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MODERN PROBLEMS OF PRESENTATION
OF INTANGIBLE CULTURAL PROPERTY ON THE WEB

Summary. *The normative legal acts of UNESCO, which regulate the protection of the cultural heritage, intangible cultural heritage and natural heritage are investigated. The advantages of posting on the Internet copies of documents contained in institutions of culture.*
Key words: *legal acts of UNESCO, visual anthropology, the Internet copies of documents, intangible cultural heritage.*

Анотація. *У статті досліджено нормативно-правові акти ЮНЕСКО, які регулюють охорону культурної спадщини (зокрема нематеріальної) та довкілля. Показано переваги розміщення в Інтернеті копій документів, які містяться в закладах культури.*

Ключові слова: *правові акти ЮНЕСКО, візуальна антропологія, Інтернет-копії документів, нематеріальна культурна спадщина.*

Аннотация. *В статье исследованы нормативно-правовые акты ЮНЕСКО, регулирующие охрану культурного наследия (в т.ч. нематериального) и природной среды. Показаны преимущества размещения в Интернете копий документов, находящихся в учреждениях культуры.*
Ключевые слова: *правовые акты ЮНЕСКО, визуальная антропология, Интернет-копии документов, нематериальное культурное наследие.*

There is a far-reaching impact of the activities of UNESCO in establishing normative instruments for the protection of the cultural heritage, intangible cultural heritage and natural heritage.

According to the Convention for the Safe-guarding of Intangible Cultural Heritage adopted in 2003 The "intangible cultural heritage" means the practices, representations, expressions, knowledge, skills — as well as the instruments, objects, artefacts and cultural spaces associated

therewith — that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development [1].

The thematics of intangible cultural property forms the object of anthropology, public policy, archaeology, art history, preservation, ethics, economics, museum, tourism, heritage studies. The thematics is aimed at improving the living standards in countries of Western Europe.

Cultural heritage is becoming digital heritage: tangible objects in museum collections are being rapidly photographed and made available over the Internet, while documentation of intangible cultural heritage is also being launched into digital environments in the name of safeguarding. These media are now available to diverse networked publics, including the cultural communities from which they were originally collected.

Charter on the Preservation of Digital Heritage adopted on the 15th of October 2003 the digital heritage consists of unique resources of human knowledge and expression. It embraces cultural, educational, scientific and administrative resources, as well as technical, legal, medical and other kinds of information created digitally, or converted into digital form from existing analogue resources. Where resources are "born digital", there is no other format but the digital object. Digital materials include texts, databases, still and moving images, audio, graphics, software and web pages, among a wide and growing range of formats. They are frequently ephemeral, and require purposeful production, maintenance and management to be retained. Many of these resources have lasting value and significance, and therefore constitute a heritage that should be protected and preserved for current and future gen-

erations. This ever-growing heritage may exist in any language, in any part of the world, and in any area of human knowledge or expression [2].

While the tangible and intangible, or the material and immaterial, have been treated mostly as separate fields of study, both have been gathered, interpreted and exhibited, considered aspects of cultural performance, understood as cultural symbols, and claimed as cultural property. Tangible objects have been removed from their cultural and environmental contexts, just as intangible expressions have been selected, documented, and archived in locations both near and far from source communities.

Modern foreign researches suggest applying digital heritage as the object of ***digital visual anthropology*** — the practice of visual anthropology that engages a broad spectrum of digital tools and hypermethodologies to create and communicate ethnographic media — is methodologically and theoretically positioned to contribute to discourse on digital heritage and cultural property. For example Kate Hennessy argues that the community-based production of multimedia aimed at documenting, transmitting, and revitalizing intangible heritage creates space in which these decision-making processes, or local cultural property rights discourses, are initiated and negotiated. Recent digitization and community remediation of ethnographic archives has illuminated tensions over the transformation of intangible expression into digital heritage, where issues related to cultural representation, copyright, and ownership of cultural property are amplified by digital circulation. Digital heritage and local control over its production is central in debates about cultural property and circulation over the Internet. Juxtaposing these geographically distant articulations of local cultural property rights discourse emphasizes the particularities of local interpretations of the ethics and values of circulating digital heritage. These ethnographic examples hint at a spectrum of possibilities for the articulation of local cultural property rights discourse that are being negotiated in relation to UNESCO's world heritage policies. In the era of the born-digital ethnographic object, these sites have become as infinitely entangled as words and things [3, p. 348].

The 2003 Convention for the Safeguarding of

the Intangible Cultural Heritage outlines a process by which intangible culture may be protected for future generations. Measures should be taken to: (a) urge hardware and software developers, creators, publishers, producers and distributors of digital materials as well as other private sector partners to cooperate with national libraries, archives, museums and other public heritage organizations in preserving the digital heritage; (b) develop training and research, and share experience and knowledge among the institutions and professional associations concerned; (c) encourage universities and other research organizations, both public and private, to ensure preservation of research data.

The purpose of preserving the digital heritage is to ensure that it remains accessible to the public. Accordingly, access to digital heritage materials, especially those in the public domain, should be free of unreasonable restrictions. At the same time, sensitive and personal information should be protected from any form of intrusion. The world's digital heritage is at risk of being lost to posterity. Contributing factors include the rapid obsolescence of the hardware and software which brings it to life, uncertainties about resources, responsibility and methods for maintenance and preservation, and the lack of supportive legislation. Attitudinal change has fallen behind technological change. Digital evolution has been too rapid and costly for governments and institutions to develop timely and informed preservation strategies. The threat to the economic, social, intellectual and cultural potential of the heritage — the building blocks of the future — has not been fully grasped.

Continuity of the digital heritage is fundamental. To preserve digital heritage, measures will need to be taken throughout the digital information life cycle, from creation to access. Long-term preservation of digital heritage begins with the design of reliable systems and procedures which will produce authentic and stable digital objects.

Strategies and policies to preserve the digital heritage need to be developed, taking into account the level of urgency, local circumstances, available means and future projections. The co-operation of holders of copyright and related rights, and other stakeholders, in setting common standards and compatibilities, and resource sharing, will facilitate this.

As with all documentary heritage, selection principles may vary between countries, although the main criteria for deciding what digital materials to keep would be their significance and lasting cultural, scientific, evidential or other value. "Born digital" materials should clearly be given priority. Selection decisions and any subsequent reviews need to be carried out in an accountable manner, and be based on defined principles, policies, procedures and standards.

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While documentation of intangible heritage is clearly only one aspect of safeguarding, the proliferation of digital tools now available for documentary recording, archiving, and circulation has implicated digital documentation of the intangible in the production of the digital cultural heritage. Local, institutional, and national documentary practices have become spaces of negotiation over ownership and ethical circulation of cultural property; such media collaborations and processes are sites through which local cultural property rights discourse can be formed. Negotiation over cultural property and digital heritage therefore take place in overlapping domains — in documentation of cultural expression, in access to cultural documentation, and in the design of digital archives that both facilitate and limit access to documentation and related information.

After the adoption of the Charter on the Preservation of Digital Heritage representative function of culture on the Web is becoming stronger by the presentation of veries practices. The Charter is seen to exemplify the uncritical induction of digital cultural heritage materials into wider processes of globalization and heterogenization. For example, assistant Abbot Phra Patiphan Puriphanyo was the creator and webmaster of a site called www.muanglamphun.com, on which he

posted documentation of the Salak Yorm festival and related activities and traditions. The web site, and its related Facebook page, were used as a strategy for documenting and circulating the distinct practices of the Wat Pratupa ethnic Yong community. For example anthropologe Keit Hennessy based on fieldwork in British Columbia and Thailand, showed that community-based productions of multimedia aimed at documenting, transmitting, and revitalizing intangible heritage are productive spaces in which local cultural property rights discourses are initiated and articulated. She argues that digital heritage initiatives can support decision making about the circulation — or restriction — of digital cultural heritage while drawing attention to the complexities of safeguarding heritage in the digital age.

Theoretical discurs of researches based on diversity of modern cultural practices should embrace the digital heritage. Access to legally deposited digital heritage materials, within reasonable restrictions, should be assured without causing prejudice to their normal exploitation. Legal and technical frameworks for authenticity are crucial to prevent manipulation or intentional alteration of digital heritage. Both require that the content, functionality of files and documentation be maintained to the extent necessary to secure an authentic record. For example, in his description of Woodland Native American digital documentary practices in cultural performance and ritual contexts, scientists point out that as new recording technologies have become available over time, Native peoples in Oklahoma who are concerned with the conservation of ancestral forms of dance, music, and ritual have integrated digital documentation into their production of digital archives for education, cultural revitalization, and personal use. These digitally mediated practices have emerged along with tension and anxiety about the commercialization of documentation and the loss of the authority of ceremonial leaders to control how recordings are used [3, p. 349]

At the same time that the Charter advocates open access to digital heritage, it asserts that "sensitive and personal information should be protected from any form of intrusion". These statements highlight a key issue in the transformation of intangible heritage into digital cultural heritage; when and how are decisions made about the open or closed nature of cultural documentation? Major policy documents like the Convention for the Safeguarding of the Intangible Cultural Heritage demonstrate a tension between cultural internationalists and cultural nationalists, an ongoing concern with "the balance between heritage as a resource for all of humanity and as something that properly belongs to, and remains controlled by, its communities of origin" At the same time that indigenous communities are demanding recognition as legitimate authors and owners of documents representing their cultures, they are faced with the fact that legal ownership is granted to the individual who made the recording. These archival materials are also anxiety-inducing because they often do not reflect contemporary cultural identifications and desired representation, or their anticipated use and circulation. These tensions and anxieties are exacerbated in discourse and practices related to the production of digital cultural heritage [3, p. 351].

The Convention for the Safeguarding of Intangible Cultural Heritage largely sidesteps questions of its relationship with intellectual property rights and issues about who controls the direction any safeguarding mechanisms may take, referring both to the state and to communities, groups and individuals. Despite heated debate during its drafting, the Convention lacks operational definitions, clear answers and workable solutions to identify the holder, owner or steward of intangible cultural heritage. However, questions about who has the right to decide which particular safeguarding measures are put into place cannot be avoided when the Convention is being implemented.

As a key element of national preservation policy, archive legislation and legal or voluntary deposit in libraries, archives, museums and other public repositories should embrace the digital heritage. Access to legally deposited digital heritage materials, within reasonable restrictions, should be assured without causing prejudice to their normal exploitation. Legal and technical frameworks for authenticity are crucial to prevent manipulation or intentional alteration of digital heritage. Both require that the content, functionality of files and documentation be maintained to the extent necessary to secure an authentic record. Using the experience of the EU countries will pro-

mote accounting, state registration, preparation legal normative acts for the protection of cultural heritage with the goal of presentation of intangible cultural property on the Web in Ukraine.

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