Governing Intangible Heritage: Intergovernmentalism and the Structuration of Intangible Heritage Governance in Hong Kong

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Abstract

In 2003, UNESCO introduced a new international instrument: The Convention for the Safeguarding of Intangible Cultural Heritage. Intangible cultural heritage refers to social practices, languages, beliefs, festivals, oral traditions, and culinary customs. In 2004, the government of the People's Republic of China and the Hong Kong Special Administrative Region Government (HKSARG) both agreed to be part of the Convention and implement its decrees. Building on the case of China's and Hong Kong's participation in the Convention, this article contributes to the understanding of cultural heritage governance in Hong Kong by focusing on intergovernmental relations. Three dimensions are explored. First, we try to situate the nature of Hong Kong's intergovernmental cultural governance by comparing it against a number of cases in Europe and North America. Second, we focus on the development of local structures that were put in place to implement the Convention in Hong Kong. This section reveals both practical and political dimensions associated with the policy's development and implementation. Third, we engage with the politics of intangible heritage in Hong Kong. This section examines the political nature of culture and pays attention to the administrative processes that tend to evacuate or neutralize social and political tensions and aspirations. The implementation of the Convention, in some cases, meshes, and in others, avoids engagement with intangible cultural issues that could be contentious or are part of Hong Kong's politics of localism.

Since its creation in 1945, the United Nation Educational, Scientific and Cultural Organization (UNESCO) has contributed to the creation of a global awareness on cultural issues, and has served as an international platform for a shared framework for cultural interventions in arts and heritage. Copyright, the protection of heritage in wartime, underwater heritage, and the illicit circulation of arts and heritage are all areas of cultural intervention that UNESCO has championed by developing an international awareness and providing policy instruments that can be applied at the national level. For cultural policy development and

implementation, the input of UNESCO has been significant insofar as it has aligned many national governments on pressing cultural issues.

In the 1990s, UNESCO's special projects—such as "Living Human Treasures" in 1993 and "Masterpieces of the Oral Heritage of Humanity" in 1997—contributed to opening a debate on the very nature of heritage (Lankarani 625). Many heritage professionals, from Korea and Japan in particular (Alivizatou 45), expressed concerns about UNESCO's emphasis on issues related to built heritage, which entertained a conception of heritage that was more skewed towards Western cultural values and conceptions of culture than those of the East (Aikawa 138). Criticism against the dominant Western paradigms of cultural conservation, along with a growing narrative suggesting the decline of traditional cultures in the wake of globalisation, aligned the necessary energies to create a new policy instrument that would cater to these concerns and provide a new intellectual understanding and political orientation for heritage preservation. The end result was UNESCO's Convention for the Safeguarding of Intangible Cultural Heritage, introduced in 2003. This policy instrument aims to safeguard and promote intangible heritage, defined in Article 2, Paragraph 1 as "a) oral traditions and expressions, including language as a vehicle for intangible heritage; b) performing arts; c) social practices, rituals and festive events; d) knowledge and practices concerning nature and universe; e) traditional craftsmanship" (UNESCO, "Convention" 2). The notion of intangible (also often referred to as immaterial) heritage has since evolved in the professional world and in heritage institutions. Some argue for a more fluid or inclusive conception of intangible heritage, while others challenge the folklorized views of intangible heritage (Ruggles and Silverman 3) and wish to include items and social practices that are tied to contemporary experiences of culture (Kirschenblatt–Gimblett 54).

On December 2, 2004, the People's Republic of China ratified the Convention, in the process becoming one of the first UNESCO State-members to do so. Along with China, Hong Kong also ratified the Convention. As a result, less than a decade after Hong Kong's Handover/reunification, the Convention for the Safeguarding of Intangible Cultural Heritage offered what Gordon (26) characterizes as a "test moment" that helps better understand the complexity of the Hong Kong Special Administrative Region's Government (HKSARG) and public administration system. The case of the 2003 Convention offers a unique opportunity to shed light on the dynamics of cultural heritage governance that develop at the intersection between international treaties and intergovernmental affairs. This Convention was signed internationally by the People's Republic of China and implemented locally in Hong Kong. The result is a series of local measures aiming at offering better protection and promotion of intangible heritage in Hong

Kong, as well as the nomination of Cantonese opera as part of UNESCO's list of world intangible heritage to be protected.

From a constitutional perspective, Hong Kong has both autonomy in the administration of its cultural affairs and the capacity to engage in activities pertaining to cultural diplomacy—especially at a bilateral level. However, the HKSARG, like many other states and governments in the world, has limited access to multilateral institutions where important policy decisions affecting its future can be made.

This article argues that the case of Hong Kong should be better understood and reintegrated into comparative studies of states and governments. From an institutional perspective, Hong Kong shares a lot in common with cases like Scotland, Québec, Catalonia, Flanders, and Puerto Rico, to name a few. From a cultural perspective, Hong Kong also shares much in common with these cases as culture and identity are politically contentious. In Hong Kong, many identify as Hongkongers (香港人) (Lau, "Hongkongese"; Ma, "Rise") and do not share strong (if any) attachment towards China and Chinese identity, especially when lumped together with a Chinese Communist Party-driven narrative. As a result, intangible heritage policies, as they mesh with important issues of identity, can become both tools of domination and/or of political resistance. Intangible heritage is a political terrain, and a closer look at the policy's narratives and its institutional development reveal that the policy implementation tends to emphasize the creation of a general awareness about intangible heritage in Hong Kong, rather than trying to actively protect and promote what is distinctive in Hong Kong's intangible heritage. In some instances (e.g. the Xiqu Centre in West Kowloon), the implementation tends to support greater association with mainland China's cultural heritage and history.

Intergovernmentalism and International Cultural Conventions: Sub-national Governments

In preparation for Hong Kong's Handover, the 1984 Joint Declaration between the United Kingdom and the People's Republic of China laid the basic principles of governance that would be applied following the Handover in 1997. This constitutional document guaranteed continuity for Hong Kong's public services and public administration; it also sought to protect the autonomy of the HKSARG in certain policy areas, including culture. The principle of autonomy in cultural governance was also translated into the HKSARG's *Basic Law*. Specifically, Article 151 of the *Basic Law* stipulates that HKSARG can also "[...] maintain and develop relations and conclude and implement agreements with foreign States and regions and international organizations in the appropriate fields, including [...] culture" (HKSAR, *Basic Law*). From a constitutional perspective, HKSARG has to administer its own policy on arts, culture, and heritage, but it also has the capacity to enter into bilateral or

multilateral relations and engage in cultural diplomacy. The HKSARG also has the power and institutions available to conduct its own bilateral cultural diplomacy through its network of Hong Kong Trade Development Commission Offices situated in different countries. These offices also promote Hong Kong culture and, in recent years, its expertise in areas such as fashion and design.

What is of interest, here, is that the Convention for the Safeguarding of Intangible Cultural Heritage is a multilateral agreement between member-States of UNESCO. Hong Kong is not a member of UNESCO, nor is it even an associate member like China's other sub-state, Macau—meaning it does not have an "official observer" status. The Convention concerns Hong Kong insofar as, after the People's Republic of China ratified it, the Convention became a matter of intergovernmental affairs. The HKSARG had the option to agree to the Convention—which it did—but it could have very easily decided to opt-out.

As a subnational entity dealing with cultural affairs emanating from an international treaty, the case of Hong Kong, here, is not entirely unique; comparisons with other subnational governments may be helpful in better situating this case. It should be noted that the comparisons made in this article are principally limited to subnational powers over cultural affairs. Comparisons over other areas of policy (immigration, monetary policy, trade) would reveal other dimensions that are interesting, yet outside the scope of this study.

While China is rarely seen or defined as a federation, and while the concept may not be well-received at the political, ideological or symbolic levels, the notion of "One Country, Two Systems," along with the existence of two subnational governments—the HKSARG and Macau—are elements that are federal in both principle and practice. In this case, the HKSARG can be compared against cases where the governance of cultural affairs is more or less shared by both levels of government. Therefore, institutionally and in matters of cultural affairs, the context of Hong Kong is, in part, comparable to that of many European federations, like Germany, Austria, Belgium, or Switzerland where cultural policies and powers are typically defined by the constitution as being primarily under the purview of subnational governments. In the case of Germany and Austria, for instance, the decentralization of cultural affairs has been important; the division of cultural powers in the constitution is such that the federal government needs to consult the subnational entities before signing an international treaty, and acts as a delegate representing the perspective of subnational governments in the cultural sector. When it comes to the 2003 Convention, Austria ratified it in 2009 after securing agreements from its nine Länder (subnational entities); in this context, the federal government acts as a coordinating mechanism for the subnational governments (UNESCO, "Austria"). In Austria and Germany, ratification of the Convention was conditional on negotiations between federal and subnational units. This means the federal government

depends on subnational governments to sign international treaties that pertain to cultural affairs. In Belgium and Switzerland, the implementation of the Convention was more complex given the level of cultural autonomy of the subnational units and the restrictions over federal interventions in cultural affairs (See UNESCO, "Belgium" and UNESCO, "Switzerland"). While the federal government in these states had the authority to sign the Convention, its implementation has been left entirely to the subnational units. In sum the implementation of international cultural treaties—life the Convention for the Safeguarding of Intangible Cultural Heritage—rest on complex intergovernmental systems of coordination (Paquette). In the aforementioned cases, cultural powers have primarily been the purview of subnational governments according to their respective constitutions. However, unlike many of these cases, the HKSARG—as a subnational government—does not have control over the People's Republic of China's capacity to sign and be party to the Convention (or other such conventions). This is where the comparison finds its limits. Moreover, the case of Flanders, a subnational State in Belgium, is a bit different as it is, at once, a subnational state and society where cultural aspirations tend to clash with those expressed by the central government. From a constitutional perspective, Flanders has all the power to exert pressure over its federal government to inform its decisions. For its part, the HKSARG can accept or refuse to implement a treaty, but has no power to force China to sign or retreat from a treaty.

In many ways, the HKSARG also shares a lot in common with provincial subnational governments in Canada, where provinces have no strong constitutional power to oppose the federal government's capacity to sign international treaties. However, in practices, in the Canadian federal government has granted greater cultural autonomy to some of its provinces, like Québec, as a way of acknowledging these province's (and their governments') own distinct cultural aspirations (Beauregard). In fact, the federal government has agreed to include a representative from the Government of Québec as part of its delegation and representation at UNESCO. Similarly, in other multilateral organizations, such as la Francophonie, subnational governments such as Québec and New Brunswick are represented as full members and can participate in international treaties pertaining to cultural and linguistic affairs (while the province of Ontario is an observer–member). In the United States, the case of Puerto Rico, an associated state, would also offer good comparative material for Hong Kong. While comparisons between the HKSARG and American states and Canadian provinces may be fruitful, both the United States and Canada are not party to the Convention for the Safeguarding of Intangible Cultural Heritage. Similarly, both are cases of established traditions of federalism, with long histories of intergovernmental relations.

In light of the intergovernmental relations in cultural affairs, but also in light of the constitutional structure and the political power between the central government and its subnational components, the case of HKSARG could be compared to unitary states (non-federal States) where some powers have been considerably decentralized. For instance, the case of Scotland, could offer fruitful comparisons; however, the United Kingdom did not sign the 2003 Convention. In this case HKSARG may be more comparable to the cases of Catalonia, the Basque Country, or many of the other autonomous communities of Spain. Spain is not a federation—or, rather, is not a "pure" federation, but is often qualified as a "quasi-federation" (Sala 109, see also Erk and Gagnon 94–95). Following the death of Spain's dictator, General Franco, in 1975, the country wasted little time transitioning to democracy. Spain introduced a new constitution in 1978 that incorporated functional principles of federalism through a governance structure that relies on the country's regions—and that recognizes a number of these regions as autonomous. Through the application of the Constitution, Spain's regions have gained significant powers in many areas of public policy, including cultural affairs. While the Spanish Constitution recognizes the importance of regions, as well as the importance of different minority cultures, the political system has been constructed in a way that provides the central government a capacity to recentralize its powers and dispositions to enforce national power in cases of emergency or situations where national unity and integrity could be challenged. These dispositions were put on display in 2017, when the national government of Spain dismissed the Catalan government and arrested its leaders following an independence referendum on October 1, 2017—a referendum that proved highly contentious, and had been ruled unconstitutional by Spain's courts (Romero, "In Spain").

For most policies, Spain's regions can act according to their government's orientation as long as it does not compete with the national integrity of Spain. Similarly, like the HKSARG, Spain's regions can engage in bilateral and multilateral treaties pertaining to cultural affairs; however, like the HKSARG, their structural capacity and institutional presence in multilateral organizations are limited and, as a result, Spain's regions are rarely represented independently. In the context of the Convention for the Safeguarding of Intangible Cultural Heritage, the leadership for the Convention's formulation was vested at the national level of government. As a result, subnational governments' input remains largely limited to the implementation of the Convention at the local level. In this respect, the intergovernmental structure of relationships related to cultural affairs and the Convention have important implications for subnational governments such as Catalonia, the Valencian Community, the Canary Islands, or the HKSARG for that matter. On the one hand, agreeing to be party to the Convention implies that subnational governments agree to be accountable and report to their central

governments in the course of implementing the policy. On the other hand, the nature of material covered by the Convention, in particular, have important implications in terms of culture and identity.

While the discussion here has focused on the comparability of institutional configurations, it is important to recognize that Hong Kong has a distinctive history, identity, and culture. For that reason, Hong Kong's cultural specificity should not solely be discussed on institutional terms. Like Québec, Scotland, Catalonia, or the Basque Country, Hong Kong is not just a subnational government; it is a society that shares culture and values that are distinctive from those of the country in which it is integrated.

Implementation of the Convention by HKSARG

The HKSARG agreed, in principle, to participate in and be party to the Convention for the Safeguarding of Intangible Cultural Heritage when it was ratified by the government of the People's Republic of China. The Convention came into effect on April 20, 2006, and the HKSARG put in place the necessary steps to comply with its requirements (HKSAR, "Information Note" 3). The implementation of the Convention in Hong Kong was a shared responsibility between the Home Affairs Bureau and the Leisure and Cultural Services Department (LCSD).

Before going any further, it should be noted that the notion of intangible heritage or immaterial heritage had been part of the conservation on culture in Hong Kong for a number of years before the introduction of the Convention for the Safeguarding of Intangible Cultural Heritage. In the 1990s, cultural itineraries had been developed in the western part of Hong Kong Island—in Wan Chai—and in the region's new territories as an attempt to articulate a connection between space, built heritage, and dimensions of immaterial heritage that are typical of Hong Kong's distinct way of life. Important institutions, such as the Hong Kong Heritage Museum—established in 2000—serve as examples of the HKSARG's commitment to intangible heritage years before the Convention's ratification. Similarly, Hong Kong's Antiquities and Monuments Office, established in 1976, has also contributed to the preservation of intangible or immaterial heritage—despite the fact that the office's mandate clearly emphasizes the preservation of built heritage. Beyond governmental organizations, a number of important not-for-profit initiatives have also contributed to the preservation and promotion of Hong Kong's intangible heritage. In this light, what the Convention brought to Hong Kong's cultural sector was a clear governmental commitment to the preservation of intangible heritage; it brought a confirmation that this issue would become a serious part of the region's heritage policy.

Over the last decade, since the implementation of the Convention for the Safeguarding of Intangible Cultural Heritage, the institutional

structure governing intangible cultural heritage in Hong Kong has grown considerably. As a sign that the recognition and preservation of intangible heritage has gained momentum in Hong Kong's policy arena, *The 2007–2008 Policy Address* by the Chief Executive of the HKSARG expressly mentions the importance of protecting and promoting intangible heritage—highlighting, in particular, efforts to support Cantonese opera by converting the Yau Ma Tei Theater into a venue that solely supports opera performances (25).

At the institutional level, the Home Affairs Bureau put together an Intangible Heritage Advisory Committee in 2008—functioning under the auspices of the Hong Kong Heritage Museum—to assist in interpreting and applying the Convention in Hong Kong. In 2015, the LCSD created a new structure, the Intangible Cultural Heritage Office, to administer the Convention. This new dedicated office has been a complement to the decisional structure that existed. The creation of the Intangible Cultural Heritage Office ensured a greater capacity to assist decision-makers and produce a list of intangible heritage items to prioritize; it also provided more resources for the promotional activities associated with the implementation of the Convention, not to mention the important amount of reports and liaison activities with partners from the community and the Ministry of Culture of the People's Republic of China—the latter of which has been responsible for the international contact with UNESCO.

The implementation of the Convention in Hong Kong has followed three key areas of intervention. The first area of intervention concerns research and identification of intangible heritage. In this area, many collaborative studies have been undertaken with various universities and research institutions. Perhaps the most important task related to this research has had to do with the production of a list or inventory of intangible cultural heritage that offers precisions on the items that are potentially at risk of disappearing. In large part, this dimension was carried out through a 2009–2013 survey of intangible cultural heritage in Hong Kong, realized by a research team from the Hong Kong University of Science and Technology (HKSARG, "Background Brief" 2). The result of this survey was the identification, selection, and communication of 480 items—including, most notably, a number of languages and dialects, social practices, festivals, oral traditions, and culinary practices. While the list could arguably be expanded, according to experts from LCSD; it, nevertheless, contains the items that are officially recognized as part of Hong Kong's intangible heritage.

The second area of intervention used by the HKSARG to implement the Convention has involved the promotion of intangible heritage. Over the last decade, the LCSD—in collaboration with a number of partners— have organized various events and exhibitions to promote the value of intangible heritage for Hong Kong. In an attempt to further efforts to implement the Convention, LCSD established the Hong Kong Intangible

Heritage Centre in Sam Tung Uk Museum in Tsuen Wan in 2016. Similarly, other attempts by the LCSD to implement the Convention have included educational activities for schoolchildren—including the development of an intangible heritage learning toolkit in collaboration with museums and libraries.

The third aspect of the Convention's implementation in Hong Kong concerns measures to safeguard intangible cultural heritage. This aspect, however, has proven to be much more difficult to articulate and evaluate. Answering questions and critiques about HKSARG's capacity to safeguard intangible heritage a decade after the Convention was first ratified, the Secretary for Home Affairs indicated that "[...] measures for safeguarding ICH [intangible cultural heritage] are multifold, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission and revitalization" of such heritage items (HKSAR, "Official Record of Proceedings" 2382). In other words, the answer suggested that safeguarding, in this context, can be interpreted in a variety of ways—though communication-based activities focused on raising awareness seem to have been the predominant form of preservation used by the HKSARG. While it is logical to assume that promotion is a form of preservation, there are arguably other forms of essential measures that need or can be put in place to safeguard intangible heritage. In an attempt to address these concerns, the Home Affairs Bureau has sought additional funding: 500 million Hong Kong dollars to enhance museum collections and 300 million Hong Kong dollars to sustain the Intangible Cultural Heritage Office's efforts (HKSAR, "Funding Intangible" 1–2). These additional sums were sought to support a variety of public and community-based not-for-profit heritage organizations.

The nature of the Convention is such that there is potentially no end or definitive point in time in which it can be said to have been fully implemented or adhered to; the Convention requires constant adjustments, monitoring, and permanent efforts to ensure that intangible cultural heritage is properly preserved. By comparison to other subnational governments, it can be said that recent efforts in Hong Kong suggest that HKSARG has been relative active in developing a system to protect and promote its intangible heritage. The trajectory of HKSARG's administration of the Convention follows paths that are comparable to those initiated by Belgian and Spanish's regional governments. The first years of the Convention's implementation in Hong Kong relied heavily on existing institutions—in most cases, academic institutions, major museums, and a number of not-for-profit organizations. More recently, following the creation of the Intangible Cultural Heritage Office—and by comparison to most European subnational states dealing with the implementation of the Convention— it can be said that Hong Kong has evidenced a greater level of institutionalisation of intangible heritage in its governance structures

than many other states. There have been definite attempts in Hong Kong to achieve greater policy coherence and coordination capacities.

The Politics of Intangible Heritage: Between Administrative Processes and Cultural Values

As discussed in the previous section, the Convention for the Safeguarding of Intangible Cultural Heritage implies a number of important actions for its signatories; in the case of the HKSARG, since 2004, there have been a number of considerable efforts made towards promoting and safeguarding intangible heritage. However, a deeper examination of the Convention's implementation in Hong Kong brings to salience a number of conflicting views and interests where intangible heritage is concerned. In the previous section, focus was placed on the administrative developments following the Convention; however, there have been, in this whole process, important normalizing effects that have shaped Hong Kong's capacity to articulate its own positions on the matter.

Politically, the Convention is tied to global politics, and it is important to acknowledge the fact that the context of its implementation results from China's political efforts for global recognition. In recent years, China has been aggressively active in asserting its presence and representation in multilateral institutions such as the United Nations, and its participation in this international Convention follows these ambitions. While there is a real and strong intellectual tradition in archeology and ethnography in China, and while the interest in intangible cultural heritage is, in many ways, genuine, there is still a political dimension to the politics of identification, nomination, and safeguarding of cultural heritage. According to Shepherd, despite the fact that UNESCO advocates for an apolitical use of heritage, it is widely known that heritage policies are also heavily linked to issues of identity (61). With this in mind, according to Shepherd, the People's Republic of China has been extremely active in implementing UNESCO's conventions as part of its own State-building project. For instance, China's UNESCO participation, in recent years, has been aggressively focused on proposing a hoard of local heritage sites as potential candidates for UNESCO's World Heritage list. China has, unquestionably, a rich and important cultural heritage and has made great cultural contribution to the world; the items and locations it has pushed to have included on UNESCO's lists are, indeed, of much significance.

Nonetheless, in recent years, the list has been criticized for some mishandling of cultural heritage (Shen and Chen, "Cultural Heritage"). What is important to acknowledge, however, is the politics behind these lists and, more specifically, the importance placed on nominations by the People's Republic of China. Seeking representation and presence on the international list of intangible heritage of humanity is, in many respects, the most important element at play for many governments—and the

Chinese government is no exception. The politics of nomination is intimately tied to the politics of global recognition. So far, Hong Kong has not benefited from any substantial or distinctive place in this global list.

UNESCO's structure of participation and collaboration has often been found to be problematic for subnational governments' participation. In the case of Hong Kong, the implementation of the Convention has had a normalizing effect; it has created a structure of accountability where Hong Kong has technically become accountable to China, through subtle administrative processes and reports (one in 2010, another in 2016), in its implementation of the 2003 Convention. In order to articulate what it recognizes as its own intangible heritage—and do so in ways that adhere to the Convention—the HKSARG must first communicate its selection to the Ministry of Culture of the People's Republic of China in the hopes of having its intangible culture recognized on China's national list. As of 2019, of the lengthy 480 items on Hong Kong's aforementioned list of local intangible heritage, only ten have been recognized on China's national list of intangible cultural heritage. As a result, the administrative processes of the Convention contribute to China's cultural politics of reunification and do not fully recognize—or even protect—the HKSARG's competencies in its cultural affairs. This creates a precedent where the Chinese Ministry of Culture acts as the coordinating body for the HKSARG's cultural diplomacy. These administrative procedures also provide important safeguards around the debate about intangible heritage in Hong Kong. Through China's application of the Convention's administrative procedures and complex system of governance, it ensures that debates do not provide platforms to engage with controversial issue and, in a certain sense, allow for Hong Kong to express its identity or identities. From a discursive perspective, official intangible heritage in Hong Kong is caught between the politics of reunification, and the politics of administrative avoidance.

In its implementation, the intangible heritage policy is a component of cultural reunification. This is exemplified in the 2009 nomination of the Cantonese opera as part of UNESCO's representative list of intangible heritage of the world. This is Hong Kong's only contribution to UNESCO's list, and is, interestingly, the result of interregional collaboration between the Guangdong Province (also Anglicized as Canton, hence *Canton*ese opera) and Macau. In the process, Hong Kong is not recognized as a distinctive territory; it is, in fact, increasingly made to engage in regional affairs in ways that make it a region like any other. The development of the Xiqu Centre in West Kowloon is another interesting case in point. Symbolically, the name of the center is evocative of the politics of reunification; it suggests that the center will be a space for all Chinese operas, in which Cantonese opera is considered only a sub-genre. Recently, there have been suspicions raised by the press that the center would primarily cater to tourists in ways that do not contribute to the sustainability of Cantonese opera or opera companies. In addition,

very early on, the name itself sparked a bit of controversy. While some, whose allegiances were more closely tied with mainland China, preferred the term Xiqu to "Chinese Opera," others have pointed out, subversively and/or perhaps humorously, that the Cantonese pronounciation of the center's name sounded just like the expression used to describe women's private parts (Chow). This also speaks to the mixed reception of this venue.

Additionally, intangible heritage also meshes well with the politics of cultural reunification as it insists on folkloric cultural themes. The folkloric gaze of intangible heritage, at times, re-problematizes Hong Kong's identity through a new temporality. The discursive practice of intangible heritage contributes to obliterating the contemporary history and way of life that are integral parts of Hong Kong's cultural fabric. Everywhere in the world, heritage is traversed by issues of identity and politics; this has become particularly true for Hong Kong (S. C. H. Cheung 7–8; Lu 261). Intangible cultural heritage, in its values and discourse, constitutes an invitation to consider Hong Kong's culture in the most traditional sense; it invites a reading of Hong Kong's identity as part of a long continuum linked to Imperial China. A too-rigid conception of intangible heritage—as described by the most orthodox understanding and in accordance with UNESCO's criteria––may be convenient at times, but it is a limited understanding of the concept (Kaufman 21–22). More flexibility is required. Otherwise, intangible heritage might be serving to contribute more actively than otherwise thought to the "politics and culture of disappearance" described by Abbas (Abbas, *Hong Kong*). This is not to romantically invoke the colonial narrative as being potentially better for Hong Kong's intangible heritage. Rather, there are claims to intangible heritage that belong to contemporary Hong Kong's culture and society that do not apologize for colonialism.

In articulating intangible heritage policies, there is a potential for subversion, a potential that the HKSARG seems to have avoided by emphasizing education and through what can be seen as an attempt to familiarize the public with the theme of intangible heritage—rather than an articulation of what is representative and distinctive about Hong Kong. In most projects, there is a discursive displacement, where the focus is on a collective duty towards intangible heritage, rather than emphasizing on the cultural element that express Hong Kong's unique identity or identities. While intangible heritage is commonly used as part of many countries' politics of recognition (Ricoeur, *Parcours*), in the case of Hong Kong, it is actively avoided. Hong Kong's intangible heritage has been governmentalized (Dean, *Governmentality*) and, as such has lost some of its subversive potential as it has become inscribed in administrative language and procedures that delimit what is "intangible heritage" and what it can be when discussed in the public sphere.

The construction of intangible heritage in Hong Kong relies on a form and a list, wherein individuals and organizations can submit a request

form to the Intangible Heritage Advisory Committee to have an item discussed for potential inclusion on the list. The nature of the form prioritizes a folkloric definition of intangible heritage; more importantly, however, the documentation and administrative material the form requires for the nomination process are meant for experts and professional organizations. Similarly, the first survey that led to the constitution of the 480-item list rests on an expert-driven process. The survey was conducted by academics who built on initial findings from a previous study on Guangdong provinces that could be transferred to Hong Kong—a process that also involved communications with a select number of experts and District Council members. The survey also included a direct mail communication with over 1,000 businesses, local organizations, and cultural organizations, inviting them to identify and send nominations. In other words, the process relied heavily on elite informants. The information collected through this process raises question as to the inclusivity of the process, and how much Hong Kong's youth—who are often the drivers of its culture and many of its cultural developments—were (and will be) part of the process. The form, itself, tends to include examples of cultural heritage that is easily recognizable, but does a poor job of identifying tacit cultural practices that are derived from popular culture and are part of collective experiences. By providing very specific examples of intangible cultural heritage (e.g. Waitau dialect, Hakka dialect, Cantonese opera, *nanyin* [a kind of folk music in southern China], bamboo steamer production, martial arts, etc.) the form informs, but also restricts, the sense of what is expected and meant by intangible heritage.

Ultimately, the process used in Hong Kong and China to preserve and protect intangible heritage did not result in any recognition of the significant diversity of its cultural landscape. There is no inclusion of intangible heritage resulting from the *métissage* of Western and Eastern cultural practices—whether they were part of the British or Portuguese communities—nor is there any recognition of Indian heritage and its long historical presence and influence on the social and cultural fabric of Hong Kong culture. The discourse that frames intangible heritage in Hong Kong tends to emphasize folklore and well-defined practices, but it does not give much room to incorporate intangible cultural traditions that have emerged—some of which have popular connotations—and are simple expressions of Hong Kong's experience and way of life. For the process to be inclusive and to abide to ethical requirements, there needs to be a culture of discussion and debate around Hong Kong's culture and identity.

Finally, language, too, is intangible heritage, and the protection and promotion of languages is also an important objective of the Convention. While the 480-item list includes Cantonese and dialects spoken in Hong Kong, languages have not made it to the list of twenty items promoted by HKSARG, nor are they listed as part of the list of representative items for

Hong Kong. That languages are part of the inventory but not on the representative list means that they are not part of the short- to medium-term measures of heritage protection or promotion. This, once again, speaks to some of the limitations with regard to the implementation of the Convention. On the one hand, language is highly political, and one can hypothesize that the omission of Cantonese (and minority languages) in Hong Kong's representative list stems from a strategy to avoid contentious issues. On the other hand, it may also reflect a certain mentality that is common when dealing with intangible heritage. As mentioned above, there is a common narrow understanding of intangible heritage that tends to emphasize traditional folklore. This is a tendency that is even seen at times with experts in the field.

Regardless, the spirit of the convention creates obligation towards the protection and promotion of languages. The intersection between language and intangible heritage is, in fact, one of the most politically sensitive issues in many countries; this is why a country in the West like Canada has not signed the Convention, as it would potentially create new obligations and responsibilities towards a number of indigenous languages (Lalonde). In Hong Kong, while Cantonese is not occupying the political and symbolic place it should in the city's strategies on intangible heritage, the signature of the Convention and the objectives of the Convention itself also open the door to future social demands. Since 1974, it was socially understood that Cantonese became an official spoken language of Hong Kong alongside English in public institutions. Since 1997, a new discourse emerged suggesting that the Hong Kong population should be biliterate (knowing how to read and write in English and Chinese) and trilingual (knowing how to speak Cantonese, English and Mandarin). While Cantonese is still widely spoken in Hong Kong, there have been increasing pressures to introduce Mandarin in a competitive manner. Some fear that there is a real danger for the sustainability of Cantonese (K. Cheung), especially in the education sector where pressures to use Mandarin as medium of instruction are seen as gradually "squeezing out" Cantonese in tertiary, secondary and primary classrooms.[1] More research is needed in this area, and the issue of Cantonese in Hong Kong may well become more crucial in the future. It is also fair to hypothesize that in the future, the Convention could also ironically be mobilized by social groups looking for a platform to raise awareness about the status of Cantonese in Hong Kong, and to remind HKSARG's own obligation towards the protection and promotion of the language as part of its commitment towards intangible heritage.

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[1] See Chen for a case about an exam at Hong Kong Baptist University in 2018; see Chan for examples in primary and secondary schools.

Conclusion

From a comparative perspective, Hong Kong offers an interesting case for understanding subnational cultural relations. From an intergovernmental perspective, the case of Hong Kong exhibits many commonalities with subnational governments in federations or "quasi-federations." The Convention, in particular, has opened an important window into the dynamics of Hong Kong's participation in international conventions and international cultural diplomacy. This case study offers material for better understanding the interpretation of Hong Kong's constitutional documents and, in particular, offers an opportunity to examine the Hong Kong's international powers in view of Article 151 of the Basic Law.

UNESCO's Convention for the Safeguarding of Intangible Cultural Heritage has been an important catalyst in terms of creating a global awareness of intangible heritage. Arguably, the Convention has informed how heritage sector practitioners engage with intangible culture and, to a certain extent, has also informed the intellectual definition and understanding of the concept. But for some subnational governments, like Hong Kong or the autonomous regions of Spain, the 2003 Convention engenders a political imbalance that is rooted in social forces and in political institutions. In Hong Kong, the political imbalance has resulted in a relationship with intangible heritage that emphasizes awareness, education, and expert voices without opening any public space to uncover the tacit intangible heritage that shapes Hong Kong's cultural identity/identities.

The future of the implementation of the Convention in Hong Kong lies with the local administration's capacity to be inclusive and to accommodate room for a wide diversity of conceptions of intangible heritage. Intangible heritage, like any heritage item, is highly political in nature; the HKSARG's participation in the Convention may have initially underscored how political this issue can be.

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