start to analyse the peculiar form of internet culture, a content that is emerging in, for and from the web and that might pour in the physical world; we might not already have a digital heritage, but the signs are here.

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FROM RIGHT TO THE CITY TO THE RIGHT KIND OF CITY: TOWARDS A CRITIQUE OF PROGRESSIVE HERITAGE POLITICS

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This paper critically addresses the political discourses about cultural heritage that have emerged on the Italian Left over the last two decades and considers in particular the leading role assumed by heritage intellectuals such as Salvatore Settis and Tomaso Montanari.

For the likes of Settis and Montanari, cultural heritage represents much more than an aesthetic concern: it is vital to the functioning of civic life in Italy and in the right (public) hands it can serve to nurture democracy and citizenship.

They see their principal adversaries to be those in government and the private sector who instead underscore the monetary value of Italy's cultural patrimony and pursue creative ways for unleashing its economic potential.

The ostensibly militant stand of these intellectuals has received resounding endorsement across the Italian Left. However, the ideological premises underpinning their often confrontational stance and the social and political ramifications of their civic vision of heritage have been rarely questioned.

Focusing on the tangible heritage in the historic centres of Italian cities, I want to suggest that 'progressive' discourses about cultural heritage carry with them a set of problematic implications for everyday urban life.

Any serious engagement with the politics of historic conservation of urban areas means first and foremost, as anthropologist Michael Herzfeld has argued, moving beyond the simplistic dualisms of good and evil. The contrived dichotomy between 'good' experts and 'bad' neoliberals, frequently evoked by heritage campaigners, works to vacate cultural heritage of all the many other clamorous and mundane disputes over its uses and meanings. This can mean censuring or simply ignoring subordinate voices and acts in historic centres that are deemed to disclose incongruous values about memory and identity. By doing so, I contend that progressive heritage politics actually ends up lending tacit support to the very processes of neoliberal urbanisation that its proponents claim to oppose.

While heritage progressives have often campaigned against redevelopment programmes in historic centres and have defended the right of long-term, low-income residents to resist displacement, at the same time they have actively sought to arbitrate what it means to be an appropriate member of a heritage population (which Settis and Montanari euphemistically refer to as 'citizenship'). Indeed, as I will argue in the paper, progressive heritage politics in Italy thus appears caught between a pastoral liberalism – the notion that the state's tutelage of heritage serves to protect and cultivate the nation and its citizens – and a more neoliberal governmental goal of producing autonomous, self-regulating and, crucially, heritage-conscious subjects.

HISTORY, NOSTALGIA ANDTHE BIRTH OF NEW DIASPORAS: EXPERIMENTS IN MEDITERRANEAN JEWISH *HERITAGISATION*

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Up to the 1950s and 1960s, hundreds of thousands of Jews lived in the Middle East and North Africa: from the Berber Jews of the Atlas Mountains of Morocco, to the *cosmopolitan* and largely Francophone Jews of Cairo and Alexandria, to the *Frenchified* Algerians and the Jews of Libya. Their migrations and/or expulsions – which took place as a result of the birth of the State of Israel (1948) and of the process of decolonisation, as well as because of regional political shifting– voided the Middle East and North Africa of an integral component of its history and led most Jews to resettle in Europe, in the State of Israel and in countries such as the US, Australia and Brazil. This essay focuses on how Middle Eastern and North African Jews (also known as Sephardic and *Mizrahi* Jews) who moved to Europe in the course of the 1950s and 1960s, in the last decades started to re-narrate their life and identity and on how their descendants express and preserve the ancestral/family past.

To do so, I look at participatory experiences of heritagisation and memory-making, such as the foundation and development of heritage associations and the writing and collection of personal testimonies on the Internet and on social networks like Facebook. I utilise an interdisciplinary approach that is based upon recent developments in the field of "memory studies" – from Marianne Hirsch's notion of *postmemory* to the *noeuds de mémoire* ('knots of memory') put forward by Michael Rothberg, digital history and public history. Works in the field of "heritage studies" will also be taken into consideration, given the increased importance of this subject in the analysis of contemporary processes of memorialisation and public remembrance both inside and outside Europe. I also make use of the category of *digital diaspora* and use it in order to explain online processes of heritage - and memory-making - which, in turn, led to more open approaches to one's past and present identity, following what I already argued elsewhere for the case of Moroccan Jewish migrants.

I selected France and Israel as they settled the majority of Maghrebi and Middle Eastern Jews and, secondly, as they offer two different national/ideological approaches to migrants: namely the French republican model of *laïcité* on the one hand, and the Israeli *mizug galuiyot* (Hebrew: 'ingathering of exiles', 'meltin'pot') on the other. The essay explains that the migration to France and to Israel led to a reassessment and reinvention of the Sephardi and *Mizrahi* heritage as a fundamental marker vis-à-vis one's old/new familial, ethnic and national identity, and to the construction of new Mediterranean Jewish diasporas in which selected aspects of the past are memorialised in order to confront challenges of the present: from the Palestinian-Israeli conflict to the often tense relations between Jews and Muslims in today's France. In the essay, I will first focus on Facebook groups such as *Morial*,

where Jews of Algerian ancestry discuss their heritage and history, and on the website *Dafina* – founded by Moroccan Jews living mostly in France. I will then present the *Hitahdut 'olei-Mitzrayim be-Israel* ('Union of Jewish migrants in Israel'), an Israeli-based association that gathers Jews of Egyptian origin, comparing it to earlier Egyptian Jewish associations founded in the 1960s. The conclusion will try to wrap up the results of my investigation, contextualising these experiments of Jewish heritagisation in a larger Mediterranean context.

The essay originates from a two-year post-doctoral project on 'Sephardic and *Mizrahi* heritage in today's Europe and Israel: migration, memory and the making of new Mediterranean Jewish diasporas', funded by the *Rothschild Foundation (Hanadiv) Europe* that I started in September 2015 at the Department of Asian and North African Studies of Ca' Foscari University, Venice. It also expands on my previous research on the history of the Jews of modern Egypt and on *Mizrahi* Israeli literature and culture. The project aims to re-examine the boundaries of Jewish ethnic and national identity vis-à-vis colonial legacies, ideas of Europeanness, the Arab-Israeli conflict and lastly the Mediterranean – interpreted both as a *connecting sea* and a space within which memorial absences and (post-)colonial traumas can be traced. It explores the interwoven impact of ethnicity, heritage and nationhood on migrant communities, so as to gain a better understanding of the historical and cultural narratives circulating – both in the public and virtual spheres – in an increasingly global Europe and Mediterranean.

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"THROUGH AN EFFECTIVE METHOD OF GOVERNANCE OF CULTURAL HERITAGE SITES (CH SITES)"

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Brief Introduction

Looking at the International and European law and praxis, cultural heritage is characterized by two relevant processes:
1) a gradual extension of its notion, including not only material goods of historic-artistic interest, but also natural and immaterial goods;
2) the consideration of cultural heritage not only as a good to be protected but as a resource, able to generate value and development, to reinforce cultural identity and to protect cultural diversity, both considered as human rights.
As UNESCO, EU and Council of Europe documents underline, these two processes pose the relevant problem to define the responsibilities concerning CH sites, since it is impossible to imagine the centralization of powers and responsibilities within the Governments. On the contrary, an effective CH sites' management demands the involvement of stakeholders in the decision making process.

Brief description of the research thesis, methodology and argumentations

Facing the problem of the involvement of stakeholders in the issues related to the CH, scholars focused on the analysis of hard and soft law produced by the main international and regional organizations, without stressing their attention on the implementation issues.
Following both theoretical and practical approach, the present research points out the attention on the stakeholders' involvement methods that are operative, or can be put in practices, within the daily management of CH sites'. The main goal of the research is to elaborate a governance model able to assure stakeholders participation to guarantee the protection and the sustainable use of cultural heritage.
The research will be articulated as follow:
A) "Desk" phase
The research delineates the broad scenario, pointing out the tendencies connected to the deepness on the CH notion and the connected problems of: a) the responsibility sharing; b) the involvement of the stakeholders in the decision making process.
B) "Field" phase
Through the cooperation with some Public Authorities involved in the CH sites' management of Naples, the research will lead to:
A) the individuation of involvement methods applied in these sites,
B) the analysis of strengths and weaknesses of these methods;
C) the proposal of tools of problem-solving and conflict-management to improve the information and participation of stakeholders within the decision-making process;

D) the conferment of specific management responsibilities to all the involved subjects.

Conclusions

The expected result of the research is the elaboration of an effective methods of governance able to share responsibilities and benefits connected to the CH sites among all the public and private stakeholders, to stimulate local initiatives of sustainable fruition and strengthen the local cultural identity and the protection of cultural diversity, embracing an interpretation of culture as "common good".

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A POSSIBLE HERITAGE: STREET PERFORMANCES AS A PARTICIPATIVE CULTURAL HERITAGE

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Let us imagine that we are strolling around a square or walking along a street of any city. Suddenly, we notice a street artist, a performer, focused on his/her show. It can be a matter of pure juggling, some clown sketches, some well-know play or a fakir's exhibition: in any case, a radically alien performance is happening before us, overturning the perception of the space around. In this space, in the same way, a temporary crowd gathers and its attention moves for a while from ordinary things to a single, cathartic moment, which is unique but necessarily ephemeral. This crowd is an audience that exists until the end of the show: then they get back to their being normal pedestrians along the street.

This immediate metamorphosis of the urban space, which has become a scenic space, is the evident mark of street performance. Nevertheless, thanks to its deep historical, artistic and cultural treasure, it also produces a remarkable arrangement of meanings and a unique relation among social groups, locations and values, which is so strong that we can analyze it in light of the most recent instruments for the safeguard of intangible cultural heritage.

This form of show can be interpreted, from a morphological sight, as an organic and flexible system, in which three elements are crucial: the artist, the audience and the location were the show takes place. Inside this system, thanks to his peculiarity, shared culture is actually produced and it is spread in a horizontal way: in fact, the show is open to anyone who chooses to be part of that precise social and spacial context. In this sense, through the joined attendance of artists and spectators, an aesthetic dialog, along with value, is created, and it strengthens the concepts of cultural sharing and integration in the public spaces.

Against this background, it could be possible to formulate hypotheses in order to make a comparison with the most recent participatory mechanisms to cultural heritage. If we read the characteristic of the street performances in light of specific legal texts, we notice some interesting overlapping that makes this form of show as an illustrative case study. Here, in effect, the holistic approach of the Faro Convention can find an implementation.

What we would like to propose here is to interpret the provisions of the Convention from the perspective of street performances as a form of participatory cultural experience, as along with considering the street performers as an actual heritage community. Given that the Convention confers a remarkable importance to individuals – as they are part of the communities – we will focus on the passage from the cultural object itself – the street performance – to the actors and beneficiaries of the heritage which this object constitutes: the street performers and the audience at the moment of the show.

Once we consider the public space as the center of a system which involves both the

audience and the artists, and by pushing the boundaries of the usually flexible definition of heritage community, we can interpret the street performance as a systemic expression of a genuine heritage community which do exist “here and now”. For this purpose, we can rely on one of the most interesting peculiarities of the Faro Convention: it is the absence of a close relationship with the territory and with the space. Therefore, a heritage community can be created through different spaces – according to the definition given by the Convention – and different social groups, as every individual is part of it simply by valuing a cultural heritage or wishing to transmit it.

If, given this great ductility, we imagine that the place of exercise of cultural heritage rights is a repeatable context and not a precise and fixed location, nothing could prevent us to consider street artists as a heritage community intent to reproduce and transmit his/her own cultural heritage constantly from place to place. This heritage, moreover, would also be part of a strong participative process, not only on the part of the artists themselves, but also on the part of the temporary circle of audience without which street performances could not exist.

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F. Marzella (Ca' Foscari University of Venice): *Second-hand objects could be treated as a material cultural heritage? The case of the "Social Museum"*

M. Pascolini (University of Perugia*): Landscape museums: considerations about heritage experiences in Friuli Venezia Giulia.*

V. Rizzo (Anthropological Museum of the University of Bologna): *Face to face with heritage. From Africa as an icon of the colonial Italian consciousness to the contemporary enhancement of cultural diversity throught the Collection of Cipriani's Masks.*

A STONE ABOVE THE OTHER. THE CHAIRMAN'S NOTES

Pietro Clemente, University of Florence

1. I was very impressed in Venice by the International Congress CULTURAL HERITAGE. SCENARIOS 2015. I appreciated the formula of the contributors placed between the local actors and I appreciated an excipit equally focused on the protagonists of the Venetian heritage. The formula was to make like ham in a sandwich, in which the two pieces of bread are the stakeholders, or even the agencies of the "civil society" (to use the Gramsci language) in the host city. The associations, the "Scuole Grandi", the civil corporations and artisans confederations, the artisans, the Arsenal, the universities, the Pro Loco, the world of the gondolas all were part of the sandwich, and were committed to the safeguard also the associations that are engaged in tourism. In between, we had the academics, the scholars of international law, and their UNESCO interlocutors, but also the cultural anthropologists, the historians, the scholars about the war and the protection of the common goods. The conference was made and delivered for those who really cares and are affected, to have the results from the meeting and to tell immediatly a feed back on what is in progress. And then to close the conference about the urgent needs, giving to the scholars a sense of usefulness and responsibility. From the formula of the conference of Venice, I have drawn several advantages, and I think it will be useful to remake this formula, also to remind to the scientific community that are useless if they do not interface with the world of practical talk. I enjoyed to set the space of the cultural anthropology into an interdisciplinary conference, where maybe there's something I did not understand; but the things I learn and the climate I lived are all new, and I live in a climate that is not anymore the internal conflicts in academy, but the living knowledge and relationship in a more transparent way, hoping that it still makes sense. In fact, I learned a lot in Venice. Both from the world of practice and that of the theories and interpretations.

2. It was right and original call the sessions by using highly active verbs about the cultural heritage, that was so catalogued as fire / soul / condensation / that is transmitted to the heart and to the hands or dies. In these titles, heritage becomes a 'transcendent subject ' which operates through people who refer to it. The heritage therefore does not have the nature of the transcendence of the "bad power" where it is often identified (the one that embalms, falsifies, crystallizes), but it has the nature of the immanence of being in life, or even in civil society. So, if it burns is because it is on fire, or because it produces pain, distress, not fulfilled passions. It is engaging anyway, as well as when it animates, or gives life to actions, even to conflicts. And when heritage become a "condensation" is because it joins together, because it always captures the subject in the concrete manifestation of it, that participants have to transmit it, or the heritage will die. If heritage becomes transmitted (in a way that keeps ambiguity between a moral imperative and a reflective form) it does it through a

practical knowledge. Through the hands (about the handicrafts was written "with the mind in the hands"), and asking strength and passion, located in the heart, with no public or private that favor it, or impose it. Sometimes along the conference was told that the "burning side of the heritage" prevailed also in the other sessions, because of the topics of complaint (the absence of the role of the public administration, etc.), underestimating that when something burns means it is placed in public scenarios, means it animates and concentrates people, means it favors processes and does not solitude. Therefore, the initial and final interventions of civil society have made me writing on the clipboard that the heritage is "as if each person were to put his stone to build something together". Personally, as chair of a session devoted to the theme of heritage that condenses (a session full of action of cultural commitment on the high productivity of the world's heritage), I saw alive and kicking the theme of the most recent book by James Clifford, an american anthropologist who is very important in studies of museums and heritage: J.Clifford, Returns. Becoming indigenous in the twenty-first century (Harvard, 2013). In Italy this theme can be defined as follows: after having marginalized the skills and social forms of the past, the Italian society largely post-industrial now "returns" the local heritage, reading the skills and the cultural diversity as a possible resource against the crisis due to an excess of "liquid standardization". Be indigenous in the twenty-first century it means for me to create communities through a new sense of differences and of cultural resources, it means to play the world and the local tradition as a resource of the future.

3. I was very impressed that jurists look to the UNESCO international law as a positive fact, a response to the war in which the culture and heritage are factors of resistance to destruction, are a response of what is divided and aims to the unity, are the activation of new rights from below. They criticize the convention about the Intangible Cultural Heritage, and they do it because the potential in recognition of new rights of participation of the people and the creation of community-recognition is still not applied. Often in the international laws about historical, artistic, architectural and anthropological heritage, it happens that those rules are seen as forms of power to impose taxes and to act world's conditioning processes. Is certainly true that the UNESCO policies pass through the State parties, and the policies are often not farsighted and not aimed to the public interest. But it is also true that this happens at every level of the political and institutional life. So, if the criticism is not coming from a total anarchy, maybe this suspicion (or hostility) hides a popular disappointment because a "community" can finally decide by herself, and so can escape from the power of technicians. It is quite common to hear that the community does not understand anything without the experts, that they reflect the system and the consumerism. Leninists and Trotskyists seem to confront new forms of heritage.
Facing the debates about heritage and about rights, in my mind re-appears the imagination related to the experiences of radical democracy of 1900, from the Paris Commune to the factory councils. Upon this time, the anthropologists and art

historians, also the architects and planners, all were "Jacobins" and firm believers that "the party" born from above would been able to guide the masses by him self. In similar way, today the UNESCO deceives communities that for their own well being could instead rely on intellectuals. As social and political philosophy, we can say that there is an ICH UNESCO à la Foucault which is an agency of the intangible force that shapes the people, or a la De Certeau that instead recognizes in ICH UNESCO a way where communities can redefine management tactics of social space to their advantage, through a motto as "the immaterial is ours and we can manage ourselves". This motto seems well attested in the work made by the Lombardy Region on the inventories, of which in Venice there was some echo.

4. Between the 2003 ICH Convention and the FARO Convention, there are interesting adjustments, small disputes, declarations of affection. The venetian Jurists love FARO (the European Convention of FARO 2005) more that the 2003 Convention (Intangible Cultural Heritage). Perhaps it seems but is not really like this, maybe the jurists look for an integrate use of the two conventions. Both are laws "light", if compared to the national laws, and may not be applied, but are expected to be applied once the States have signed and shared the Conventions. Italy waited many years to sign the two conventions, but once done, Italy was expected to use them more that does now. What is the problem? If I understand well, it is quite clear that the UNESCO Convention "provides awards" based on a universal value to the community/individuals, that are rich of knowledge, arts, skills, etc., according to the rules of procedure. Instead FARO "recognizes subjects" as "agency of civil society". The ICH community can also be a singing group, traditional, as long as active. While the FARO Convention recognizes as heritage a group of people which is characterized by an activity that gets called "heritage" by their-selves: a group of people claiming public recognition from various places and through various sources, also virtual, also with a part of users and a part of agents. In short, a "community" is a configuration that can also be new and modern, as long as "authorized" and then "legitimized" by a European law.
We can say that UNESCO recognizes certain communities based on certain qualities, while FARO indicates only the mode of their formation in the public sphere. It could even say that ICH UNESCO gives an "award", while FARO opens the possibility of a collective activity. So FARO is closer to a political culture that can be born from the local civil society, or by civil society in general. I could say that a "community of heritage" could be as a Superintendence that is not appointed from above and is not made up by experts, but is born from the more people who wish to value practices, and protect these value practices through the ways offered by the Convention. So Faro is closer to the utopia that "the citizens decide whether their heritage and protect it", and is a sort of the "Paris Commune" of Cultural Heritage. Or perhaps, in a more utopian way, a sort of istitutional Minister of Cultural Assets, set up from the Council of Representatives of the community heritage. In a meeting with the windows overlooking the Grand Canal where it seems to appear on a paint by Canaletto, obviously it is possible to dream.

AT THE SOURCE OF AN EVERGREEN LESSON ON CULTURAL HERITAGE: RUSKIN MEETS TINTORETTO AT SAN ROCCO

Clive Wilmer, Master of the Guild of St. George, London

John Ruskin (1819-1900) was a writer on a wide variety of subjects, notably art, architecture and questions of social justice, which he always saw in relation to one another. His book The Stones of Venice (1851-53), written relatively early in his career, associates the skill of the medieval Venetian craftsman, his attention to natural forms and his care for his material, with Christian humility in the face of God's work. The quest for beauty was an ethical matter and art reflected the society that created it. Ruskin had been led to the study of Venice by his discovery in 1845 of the then-neglected painter, Jacopo Tintoretto (1519-94), whose work in the Scuola Grande di San Rocco overwhelmed him. Tintoretto was not, of course, a medieval artist, but Ruskin believed he was trying to maintain the values of medieval Venice against the pressures of a decadent era. Moreover, Tintoretto had been working for an institution that combined care for art with social responsibility. This paper argues that, when in 1871 Ruskin founded a utopian charity called the Guild of St George, he had the Venetian scuole in mind. 'Guild' served as a rough translation of scuola. By this time, he was much preoccupied with Vittore Carpaccio (c. 1465-1524/25) and his work for the Scuola di San Giorgio degli Schiavoni as well. St George is the patron saint of England and Carpaccio's painting of him at war with a fire-breathing monster provided Ruskin with a perfect image of his struggle against the dragons of industrialisation and ruthless competition.

THE ANCIENT SCUOLE OF VENICE: IDENTITIES THAT CONDENSE VALUES, TRADITIONS, CREATIVE KNOWLEDGE AND CARE

Maria Laura Picchio Forlati, Grande Scuola di San Rocco, Venice

A survey aimed at catching trends and issues open in Venice on cultural heritage at a given date – 2015 – is bound to coming across that very distinctive feature given to the city's tangible and intangible landscape by the surviving Scuole (brotherhoods). At least five of them command mention, while one or two deserve inclusion in the picture, in spite of their peculiarities.

I. Identities.

A. Institutional connotation.

Now-a-days the Scuole in Venice display from the institutional point of view a variety of profiles. Once private institutions carrying out significant roles of public interest, they are to-day either private corporations under Italian civil law – this being the case for the Scuole grandi of St. Roch and St. John the Evangelist – or canon and church-law corporations. To be ranged among the latter are the Scuole of Our Lady of Mt. Carmel and St. Theodor and, since 1824, the Arciconfraternita della Misericordia (the latter being is also a member, since 1899, of the Misericordie d'Italia network). A corporation under Canon law is also the Scuola of SS. George and Triphon, that survives as a "national" Scuola, by gathering Dalmatians, or people of Dalmatian origin, resident in Venice.

Two other entities still bear the name of ancient Scuole; yet, their institutional profile has undergone significant change. The first reference here is to Misericordia s.p.a.: a limited liability corporation under Italian law (run by an industrialist, Mr. Brugnaro), that since 2009 handles the premises of the former Scuola grande della Misericordia. It does so for the sake of cultural but also commercial activities to be run therein for still 40 years, provided they are consistent with the monumental character and the historic value of those premises. By the way, Mr. Brugnaro is now the Mayor of Venice and, if those premises had been between the 13th and the 18th centuries the identity card of the ancient Scuola, they have at present a two-fold task: namely, to raise profit for the benefit of the investor; to give testimony of past glories and beauty for the benefit of both visiting and resident passersby.

The last and, in a sense, more intriguing institution to be mentioned in our institutional tour among the ancient Scuole of Venice is the Scuola grande of St. Mark. Resurrected at the start of the Second millennium as the monumental, cultural dimension of the historical Hospital of Venice, it fills a unique place, by comparison with the institutions surveyed so far, in that it belongs to the City Health Authority (also various island and mainland boroughs the latter's reach). With the contiguous hospital of St. Lazar of the Beggars and the cloisters of the former Dominican convent dating back to the XIV century – the Scuola's premises have continued through the centuries, in their pure renaissance style, to lend crucial collective services, and have become by

the end of the XIX century the main hospital of Venice. As the heart of the Venetian health system, it went through different historical periods and political and legal systems, namely: the independent Republic of Venice until its fall in 1797, Austrian rule until the take-over by the French Kingdom set up in 1806, eventually replaced in 1815 by the Austro-Hungarian Empire; nominal French rule again in 1866, but only in view of immediate handing over to the newly-born Kingdom of Italy.

This longevity, whatever the political and social earthquakes Venice went through, proves how well, around the premises of the Scuola of St. Mark, sanitary installations and inventive organizational patterns answered and still answer to the needs of Venetian generations and of their environment. This record as a landmark of Venice cultural heritage makes up for the fact that only in 2000, with the opening of both its Health Museum and Library, the Scuola of St. Mark has been set up again, in its ancient glorious location, giving its name and brand to what is now an autonomous and very active cultural branch of the Health Authority.

Other Scuole object to these developments, labelling the financial safety-net thus insured to the revived sister institution as unfair competition. Yet, against a background in which the institutional profile of to-day Scuole in Venice is at any rate so diverse, the Scuola of St. Mark simply adds a further typology – namely, that of an Italian public entity - to this diversity. In turn, by so doing, it ensures the revival of a segment of Venetian history and cultural heritage too precious to be lost. Eventually, it is most telling that the Italian National Health System – far from objecting to the care and money the Venice Unit pours in the maintenance, enhancement and cultural revitalization of the archives and of the unique collection of medical instruments inherited from the past – rather encourages this trend. It thus provides, by so doing, powerful means to foster both the intellectual inspiration and the self-esteem Venetian citizens and visitors can draw from becoming acquainted with such treasures.

B. Structure

Apart from the peculiarities seen above as to their legal status, the Scuole in Venice share a basically similar institutional structure. All of them are non-profit organizations and are run by elective bodies. They basically share an ancient tradition of self-government, the Scuola of St. Roch being a good example of it. Governed as it is by its Mariegola (Statute) this Scuola dates back to 1478 a. C. The Guardian Grando has the decisive role, agency powers included, and presides over the Convocato, namely the plenary assembly (for an average 350 between Brothers or Chapter brothers and sisters), which in turn acts through an executive, decision-making body, namely the Chancery. The latter is structured in two concentric circles – a Bank of four members, and a Board (Zonta) of further 11 members. All activities and projects, in the first place those pertaining to the protection and promotion of the cultural heritage, are thus shared at these various levels. The same applies to those co-optation powers that usually, if not exclusively, lead to ensuring to the Scuola as members not only the bearers of that kind of know-how, craftsmanship and professional knowledge that can benefit the Scuola and society at large, but also young people ready to share them. This practice meets the very role the Scuole were called upon to perform since

their origin: namely, to offer a high-profile promotional environment where the city middle-class, primarily merchants and craftsmen but also artists, could express their genius and moral strength by supporting the less privileged: first of all, but not only, Brothers, with special attention for the daughters of deceased Brothers.

C. Artistic and Social Identity

The role of collective self-representation was thus crucial for the Scuole: bound as they were, on behalf of the social class expressing them, to compete by near with that aristocracy that monopolised political power. This confrontation partly explains the amazing display of art treasures pursued by all the Scuole at the height of Venice splendour. These treasures were for the most part seized by new political rulers after the fall of the Venetian Republic: with exceptions, however, that allows the paintings by Carpaccio to be still so graciously displayed at the Scuola of St. George and Triphon, the frescoes from Giovan Battista Tiepolo to be still found at the Our Lady of Mt. Carmel Scuola and the cycle of 64 Tintoretto paintings still there to overwhelm visitors at the Scuola of St. Roch (a heritage that has deserved it the title of Venice Cappella Sistina). The fact remains that the care put in entrusting collective self-representation to art and beauty, far from disavowing the main purpose the Scuole pursued - namely, solidarity and support for the poor and ill people (first of all Brothers), for girls in need of dowry to get married and detainees in prison - were meant to meet these very purposes: how? The answer may by found in the need for beauty that was perceived as inseparable from the quest for health, safety, social and physical promotion. The very houses of the Scuole were thus per se a first answer to such basic needs: the need for beauty among them. From the financial point of view no restraint was felt in spelling out in the very Articles of the Scuole that entrance to their magnificent premises be subject for the well-to-do to a fee the amount of which should be such as to allow for the appropriate maintenance of their treasures. In that, the outstanding quality of their premises were for the Scuole evidence of their collective commitment to gather and celebrate, but also to share them with the less privileged. It was not by mere coincidence that the entrance hall of the Scuole, namely the place where bread and first-need commodities were daily distributed, were as beautiful as the Chapter halls at the first floor. In turn, in the Chancery Room, for example, at the first floor of the Scuola of St. Roch Tintoretto put his most telling representations of Christ's mercy and self-sacrifice in front of the desk where the Chancery still now sits and where it used to hear the claimants for support standing at the monumental Renaissance door: a permanent lesson the decision-makers had to learn to serve the very people in whose needs the Scuola found its raison d'être.

II. Values and traditions

This background explains the special contribution the Scuole give to the cultural heritage of Venice: especially, once we choose to pursue a less familiar perspective, intangible heritage. Worth mentioning is the fact that these institutions have actually kept alive – through care, tradition and faith – social customs and feasts and rites, that

helped and help their members and surrounding communities to identify themselves. The Scuole continue to do so by reinterpreting them in a changed social and political environment. A very emotional experience is thus, for example, to share access to the ancient Venetian language recorded in the Mariegole and in the Scuole's archives.
Beyond their religious origin, the underlying values of the traditions in questions are solidarity and fairness to one another, care for individual and collective reputation, hospitality and sense of responsibility for a community, and society at large, bound to pursuing and exploring nature but also to treasuring the potential setting offered by the lagoon environment to art display and festive celebrations, religious ones among them. At the core of the Scuole's feasts are for instance: the Procession of the Cross at St. John the Evangelist on Sept. 14, the Our Lady of Mt. Carmel Feast, the St. Roch Feast on August 16, with the installation for twenty days of the monumental Tendon del Dose leading from the main premises of the Scuola, to the Scoletta and to the entrance of the Church of St Roch. By the way, it is on the marble steps leading to it that - on October 4, 2016 – the blessing of animals will be renewed: a rather recent tradition indeed, disrupted in 2002 (after the death of a Chaplain very dedicated to it), but that Venetians have shown to regret.
What is more important, the Scuole are very faithful to their statutory commitment of ensuring appropriate funerals to dead brothers and sisters and to remember them on special occasions and on request of their relatives. Combined with free medical assistance offered, through a small medical centre at Rialto, to anybody in need, irregular immigrants included, this is the main task of the Confraternita della Misericordia: a commitment that well qualifies it among the Scuole, in spite of its more recent birth (only in 1824!) and its not having anything to do to-day, except denomination, with the monumental premises of the ancient Scuola now in private hands, as explained above.
Very present in the current activities of all the Scuole (the last mentioned brotherhood included) is music: especially at St. Roch, that entertained historical links after II World War with contemporary music (Stockausen, Britten). Since when, in 2014, the ancient Rococo's choir stalls have been restored and placed again against the Church's counter-façade, groups of up to 40 singers often from abroad may be hosted, especially at Sunday's Mass, and find a most competent support in the sister of the Scuola and member of the Chancery Livia Pancino. As free gift to the Scuola in recent years she has provided transcripts of ancient musical texts present in its Archives and helps its members and the public at large to become acquainted with the heritage left by Monteverdi and, above all, by Gabrieli as Chapel Master of the Scuola. Through his pupil Schulz, this tradition has brought beyond the Alps to the lessons of Handel and Bach: a lesson witnessed to-day by the recurring presence of German groups to sing from the restored choir stalls. Curiously enough, they had been installed in 1794 as a mobile wooden structure destined to solemnly underline St. Roch's Feast. To-day instead this is precisely the recurrence on which the Scuola offers a concert to the city - its visitors, its inhabitants – in the small square where the Tendon del Dose is displayed to connect Scola, Scoletta and Church: a space unit recurrently celebrated in

Venetian art like, for all, in Canaletto's large painting owned by the London National Gallery.

III. The recipe: collective knowledge supported by passionate care

The Scuole concentrate the largest part of their financial resources on the maintenance not only of their buildings, but of the paintings, marbles and stones, iron works, textiles and jewels among them. Their tangible heritage could not survive without the network of free, or almost free, support they get from artisans and experts who, through their wise handling, are the only ones who possess the necessary know-how: objects that require continuous care and rare knowledge that the Scuole try to ensure also through co-optation, the granting of prizes or by designating honorary brothers and sisters. The State in rare cases steps in (less rarely the Veneto Region), as was the case with the rediscovery and recovery of those choir stalls of the St. Roch's Church – a sort of gigantic musical instrument – that, for four years at the beginning of this century, offered to the wood ancient-style furniture district of Cerea (Verona) a means of survival and to the Verona Academy of Fine Arts a decisive test for its third-year students (Erasmus students included).

The fact remains that at the core of the Scuole's commitment is the personal dedication of their members to common objectives, no matter whether falling or not within the scope of public policies. This dedication is rather the tribute to common feelings and to an enriching sense of belonging, where gratuity is pursued so as to overcome the juxtaposition between us (residents, for instance) and the others (possibly tourists and visitors, or even incoming students) for the sake of a common culture of living together.

The network coordinating common activities among the Scuole in Venice has thus adopted two multi-year projects in 2011: Roch's Itineraries: ante literam of European transnational networks; The protection of Venice intangible cultural heritage. The first topic naturally develops from contacts the St. Roch's Scuola entertains with associations spread all over the world but more deeply with the other Scuole present in Venice so as to detect how the quest for health – be it physical, spiritual, moral – emerges in to-day world, and how deeply it affects the pilgrims of our time that we call tourists. Under this angle a connection with the Scuola of St. Mark would seem timely.

As for the second topic, this has developed into new acquaintances and the establishment of solidarity links between the Scuole and academic circles, distinctive craftsmanship and professional environments (El Felze, Perla storica veneziana, Bevilacqua, Rubelli), institutions and entities like the Venice Port Authority, with its Open Port Programme, as well as international organizations present in Venice, like the European Union (through Eurosportello Veneto) and the Council of Europe (see its launch from Forte Marghera of the Venice Charter on the Value of Cultural Heritage on May 7-10, 2014), with an attention for performative arts like vertical dance and the commedia dell'arte. It has been mainly for the Scuola of St. Roch to try and intercept young people, by applying to the EU with a project – Climb the Past - centred around

the link between vertical dance and architecture, and by sharing a project, Cultainer, meant to measure in four stages through different European Countries the cultural cross-fertilization ensured by trade relations following the Baltic-Adriatic route, and entrusted to events meant among others to reach young people present in Venice: residents, students, tourists, workers.
Last but not least, the Scuole have been working since 2013 on regional legislation for the protection and promotion of the intangible cultural heritage in the Venetian Region, and have contributed to produce in May 2016 a draft national statute on the subject that in Fall will be laid, as may hope, before the Italian Parliament.

IV. Risks and challenges

If it is true that, as the preceding report shows, the Scuole condense values and traditions, knowledge and passions in a commitment to care, no less true is however their inherent risk of solidification and fossilization: the risk, in other words, to transform for instance feasts, rites and traditions into formalities where no memory survives of the values that had originally inspired them. At this point tradition would betray the community, individual and collective commitments, the city at large.
For the Scuole a first challenge against such a risk are the style and attitude with which visitors are hosted in their premises. The utmost care should actually be devoted to trying and having them understand the meaning of the heritage they are confronted with, most frequently for the first time. Here lies the true, sound competition with museums and other outstanding art hubs in town, rather than in the entity of the fees suggested for admission or in the number of daily visitors. And the meaning of that heritage will emerge all the more clearly and persuasively if the presentation is technically correct but above all inspired by care and love not only for the objects but also for the objectives they have been destined to over the centuries.
A second challenge to be met by the rulers of the various Scuole is the tenacious research of the expertise still available in town and in the surrounding area and that is needed to ensure that the riches of their houses are appropriately looked after but also that the bearers of such expertise be put in a position to share it with young people eager to be involved: something to be possibly achieved at transnational level by resorting to workshops, apprenticeship periods for guides and artisans, teaching at university and post-university level, etc.: way among others to show actual attention to the social problems of the city and of the weaker levels of society.
The unselfish raison-d'être of the Scuole in Venice, as brotherhoods of believers that in the Catholic Church pursue their role of lay people responsible to the city and the world, is to try and reduce inequality and destitution also by widening access to beauty. To these ends, the only condition they put on cooperation with public and Church bodies, as well as with international and supranational institutions, is – in compliance with the subsidiarity principle and a distinctly Venetian approach to religion – respect for their self-government.

RELIGIOUS HERITAGE: SHARING AND INTEGRATING VALUES, FRUITION, RESOURCES, RESPONSIBILITIES.

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About 20% of the *cultural properties* inscribed on the UNESCO *World Heritage List* have a religious or spiritual nature and are labelled as *religious properties*[1]. They belong to different traditions and beliefs, but are about 50 % of Christian affiliation and located in the northern hemisphere (Shackley, 2001). The largest single category on the list, it is claimed to have distinctive characteristics and to present more intrinsic critical factors than other forms of heritage, since it is a *living heritage* (ICCROM, 2005)[2]. This kind of heritage, especially places of worship such as churches, cathedrals, monasteries and convents, is actually facing growing problems and getting into increasing difficulties.

Secularization, demographic development, the redistribution of the population on the territory have determined a significant decrease in many churches' attendance. In the same way, the fall in religious vocations, the increase of the management costs and limited public resources increase the risk of decay of the original worship use and of the historical-artistic heritage (Cavana 2012). The lack of technical, human, financial resources can compromise the conditions that allow the maintenance of the sites, their functions and accessibility, up to their closure and dismission. At the same time, in the last decades there has been a continuous growth of pilgrimages and religious tourism. Tourists visit sacred sites for a variety of reasons, for worship and contemplation, as opportunities for cultural and educational experiences, or simply because they are part of their tour programme. This, on one hand, determines problems of compatibility since these sites are places where tourist and religious practices converge - with also the risk of commodification of religious places for tourist consumption (Olsen, 2003) - , on the other hand it represents a possible source of income and resources to restore and maintain the sites and their vitality.

The aim of this paper is to shed some light on several, mutually interwined issues that affect the management of religious sites.

Firstly, the convergent presence of several meanings and a noticeable heterogeneity in the use of these sites, therefore the requirement to simultaneously meet different needs. The coexistence of lay and religious values amplifies the conflict between collective and private interests which increases the level of management complexity (Presti and Petrillo 2010). Places where religion and tourism overlap and commingle

[1] See Unesco http://whc.unesco.org/en/religious-sacred-heritage/ - The term "Religious property", as used in the ICOMOS study "Filling the Gaps-An Action Plan for the Future" (2005), defines "any form of property with religious or spiritual associations: churches, monasteries, shrines, sanctuaries, mosques, synagogues, temples, sacred landscapes, sacred groves, and other landscape features, etc.".

[2] *Conservation of Living Heritage - Papers from The ICCROM Forum 2003 on Living Religious Heritage: conserving the sacred*, ICCROM 2005

with one another, raise questions pertaining to the management, maintenance, interpretation and meaning of sacred sites (Olsen 2003).
Secondly, the responsibility on religious heritage, which falls on different actors and institutions. In Italy, the property of the churches is owned by the State (Agenzia del Demanio), the Fondo Edifici di Culto (F.E.C.), religious orders, confraternities, and by the Church, which is title-holder via the multiplicity of ecclesiastical entities (for the most part dioceses, parishes, and religious institutes) spread all over the national territory. In addition, «the majority, if not all, of the churches of historical value are classified nowadays as 'cultural *goods of religious interes*t' and − 'if belonging to entities and institutions of the Catholic Church, or other religious denominations' − are subject to a protection regime which provides for, beside the operative duties of the Ministry of cultural affairs as well as of the Regional bodies, the necessary agreement of the religious authority 'regarding the requirements of worship'.» (Cavana 2012)
Thirdly, the number and geographical dispersion of religious sites, very different in terms of size, historical and artistic value, attendance and location. It involves complex issues relatively to high cost of maintenance and enhancement of functions, as well as in respect to the size and profile of the visitors and the needs of the community. It becomes more and more necessary to involve the diverse (public, private, ecclesiastical) stakeholders in sharing and integrating resources and responsibilities.
This paper also presents the case of *Chorus,* an interesting, bottom-up initiative aimed to overcome the problems that nowdays affect the safeguarding of the religious heritage through a project for sharing and integration.
Chorus – Associazione per le Chiese del Patriarcato di Venezia was founded in 1997 and conceived of as a solidarity network among churches at risk of closure and decay within the frame of a world heritage site, Venice and its Lagoon. Embracing the perspective of religious buildings as a common heritage, Chorus was designed so as to work as a virtuous self-financing system based on an extended, sustainable use of churches of outstanding historical and artistic importance, away from the Holy Service, in order to ensure their opening, devotional use, safekeeping and safeguarding.
The idea of clustering a diversity of religious buildings, big and small, central and marginal, and splitting the funds generated by few 'stars' across the maintenance of all the others, was, and still is, central to Chorus's main purpose of enhancing their value, and raising growing appreciation and attention from a bigger audience, whose contributions are instrumental for the preservation of the local identity to the advantage of the future generations.
Chorus's action is multifaceted. Beside the involvement of the visitors in the project of safeguarding and preserving the integrity of the Venice religious heritage, including its innumerable site-specific artworks, it also strives to offer an adequate setting and experience for both the laymen and the faithful: reliable and longer opening times, an adequate lighting system, museum-like labels on artworks, a clean environment, staff assistance and the certainty of being in a place where care and safety rule. High-level 'secular' services are supposed to help maintain a high-quality provision of religious

services. As a result, this virtuous interaction proved to be fundamental towards a conciliation between lay and religious needs, thus reducing the risk of conflicts among stakeholders, one of the most critical issues for those involved in the management of sacred sites.

Chorus's action is also ecumenic and seeking for sustainable partnerships, cooperation and sharing with other stakeholders, such as local authorities, cultural associations, local guides, transport and travel agencies, choirs and orchestras, with the purpose of promoting their network of churches for the sake of the community to which they belong, thus implementing their integration in the cultural life of the territory as symbols of a profound, long-term, unspoilt relationship.

LINKING LOCAL CULTURAL HERITAGE COLLECTIONS FROM THE SLOVENIAN–ITALIAN BORDER REGION – THE ZBORZBIRK PROJECT CASE

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The northern Slovenian-Italian border region between the Alps and the Karst – i.e. the north-western mountain part of the Province of Udine in Italy and the northern part of the Goriška region in Slovenia – is in comparison with regional urban and tourist centres underdeveloped in terms of economy, but is rich in landscape as well as tangible and intangible cultural heritage of the Slovenian-speaking population. Despite the similarities and homogeneity of landscape, culture and cultural heritage on both sides of the border, only a minority of inhabitants speak Slovenian on the Italian side of the border today, due to the Italianisation and assimilation processes after the annexation of Slavia Veneta to the Kingdom of Italy in 1866. The presented project aimed at evaluating cultural heritage collections of the once culturally interrelated, yet in the last decades divided territory.

The ZBORZBIRK Project – Cultural Heritage in the Collections between the Alps and the Karst (CBC ITA–SLO 2007–2013) aimed to evaluate – i.e. identify, register, digitalise, contextualise, arrange, present and promote in different media – local cultural heritage collections in the area between the Canale Valley and the Upper Sava Valley in the north, the region of Goriška Brda in the south, the Soča Valley in the east, and the Torre Valley in the west. The material culture of the collections documents past lifestyles and, as such, is important for the identity of local communities. At the same time, it is a source of scientific research in the fields of ethnology, cultural anthropology, museology, linguistics, history and other fields of humanities.

The ZBORZBIRK Project took place between 1 October 2012 and 31 March 2015 and included, alongside the lead partner (Research Centre of the Slovenian Academy of Sciences and Arts), two educational-research institutions (University of Udine and Institute for Slovenian Culture in San Pietro al Natisone), two museums (the Goriška Museum in Kromberk – Nova Gorica and the Upper Sava Valley Museum in Jesenice), and six local communities (the Italian municipalities of Lusevera, Pulfero, and Taipana, and the Slovenian municipalities of Brda, Kanal ob Soči, and Kobarid). It involved thirty-four cultural heritage collections; fifteen from the Slovenian side of the border and nineteen from the Italian side. Fifteen collections were compiled in the 1970s and 1980s, sixteen in the 1990s and 2000s, and three collections were built up during the project. Most of these collections (21) are in private hands; eighteen of them were assembled through collecting, and three of them belonged to a family and were acquired by bequest. Besides private ownership, some of the collections belong to associations (8), local communities (4), and even to a museum branch. Only four collections are regularly on view to the public, six of them are inaccessible, while the

rest can be viewed by prior arrangement with the owner or the guardian of the collection. The collections differ according to typology and content. Typologically, two collections contain holy cards, one collection consists of postcards, and the remaining collections include different material objects. Concerning the content, many collections focus on local crafts (carpentry, blacksmithing, sharpening of knives, scissors and tools), certain types of objects (clothing, carnival characters, carvings) or individual objects within one type of objects (rakes, irons). Eight collections share the thematic content of objects from the First World War (Ledinek Lozej 2014; Ravnik 2012).

Specific collection and material characteristics, differences in the interests of collectors and differences in professional competences of registrars influenced physical and informational scopes of the registration process. One of the main challenges of the project was to define a metadata scheme and a registration procedure that would be sufficiently flexible not to discourage the owners and the registrars from a thorough and comprehensive registration of objects (Ledinek Lozej & Peče 2014). Parallel to the registration of the objects, extensive fieldwork was conducted to record stories around the collections and the objects told by the owners, people who donated the objects or other locals. In addition to the registration of the collections, the local communities made six investments, arranged equipment for the exhibition/presentation of the collections in six cases, and established eleven information points. Alongside these information points, several other ways of dissemination (of information) were employed/used, e.g. a project website (http://zborzbirk.zrc-sazu.si/), which enabled access to the digital repository for the general public, promotional roll-ups, posters, leaflets for each collection, a guidebook (Poljak Istenič 2015) and a collection of scientific papers (Dapit et al 2015); there was also a workshop for collectors and interested general public, and an international conference on ethnological collections, oral tradition and cultural tourism.

Project activities highlighted the importance of local cultural heritage and collecting for local communities, the general public, and experts from the fields of museology, ethnology, cultural anthropology, digital humanities, informatics, etc. The preserved objects in the collections, the stories about the collections and collection items, and local narrative folklore bear witness to the (semi-)past culture and ways of life in the area, thus providing some insight into economic activities, dwelling culture, nutrition habits, handcraft skills, emigration and seasonality, social relationships, calendar customs and customs of a life cycle, family history and local community history, local dialect, etc. Furthermore, they make the general public aware of the changed attitude towards material and spiritual legacy of the past, which is valued as cultural heritage. In this regard, cultural heritage has become a medium for the establishment of a local community, and collections and collecting practices an element of identity of a local community or an individual. The ZBORZBIRK Project is one of the first projects in the Italian−Slovenian cross-border region which links non-institutional collections and collectors with experts. The collaborative approach, use of information and communication technologies to enhance various parts of processes, and a growing

phenomenon of local collections and amateur collecting can be considered an example of good praxis for comparable follow-up projects.

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EFFECTS OF INTANGIBLE HERITAGE ON THE MUSEUMS'S SCENARIO. PARTICIPATORY, "COLLUSIVE" AND IRONIC EXHIBITS

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1. Since the late 90s a radical attempt to redefine the notion of Patrimonio (Heritage) appears on the international arena. It actually announces a conflict between alternative concepts of heritage (for example, in Italy the basic notion of Cultural Goods begins to be perceived as problematic and to be replaced).
The Convention for the Safeguarding of the Intangible Cultural Heritage (2003) is the fulfillment of an international "assault" against the hegemony of the museum and the Western heritage, considered both carriers of a Eurocentric vision and unable to hinder the threat of globalization and the decline of cultural diversity.
The museums's movement has progressively incorporated the concept of the Intangible Heritage. Its development did not suffer any interruption or has lost hegemony. Museums in Italy and abroad have grown exponentially assuming the idea of Intangible Heritage not as a border but as the new patrimonial ground for the expansion of the imaginary scenario of museum collections and exibitions (eg. Thematic museums).

2. In the second part of my speech I intend to interpret the effects of intangible heritage on the museum scene, documenting the trivialities as well the valuable experimentations. I am particularly interested in analyzing how the PCI UNESCO concept has sparked a new and often hidden contends between "communities", institutions and researchers, about the authority in the process of patrimonialization. For some museums this was an opportunity to build collaborative and reflexive practices, for others it had the effect of lessening scientific quality and to trigger epic rhetorics of local identity.

3. In the third part of my relation I'll describe my engagement in the transposition of ethnographies in museum exhibits. I designed and founded small museums scattered around the Italian provinces and since I was unable to rely on pre-existing collections I created exhibitions by carrying out ethnographic research in little communities on their intangible culture. I followed Walter Benjamin's suggestion to place the periphery at the center in the belief that these small ethnographic museums might increase cultural democracy through their expanding movement: or rather, that they might offer to those who suffer today a condition of marginality – due to the violence of national centralism and globalization – themes, visions and critical knowledge that may enable them to root in a "locality" (in their local practices, history, culture). I wanted these museums to be creative spaces for cultural recognition, able to enhance – as it is highlighted by Appadurai (2011) – the people's/communities' ability to grow

aspirations, to encourage and change empowerment, places where resistance and self-development can be imagined. The mission of this kind of museum
is to give voice to non-hegemonic cultural presences in order to inscribe unknown potentialities into the contemporary.
At the Monti Lepini Ethno-Museum, which is my first museum I designed and founded, we undertook field research to show the ways in which collective memory is selected and perpetuated, how tradition is created, and how the local interpretation is nourished and manifested through particular forms and expressions. The Ethno-Museum does not tell local stories in an epic way. It showcases things, everyday objects, either they are anonymous or «objects of affection» (Clemente and Rossi 1999). It is located in an old building that we turned into a multipurpose condominium of a 'less known' Italy (the town of Roccagorga, located in the province of Latina hinterland, in the region of Lazio), to which neither the modern nor the contemporary has spared degradation, marginality and a sense of irrelevance.
The Monti Lepini Ethno-Museum has been considered as the result of a collaborative museography interpretable within our practice of public ethics and generalized social inclusion (Padiglione 2008). Museography can be considered 'collaborative' when it is committed to stimulate discussion and participation at all stages (research, design, creation, management, education) and when it considers the hosting community as its first reference point of action. Other installations at the Ethno-Museum show how the practice of participation is applied in such a way as to not just remain a formal statement.
I am convinced that we should not be satisfied with these achievements. We must free as best as we can the full potential of ethnography, both in the reflexive and critical direction and promote opportuities to circulate the cultural experience of fieldwork and give back to local communities what we have learned in a more radical way.

4. In the last part of my speech I discuss how a reflexive perspective promotes some distinctive ethnographic forms of heritage-making, mainly ironic and polyphonic heritage-making processes that use the products of research to account for conflicting interpretations. A collaborative museography that is not reflexive would risk being – as it is often the case – the staging and megaphone of the self-representations of more or less essentialist and peremptory cultural identities.
UNESCO policy, giving emphasis on the community and ascribing a secondary role to researchers, is likely to be used to encourage local politicians and community leaders to create museums that are monuments to cultural identity (Jeudy 1995); still, we as cultural anthropologist cannot exempt ourselves -as anthropologists - from being, at the same time, the dismantlers of these cultural fixities.
Our cross-eyed way of seeing things (Berardino Palumbo 2009: XXXIX) defines (our mission/role??) as a participatory choice, different from both a purely critical one and an insiders' one. It identifies a peculiar way to work in the field of heritage, one that has no correspondence among other professionals and scholars of different backgrounds, like archaeologists and historians. The proposal that has emerged in

recent years and is apparent in journals such as *Museum Anthropology* and our *Antropologia Museale* is to turn this "duplicity" into a resource, to provoke a dialogue between anthropology in museums and anthropology of museums and heritage, between curators and ethnographers, designers who, as anthropologists, create museums and researchers who study them as systems of life, "contact zones", areas of conflict and negotiation.

HERITAGE, CONSUMPTION AND CONTENT. CASE HISTORIES?

Roberto Peretta, University of Bergamo

Heritage is more easily communicated, reached and talked about in the digital age. Has this led to a more open dialogue? Or has it simply boosted consumption? Indeed, a crucial question. If the visitors' identities do not interact with the destinations' identities, heritage is neglected – literally – and won't last.

The main current human activity involved in the question above is tourism. Thanks to the development of transport opportunities – and a long period of peace in Europe – cultural tourism and cultural heritage tourism have specifically and significantly grown in the last decades. Cultural tourism and cultural heritage tourism are supposed to ensure the conservation and the interpretation of cultural resources, as well as the authenticity of visitors' experiences. They may, however, produce bad feelings and tensions among the stakeholders involved, inasmuch as they impact on communities.

Particularly relevant to our question, the abovementioned development of transport opportunities has meant that masses of tourists move abruptly, quickly and somehow randomly across Europe. Those tourists do not necessarily have any distinct idea of the heritage they come across in the destinations they are reaching. Those tourists don't even interact with locals on the spot, engage in a dialogue with them, accept their connection proposals, if any. What those tourists may think they are practicing – i.e. cultural tourism and cultural heritage tourism – frequently results in mass consumption. Basically, tourists may be less attracted by heritage than by cheap flights and destination branding.

A mix of cheap flights and destination branding can lead to severe misinterpretation of cultural landmarks – which may become a problem for both visitors and locals. Some cases have been identified in what is considered the leading tourism community worldwide, TripAdvisor.

Recent academic contributions, as well as an ongoing discussion among leading heritage managers in Italy, underline the role played by local communities – either actually or potentially – in maintaining, developing and interpreting the heritage. What locals do, or don't do, in order to keep their heritage available to themselves and the visitors, and ensure its sustainability, is increasingly reckoned to be crucial. In short, local communities are now considered more responsible than tourists for the survival of their territorial identity and the conservation of their heritage.

To understand whether a threshold between potential dialogue and actual consumption can be set, and help identify what local communities may be doing in this respect, the research has adopted the point of view of digital communication in tourism. Although certainly not conclusive, this approach has the advantages of accepting the Web as the most used and most measurable communication environment globally available, and gathering User Generated Content (UGC) on a relatively mass scale – which is scalable in future research.

Methodologically speaking, Global English results have been extracted – and will continue to be extracted till the resulting paper goes to press – from three reputed content curation platforms (ExpressCurate, Scoop.It, and StumbleUpon) and the leading tourism community (TripAdvisor) about five Italian destinations (Bergamo, Catania, Matera, Siena, and Trieste). This sampling, which is clearly incomplete, nonetheless appears to be fair, reasonably representative, and scalable in future research.

The results are quantified, and comments, reviews and suggestions read and classified under two main criteria: whether they concern the heritage, and whether they are locally produced. Admittedly, the first criterion is questionable and quantitatively debatable – also because the concept of intangible heritage can be paradoxically stretched to include nearly everything touristic as heritage. A discussion on this methodological problem would be very welcome.

The threshold between dialogue and consumption, however, can by no means be set under this methodology. Actually, the initial question for this research was ill-posted. As such, digital communication in tourism cannot help identify this threshold. It can only tell – somehow – the "amount of heritage" the web presence of a destination includes, and if the destination managers, either public or private, care enough about the sustainability of their destination's heritage.

This ongoing research is also categorizing comments, reviews and suggestions in terms of sentiment and, when possible, in terms of market segments.

Although conclusions cannot be drawn now, provisional results show that the considered sample of local communities do not necessarily put the Web to good use to ensure the sustainability of the destinations and their heritage.

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I MUSEI E IL DIGITALE: ALCUNI CASI DI REPATRIATION

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Nella metà del 19° secolo, durante quella che è nota come "epoca classica" del collezionismo museale, le collezioni etnografiche venivano ammassate con rapidità a partire dalla convinzione che le popolazioni native sarebbero presto sparite a causa dell'incalzare della modernità e che i prodotti di queste culture in via di estinzione dovessero essere messi tempestivamente in salvo per i posteri. Una relazione a senso unico così impostata andava a rafforzare il concetto che la conoscenza fosse prerogativa delle istituzioni occidentali che, nel prendersi cura di culture pensate deboli e sul punto di estinguersi, assumevano un atteggiamento di paternalismo salvifico. Gli imperi coloniali erano ovviamente i contesti più vasti entro i quali questa relazione si collocava.

In anni piuttosto recenti le comunità native hanno cominciato a contestare a gran voce questo tipo di modello teorico e metodologico ancora tenacemente presente, pretendendo ad esempio il rimpatrio di oggetti prelevati in un'altra epoca o volendo cominciare a lavorare assieme ai conservatori museali, o anche per proprio conto, a rappresentare il loro punto di vista. Queste rivendicazioni hanno coinciso, in alcuni contesti nazionali, con una trasformazione dei rapporti con le comunità indigene che hanno ottenuto un riconoscimento politico alle rivendicazioni di natura culturale e patrimoniale.

In Canada all'inizio degli anni Novanta è il *Task Force Report of the Assembly of First Nations and the Canadian Museums Association* che, nel mondo dei musei, portò una nuova etica della pratica museale, caratterizzata dalla collaborazione tra operatori e comunità aborigene e dal rispetto reciproco. La relazione riconosceva tra le varie cose il diritto alle popolazioni aborigene di avere accesso a tutti gli oggetti del patrimonio nativo e la restituzione dei resti umani e degli oggetti sottratti illegalmente. Inoltre si stabilì che nessuna mostra su un soggetto indigeno potesse essere realizzata senza il previo consenso della comunità nativa interessata. Il *Report* rappresentò un grande momento di svolta. Le affermazioni della commissione erano basate sul principio che le popolazioni indigene possiedono e hanno comunque il diritto di rivendicare il loro patrimonio e perciò di poter partecipare alla sua conservazione, custodia e presentazione. Si cominciò a sottolineare la necessità di un lavoro di collaborazione, di co-amministrazione e co-responsabilità tra museo e popolazioni indigene.

A partire dagli anni Novanta gli operatori museali cominciarono a rivedere le loro convinzioni sulla ricerca scientifica e ad affrontare la natura intrinsecamente politica di tutti i processi di rappresentazione.

Con rapidità cominciarono a diffondersi progetti realizzati in collaborazione con le comunità indigene. Collaborazione, condivisione, restituzione e comunità divennero le parole chiave di qualunque progetto che aspirasse al “politicamente corretto” e ad avere attenzione e finanziamenti governativi.

Tra questi mi soffermerò su un progetto di *repatriation* digitale: il *Great Lakes*

Research Alliance for the Study of Aboriginal Arts and Cultures (GRASAC) iniziato nel 2004.

Visitando la pagina web del progetto, Grasac viene presentato come una partnership con finalità di ricerca collaborativa che vede coinvolti ricercatori delle comunità aborigene, studiosi che vengono dai musei e dagli archivi e ricercatori universitari. Ogni professionista offre la propria prospettiva e le proprie competenze ed al contempo beneficia di quelle degli altri. Grasac si compone di due parti fondamentali: la rete di persone che si incontra, lavora insieme su progetti di ricerca e si scambia idee e un software, accessibile via web, che consente collaborazione e condivisione in remoto.

"Grasac offre un innovativo modello collaborativo che raccoglie insieme oggetti del patrimonio storico. La nostra strategia è anche di rendere più semplice la *repatriation* digitale di elementi del patrimonio laddove la restituzione fisica non è ancora possibile o pratica. "

Brevemente Grasac si offre come strumento che consente una collaborazione che va oltre il facilitare l'accesso delle comunità alle collezioni museali. Piuttosto è il riconoscimento di una autorità condivisa su certi oggetti

Il Grasac non è ovviamente l'unico database nato con questo scopo, ma in Canada, insieme al *Reciprocal Reserach Network* (RRN) del 2001, è tra i primi. Sul piano teorico questo sistema di data base dovrebbe favorire l'accesso da parte delle comunità indigene ai loro patrimoni sparsi per il mondo in modo che possano condividere i loro saperi all'interno e per mezzo di questo luogo virtuale. Da indagini statistiche effettuate per verificare l'inserimento di informazioni e/o commenti da parte di indigeni è emerso tuttavia che i membri delle comunità non condividono affatto i loro saperi, visto che la percentuale di commenti inseriti è bassissima.

Ad oggi Grasac conta 450 membri tra individui e istituzioni e più di 4.000 records creati. Se si esaminano i numeri si può facilmente notare che la maggior parte delle istituzioni incluse nel Grasac non sono legate a comunità indigene; si tratta per lo più di istituzioni museali e archivi (più dell'80%). La percentuale rimanente è composta da centri culturali indigeni o tribù. La maggior parte delle istituzioni coinvolte in Grasac sono dunque musei.

Da ciò possiamo dedurre che un data base che enfatizza la condivisone e diffusione di conoscenze e saperi in realtà lo fa all'interno di una rete di musei che sono poi in prevalenza europei. Sono questi ultimi a beneficiare ed utilizzare maggiormente questo prodotto digitale. Un paradosso se leggiamo che tra le motivazioni che hanno spinto alla creazione di Grasac è quello di far notare le ingiustizie legate al colonialismo perpetrate da istituzioni canadesi e americane (ed europee) a danno delle comunità indigene.

Anche il sistema di catalogazione cui vengono sottoposti gli oggetti nel momento in cui sono inseriti all'interno del database tradisce la natura museale di questo progetto e le informazioni in esso raccolte sono esattamente quelle delle degli inventari dei musei dai quali gli oggetti provengono. Il sistema di schedatura appare assolutamente tradizionale.

Proviamo anche ad interrogarci sulla natura di questi nuovi prodotti digitali. Che cos'è Grasac? Che tipo di operazioni comporta sugli oggetti?
A me pare che questi prodotti digitali si caratterizzino per un certo grado di autonomia rispetto agli elementi patrimoniali (oggetti, documenti d'archivio) originari. Non ne sono semplicemente copie. Propongo di leggere la fase digitale di questi elementi patrimoniali come una ulteriore tappa della loro biografia patrimoniale.
Vediamo meglio cosa succede: oggetti, che devono avere la caratteristica di essere in qualche modo legati alla zona dei Grandi laghi, vengono individuati e selezionati in varie parti del mondo, vengono fotografati, scansionati, filmati, misurati, digitalizzati e quindi catalogati. Subiscono insomma un trattamento che fa loro perdere la dimensione materiale e li fa assurgere a beni intangibili. Entrano in una temporalità e in uno spazio nuovi e virtuali (quelli del database) che possono esistere ovunque e in ogni momento. E acquisiscono una loro nuova identità e autonomia entro la nuova configurazione consentita dal database. In qualche modo sono altro dal reale (nel senso di materiale) oggetto di partenza.

PARTICIPATORY PRACTICE IN THE ACTIONS OF ECOMUSEUMS

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Cultural and natural heritage, both tangible and intangible, represents a social and a cultural capital for the population because it is closely connected to the history and system of values of a community and it contributes to the definition of the environment where people live. The recognition of local heritage and of its traces raise awareness of the territory in which we live and of the values of which it is bearer. At the same time, however, this recognition is useful in order to critically observe the transformations of the territory itself.

Participation promotes the enhancement of knowledge and the traditional practices during the selection process of the cultural heritage to safeguard and contributes to define new models of sustainable local development. In considering cultural heritage as a resource, we acknowledge the existence of users of this resource; users whoare going to use it individually or collectively, as a community. The ecomuseum can be probably considered the ideal place for thinking about participation. Due to its structure, ecomuseum needs the participatory management of citizens and of political actors; moreover, the broad field of action allows it to reflect about the cultural heritage of a territory. We must then investigate the role of the ecomuseum in this context: it can be the guardian, which means one of the subjects to guide the population in the definition of its cultural heritage. It will develop, with stakeholders, a scientific-cultural project and it will promote the research. Then, it will return to the community the results of this work and promote a new interpretation of cultural heritage. This type of activity is continuous, as this heritage is not limited to a certain historic period, but it is in a ongoing process of creation and evolution. That is why it is the community that creates it, by living on the territory. The ecomuseum thus is a mediator because it encourages dialogue between different social actors and offers a common language that allows all interested persons to take part in the decision-making process. The inventory participatory and the Parish maps, for example, are the most widely used tools for spotlighting the aspirations of the places and communities. The creation of a Parish map or of an inventory enables the inhabitants to discover the highlights of their history and start a process of reappropriation of their landscape.

This paper will try to investigate the issue of participation through the analysis of good practice and showing the different forms it takes in the activities of ecomuseums. We will also try to understand why some territories and some communities are more receptive to participation policies and what are the dynamics involved in this process.

Through participatory actions, citizens are no longer just simple visitors, but they take part in the conception of the exposition, as in the case of participatory exhibitions. The population is invited to bring personal items to be displayed and to talk about them. The exposed object retains or regains its original meaning and contributes to the reconstruction of the memory of a territory. Participatory practices allow to highlight,

and try to fill the gaps, the elements of continuity and rupture between different generations.
They provide the breeding ground for dialogue with any "new" inhabitants, helping them to recognize each other in the territory in which they live. French and Italian's case studies will show how participation in safeguarding policies implemented by ecomuseums, guide the inhabitants along a path of rediscovery and reappropriation of their cultural heritage which, on the one hand, gives new value to the evidence of the past and, on the other hand, allows to create new cultural heritage.
That is what the Ecomuseum le Creusot-Montceau-les-Mines has done in the past. Using the participatory inventory, it has allowed the inhabitants to feel ownership of their cultural heritage and landscape deeply characterized by the industrial aspiration of the territory. Recently, the ecomuseum Val de Bièvre put participation at the top of its mission to increase the knowledge of the territory and cultural heritage. Using cultural heritage as an instrument of social and democratic action gives people the tools to understand their own cultural heritage, consider in its evolution, and contribute to strengthen the local identity as it makes the population more aware of the importance of taking action to safeguard its territory.

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SECOND-HAND OBJECTS COULD BE TREATED AS A MATERIAL CULTURAL HERITAGE? THE CASE OF THE "SOCIAL MUSEUM"

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The mass consumption society brought us to the institution of a new kind of totem: the "new", symbolized by the packaging and his counterpart, the taboo of "second-hand" objects. Within the new egemony, new cathedrals of consumption spreaded through the landscape (Ritzer, 2010) and the cultural industry intertwined with distribution, in order to create new meanings for new goods.

Mass market products brought the meaning of "new" into a peculiar form of consumption. Buying new things has value *per se*, transcending the effective function of the object (Lipovetsky, 2007; Setiffi, 2009). Consumer habitus demonstrate that buying the new is considered if not the only, the main way of buying items.

A partial deviation from the new is the second-hand consumption. Second-hand consumption can be considered as an alternative way of acquisition compared to the main form of consumption or as a flux of objects that goes from rich people to poor. Economic needs or choices are the two main drivers that define who buys and why to buy second-hand items.

Considering only second-hand consumption in affluent society, from '60 till now, we see an increasing number of ways to exchange those kind of goods (Gregson and Crewe, 2003). From counter-culture consumption in '60, to *garage sales* in USA or *car boot sales* in UK. Another current phenomenon is the emergence in the main commercial city-streets of *charity shop* chains. Recently *vintage* mania account for a market oriented commercial strategy which tends to re-value style, or what can be considered as patina in Veblen's theory. Another interesting way of exchanging second-hand is swapping, the same: *swap party* is a form of pastime centered on swapping used clothes among people who are often guests of a party whose access is somehow restricted to a specific group of people.

The forms of exchange vary in a wide range of meanings: some of them, like retro shop, vintage store or second-hand store, select items that could be considered similar to new objects or that practice rituals of purification that allow consumer to buy that kind of products. Other kind of exchange emphasizes ecological, ethical or counter-culture issues, accounting for narratives that struggle with the domination of the market in contemporary society.

All this different kinds of second-hand exchange tell us a number of critical aspects we can find in the culture of the new. First of all the ecological issue that considers *reuse* as a crucial approach to the use of objects (Viale, 2010). Reuse implies the creation of long lasting products, in opposition to the throwaway society. If dismissal is the norm, the new is the belief. In this logic second-hand plays a crucial role for the promotion of a reuse society. Repair and not substitution, accuracy in the selection of items versus low price-low quality shopping, those consumption behaviors can act in contrast to the loss of production knowledge and craftsmanship. Another cultural

element brought by the culture of the new is the procedure of exchange. Standardization and depersonalization of exchange are due elements if new objects must be considered as pure and safe. All the social relations linked to the exchange process should be purified from the presence of producers or sellers, as scientific production substitute workers with machines, also distribution tends to create an anonymous way of acquiring goods (Douglas, 2003). This kind of relations seems to refer to a culture that considers "pure" an object when it is separated from people, it implies aseptic conditions of exchange and cold relation of buying and selling, a kind of counter-intuitive trend in a market oriented to the one to one relation from producer to consumer.

Therefore, second-hand can be considered as a form of resistance that treats objects as repository of culture? Material culture should be the approach that can offer a useful view of objects that incorporates meanings coming from productions? These two questions bring to the idea that second-hand is a different way of considering consumption that enlighten several aspects of post-modern society. A partial solution can be retrieved into a new narrative of objects. In this paper we consider a specific case: *social museum*, a place online where is possible to build a different narrative of objects (www.spazioriuso.it/social_museum). This example of stories based on objects can explain how relating the life of objects to the life of consumers could promote a new way of considering knowledge, both coming from producers and from users. The social museum hosts stories from consumers that tell us particular meanings incorporated into objects by users. In this sense is it possible to think at material culture as a way to give more attention to objects and to the meanings both social and cultural that they bring? Narratives, that tell us how people live with objects, and that deepen how people consider objects, their function, their design, can bring back a new consideration of culture, and in particular of productive culture? Narratives of reuse can help to renew the attention to the cultural heritage of craftsmanship.

Linking results from a doctoral research on second-hand consumption to the case of Social Museum, we try to demonstrate how a type of exchange and consumption (second-hand) can be considered as a crucial practice to preserve cultural heritage of the material culture.

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LANDSCAPE MUSEUMS: CONSIDERATIONS ABOUT HERITAGE EXPERIENCES IN *FRIULI VENEZIA GIULIA*.

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This paper's topic is part of a larger Ph.D. project I am working on about Friuli Venezia Giulia's ecomuseum network. The paper thus is a parallel and complementary analysis of an ongoing and complex research, whose goal is to study deeply a specific and only partially autonomous aspect. The purpose is to separate, through the study and the description of some interesting cases, the strong relationship between the museum and the *cultural landscape* where it is placed, analyzing both the territorial impact and the buildings of those narrations that a community considers important elements of a shared public representation.

The three cases studied and placed in Friuli Venezia Giulia are particularly interesting because the landscape is not only the environmental context of the museum's activity, but it has become a very important part to the point that, today, it could be the real subject of an exhibition or the specific topic of the heritage process. For these reasons, it was decided to distinguish in the analysis the landscape and museum's categories in order to observe the heritage dynamics between the two.

If the attribution of a heritage value to the landscape is nowadays formally an element that is, nationally and internationally, recognized; it is interesting to explore how these values are performed and socialized by the culture[1]. The museum in its *social meaning,* a key institution for the community's identity production (Karp 1995), is a mean of interpretation and communication of the territory that a specific social group recognizes as a basic element of his own social identity. The museum, selecting and elaborating heritage elements that it considers functional and adapted to its own narration, creates new landscape's forms, which not always coincide with those identified and socialized by the cultural selection process. This happens not only because there could be a context where the landscape has been so transformed that today we couldn't recognize the elements – natural and social – that before were important, but also because the communication of the environmental heritage passes through a selection and a simplification. This phenomenon sometimes necessarily reduces or eliminates the *appaesamento,* a process of cultural assimilation which makes man aware of his territorial presence (de Martino 1977, p. 480).

From a methodological point of view, this work tries to analyze some cases in order to describe, as comparatively as possible, the modalities though which the landscape enters in the museum context, which are the results and consequently the interactions

1 The law references that in the text will be explicated, are about the meaning of landscape that we can read in the Italian Cultural Heritage Code (Codice dei Beni Culturali e del Paesaggio - Decreto legislativo del 22/01/2004 n.42 – GU n.45 del 24-2-2004 – Suppl. Ordinario n.28); in the European Landscape Convention of the Council of Europe – Strasbourg 19 July 2000; and what is written by Faro Convention – The Framework Convention on the Value of Cultural Heritage for Society, Faro 27. X. 2005.

with the communities that recognize themselves in the heritage case. The three cases studied belong to different cultural areas and gather the experience in ethnographic museums and in the ecomuseums, although they present diversified approaches.
The *Slovensko multimedialno okno_SMO – Museo di paesaggi e narrazioni - Krajinski in pripovedni muzej* of San Pietro al Natisone (Udine) chooses the territory as the central theme of its exposition's narration. It is a quite complex operation that through multimedia instruments tries to show an articulate image of the cultural landscape, that characterizes the boundary area between Friuli and Slovenia. The second case concerns the project *Cantieri del Paesaggio* that involved three of the six ecomuseums present in Friuli Venezia Giulia region, with the purpose of starting new projects in the territory. The communities were involved and played an active role in the recovery and preservative operations of some heritage elements. Finally the *Centro d'interpretazione del territorio,* recently opened in the *Museo dell'arte fabbrile e delle coltellerie in* Maniago (Pordenone), is an interpreter of the historical and social complexity of the north-west part of Pordenone's area.
In conclusion, the analysis of single cases, even in a partial first stage's study, will let us experience new interactions between the landscape and the cultural heritage. These interactions try to define – in the complex dynamics of the contemporary age – the boundaries in which communities consider themselves an inner part of their territory.

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FACE TO FACE WITH HERITAGE FROM AFRICA AS AN ICON OF THE COLONIAL ITALIAN CONSCIOUSNESS TO THE CONTEMPORARY ENHANCEMENT OF CULTURAL DIVERSITY THROUGHT THE COLLECTION OF CIPRIANI'S MASKS.

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Enhancement is a critical action in museography; thanks to it, Museums[1] transmit critical arguments to the community. This paper's aim is to present "EX: the dialectical paradigm of enhancement" based on the interpenetration of contraries. It consists of three parts: *extinction* (past of the object), *extension* (present of the object) and the *exhibition* as dialectical synthesis. The final aim is to give a suggestion to discuss the politics of representation of the others starting from Cipriani facial masks collection, showed in the Anthropological Museum of the University of Bologna. The masks are testimonies dating back to the Fascist era, a period in which the hypothesis of the race was related to forms of material representation of other populations. Fabio Frassetto, physical anthropologist who established the Anthropological Insitute of Bologna in 1908, acquired from the anthropologist and ethnographer Lidio Cipriani part of his scientific collection to include them in the Anthropological Museum of the University of Bologna. The Collection has an historical-scientific value, it was an instrument to study human variability, a method no longer in use, and actually *extinct*.[2] Since its origins, Anthropology produced some objects: to meausure otherness (*Biometric Sciences*), to take photos of people in impersonal enviroments (*Ethnographic photography*), collecting objects (*Tribe Art*) and sometimes human beings (as Ote Benga, Hontettot Venus). For the majority of travellers the act of collecting was necessary to document their fieldwork: «The collecting of the travellers was omivorous, because of their varied expertises and because all of them proposed to create via the collections a map of the places and peoples they visited, almost always still unknown to the West, and to bring home the material "proofs" of their itineraries».[3] This is the reason why anthropologists and experts of museography are living in a crisis of representation. Since Taylor, cultural Anthropology introduced the concept of intangible culture to separate itself from physical Anthropology based on tangible and biological variations. In reality, ethnographers maintained a relationship with material culture: one example is the Dakar-Gibuti's expedition, driven by the ethographer Marcel Griaule, during which

[1] Internation Council of Museums gave this definition in 2007: A museum is a non-profit, permanent institution in the service of society and its development, open to the public, which acquires, conserves, researches, communicates and exhibits the tangible and intangible heritage of humanity and its environment for the purposes of education, study and enjoyment.

[2] Frassetto F, 1939, *Trent'anni di storia, dalla cattedra e dell'istituto di antropologia generale ed applicata della R. Università di Bologna e breve curriculum vitae del Prof. Frassetto*, Tipografia Luigi Parma, Bologna, pp.4-6.

[3] Puccini S. 2014, *I viaggiatori nel museo* in (Moggi Cecchi J., Stanyon R.) by di *Il Museo di Storia naturale dell'Università degli studi di Firenze*, Vol V, Le collezioni antropologiche ed etnologiche, University Press of Firenze.

Michel Leiris, as he wrote in *Afrique Fantôme*, sentenced the robbery by French people of artefacts from native's villages. The collection of artefacts tells about a powerful relationship based on asymmetrical planes and it weaves toghether Culture with Material Culture. Karl Marx in *Theses of Feuerbach* debated about material culture considering how in German language we can distinguish the word object in: *Objekt* (projected out) and *Gegenstand* (in relationship with). Boudrillard talking about Marx, states that often anthropologists reduced a system of representation of natives as a simple mythology. Anthropologists create *fetishism*. This item substitutes the scientific analysis passing on «whole western ideology».[4] In the museum each presence is, because in itself, value of symbol, it means something of something else, about a history yet happened, it is index of a case yet consumed[5] and another one is going to start. Carlo Ginzburg, talking about the relationships between colonists and natives explains how historical testimonies are created by reasons of power. In *Rapporti di forza* comments: «On one hand "representation" points to the represented reality, so it evokes absence; on other hand it shows represented reality, so it suggests presence».[6] Here, enhancement could be an action played to the limit, *extending* the complexity of representation. Brian Durrans, a British Museum's resercher declared: «The issue of who controls representation, however, is hardly a productive subject for discussion outside a wider program concerned with political power».[7]

could be an action played to the limit, *extending* the complexity of representation. Brian Durrans, a British Museum's resercher declared: «The issue of who controls representation, however, is hardly a productive subject for discussion outside a wider program concerned with political power».[7]

A well-stocked collection not always guarantees a representation of the culture. Academic Museums can work on the critical side of exhibits, giving a service to the people, creating educational value to the community, developing knowledge. *Exhibiting* the masks out from the context of the museum, the objects become arguments of new discussion on heritage. The employ of 3D technology and of the sense of touch, could stimulate what Unni Wikan defined the *Resonance*. If diversity was first considered as a distinctive visual element, the Museum can overturn the orientation.

[4] Baudrillard J, 2010, *Per un'economia politica del segno*, Mimesis, Milano, p. 81-83;
[tit. or.Pour une critique de l'économie politique du signe, 1972].

[5] Turci M. 1999, *Uomini, oggetti, musei. Sguardi d'antropologia fra disciplina e immaginazione* in Di Valerio F. (by) *Contesto e identità: Gli oggetti fuori e dentro i musei*, Clueb, Bologna, p. 162.

[6] Ginzburg C., 2011, *Rapporti di forza. Storia, retorica, prova*, Feltrinelli, Milano, p.82.

[7] Durrans B., 1992, *Behind the scenes, Museums and selective criticism*, in «Anthropology Today»,8, Wiley-Backwell, p.11-15.

[7] Durrans B., 1992, *Behind the scenes, Museums and selective criticism*, in «Anthropology Today»,8, Wiley-Backwell, p.11-15.

4th Session: *Cultural heritage either finds hearts' and hands' care or dies*

Ist Sub-session: TRADITIONAL KNOWLEDGE AND COMMUNITIES

F. Macmillan (Birkbeck, University of London, School of Law): T*he problematic relationship between traditional knowledge and the commons*

M. Giampieretti (University of Padua): *Human Living Treasures. New Perspectives in the Italian Legal System?*

J.F. Bajec (Research Centre of the Slovenian Academy of Sciences and Arts): *Cultural Heritage Practices and Life-Long Learning Activities for Fostering Sustainable Development In Local Communities*

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E. Bellato (University of Verona): *The precarious present of artistic gondola craftsmanship, part caste, part lineage, part heritage and part simulacrum*

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M. Scurati (Commitee on Sustainable Turism in Venice): *The tourism management in the cities of art and the Venice case: a proposal to limit the flow and generating value*

B. Ervas (El Felze e/o Archeoclub Venezia): *Promesse, abbagli ed ipocrisie. Essere artigiani nell'era della sterilizzazione culturale*

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G. Galeotti (Department of Education and Psychology, University of Florence): *The educational valorisation of traditional knowledge: an intervention-research with tuleros, Mayan artisans of Atitlán Lake in Guatemala*

F. Amato (University of Perugia): *The craft of things. Object-subject relationship in nowadays working tools*

THE PROBLEMATIC RELATIONSHIP BETWEEN TRADITIONAL KNOWLEDGE AND THE COMMONS

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The first international instrument in which the expression "traditional knowledge" appears is the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions of 2005, which makes reference to "the importance of traditional knowledge as a source of intangible and material wealth, and in particular the knowledge systems of indigenous peoples, and its positive contribution to sustainable development, as well as the need for its adequate protection and promotion". The reference to the traditional knowledge of indigenous peoples is not without significance in this context. In fact, much of the international debate around this question has been focussed on the traditional knowledge of indigenous peoples. This aspect of the debate has also found expression in the UN Declaration on the Rights of Indigenous Peoples of 2007 (the so called DRIPs). According to the DRIPs, the rights of indigenous peoples in their traditional knowledge include the right to protect this knowledge in the form of intellectual property. This paper proposes to investigate two propositions that have become premises of the international debate around this question: first, that the protection of traditional knowledge is primarily a question of the rights of indigenous peoples; and, secondly, that the form of the protection of traditional knowledge is primarily a question of intellectual property law. In relation to the first of these two underlying premises, that the protection of traditional knowledge is primarily relates to the rights of indigenous peoples, the paper unequivocally accepts that the question of the just treatment of indigenous peoples is one of great importance. Indigenous peoples have suffered, and continue to suffer, grave injustices in the post-colonial period. Without the legal identity that comes from the privilege of statehood indigenous peoples are not part of the community of international law makers. This, of course suggests that a just response to the claims of indigenous peoples requires something more than simply the protection of their cultural heritage. In fact, the focus of the debate on questions such as the traditional knowledge of indigenous peoples seems calculated to distract attention from much more pressing political claims. At the same time, this focus also distracts from the undoubted fact that it is not only indigenous peoples that have traditional knowledge. This fact has not entirely escaped attention at the international legal level. The representative list of the intangible cultural heritage of humanity established under the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage of 2003 contains examples of traditional knowledge of communities other than those regarded as indigenous peoples under international law. However, inclusion in this list is a form of recognition of traditional knowledge in relation to which a State is making some sort of claim. It does not necessarily entail the recognition of communities not forming a State in international law, nor does it constitute protection per se. So, is it

necessary to have some other form of protection for traditional knowledge and, if so, what and for the benefit of whom?

This takes us to the second underlying premise of the debate, which suggests that protection of traditional knowledge falls within the remit of intellectual property law. In analysing this proposition, the chapter will emphasize two central aspects of intellectual property. The first of these is that it is a right to private property. The second is that this form of private property is designed to enable investment in liquid assets, with the ultimate effect of promoting the accumulation of capital to the benefit of those best able to reap profits from that accumulation. In the light of these observations, the paper will problematize the idea that intellectual property is a suitable form of protection for a community's rights in its traditional knowledge, whether formed of indigenous peoples or not. This line of argument, however, leads us to a further question which is what we do about traditional knowledge if we do not protect it by way of intellectual property rights. One solution would be to put it in the cultural commons where it would be freely available. Not only is this solution unacceptable to indigenous peoples, it is also not clear that it would be acceptable to other communities or, indeed, to the maintenance of the integrity, self-reflexivity and other inherent qualities of traditional knowledge systems. As the paper will argue, the principal problem with the concept of the unregulated cultural commons in this respect may be that it is unable to defend the specific interest of communities in the protection of their cultural heritage. The commons, the paper will argue, are like a defence without a fence; they are a space defined by the absence of intellectual property rights, and thus by intellectual property law itself.

The final part of the paper, therefore, will consider what other options there are with respect to the protection of traditional knowledge. It will consider what legal architecture might be put in place to protect a community's rights in its cultural heritage without erecting the sort of fences characterised by private property rights that have the capacity to interfere with the collective rights of a community. In approaching a solution, the paper will argue, it is important to avoid the type of essentialism that might suggest cultural (and political) closure, and so interfere with practices of cultural and creative interchange that have made the world (for better or worse) what it is today. Accordingly, the necessary legal architecture must be more than some vague concept defined by the absence of positive property rights. It must furnish guarantees against misappropriation and unauthorized use. And it will have to transcend the antiquated division between public (in the sense of the State) and private rights, recognising the concept of community rights.

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LIVING HUMAN TREASURES. NEW PERSPECTIVES IN THE ITALIAN LEGAL SYSTEM?

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According to the UNESCO Convention of 2003, one of the most effective ways to achieve the sustainable safeguarding of the intangible cultural heritage is to guarantee that the bearers of that heritage continue to further develop their knowledge and skills and transmit them to younger generations.

For this purpose, UNESCO has recently issued a series of recommended guidelines for the establishment of national "Living Human Treasures" systems, aimed at identifying, protecting and supporting persons – variously designated in the Member States ("Masters of Art" in France, "Bearers of Popular Craft Tradition" in the Czech Republic, "National Living Treasures" in the Republic of Korea etc.) – "who possess to a very high degree the knowledge and skills required for performing or recreating specific elements of the intangible cultural heritage". The establishment of such systems may involve the adoption of both legal and regulatory provision, and administrative and financial measures, for the recognition, the selection and the inventorying of the "Living Human Treasures" (based "on the value of the traditions and expressions concerned as a testimony of the human creative genius, their roots in cultural and social traditions, their representative character for a given community, as well as their risk of disappearance"), the support to their activity and the contribution to the transmission of their knowledge and skills to others.

At present, Italy has not yet approved any specific legislation on this subject. In the lack of a State law, providing the general principles of the matter, some Regions (e.g. Sicily) have created their own systems for the safeguarding of the most talented tradition bearers and practitioners living in their territories.

In such a context, the intent of this work is dual. On the one hand, it recalls the main State and regional provisions concerning the protection and enhancement of arts and craftsmanship already in force, in order to verify their consistency with the goals of the Convention. On the other hand, it offers theoretical and practical suggestions for the establishment of a national "Living Human Treasures" system in Italy, in step with the UNESCO guidelines and the best practices developed by other Member States.

CULTURAL HERITAGE PRACTICES AND LIFE-LONG LEARNING ACTIVITIES FOR FOSTERING SUSTAINABLE DEVELOPMENT IN LOCAL COMMUNITIES

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Due to the latest postmodern research paradigms, contemporary socioeconomic situations, and diverse practitioners of heritage processes, cultural heritage practices today take on different roles, meanings and appearances. Heritage activities – such as researching a local history, restoring old material objects, reviving old customs, preparing historical exhibitions, using old skills and knowledge for creating new products, etc. – are no longer conducted only by experts from heritage institutions (museums, archives, libraries, research centres), but also by local communities or voluntary associations whose members strengthen a collective identity by reviving the past. New concepts intend heritage practices to assume important roles in alleviating contemporary socioeconomic problems by encouraging intergenerational dialogues, overcoming passiveness of the locals, providing opportunities for connections and cooperation among different sectors (private, public, voluntary), creating friendly relationships among people, enabling community learning, and constructing creative living areas, healthier societies and well-being of local residents. However, to successfully utilize heritage practices for new development purposes, the main practitioners and indirectly involved stakeholders (like local political decision makers, entrepreneurs, media, schools) should be aware of the potential that culture heritage (e.g. old skills, experiences, achievements etc.) can provide for contemporary needs, wishes and opportunities. It is often very difficult to achieve mutual cooperation among people and networks of different knowledge, as each partner defends their interests and accepts compromises with difficulty. Furthermore, local entrepreneurs are not aware of traditional knowledge and experiences that local residents have preserved and developed and that could become a source for innovative products in the future. On the other hand, local politicians do not see voluntary activities connected with reviving of the past as opportunities to empower citizens and provide them with a better quality of life. As a consequence of such thinking, NGOs are financed less year by year.

This presentation aims to show how to utilize cultural heritage activities conducted by voluntary associations as a development potential for achieving sustainable development in local communities and how to use voluntary activities for raising awareness among citizens about natural, social and cultural potentials from the local environment for a better and healthier life in the future The presentation will focus on the activities of the Association of Housewives from Planina near Ajdovščina in the Vipava Valley in Slovenia. During last ten years of researching the local past, reviving traditions, reconstructing old skills and working together with different experts (an ethnologist and cultural anthropologist, photographers, a designer, etc.), the

Association has managed to develop interesting life-long learning methods of empowering the local population and educating and informing them of values of the local past and its use as a source for new products based on tradition and innovation.
The presented arguments were acquired during the implementation of my postdoctoral project entitled *Cultural heritage – a medium for establishing sustainable development in local place.* In this project I tried to develop methods about how experts should apply their scientific knowledge to local communities. During the project period (2011-2014), in which I provided the Association with expert support in their yearly activities, I did not focus only on researching the past, but also on how traditional knowledge and skills can and should be used for innovative products and practices. After having presented the activities to the wider public, I had some semi-structured interviews with the members of the Association and some people from the general public in order to see their reaction, satisfaction, ideas, purposes, etc.
The Association focuses on one specific topic from the local tradition and history every year and presents it to the public in different ways, often with a theatre play, an exhibition, a booklet and/or a product that is made based on tradition and innovation. These contexts indirectly include meanings of wider development concepts, like social innovations, gender equality, sustainable development and the like, which are presented to the wider public in a simpler way. For example, the project from 2014 resulted in the book *Da ne bi pozabili II: Šege in navade ter kuharski recepti s Planine pri Ajdovščini* (So that we wouldn't forget II. Customs and Recipes from Planina pri Ajdovščini), which presents a collection of old local recipes and their modifications due to new ingredients and culinary techniques. The book also shows how women and their energy, knowledge, skills and wishes to preserve, research and modify a local tradition can contribute to sustainable development in the rural area. The added value of the book is in pictures and thoughts of the members about the Association's mission and about what being together has contributed to their personalities. "*I share with the members of the Association the nice and the less nice moments of my life; they encourage me to finish my studies and boost my self-confidence. Because of that, I can honestly say that they are not only my co-members, but most of all my true friends."*
Such thoughts should make us think how to utilize heritage activities in order to alleviate contemporary social and economic problems. Having had their personal thoughts published in this book, the members of the Association were given the opportunity to publicly express themselves. In doing so, they perceived the book as their own or as if they were the co-authors, which gave their work acknowledgement and confirmation.
Because of my experiences with this Association, I can conclude that heritage does not exist for its own sake; on the contrary, it should teach and encourage us to be more friendly and compassionate and to help each other, because this is the only way we are going to survive in this world.

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A LONG JOURNEY. METAMORPHOSIS AND SAFEGUARD OF "TRADITIONAL KNOWLEDGE": AN INTANGIBLE CULTURAL HERITAGE?

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The thought of Michel De Certeau[1] had a major impact on policies, heritage practices and scientific ideas in France over the twenty years from 1980 to 2000[2]. The orientations of cultural policies during that time determine the multiple and widespread public investments, in a territorial vision of culture, plural and socially-based[3].

The argument of the article is that the Convention for the Safeguarding of Intangible Cultural Heritage (ICH), in a new context of public disinvestment (in France linked to the decentralization and connected to the global economic crisis) is encouraging and legitimizing the empowerment of civil society and of the various actors recognized as protagonists of culture, contributing to the construction of heritage as a widespread social phenomenon, living, transformative and transboundary.

Founded on the values of cultural rights as human rights, the various international Conventions (legally binding) cause and accompany conflictual and complex processes of active citizenship. These shed light on the reasons sustaining the projects of production and recognition of cultural traditions as a heritage, in a process that can transcend the boundaries of States, while organizing themselves within the national frames. Starting with references from the scientific literature on the paradigm of ICH[4], we will present some politic, scientific and social contexts, as "ethnographic cases", that allow to capture and questioning the transformations underway.

We aim to connect three levels:

- The international context of the intergovernmental Committees of the Convention for the Safeguarding of ICH. Places of debate, meeting, confrontation and mediation between political (national, international, regional and local), scientific, legal, institutional and social reasons, these translate into

[1] De Certeau, M. (1976). *La culture au pluriel.* Paris: Gallimard. E De Certeau, M. (1980). *L'invention du quotidien*. Paris, Gallimard.

[2] An interesting analysis on the relation between Michel de Certeau and The Ministry Jack Lang, "Jack Lang et l'impératif culturel (1981-1993)". Pp. 18-27, http://www.eleves.ens.fr/pollens/seminaire/seances/politique-culturelle/politique-culturelle-francaise.pdf. Last visit November 2015.

[3] Lapiccirella Zingari, V., 2012, «Percorsi francofoni al patrimonio immateriale» *Antropologia Museale 28/29*, *Produrre culture ai tempi dell'Unesco*. Imola, Editrice La Mandragora, pp.70-82.

[4] In particolar, Smith, Laurajane; Agakawa, Natsuko (eds.), 2009, *Intangible Heritage*. London-New York: Routledge. and Bortolotto, C., (sous la direction), 2011, *Le patrimoine culturel immatériel: enjeux d'une nouvelle catégorie*. Paris, Editions MMSH.

regular appointments, concrete meeting places, work and training. Here communities, groups and individuals move with strategies, tactics and interests in the name of some shared values. A community of particular interest is the one made by Non-Governmental Organizations (NGOs) accredited by the Convention to perform advisory functions. Every year, the day before the work of the Committee, NGOs that have a coordination / secretariat, meet at a forum thematic seminar[5], which sees a growing participation of researchers, particularly anthropologists. The gradual organization of this space of word and action reveals the complex relationship between the "establishment of culture", government policies, the positions of the "heritage communities" (Faro Convention, 2005[6]), the knowledge of scientific communities.

- The national contexts, in which are engaged the non-governmental organizations and researchers. All in various ways involved in the processes of "heritage-making" within national "heritage regimes"[7]. I will focus in particular on the case of the Italian dialogues undertaken by SIMBDEA (www.simbdea.it) with other NGOs and national institutions, and some experiments of "participatory inventories of intangible cultural heritage" and applications in progress, including cultural mediation, co-production, co-governance[8].
- The local fields, where community groups and individuals move, often paradoxically and in contradiction, to transmit and revitalize the traditions, between environmental and economic crisis, recognition of the value, legitimacy and systems of power. The case of Venice is in this regard very significant. Here, some cultural / craft associations, as *El Felze*, *The Scuole Grandi* and *Un Faro per Venezia* (A Lighthouse for Venice), embody different challenges of the cultural heritage in contemporary touristic, post-industrial and post-modern society.

The Venetian Lab

Paradoxes and the suffering of the today Venice help to recognize and question these challenges, a world / local dream that is reacting to the aggression of globalization. In particular, an association that transmits the heritage of the artisans' guilds as El Felze[9],

[5] See the web site of the NGO forum, www.ichnforum.org

[6] The concept of "heritage community" is proposed by the The Framework Convention on the Value of Cultural Heritage for Society (Faro Convention, Council of Europe, 2005).
http://www.coe.int/t/dg4/cultureheritage/heritage/Identities/default_en.asp
See Zagato, L., *The Notion of "Heritage community" in The Council of Europe's Faro Convention*, in, Adell, N., Bendix, R., Bortolotto, C., Tauschek, M. , 2015, *Between Imagined Communities and Communities of Practices. Participation, Territory and the Making of Heritage.* Gottingen Studies in Cultural Property, Volume 8, pp. 140-168.

[7] Bendix, R., Eggert, A., Peselmann, A., 2012, *Heritage Regimes and the States*, Gottingen Studies in Cultural Property. Vol.6. http://univerlag.uni-goettingen.de

[8] Jacob, M. 2014, *Development Brokerage, Anthropology and Public Action,* referring to Richard Kurin, David Mosse, David Lewis. In Jacob, Marc; Neyrinck, Jorijn; Van der Zeijden, Albert (2014). *Brokers, Facilitators and Mediation. Critical Success (F)Actors for the Safeguarding of Intangible Cultural Heritage.* Peer reviewed special issue of Volkskunde. Tijdschrift over de cultuur van het dagelijks leven, 115 nr. 3.pp. 299-318. http://www.ichngoforum.org/brokers-facilitators-mediation-critical-success-factors-safeguarding-ich/

[9] El Felze, *Associazione dei mestieri che contribuiscono alla costruzione della gondola*. http://www.elfelze.it/

connecting with the wider Venetian "heritage community" (including all the signatories of the "Charter of Venice"[10]), with the contribution of the scientific community and in dialogue with other stakeholders, try to use international instruments for the safeguard and transmission of traditional knowledge and crafts of the lagoon facing a severe crisis.
Referring to the definition of "heritage community", Venice will appeal to Europe to meet the challenges of its future.
But what criteria must be met in a sensitive, complex and fragile context such as that of the lagoon? What alliances to build strategies to draw to make "traditional knowledge" and its carriers fully recognized as the heart of processes able to secure to Venice, its ecology, history and identity a sustainable future?
How to manage conflicts of interest and visions at work in the spaces of post-modernity[11] that a city-symbol of the cultural heritage in the global world embodies?
What is the role of the scientific community compared to the challenges and emergencies reported by "artisans of the lagoon"?

New narratives

Can participatory methodologies in the identification of the ICH[12] combined with methodologies for mapping the "natural and cultural capital" (Charter of Rome, 2014[13]), collecting the precious legacy of interdisciplinary studies through experiments, produce new narratives? Can all these become instruments of recognition, intergenerational transmission / intercultural, legal protection, critical knowledge, continuity and creativity? In a word, safeguarding, according to the definition given by the 2003 Convention (art.2 Com.3).
The long journey of cultural heritage in a globalized world seems to move towards a challenging and promising road made of research systems, mediation, collaboration and network monitoring. The Venetian experiences, building representations that help the negotiated understanding by "seeing the connections"[14], indicate possible points of contacts: between the different disciplines and the local knowledge, skills and practices, and among the criteria for safeguarding ICH and those of ecological, socio-cultural, and economic sustainability[15].

[10] The charter of Venice, 7/5/2014, is on-line http://www.unive.it/nqcontent.cfm?a_id=179211,
[11] See Appadurai, A., 1998, *Modernity at large: Cultural Dimension of Globalization*, University of Chicago Press.
[12] Bortolotto, C., 2011, (sous la direction de) *Le patrimoine culturel immatériel: enjeux d'une nouvelle catégorie.* Paris, Editions Maison de Sciences de l'Homme.
[13]http://www.minambiente.it/sites/default/files/archivio/allegati/biodiversita/conference_ncc_charter_rome_24october.pdf
[14] Wittgenstein, L., *Remarks on Frazer's Golden Bough* . Ed. italiana, *Le note sul ramo d'oro,* (prima edizione 1967) Edizione Adelphi 1975, pp. 28-29.
[15] An interesting overview in Jacob, Marc; Neyrinck, Jorijn; Van der Zeijden, Albert (2014). *Brokers, Facilitators and Mediation. Critical Success (F)Actors for the Safeguarding of Intangible Cultural Heritage.* Peer reviewed special issue of Volkskunde. Tijdschrift over de cultuur van het dagelijks leven, 115 nr. 3. http://www.ichngoforum.org/brokers-facilitators-mediation-critical-success-factors-safeguarding-ich/

ITALIAN MINOR RIVERS AS EMOTIONAL GEOGRAPHIES: TERRITORIAL PLANNING IN BIO-REGIONAL APPROACH

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The most urgent issue currently affecting the quality of lived spaces in the western world is the remarkable spread of the urban sprawl phenomenon. The major concern is the huge consumption of land, most of it valuable fertile land designated for agriculture. This lead to irreversible loss of the main support underpinning the basic eco-systems, with special regards to the dynamic of the hydro-geological system. We are in the presence of the arrogance of *hybris*, the ungovernable force of individualism which does not hesitate to offend the natural order of resources, deemed to be endless, and takes a hazardous cornucopian view of the world.

It follows that it is almost a vital necessity to be aware of the events that affect the environmental backgrounds of our daily existences. It is therefore important to appreciate the value of the space we live in. Through such awareness, it is easy to appreciate that something has broken in the mechanisms of place production. The intense urban sprawl into the delightful Italian countryside and the transformations that have taken place as a result of the global agribusiness have been causing numerous problems by disrupting reassuring points of geographic reference for large sectors of the population, erasing their existential ties with the places they live in and their cultural and affective roots which find their nourishment in everyday place.

The presence in Italy of a complex hydrographical network, of great interest from the historical and environmental perspectives, comes into collision with the expansion of the urban sprawl, thereby posing serious problems for correct territorial management. Up to a few years ago these water landscapes were undervalued, bur recently we should note the growing social demand for green spaces and attractive landscapes as river corridors actually are. Such revalorization process of water landscapes plays a relevant role not only in urbanized areas but also in the sectors of the lower Padana plain that were transformed in the past by large drainage projects to make the land suitable for agri-business.

As well as the main rivers, it's equally important to take into account the dense network of smaller rivers, especially when flowing through the peripheral fringes and therefore considered more as an obstacle to housing development than as an opportunity to restore the environmental quality of landscapes. The smaller rivers are also part of the memory of these place, with a rich "repository" of history from which we can learn useful lessons on the negative impacts of an untidy and regardless human presence.

Historical documents enable us to reconstruct the evolution of relationships between the local population and the hydrographical network: this could prove to be a valid starting point for a regeneration of river landscapes, that particularly challenging along waterscapes in urban sprawl. This specific point of view might allow the development of a sort of *hydraulic humanism*, that should underpin the recovery and reorganization of Italian hydro-geological management.

Among the many existing possibilities of recovering places, suffice it to mention here bio-regionalism, wherein focus is placed on the personality of places and ecological identities, leaving on the tables of technicians the arid and false objectivity of the regional technical maps, where landscapes are silenced in the name of Euclidean certainties. This is a challenge that could also involve the most compromised sectors, recovering and mending sceneries and re-listening to the weaker voices, giving back dignity to the marginal elements like ditches, hedges, dirt roads, abandoned railways, mills and the whole rural built heritage. What appears therefore is a new way of calculating the environmental accounting, a glimmer of hope not to be ignored in order to achieve an authentic quality of life, less responsive to the appeal of hyper-consumerism and more closely focused on the theme of happiness, the intensity of social relations, residential satisfaction and the beauty of the landscape.

ESTIMATING THE ECONOMIC EFFECTS OF VENICE CARNIVALS: AN EX-POST ECONOMETRIC VERIFICATION APPROACH

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The Venice Carnival is the most internationally known festival celebrated in Italy, as well as being one of the oldest worldwide. This congregation of masked people, called Venice Carnival, began in the 15th century, but the tradition can be looked back to the beginning of the 11th century. Although there is not much left today of the historical tradition of the Venice Carnival in the late 1970's a popular spirit of Venice Carnival bloomed wild; soon the city authorities began what is presently a celebration of the Carnival, mainly for tourists. Unlike many Venetian celebrations that remain almost unknown to the public, Venice Carnival seems to be thriving as much as it ever did with a strongly positive balance of benefits-costs (Santoro and Massiani, 2014).
In our article, we explore the economic effect of this event. The studies on economic effects of cultural events are preoccupied with the dichotomy between so-called economic impact studies (using Keynesian multipliers to estimate the "hard", macroeconomic effects of the event) and contingent valuation (a micro-economically oriented method, estimating the preferences of the people, benefiting/harming from the event). Yet, the economic impact studies have been correctly criticised for their overblown numbers while on the other hand contingent valuation suffers from numerous problems of its own (see e.g. Venkatachalam, 2004).
To this end, we use the method of *ex-post* econometric verification, popularised in sports economics by works of Baade, Dye, Matheson and Baumann (see e.g. Baade and Dye, 1988; 1990). We apply it according to Skinner's approach (2006), who estimated the economic effects of three blockbuster exhibitions organized in the city of Jackson, Mississippi, using univariate time series econometrics' methods. In a similar manner we estimate the economic effects of Venice Carnivals on tourism, traffic and employment over a period of 2004-2014. The results enable us to estimate the "real" economic effects (the effects after the event took place and not *ex-ante* results of economic impact studies) of the event and by this to contribute to the debate on the economic effects first on the tangible and later on the intangible cultural heritage of the city of Venice and to cultural policies formulation to support and exploit the potential of this event in a sustainable way.
We estimate significant effects of the carnivals on tourism and short-term employment. We are not able to fully support the recent evidence of Santoro and Massiani (2014) which use simple averaging to come to the number of additional tourists and overnight stays. We estimate approximately 50.000 additional tourists and

170.000 additional overnight stays take place due to the event which is higher than estimates of Santoro and Massiani while of course significantly lower than previous estimates done with no statistical methodology. We also estimate a drop in short-term unemployment for the Veneto region in 2011 (the year of the peak of the event) while for other years there was no significant effect. Our estimate of the final spending is slightly below the estimates of Santoro and Massiani (2014) due to significantly lower number of day-trippers.

A drawback to our study relates to the availability of the data. We could not use multivariate regression models due to missing data for some variables or even whole variables. Nevertheless, results from our models confirm that time series methodology is a valid method in this case, confirming the observations of Skinner (2006). Furthermore, the values of inhabitants are surely not all positive. In the specific case of Venice – as art city – we can mention several negative externalities: different types of pollution, delinquency (pickpockets), higher prices for housing and living, congestion, higher costs of maintenance for the city because the population is decreasing in the historic centre. This city tourism based of the exploitation of the existing cultural assets can be seen as a harbinger of gentrification (Stern, 1999; Mossetto, 1992).

Nevertheless, as existing quantitative research in the field of cultural economics does not include carnival issues, while also seldom surpasses the topic of *ex-ante* analysis, when tackling the issue of economic impacts, the article is a contribution in methodological as well as tourism, heritage and cultural economic sense.

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THE PRECARIOUS PRESENT OF ARTISTIC GONDOLA CRAFTSMANSHIP, PART CASTE, PART LINEAGE, PART HERITAGE AND PART SIMULACRUM

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A gondola is still a potent icon, an internationally unique, untarnished symbol. As a characteristic Venetian product, however, it is mired in a profound identity crisis, due also to the outcome of new materials and techniques which are revolutionising the way it is built. Authenticity, quality, beauty, uniqueness - these are just some of the parameters which have been taken over and thus put up for debate by market forces whose pressure on artistic craftsmanship is an increasingly onerous burden.

As a means of transport, gondolas have long been swept along by a current of model and technique transformation capable of keeping them functional to contemporary needs. Now, however, they would appear to be on the brink of change which is too radical to be assimilated by a naturally fluid tradition. And gondolas seem destined to be transformed into mere shadows of their former selves, emptied of all building value and traditional know how. Strips of solid seasoned wood are giving way to industrial marine plywood while the rowlocks, the “ferri”, brass and one-of-a-kind decorations once made by hand using a variety of techniques and tailor-made to their gondolier clients have been replaced with mass produced equivalents.

The cataloguing of the intangible heritage of the small-scale traditional boat building workshops recently sponsored by the Veneto Region has played a part in this cross-section of life and work, a world which is both uniquely Venetian and open to the outside world, at multiple levels. The initiative has provided an opportunity for an in-depth insight from a privileged vantage point into the artistic craft of gondola making, at risk of disappearing and thus experiencing a period of great fragility. Supplemented by ethnographic field research, the cataloguing process has revealed a number of the survival strategies which have been put into place. Specifically, the setting in motion of a 'capitalisation process' in the UNESCO heritage context with consequent new parameters of meaning has emerged as a priority. In 2010 the El Felze association brought together gondola artisans and threw its energies into a campaign to have gondolas declared UNESCO intangible heritage. In this sense the 2003 Convention for the safeguarding of intangible cultural heritage has offered up tools for agency and empowerment and reinforced an alternative approach to that provided by market forces - cheap, mass produced and easy to maintain gondolas - offering an analysis of events which highlights the importance of what is being lost - skills passed down from generation to generation, professional community, social equilibrium.

From a wider perspective, the juxtaposition between gondolas as an empty symbol and gondolas as valuable handicrafts would appear to reflect the clear and equally strained dividing line between the Venice invaded every year by 30 million tourists and the "true, living and liveable city brought to life by inhabitants and original activities

integrated into a healthy and respected lagoon" (El Felze). In the Venetian urban context, in fact, gondolas are nothing more than tourist playthings while the workshops and *squeri* in which they are made are repositories of local solidarity and mutual respect which seems to find in craftsmanship a powerhouse of shared values treasured as symbols of difference. Thus the craftsmanship model fits into an existential model linked to lifestyle quality with an explicit and self-aware reference to Richard Sennett's work *The Craftsman* (2008). This work underlines the civic value of quality manual labour as guarantor of pluralism and creativity as well as sponsor of social and community relationships. The analysis proposed also links into the theoretical reading put forward by Michael Herzfeld in *The Body Impolitic* (2003) on the antagonistic role of the artisan, cultivating reference models which are very different from codified social models.

Gondolas are thus a successfull symbol, then, but ones which are increasingly drained of any meaning other than those of tourism marketing. The whole gondola system from its repertory of generally Neapolitan 'traditional' songs chosen for their international appeal to the clichés delivered up by gondoliers to their clients responds solely to the logic and mechanisms of mass tourism which takes the form of slogans, quick and simplified messages and a stereotyped reading of the local area. The foremost exponents of this alienation from the local context are the gondoliers themselves in what seems to be a « knee jerk » reaction to the tourist invasion of a context to which they are profoundly attached. In fact the gondoliers are in many ways a closed caste which is primarily the preserve of a few lineages and thus of local families bound to this historic city by birth and origin while the artisans of the traditional boatyards find themselves on the opposite side of the coin as an open corporation in direct contact with a primarily local clientele. Such professions are not strictly passed down through the generations but are rather the result of selection through passion and commitment and through the products whose quality will be put to the test on the water. Thus being a native born Venetian is not necessarily a privileged condition. The case of the Venetian gondola artisan is thus of special use for the purposes of testing certain heritage paradigms. The El Felze association can be seen as an heritage community and the *squeri* and workshops are examples of socially constructed anthropological and identity, forming places with a specific cultural baggage of local meanings, customs and practices, carriers of relationship and meaning for those spending time there as well as symbolic middlemen between tourism on one side, and local memory on the other.

Lastly, the scenario in which gondola artisans are currently called upon to work and the new situation and stresses and strains that they are subjected to perfectly echo the entirely new importance attributed today to cultural heritage. This would appear to be vested with new responsibility passing from a context which is pre-eminently couched in aesthetic and cultural terms to a sector of social, economic and political commitment suffused with urgency and up-to-date stimuli. It is a transformation process which has been sanctioned, amongst other things, by the 2005 Council of Europe Convention on the social value of the cultural heritage.

CULTURE AND CULTURE OF PARTICIPATION: THE PROJECT 'THE RIVERS'WAYS'

Giorgio Bordin, Marta Tasso, Arti della Rappresentazione, Partenariato Terre del Brenta

In the present context, the *culture of participation* represents the most authentic and effective form towards a dynamic and widespread patrimonialization, tending to a global one. The Project 'The Rivers'Ways' constitutes a best practice, a path for a direct promotion of the culture focusing on a landscape, triggering a process of self-recognition and encouraging the propension to the understanding of *each other*.

The definition of cultural heritage proposed here is the one provided by the Convention of the Council of Europe on the Value of Cultural Heritage for Society (Faro 2005) that recognizes the cultural heritage as *a group of resources inherited from the past which people identify, independently of ownership, as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions. It includes all aspects of the environment resulting from the interaction between people and places through time*.

Cultural heritage comes from the past, but exists only when it is recognized and this recognition implies a change of value: what exists from lived becomes shown as representative of something else. The patrimonialization then appears to be a selective process; in this case we do not want to embrace an operation of mere acknowledgment, with a descriptive nature - then certifying the anthropological authenticity of the studied heritage - but the interest is in working throughout the whole territory, making it manifested and recognizable first and foremost to its own inhabitants, by finding, at the same time, valid ways to enhance the landscape and the culture that are enclosed. In this sense we proceed in a dynamic and active way, offering a multi-faceted and subjective reading of culture and history. The Faro Convention proposes in Article 7 the "respect for the diversity of interpretations" subtending therefore a reading of cultural heritage as lived, cognitive and open.

The project 'The Rivers'Ways' is proposed and supported by the CESTUDIR Department of Philosophy and Cultural Heritage, at Ca' Foscari University, Venice. The network of the persons involved is expanding gradually and today it involves: the Department of Management, at Ca' Foscari University; the Confraternity of Great School of San Rocco, in Venice; the Municipality of Nove; the Association Arti Rappresentazione; the Association Nove Terra di Ceramica; the Association Faro Venice and the Association Bochaleri. The project takes into account all elements of the cultural landscape of the lands of the Brenta River, developing discussions, animations, studies but primarily aiming at a genuine, authentic and democratic participation of those living in these places and those who wants to know and follow them.

To stimulate cultural patrimonialization through a participatory approach, we have chosen to work on three main axes: animation, digitization, network between

organizations and local institutions. Every aspect of the project is developed in accordance to the three axes. The story - for example facts and events that took place in the territories bordering the Brenta River - is offered through artistic-theatrical performances and documented by digital media. It's also important to create a network between organizations, institutions and individuals involved and who actively participate in the implementation of the various activities.
The continuing training provided plays a fundamental role since it is the context in which the necessary interaction between old and new generations takes place, thus becoming a moment of social participation where the heritage is transmitted in the form of direct knowledge and sharing (cfr. article 13 of the Faro Convention). The project also provides for the establishment of a network between art Schools located along the waterway of the Brenta River. Students will be offered theoretical and practical workshops aimed at a new approach of interaction with their landscape, providing new forms of reflection and recognition of the landscape itself. This will be an opportunity to implement an inter-generational encounter and exchange between students and ceramic artisans, holders of old and valuable knowledge that they will be able to pass on to the youngs.
As the leading proponent of the Project, Ca 'Foscari University qualifies as a "place of observation on the ground" from which operational and concrete initiatives radiate, involving the network of organizations, associations and institutions that collaborate actively in the Project. This represents an opportunity for academia to actively enter in relationship with the territory, with the civil society/voluntary sector and with the beneficiaries of the many initiatives.
The Project 'The Rivers's Ways' is being included within the good practices of the Faro Convention; an Observatory on policies and values of the European heritage which has in fact been initiated in order to publish a first online cartography of the Faro initiatives.
An expansion of the project is expected to other geographical areas, both European and African, through - virtual and physical - exchanges of the reciprocal patrimonializations according to common thematic denominators.
Based on the experience so far carried out, it can be said that, in order to achieve an active patrimonialization, we should continue this process by means of a participative approach involving continuing training centres located in the area. Thus a concept of active, multilevel and inclusive patrimonialization is proposed.

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THE TOURISM MANAGEMENT IN THE CITIES OF ART AND THE VENICE CASE: A PROPOSAL TO LIMIT THE FLOW AND GENERATING VALUE

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Introduction

Tourism is the main economic resource for many cities, however, the extent of the phenomenon and the dimension it has taken in recent years, are producing significant impacts on society and on the conservation of natural and cultural assets.

The 'tourism carrying capacity' of art cities such as Florence, Rome and Venice has been saturated for years (as well as in places like San Gimignano in Tuscany and the villages of the Cinque Terre, etc.). The tourism monoculture overtakes traditional activities, residents and essential services. Venice is losing its historic identity and secular traditions to become a place reduced to a sterile showcase and pure exploitation. The evolution of international trends in tourism and mobility will create even more serious problems by putting into question the sustainability of the tangible and intangible cultural heritage, for residents who lose the right to inhabit a livable city and for those same tourists whose visit becomes a negative experience.

Venice is likely to be submerged by a wave of continuous and increasing mass tourism. What should be a magical place loses its authenticity and is crushed under an unbearable amount of tourists and polluted by an offer of low quality services not worthy of what was once the emporium and the cradle of European civilization.

Thesis

The day-trippers that invade tourist hotspots around the world are a global phenomenon, but Venice has become the symbol and the case-history of impoverishing its own value of cultural tourist destination. More than 75% of its visitors do not bring any benefits but only incur costs to the city; the most are so called 'free riders' only "stop and go" staying for only a few hours with gaining little or no awareness of the value of the cultural heritage of the site (only 7% of visitors to Venice will visit museum or a cultural attraction for a fee).

In Venice, every additional visitor does not bring added fiscal benefits, their marginal utility is decreasing or even negative. For a unique and delicate place like Venice, enticing new visitors is not a problem. However, the goal must be to select and attract the appropriate number of tourists that have the most compatible characteristics for the site. In our study we argue that given the negative effects that are triggered by an overwhelming number of tourists do not bring significant benefits to the city but only negative costs and therefore it is necessary to apply a limit to the growing demand while respecting laws, jobs, incomes, and prevent the city from becoming a theme park business.

Conclusion

We propose to innovate the tourist principles of the city with a new development model as a way to manage and control the flow of tourists in order that its carrying capacity is respected, while maintaining the attractiveness of the place not devalued, and its use is sustainable and benefits all parties concerned.

How? The introduction of allowing a limited number of visitors compatible with the capacity of the site has been implemented in other parts of the world. This proposed solution, that is stirring interest, foresees to apply a planned number of tourists to the main attraction - Piazza San Marco - by changing its status, so that it becomes a museum area which in and of itself acts as a limiting factor for the entire city while benefiting the visitors themselves and the quality of life of the inhabitants.

Necessary measures are employed to contain excess demand so as not to go over capacity as is used for a theater, a museum, or even a public place. Digital tools are used both during the reservation and purchase phases of access management allow efficient management the flow that before were unthinkable. With a multidisciplinary approach that includes the legal, economic, technological aspects, a system can be structured with a central San Marco Pass to be booked in advance by all the intermediaries of the city. The pass would set a maximum number that guarantees security, a satisfactory visit and livable conditions for the inhabitants of the area. The city would always be open without creating obstacles to the free movement or caps on its doorstep, but the maximum number is limited to its main attraction (sometimes treated as unique) would distribute spatial and temporal flows. Strong deterrents like the Pass still allow one to discover a rich, varied and widespread cultural heritage. By employing new entranceways and turnstiles prevents an overload on the principle attraction during the main periods of maximum demand and peaks when the city erupts with tourists. At the same time, it would be a deterrent to those day tourists whose sole purpose is to visit only Piazza San Marco and encourage them to visit other important sites of the city (victim to a standardized offer and hast that the era of globalization often requires).

Methodology*: Desk analysis, interviews with stakeholders, applying economic theory of negative externalities*

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PROMESSE, ABBAGLI ED IPOCRISIE. ESSERE ARTIGIANI NELL'ERA DELLA STERILIZZAZIONE CULTURALE

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In questa relazione porterò alcune riflessioni riguardo alla mia esperienza. Negli anni, oltre alla tradizione di famiglia, ho raccolto anche testimonianze di altri artigiani e di colleghi su quanto ruota attorno alla professione, e alla vita, di chi svolge un mestiere artigiano. Cercherò quindi di dare una visione più "interna" e "intima" di una professione che ha delle forti valenze sociali che non vengono quasi mai considerate.
L'artigiano è come un albero, se non si "muove" non è per pigrizia o per ignoranza (accuse che si sentono spesso pronunciare da molta parte della cosiddetta "classe dirigente") ma non si sposta "semplicemente" perché è radicato in un territorio, fa parte della sua natura vivere ed operare in un determinato luogo. Il vero artigianato è l'espressione della cultura e delle tecnologie di un territorio, e come gli alberi vive se il terreno non è inquinato e se le condizioni ambientali glielo permettono.
L'artigianato va quindi distinto dalle "attività produttive" che partono da concetti e caratteristiche strutturali completamente diverse e distanti. Aziende come la Fiat, la De Longhi, la Benetton, la Geox, Luis Vuitton ecc., sono attività produttive, e le cito non a caso, in quanto un professore di economia dell'Università di Cà Foscari, scrivendo senza cognizione di causa, ha equiparato gli operai manufatturieri delle grandi aziende a degli artigiani. In questo modo ha generato una grande confusione su "chi" e "cosa" è artigianato causando interpretazioni distorte e dannose per l'artigianato reale a favore di un'indebita appropriazione di valori e di storia da parte di chi ne è estraneo che invece potrebbe mettere in luce altre specifiche qualità.
Senza nulla togliere alle ottime capacità di tantissimi dipendenti ed anche senza sminuire la qualità dei prodotti, dovrebbe essere chiara la differenza. In effetti se ad un artigiano togliamo la storia, le tecniche tradizionali coltivate per secoli, il contatto con il territorio, il rapporto con il cliente, la creatività e, non ultimo, il "rischio d'impresa" che gli è proprio, lo riduciamo ad un semplice manovale. Quindi una "figura professionale" priva di connotazione geografica, storica e senza legami con il territorio, la possiamo spostare in qualsiasi parte del mondo. Legittimando la delocalizzazione e innescando meccanismi di impoverimento e distruzione di competenze, in una parola: *sterilizzando*, ciò che invece è stata da secoli la caratteristica principale dell'artigianato.
Oggi , come mai forse nella storia, l'Artigiano per sopravvivere si trova a dover salvaguardare anche la propria identità culturale, e deve guardarsi attorno conscio di quanto l'artigianato sia un "fatto di cultura", volgendosi a quegli "Scenari del patrimonio Culturale" che lo circondano, oltre a fare i conti con il *dover portare a casa la pagnotta* (Pastor).

Attualmente l'artigiano si trova di fronte ad una serie di variabili che possono riassumersi in diversi "quadri", tutti interconnessi.
Il quadro culturale, il quadro politico e quello economico dipendenti principalmente dalla volontà politica del momento, e non ultimo il quadro progettuale/propositivo che dipende, finalmente, dall'artigiano stesso e dalle sue capacità.
Per una precipua formazione professionale gli artigiani valutano la concretezza delle "cose". Nei confronti della politica questo si trasforma in una valutazione dei fatti per capire il reale interesse nella salvaguardia di competenze preziose utili non per la semplice "manifattura", ma per tutto il percorso "demoetnoantropologico" che il loro apprendimento e la loro pratica comportano.
Un esempio emblematico dell'interesse della politica nei confronti di questi temi è l'attuale situazione dell'Opificio delle Pietre Dure di Firenze dove gli storici laboratori sopravvivono al "lumicino" e vige il blocco delle assunzioni nella Pubblica Amministrazione. Quindi non può esistere, *ope legis*, quel prezioso ricambio generazionale e lo scambio di esperienze tra anziani e giovani che è alla base di qualsiasi trasmissione di un mestiere, ma non solo. Ci ritroviamo ora con un gioiello della nostra Cultura costretto a languire e a perdere competenze (e competitività) per pura ignoranza (?) politica.
Ed è tanto radicato il "blocco del "turn-over" che un pluri inquisito e reo confesso come l'ex presidente della Regione Veneto e (finalmente) ex presidente della Commissione Cultura del 1 Ass. "El Felze" ed ass. Archeoclub sede di Venezia Senato (Giancarlo Galan), non è stato prontamente rimosso dal suo incarico una volta inquisito, ma si è aspettato il naturale scadere del mandato!
E non è ancora finita ed è tutt'altro che un caso isolato..... tutto questo mentre la Nazione affonda culturalmente.
Se volgiamo lo sguardo al quadro economico non troviamo situazioni molto diverse, ci si sente dire tante volte che "bisogna saper stare sul mercato" che "la qualità è la punta di diamante" o che "il mercato premia i migliori" ecc., ecc. ..... è proprio vero? E se sì, in quale misura?
Da una brevissima ricognizione sul web dei costi relativi a manufatti in ferro venduti sul mercato (in questo caso porto alcuni esempi diretti relativi alla mia professione di fabbro d'arte) è facilissimo vedere come i semilavorati provenienti dall'estero abbiano pressoché il costo che un artigiano italiano paga per il materiale grezzo.....
Quindi cosa significa "essere competitivi"?
Quando il mio prodotto costa dalle tre alle quattro volte di più di un prodotto simile estero, quante persone potrò trovare con la disponibilità economica (e culturale) per accettare la maggiorazione di costo data sì dalla qualità, ma soprattutto dai costi che siamo costretti a ricaricare sul nostro operato?
Se vogliamo salvare veramente l'Artigianato e non farne delle mere "attività produttive", quali "regole di mercato" dobbiamo adottare? E non mi dilungo oltre parlando dell'annosa questione fiscale e legislativa che purtroppo fa dello Stato una macchina dalla quale bisogna imparare a difendersi più che contribuire per gli scopi che dovrebbero esserle propri.

Dagli “esperti di economia” e dal mondo politico ci piovono addosso una valanga di indicazioni su cosa dovrebbe fare un artigiano, ma la realtà delle cose, sperimentata sulla propria pelle, non rispecchia certo questa profusione di parole, assolutamente vuote ed ammantate d’ipocrisia.
Ritornando ad un ambito culturale che ci è più vicino geograficamente troviamo un esempio emblematico del concetto di “misura economica” dei luoghi, e parliamo dell’Arsenale di Venezia.
Novecento anni di storia venduti un tanto al metro cubo senza nessuna seria valutazione dei progetti e delle proposte fatte negli ultimi quindici anni per riutilizzare gli spazi sulla base della loro reale funzione e possibilità.
Dal sito web della società “Arsenale s.p.a.” (ora in liquidazione) e collegato al sito dell’attuale “ufficio Arsenale” del Comune di Venezia, si nota che l’unica descrizione dell’Arsenale altro non è che una tabella con le superfici disponibili (aree coperte e scoperte) con le rispettive volumetrie espresse in metri cubi. Ne più ne meno che la formula utilizzata per vendere i capannoni industriali in qualsiasi parte del mondo.
Non bastasse, l’ufficio Arsenale ha redatto a sua volta un piano di riutilizzo degli spazi che penalizza ulteriormente la specificità dei luoghi, azzerando quindi le caratteristiche di unicità che sono proprie di questi edifici. Negare l’evidenza della specificità di un luogo significa inibire le potenzialità insite nella motivazione stessa della sua costruzione, sottraendolo di fatto a un uso consono alla sua natura e alla salvaguardia dei valori che il luogo stesso incarna.
Non è un caso quindi se tutti i progetti volti al riuso funzionale delle aree e attenti alla specificità del luogo siano stati ignorati o tacciati di “impossibilità di realizzazione” se non addirittura boicottati,portando avanti nel contempo una vera e propria sterilizzazione scientifica dei luoghi, svuotandoli di ciò che rimaneva dei macchinari, delle pavimentazioni e di tutto ciò che li connotava da un punto di vista dell’archeologia industriale, rendendoli perfettamente aderenti alla tabella di vendita/affitto da tot. euro a metro cubo per spazi vuoti tanto cari agli amanti dei “cubi bianchi” (white cube).
Un palese esempio di incuria e totale abbandono delle preesistenze, sono le forge per la lavorazione del ferro alla “tesa alle nappe nel lato nord, rimaste in situ seppur vandalizzate, con molta probabilità perché troppo collegate alle murature portanti. Si tratta di ciò che rimane della originaria officina fabbri e che sono attualmente oggetto di un progetto di recupero sia in quanto manufatti storici, sia in quanto potenziale volano per dare vita all’interno dell’Arsenale a un Museo della Marineria oltre che ad un luogo dedicato alla lavorazione tradizionale dei metalli ma non solo.
Il progetto, non ancora recepito dal Comune, è stato messo a punto con la collaborazione di svariate associazioni cittadine (45 in totale) riunitasi sotto la sigla del “Forum Arsenale”.
L’idea nasce da una decennale esperienza maturata dal sottoscritto e da una serie di colleghi grazie al prezioso interessamento e aiuto dell’Archeoclub di Venezia proprio negli spazi dell’Arsenale dedicati alla forgiatura ed alla lavorazione del ferro. Esiste infatti un altro laboratorio storico, a sud, dedicato ad officina riparazioni in uso alla

Marina Militare sino al momento del passaggio al Comune dell'intero complesso. Partendo dall'occasione dell'apertura al pubblico dell'Arsenale per le celebrazioni dei 900 anni dell'Arsenale nel 2004, in questo laboratorio la forgia e le attrezzature rimaste sono state usate per alcuni anni consecutivi per corsi ed attività didattiche svolte anche in collaborazione con l'ufficio Cultura del Comune. Il sottoscritto ha avuto l'onore, grazie all'appoggio dell'Archeoclub, sede di Venezia, di ricevere il patrocinio della Soprintendenza Archeologica del Veneto con il conseguente permesso della Marina Militare, per lo svolgimento di attività didattiche all'interno dei laboratori storici. L'uso degli spazi e l'esperienza acquisita in svariate occasioni di utilizzo, hanno portato alla stesura del progetto di recupero/riuso confluito ed armonizzato più recentemente nel più ampio progetto di recupero del complesso promosso dal Forum Arsenale. Quindi proposte nate da esperienze dirette concrete eppure totalmente snobbate da chi di competenza, tanto da non essere nemmeno menzionate nei documenti ufficiali del Comune anche se, all'epoca, viste da migliaia di persone....

Attualmente la gestione dell'area sembra rispondere più alla realizzazione di piani inespressi che seguire un iter simile a quello tanto sbandierato della "progettazione partecipata".

Ciò che resta palese è la continua ed inesorabile sterilizzazione scientifica dei luoghi e della memoria, anche quella del più recente passato!

THE EDUCATIONAL VALORISATION OF TRADITIONAL KNOWLEDGE: AN INTERVENTION-RESEARCH WITH *TULEROS*, MAYAN ARTISANS OF ATITLÁN LAKE IN GUATEMALA

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Introduction

The naturalistic view of human development considers the "production process" as key activities for livelihood. They are made up of a series of procedures aimed towards accomplishing a goal – survival - that generate products, create social relations, and share ideas, knowledge and values. The object of these activities are the natural resources, that with the human action become social products historically activated, defined in their ecology by practices of control and by knowledge developed in the relationship between humans and nature over time.

At the same time, the environment is not a neutral reality in which humanity can intervene, project its ideas or its representations. It intertwines with the lives of the individuals entrenched in the experience of *specific bodies* in a *specific context.* The latter includes both biophysical components and social, technical and cultural elements. Therefore, it is not created, but it is modified by human intervention. It takes us back to a *specific experience of living the world*, actively, operationally and collectively, which is common to all processes of human production.

Handcraft production and skills: the ecosystemic relationship between dexterity and intellectuality, practices and context.

In spite of the variety of forms determined historically and culturally, production has always been a constant factor of human existence. It is expressed in units of dexterity and intellectuality. Manual skills develop through repetition of predetermined movements over time, whereas technical intelligence develops through the imagination, which then leads and guides manual ability. These two dimensions are not separable and they manifest in means and modes of production, as a set of operational concepts translated into action. The interchange between these two components is achieved mainly through:

- movement between searching for solutions and the detection of problems;
- product planning, where physical and intellectual faculties are employed together;
- interdependence between explicit knowledge and implicit knowledge.

Routine and systematic knowledge (embedded knowledge), barely automated and formalized, is the result of experiential learning that manifests itself in the complex conduct of the body (embodied knowledge), immediately understood by those who share same frames of sense (enculturated knowledge). They integrate the emotional and rational dimensions of knowledge in production processes and in the unity of intellectuality-dexterity of the craftsman.

To take the production process as an object of educational research involves focusing on its learning dimension, and on the knowledge and skills employed within it. In particular, skills may relate to the fabrication of a specific product, but also to the organizational dimension of the work. They can be expressed by a single individual or by a community of individuals engaged in the same production process. In this second case, the relational dimension determines the spread and distribution of knowledge among several individuals and even in the artefacts and tools used by the community for their production, social and cultural practices. In this way, skills emerge from social interactions within a given cultural space, so the context with its practices and mode of action, not only contributes to create expertise, but is also competent and constantly developing through these processes.
Set in this framework, the research with the *Tuleros Association* of Santiago Atitlán is focused on the analysis of skills that these Mayan artisans employ in the production process of *tul*, a plant that grows alongside the lake, which is used to create typical objects of Mayan and *tzutuj'il* culture. The aim is to test how educational valorisation of their *know-how* promotes the safeguarding of local bio-cultural diversity and the sustainable management of natural lacustrine resources. The study has adopted an ecosystemic approach to the analysis of the production process, which allows integration of both individual and collective perspectives on skills, but also detects how productive skills broaden within the context of reference, thus transforming it.

Educational valorisation of tuleros' knowledge for the sustainable management of lacustrine biodiversity.
The methodology used in the study is the Participatory Action Research applied at both the investigative and the intervention level. From the research point of view, the activity consists of the participatory analysis of the tul production process, to detect skills and knowledge used in it and to identify how they contribute to take care of and manage local natural resources1. The educational intervention took the form of a training course that also involved other local key players, traditional producers, politicians and representatives of civil society. It focused on the analysis of local practices of the use and management of natural resources, in developing critical-reflective attitudes useful to re-read the experiences, production problems and changes in the local life system with new interpretive lenses.

Conclusions
The *Municipal Regulation of environmental management of Atitlan Lake's banks* is one of the major achievements of the intervention-research. Its core principle is the reaffirmation of ecological and sustainable relationship between humans and nature through the non-separability of protection activities of natural resources from traditional production. The *tul* production, as well as being an intangible cultural heritage of the Mayan communities, contributes to the maintenance of the lake’s ecosystem through the care of these plantations. The same *Tuleros* Association serves as a tool for the enhancement of the Mayan culture and its intergenerational

transmission and, therefore, can be considered an "heritage community", as it is defined by the Faro Convention. Overcoming the dualism of culture - nature and the bio-cultural perspective allows us to interpret the relationship between natural resources, traditional production practices and specific organizational forms. Finally, the study shows that the educational valorisation of intangible cultural heritage can promote actions that defend the lacustrine ecosystems as well as participative management of natural resources.

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THE CRAFT OF THINGS. OBJECT-SUBJECT RELATIONSHIP IN NOWADAYS WORKING TOOLS

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Introduction

The main purpose of the following article is to analyze the relationship between object and subject through everyday working tools. The tools are in the middle of a cultural system that tends to describe and analyze societies or communities of their interest. At the same level of languages and habits, they are considered forms of knowledge of the culture that you want to study. Their shape, their way to make use of, their way to be kept, stored and shared are useful sources and containers of information necessary to people and society within the societies where they live and operate.

This set of tools shows clearly the action and culture of mankind on things; as cultural manufactures they also show the line of demarcation between us and our natural environment.

The working tools that still need men's hand are in an halfway position between nature and culture because "touched" by both factors. They are also cultural because represent a result of human intelligence, progress and action on nature, but are in its own way even natural because very close to people and their body.

Representation and classification

The tools are necessary to make visible and stable the categories of culture, goods need to be considered as provided of social meaning and evaluated not only for their use as technical tools but also as means of communication.

The relationship between tool-worker becomes interesting because the tool does not just make any individual a professional in its workplace, but it characterizes him at a physical and subjective level. We must therefore consider any work tool in either its singularity and also as part of a set of objects to be added to the corporal vision and to the physical and intellectual representation of the individual.

Body techniques and incorporation

In our case give centrality to the body means to know how to use it and be able to use what in order to take life needs our body, limiting it to the social and cultural professional activity. The body of a worker stores the knowledge of its profession and it is its own body that shows the technical skills in the use of tools.

The body learning occurs in different ways: observing, listening, studying, but mainly occurs through training, use and rituals in the use of things. Everything is linked inevitably to the concept of habitus that Pierre Bourdieu indissolubly linked to the practical gesture.

Dexterity, materialized in the practical gesture of using a tool, characterizes those professions in which the objects need a manual action learned culturally and manually,

professions where machines have not yet reduced or removed the practical and manual gestures.

The other central concept is in fact the process of incorporation. The historical and cultural reality is a product of the action of the body brings us to say that all our actions, including daily manual skills and craftsmanship with which each worker sets up their own tools, are based on incorporated experience, including the relations of domination and power.
It is evident that the action of the operator depends more on the situation than on his equipment, therefore we should not forget that daily actions of the body go through the actions of working tools. The body is a storehouse of techniques and actions that the work shapes and models, modifying our own image at our eyes and at the eyes of the others. This image is either symbolic and real, because it acts either on the collective imagination and on the physical body.

Strategies of resistance
Analyzing the working tools we can also understand how and at what speed the different types of jobs are changing. The logic that determines their resistance to change and their perishability becomes an interesting point of interest and attention. The ability or inability to survive to progress, to remain tied to their job function is determined both by the instrument itself or by a particular willing of the worker. Some tools can be seen as instruments of resistance, many of them belong to such jobs that continue to exist and resist to the social and economic changes that pushes them constantly towards the total dissolution. In other words, there are some jobs that try to keep a high degree of craftsmanship and manual ability. Those jobs are part of what Michael De Certeau calls "tactics", ways of doing things used by individuals to create their own spaces in the changing environment. They are everyday forms of resistance in which the tool and the individual confirm and stabilize a secure position that time seems gradually destroying, in which the instruments adapt and transform themselves, despite a little change due to years that flow, they remain as signs that last and resist.

Methodology
To understand all the necessary information, we are forced to ask the worker to repeat slowly his gestures and actions, a careful and continuous observation has allowed us to “catch” some behaviors “in vivo” and understand where and how the tools become central for the worker and its job. The final report focuses on the creation of lists of working tools ordered and represented in pictures. Since these tools are still in use and they are inseparable from their working environment, the photo guarantees the reproducibility of specific items out of their workplace. Regarding the organization in lists the choice was determined by the fact that every single profession is characterized by a plurality of tools, the numerical constraint imposed by the “list” allowed the worker to choose only certain tools and describe its profession through them.

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