

Why Scotland needs a legal framework to protect its living cultural heritage

Scotland is a nation rich in cultural heritage, some of which is Unesco-protected. As well as the country's globally renowned castles and monuments, Scotland has an enormous resource of intangible cultural heritage (ICH).

5 Sometimes referred to as "living heritage", intangible cultural heritage includes the vast array of traditional songs, stories, crafts and practices that provide the character and backdrop to Scotland's cultural identity. (...) There are two main risks to living heritage. One, that it can be lost if it is not passed down from one generation to the next and two, that it is at risk of being misused, misinterpreted or misrepresented.

10 Scotland's intangible cultural heritage features in many films and TV dramas from *Brigadoon* (1954) to *Braveheart* (1995) and *Outlander* (2014-). These productions present a narrow version of Scottish cultural identity through music, costume and location that is recognisable to an audience who may have never visited the country.

15 At the moment, these elements, though very clearly belonging to the cultural heritage of Scotland, don't have to be acknowledged in any way by TV producers or filmmakers. Though the popularity of these works is in part due to their setting, no money currently flows back to the state or communities for that use. This is not the case elsewhere; most countries around the world enjoy a more robust approach to the protection of their living heritage.

20 Living heritage is protected through the Unesco 2003 Convention for the Protection and Safeguarding of the Intangible Cultural Heritage. The convention has virtually global coverage, with 181 nations signed up. However, the UK is one of the very few countries that has not. (...)

25 There are, arguably, some advantages to not being a signatory of the convention, which requires member states to develop an inventory of living heritage and promote education and safeguarding practices. This is potentially onerous and demands resources that are not a priority in the midst of economic crises.

30 However, what the convention requires in terms of education, awareness-raising and capacity building (article 14), and involving communities, groups and individuals (article 15), is already happening in Scotland.

35 In a recent project with Historic Environment Scotland(HES), I, along with Ben Thomas and Catriona Morrison and Iain Craig from HES's Gaelic team, delivered a series of workshops in the island of Harris and Lewis where people shared their experiences of protecting living heritage in their communities. (...)

40 Scotland also has an ICH wiki, to which anyone can add an example of Scotland's living heritage, but developing a framework for protection based on the expertise of community organisations would align Scotland with global best practice and make signing up to the convention easier should the UK government's position change.

45 Given the work taking place in Scotland, and the long-established use of Scotland's living heritage, there is a need to both develop a robust, national approach to safeguarding, and bring with it the potential to raise revenue.

Intangible cultural heritage cuts across political, historical, community and cultural spheres. These issues are made more acute by the marginalisation and historic exclusion of Gaelic, Doric and Scots languages and culture. The fact that Scotland is unable to sign up to this Unesco convention when it would be beneficial to do so, highlights the political issues at play.

45 Stephen Collins, *The Conversation*, November 17, 2020.