Inviting whole Humanity to an Elite Club?
Global heritage production regimes and UNESCO Heritage Lists through the lens of the Ostrom’s concepts

Please note this is work in progress.

We would be grateful for any comments and critical feedback that would help improve the final version of this paper.

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Introduction

The most interesting beauty contests in international relations happen twice a year in different parts of our globe. Choices on the ‘best of the best’ are taken by a truly international jury composed of states delegates coming from all regions of the world. They have to decide whether the beauty criteria are met by the candidates nominated by states themselves. The stakes are high: in order to keep the contest internationally watched with bated breath, to be able to empathise with true emotions and outcry of joy of the winners the contest must keep highest standards of credibility. The candidates are subject to strict control regarding many criteria they shall meet. Two of them seem to be of special importance: candidates must either bring to the World ‘outstanding universal value’ (OUV) or they must prove to Humanity their ability to represent it through intergenerational transmission of practices and traditions.

We find ourselves in the heart of the global heritage production regimes: the ‘beauty contests’ concern decisions whether to inscribe heritage elements or not into the UNESCO World Heritage List and the UNESCO Representative List of the Intangible Cultural Heritage of Humanity. Both lists (‘UNESCO Heritage Lists’\(^\text{1}\)) contain ‘laureates of the beauty contests’

\(^{1}\) It is important to note, that we deliberately chose for our analysis these two UNESCO Heritage Lists, that are widely considered as crucial, and evoking greatest international interest and attention. We are fully aware, however, about the existence of other listing mechanisms in the UNESCO Heritage Conventions: 1972 Convention established the List of the World Heritage in Danger (https://whc.unesco.org/en/danger/, currently including 52 properties), whereas the 2003 Convention established also the List of Intangible Cultural Heritage in the Need of Urgent Safeguarding and the Register of Good Safeguarding Practices (https://ich.unesco.org/en/lists, currently containing 71 elements from 38 countries and 29 good safeguarding practices from 26 countries). Even the number
approved by the international community as best embracing the idea of what kind of heritage ‘deserve’ to represent the whole World and whole Humanity. However, here appears the crucial tension: how to maintain high standards and values associated with both Lists and at the same time govern them as truly global and diverse repositories of the World’s and Humanity’s heritage?

This paper aims to reflect on that tension in details. It does so by pursuing analytical efforts at two levels. First, starting with Elinor Ostrom’s concepts and approaches (Ostrom 1990, Ostrom, Hess 2003) it shifts the reflection from identifiable resources considered as commons (natural, cultural, urban, knowledge) to policy tools and institutions created to govern them, that we propose to approach as commons too. We argue that each UNESCO Heritage List is ‘a shared resource subject to social dilemmas’ – the definition of commons introduced by Charlotte Hess and Elinor Ostrom (Hess, Ostrom, 2003, 2007). So, we conceptualize policy tools themselves as commons that need to be governed effectively and sustainably. As the Lists themselves are repositories of heritage resources considered as commons we labelled the Lists ‘meta-commons’.

Second, on the basis of the developed typology of goods (Ostrom, Ostrom 1977, Hess, Ostrom 2003), that identified two fundamental attributes for goods classification: ‘excludability’ and ‘subtractability’, and following current critical debate around them (Rayamajhee, Paniagua, 2021) we propose here reinterpretation of the notion of ‘subtractability’ – from purely material to symbolic one. We do so by exploring three important characteristics relevant for understanding excludability and subtractability of global policy tools such as UNESCO Heritage Lists: ‘credibility’, ‘interdependence’ and ‘deservingness’. This conceptualization concludes in offering the approach to heritage as policy – the idea being developed from the concept of heritage as diplomacy (Winter 2015).

Heritage lists constitute widely and internationally present phenomena: every country in the globe has created some form of national heritage listing mechanisms and established relevant organs and legal mechanisms for their organization and maintenance. On international level some intergovernmental organizations followed the globally acclaimed success of UNESCO Heritage Lists and decided to introduce their own. For example, European Union created European Heritage Label (in 2013, with currently 48 sites inscribed) and Food and Agriculture Organization established Globally Important Agricultural Heritage Systems (in 2002, currently including 62 systems from 22 countries). Thus, we believe that the proposed approach contributes not only to more nuanced understanding of the character and governance challenges related to UNESCO Heritage Lists but international and national heritage lists (registers, inventories, repositories) in general.

We also hope that the argument we develop here will find its relevance for the discussion about approaching other global policy tools as meta-commons and addressing their sustainability and efficiency through the lens of other Ostrom’s concepts and approaches.

of elements inscribed into those lists prove however, that it is appropriate to consider the World Heritage List (currently 1154 inscriptions from 167 countries) and the Representative List of Intangible Cultural Heritage of Humanity (currently 529 elements from 135 countries) as most important ones. We also deliberately focus mainly on cultural elements inscribed into the World Heritage Lists, as they constitute overwhelming majority of inscriptions: 897 in comparison to 218 natural inscriptions and 39 of mixed character. See: https://whc.unesco.org/en/list/stat.
including Institutional Analysis and Development framework (IAD, Ostrom 2005). Thus, through that we also hope to add and develop Ostrom’s perspective in the field of International Relations scholarship on global governance, as we believe that well-governed, sustainable and effective policy tools constitute important compasses, helping to navigate regime complexity (Alter, Meunier 2009).

1. The 1972 and 2003 UNESCO Conventions as global heritage production regimes

‘Heritage defines a relatively recent way of talking about and organizing the relationship between people and significant aspects of their culture, and between people and their environments. As a transnational discourse with its own set of attached practices, heritage is developed, supported and promoted by a network of powerful institutions, among which UNESCO is at present most influential. As a body of ideas and practices, one of heritage’s peculiar features is that, while deeply transnational, this discourse is intertwined with the history and logics of the nation-state. Thinking of heritage in terms of regime makes this tension immediately palpable and visible’ (De Cesari 2013).

UNESCO Heritage Lists function on the basis and in the framework of broader international legal regimes. In 1972, the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted the Convention Concerning the Protection of the World Cultural and Natural Heritage (the 1972 Convention). More than 30 years later the same organ adopted the Convention for the Safeguarding of the Intangible Cultural Heritage (the 2003 Convention). Both conventions introduced international measures to identify, protect, safeguard and preserve cultural heritage all over the world.

The 1972 Convention is universally ratified (194 States Parties) and aims to protect tangible elements of cultural heritage such as monuments, groups of buildings, sites (Article 1 of the 1972 Convention) and natural features, natural sites as well as geological and physiographical formations (Article 2). The 2003 Convention is almost universally ratified (180 States Parties) and is focused on safeguarding intangible elements of cultural heritage such as oral traditions and expressions (including language as a vehicle of the intangible cultural heritage), performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe, traditional craftsmanship that are transmitted from generation to generation (Article 2 of the 2003 Convention).

Both conventions share a similar (though not exactly the same) listing system. States Parties to them are encouraged to submit nomination files containing descriptions of their tangible and intangible heritage elements either to the World Heritage List (as of July 2021 having 1154 inscriptions from 167 countries) or to the Representative List of the Intangible Cultural Heritage of Humanity2 (as of December 2021 embracing 529 elements corresponding to 135 countries representing in fact local or national communities that govern such elements).

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2 In case of the 2003 Convention States are also encouraged to submit nominations to Urgent Safeguarding List and to the Register of Good Safeguarding Practices. See also footnote 3. In case of the 1972 Convention States do not submit nominations to the List of the World Heritage in Danger – the decision to place a site on that List is considered to be a form of sanction for the lack of proper management of the site inscribed into the ‘main list’ (https://whc.unesco.org/en/158/). In the worst case scenario, after being for designated time on the List in Danger and not improving the conditions in situ, the Committee may decide to delete the inscribed heritage site. This
Both conventions share in this way the ‘blessing’ that led to their extreme popularity which – at the same time – is considered to be the ‘curse’, bringing rivalry and cultural hierarchy between states: the UNESCO Heritage Lists (Románková-Kuminková 2017). The incentive for inter-state rivalry is embedded in the nature of the Lists. Both Lists aim to meet two main challenges of the heritage regimes: selecting heritage elements representing the heritage of Humanity and safeguarding them through diverse means and efforts. By selecting heritage elements to represent ‘heritage of Humanity’ international community transforms these heritage elements. They do no longer exist solely as cultural elements considered as ‘heritage’ in their own countries: from the moment of inscription into UNESCO Heritage Lists they undergo ontological transformation into meta-heritage: ‘heritage of Humanity’. That means incredible recognition and prestige, the is followed by economic boost in the region where heritage elements carry ‘UNESCO label’. As noted by Bortolotto: ‘UNESCO heritage lists confer critical symbolic added value, with potential global economic impact, and are thus a virtual grand bazar for cultural consumers. (…) Hopes of economic profit (…) indubitably form part of the rationale behind nominations to the lists’ (Bortolotto 2021). Economic profit is possible because heritage element is considered exceptional thanks to international recognition of its ability to ‘represent the Humanity’. Because of the process of important ontological transformation of heritage elements, safeguarding efforts and measures must be subject to international monitoring, reporting and – in case given heritage element cannot credibly represent any longer ‘heritage of Humanity’ – sanctions, including de-listing.

These mechanisms allow to approach international heritage regimes as international heritage production regimes. It is a peculiar regime, because there is nothing new produced in terms of creating something ex nihilo. However, it is in line with the definition of production as ‘the act of creating an output, a good or service which has value and contributes to the utility of individuals’3. This ‘heritage production’ is purely symbolic (but after inscription translates also into tangible interference in the field, where heritage elements exist), and is based on ontological transformation of cultural elements into ‘heritage elements’ that are important to ‘the World’ and represent ‘the Humanity’.

**The ‘World’, the ‘Humanity’ and the challenge of representation**

Opening words from the main website of the 1972 Convention send a direct but not simple message:

‘The United Nations Educational, Scientific and Cultural Organization (UNESCO) seeks to encourage the identification, protection and preservation of cultural and natural heritage around the world considered to be of outstanding value to humanity. This call is embodied in an international treaty called the Convention concerning the Protection of the World Cultural and Natural Heritage, adopted by UNESCO in 1972. What makes the concept of World Heritage exceptional is its universal application. World Heritage sites belong to all the peoples of the world, irrespective of the territory on which they are located’4.

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4 https://whc.unesco.org/en/about/.
The complexity of the problems is quite well presented in this sentence. The UNESCO Heritage Lists object is ‘humanity’s heritage’: in case of the 1972 Convention it is heritage that have ‘outstanding value to humanity’. However, the task to identify this ‘outstanding value’ (currently known under the abbreviation – OUV, outstanding universal value) in the interest of whole Humanity is mainly given to States Parties who are crucial agents in finding and nominating these kind of valued objects in their respective territories.

In case of the 2003 Convention the situation gets more complicated – *Humanity is considered to constitute a collective of different communities*, who are ‘the heart of the Convention’. There is no binding definition of ‘a community’ however. Despite that:

‘intangible cultural heritage can only be heritage when it is recognized as such by the communities, groups or individuals that create, maintain and transmit it – without their recognition, nobody else can decide for them that a given expression or practice is their heritage’.

Another problematic concept crucial for the 2003 Convention lists is the definition of ‘representativeness’. It is interpreted by UNESCO in the following way:

‘Representative: intangible cultural heritage is not merely valued as a cultural good, on a comparative basis, for its exclusivity or its exceptional value. It thrives on its basis in communities and depends on those whose knowledge of traditions, skills and customs are passed on to the rest of the community, from generation to generation, or to other communities’.

An important tension lies between the particularity of intangible cultural heritage (ICH) on the one hand – as a resource belonging to concrete local communities, groups or even individuals – and a widespread conceptualization of ICH as a resource belonging to ‘Humanity’ on the other. This tension is encapsulated in the title of the core ICH list: the Representative List of the Intangible Cultural Heritage of Humanity.

The Preamble to the 2003 Convention acclaims ‘the universal will and the common concern to safeguard the intangible cultural heritage of humanity’ (5th Recital) and the last place in the 2003 Convention where ‘humanity’ appears is Article 19 concerning international cooperation. It embraces two elements: ‘humanity’ as a beneficiary and rights-holder of international ICH safeguarding efforts and the idea to pursue these efforts at all levels of ICH governance: bilateral, subregional, regional and international. ‘Humanity’ re-appears in the Ethical Principles for the Safeguarding of the ICH (Principle 12), and again, as in Article 19 of the Convention, is strictly bound with the idea of trans-level and glocal cooperation:

‘The safeguarding of intangible cultural heritage is of general interest to humanity and should therefore be undertaken through cooperation among bilateral, subregional, regional and international parties; nevertheless, communities, groups and, where applicable, individuals should never be alienated from their own intangible cultural heritage’.

It is interesting to observe that ‘Humanity’ has no legal standing but is needed here to embrace future generations, as expressed by the UNESCO Director General Audrey Azoulay in the introduction to the collection of Basic Texts related to the 2003 Convention:

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7 This conceptualization is present also in the discourse on tangible cultural heritage, see more: Francioni (2004).
This updated edition of the Basic Texts will serve as a useful reference for all those committed to safeguarding intangible cultural heritage, for the benefit of present and future generations. For they – we – share a common ambition, one that permeates all the cultural conventions overseen by UNESCO. This goal is to build peace, by preserving the heritage that brings humanity closer together.

It is not by accident that the Director-General speaks about ‘common ambition’. It proves aspirational, ‘work-in-constant-progress’ character of all governance efforts to safeguard cultural heritage of humanity – and for Humanity. The UNESCO Heritage Lists are policy tools aimed at fulfilling this obligation. Following wide research conducted in the field of (critical) heritage studies we claim that the existence of UNESCO Heritage Lists is aimed at meeting two main challenges: selecting heritage elements representing the heritage of Humanity and safeguarding them through diverse means and efforts. The existence of both Lists is thus based on their utility to achieve these goals. As long as the Lists maintain their utility, they are considered by international community as a valuable ‘shared resource’. The aim of the next section is to reflect on the nature of the UNESCO Heritage Lists as a ‘shared resource’, a shared good as well as on criteria relevant for the sustainable governance thereof.

2. The nature of UNESCO Heritage Lists

Our global common heritage gets more than lip service. But it faces huge, often insuperable, obstacles in the possessive jealousies of particular claimants. The heritage crusade is mounted not just against destroyers and forsakers—the developers, vandals, iconoclasts, and erosive forces (...) Rather, its chief targets are rival claimants to its custody and benefits. Our severest animus is directed against those who crave our heritage or contest its claims. Indeed, the very notion of a universal legacy is self-contradictory; (...) confining possession to some while excluding others is the raison d’etre of heritage.

Dawid Lowenthal, Heritage Crusades and the Spoils of History

Approaching the UNESCO Heritage Lists through the lens of Ostrom’s commons concepts involves reflecting on their character as ‘shared resources’. We do so by unpacking the ‘old’ concepts related to typology of goods: subtractability (rivalrousness) and excludability. Elinor Ostrom provides clear definitions of both terms: ‘Exclusion relates to the difficulty of restricting those who benefit from the provision of a good or a service. Subtractability refers to the extent to which one individual’s use subtracts from the availability of a good or service for consumption by others’ (Ostrom, 2005, 23).

We aim to challenge in this section an assumption that cultural commons and knowledge commons are non-subtractable (Ostrom, Hess, 2003, Ostrom, Hess 2007 and other references). In order to do so, we would like first to propose distinguishing the nature of heritage elements from the nature of the lists of heritage elements.

We follow here argument, presented by Madison, Frischmann, Strandburg, (eadem, 2010), that we can distinguish among different types of cultural commons based on their core purposes. Some such commons arise as solutions to collective action, coordination, or transactions cost problems. On the basis of analysis of wide research conducted in the field of heritage studies and as already signalled here (see above, references) we claim that the existence of UNESCO Heritage Lists is subordinated to two main processes around them: selecting heritage elements representing the heritage of Humanity and safeguarding them through diverse
means and efforts. In the case of these two Lists, their ability to govern these two processes is associated with their credibility: as long as they are credible, they can safeguard elements registered on them and that means that they are only useful for international community as long as they are credible.

_Credibility_

‘Credibility’ is one of crucial notions around which international community builds its discourse on forming alliances, establishing coalitions, undertaking decisions at various occasions (reference). In International Relations scholarship it is labelled as ‘credibility talk’ (Nye 2007, Mor 2012) and the concept of ‘credible commitments’ is well known in institutional economy (North 1993). […]

For the 1972 Convention it is even officially considered as its main characteristic: the 5 Cs of the World Heritage Convention start with Credibility on the first place, followed by: ‘Conservation’, ‘Capacity-Building’, ‘Communication’ and – since 2007 – ‘Communities’.

 […]

UNESCO Heritage Lists constitute a particular type of goods – policy tools. They are a particular form of a facility storing cultural elements (Hess, Ostrom, 2003). The value of a tool comes from its utility to its users and not from its amount under the disposal of users. In the case of the UNESCO Heritage Lists, their utility comes from their ability to perform the process of credible ontological transformation of a given cultural element. A cultural element is recognized by actors that govern it as an embodiment of Humanity’s cultural heritage, and the international community embraces, confirms this recognition.

Overexploitation of a tool should be understood as an application of the given tool in one or more cases which in consequence diminish its utility for subsequent applications. The lists can be overexploited, but they are indestructible in the context of their everyday use as policy tools. They could have shallow levels of credibility but the only way to ‘destroy’ them would be to change two UNESCO conventions, what is legally possible, but practically excluded as an option: unless there are additional protocols, containing provisions ceasing the existence of both Lists, that would be adopted and ratified by all States Parties to these Conventions.

The decrease in Lists’ credibility would lead to the devaluation of the process of ontological transformation provided by these tools. Heritage elements would be inscribed on the Lists, they would receive new ontological statutes, but these transformations would be considered unimportant, not valid or relevant by international community. Therefore actors who govern the Lists weigh up their interests in using the Lists against the overall credibility of the processes of selecting and safeguarding. Thus, the difficult task of governing the Lists is related to balancing between increasing number of elements on the Lists, States interests to inscribe as many heritage elements as possible and keeping at the same time Lists’ credibility. The way the actors perceive the issue of Heritage Lists ‘credibility’ shape the policies that they pursue: at all levels of governance.

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We have analysed the diverse ways actors in the global heritage production regimes use the notion of ‘credibility’ by identifying words in context and subsequent coding of summary records from the Intergovernmental Committee meetings (since the first one in 2006 to the last one in 2021, in the case of the 2003 Convention\(^{10}\), and from 2006 to 2011 in the case of the 1972 Convention, TBC: 2011-2021).

[TBC: summary of the findings]

**Interdependence**

Both lists are considered here a meta-cultural production (Kirschenblatt-Gimblett 2004): they transform ‘ordinary’ heritage of national or local character into a global, ‘extra-ordinary’ product: heritage of Humanity. They also create a specific, new, global context for all heritage elements inscribed: they do no longer exist solely in their primary social, economic, cultural and political environment. Since inscription they also belong to meta-reality: the reality created by the existence of the Lists.

The fact that elements are placed against each other leads to symbolical interaction between elements and between elements and Lists themselves. Lists could be seen as systems of mutually reinforcing elements. The credibility of one element increases the credibility of other elements on a List as well as the credibility of the whole List. This interdependence of the inscribed heritage elements and the list itself forces proprietors to be careful in introducing a new element on the List. They look for elements that already have gained independently a high level of credibility (such as globally recognised practice of yoga) to increase the credibility of other inscribed elements as well as the List itself. At the same time, they want to avoid introducing elements with a low level of credibility (e.g. heritage elements that could be ‘accused of’ infringing human rights or obligations of ‘mutual respect’). Those ‘rotten’ elements can ‘sink’ the credibility of the given List and other elements inscribed on it. Therefore, to establish the List’s credibility, its proprietors inscribed at the beginning of their existence some heritage elements with high initial, List-independent credibility (examples). They also limited access to the Lists as soon as it started to gain internationally recognized credibility.

**Deservingness**

[…] ‘Deservingness’ discourse is especially relevant for the analysis of social policy tools (access to health care, aid to the poor, the concept of welfare state). […]

‘The UN cultural body, UNESCO, warned it could remove Dresden's Elbe Valley in eastern Germany from the prestigious list of World Heritage sites, which would be a first in the 34-year history of the list. ‘The World Heritage Committee decided that plans to build a bridge across the Elbe would have such a serious impact on the integrity of the property's landscape that it

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\(^{10}\) The 2003 Convention entered into force in 2006.
may no longer deserve to be on the World Heritage List,’ the World Heritage Committee, which is meeting in the Lithuanian capital Vilnius, said in a statement
[...]
https://www.newtimes.co.rw/opinions/africa-deserves-better-showing-world-heritage-list
[...]

Excludability

Excludability related to the Lists has complex character. It shall be analysed here from the perspective of the Lists’ proprietors (Hess, Ostrom, 2003). In the case of UNESCO Heritage Lists, proprietors are States Parties to the 1972 and 2003 Conventions: as both Lists function on the basis and in the framework of these conventions. Thus, the most important exclusion from entering the Lists concerns non-States Parties to the Convention (with one exception of Russia in the case of the 2003 Convention11). Ratification of the Convention itself creates a first enclosure – only after being a State Party to the Convention one may try to submit nomination to the List, that operates according to the Conventional rules. However, after a country becomes a State Party to the Convention, there is no possibility to exclude any proprietor, because it is impossible to force a state to withdraw from any convention as long as it exists, meets requirements (e.g. for regional treaties) and wishes to remain a State Party. Nonetheless, there are diverse measures and procedures aimed at excluding states from using the Lists. The first one excludes an element from a list (de-listing), and the second one impediments inscribing a new element on the lists. In both cases, these are not States that are directly excluded from the List but their respective heritage elements. By de-listing heritage elements States that ‘abuse Lists’ are punished. They also encounter difficulties in inscribing their new elements into the system, because they are considered to have lost credibility as proper guardians of the ‘heritage of Humanity’. 
[...examples TBC]

Both conventions secure formal mechanisms for excluding elements from the Lists. If the condition of an element is deteriorating, and there is no feasible plan to improve its condition, the element is withdrawn from the list (‘de-listing’ procedure). In case of the 1972 Convention, before de-listing may occur, an element is transferred from the ‘main’ list: World Heritage List, into World Heritage List in Danger. The decision to place a site on that List is considered to be a form of sanction for the lack of proper management of the site inscribed into the ‘main list’12. In the worst case scenario, after being for designated time on the List in Danger and not improving the conditions in situ, the Intergovernmental Committee may decide to delete the inscribed heritage site. This occurred until now in three cases: the Arabian Oryx Sanctuary in Oman (in 2007), the Dresden Elbe Valley in Germany (in 2009) and Liverpool Maritime Mercantile City in the United Kingdom (in 2021).

In case of the 2003 Convention this situation happened by now only once. Carnival in Aalst, Belgium was the first case of removal in December 2019 under the charge of

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antisemitism from the Representative List in which no previous ‘interim measures’ existed (Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage, 2019a). Introducing interim measures, in-field consultations and inter-community mediation before the decision on de-listing is to be taken, is contained in the proposed changes to Operational Directives (Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage, 2021). If accepted this would constitute a form of gradual sanction. There are also few rules that allow postponing an element’s inscription on Lists if a state submitting an element has a history of mismanagement of cultural heritage sites and practices. So the excluding mechanisms exist but are not easy to implement, making exclusion a complex and context-dependent process.

[...examples of difficulties imposed on States considered as ‘lists-abusers’ TBC]

Subtractability

Another important characteristic of any good is its subtractability. Subtractability in case of Lists is associated with two facts: UNESCO lists are repositories of heritage elements, and each list’s credibility depends on the credibility of all other elements in this repository. If list is a repository/register of elements, thus it could be finite (if the registers capacity is achieved) or infinite. Whereas, potentially, a limit could have been introduced on the number of inscriptions to the list, the UNESCO Heritage Lists do not have any such limits. They are de iure open for an inscription of new cultural heritage elements. In other words: the ‘crowd’ on the List does not ‘consume’ the Lists in any material or tangible way. However the literature and practice shows that, as time goes by, it is more challenging to inscribe new cultural elements on the lists (reference). It is associated with the above interdependency of inscribed elements.

New potential element for inscription is always evaluated against many criteria. One of them is the category through which heritage element ‘enters’ the list: these could be cultural sites such as ‘old towns’ of the contemporary cities, palace complexes, cathedra, or coral reefs, falls, cliff shores in case of natural sites (1972 Convention). In case of intangible heritage these could be such categories as dances, music, embroidery, urban medieval festivals, animal training (falcons, horses) on the one hand or ginger baking, coffee preparation or pizza making on the other. It is no surprise that each inscription in the given category increases the difficulty for a next, similar element to be placed on one of the Lists. In other words, the subtractability of UNESCO Heritage Lists increases over time. Inherent interdependence of inscribed elements provokes the problem of ‘overrepresentation’, that could be traced in official UNESCO documents.

[...concrete examples: Warsaw Old Town and Dresden; Auschwitz-Birkenau Concentration Camp; Sauna tradition from Finland, flower carpet tradition related to the Corpus Christi, TBC].

Thus, subtraction takes place in a symbolic, not in tangible, physically palpable, space. This symbolic ‘space’ is created by the Lists, ‘crowded’ by inscribed heritage elements that ‘speak to each other’ (like texts do), communicate with each other and occupy place in that
space one to another. Therefore, each use of the List by a state (inscription of an element on the list) reduces the chances of inscribing the next element on the List. And the creative solutions start to appear.

[...]

The physical structure of material goods does not determine their attributes, only their cultural interpretation in the form of formal and informal rules. This observation is even more evident in the case of purely cultural entities like intangible cultural heritage or the two UNESCO lists. Instead of physical structure, they have their ‘cultural structure’. They are created and defined only in the symbolic dimension. Therefore, to ask to what degree a particular good is excludable or subtractable is equivalent to asking to what extent both attributes are enforced by rules attached to the good. Consequently, good's attributes are as static as static are rules governing the good.

This observation overlap with Rayamajhee and Paniagua's analysis, especially regarding excludability. This attribute of both Lists has changed over time because new regulations were introduced to enable the exclusion of elements from the lists. However, the change in subtractability is not related to the rules change on the usage of the list. Subtractability has changed because of the way they were constituted. Both tools are lists with, on paper, unlimited capacity but, in practice, with decreasing receptivity for new elements. The UNESCO lists show that goods attributes could change not because of changes in their context, not because of changes in rules assigned to them, but because of their constitutive features expressed in regulations.

3. The nature of tensions around the UNESCO Heritage Lists

UNESCO Heritage Lists as ‘public club goods’?

The above elaborations show that it is not an easy task to define the nature of the two Lists. Lists themselves are organizational, or more widely, cultural practices which should be seen more as dynamic processes than static products. We can observe that over time the Lists have become more excludable. Therefore we can place the two Lists at the border between public goods and club goods. In case of club goods, membership rules easily exclude others, but membership by one does not normally prevent others from also enjoying the benefits of membership, therefore exhibiting low subtractability. However, at the same time, the two Lists are moving towards greater subtractability – the Lists become ‘crowded’, specific categories (e.g. cities in case of World Heritage List or dances in case of Representative List) become ‘overrepresented’. Lists on the nominal level are always open for new elements (they are infinite), but it is increasingly difficult to inscribe new heritage element on the list in practice. Thus, states start to become more and more ‘creative’ in finding new categories, that would still meet the expected criteria of inscription. Subtractability of the Lists increases and the Lists are
in gradual move towards regimes defined as common-pool resources. ‘Using’ any of the two Lists by an actor slowly reduces the chance of using them in the same way by other actors.

Our findings are in line with the observations made by Rayamajhee and Paniagua, who state that ‘the attributes that are used to define a good's type, namely excludability and subtractability, are not static, binary concepts. Instead, these are institutionally contingent, malleable, and dynamic features that change over time’ (Rayamajhee Paniagua 2021, 86). We can expand their observations by adding that what makes goods attributes so dynamic is that they are always seen through culture. Goods, tangible and intangible alike, are always interpreted through the symbolic sphere. As noted by Hess: ‘

[...]

*UNESCO Heritage Lists as meta-commons*

Common resources are capable of being collectively governed by users in ways that support their needs yet sustain the resource over the long run (Foster, Iaione, 2019). ‘Capable’ means that they are not necessarily always governed in a sustainable way – but they have potential to be governed so. UNESCO Lists as policy tools were created to help governing heritage elements important for Humanity. This aim is achieved by two crucial functions performed by these tools: selecting and safeguarding. By selecting heritage elements we change the ontological status of these elements. This change of the element’s ontological status allows safeguarding: at the same time of the heritage element as well as whole 'heritage of Humanity'. The element’s existence and importance are recognized internationally, and this recognition safeguards it from eradication.

However, as policy tools that govern the heritage commons they might be considered as meta-commons: institutions aimed at governing other complex institutions.

[...]

4. Policy implications, limitations and challenges

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Conclusions

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