The Intangible and the Digital
Participatory Media Production and Local Cultural Property Rights Discourse

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Abstract
The 2003 UNESCO Intangible Heritage Convention specifies that communities are to be full partners in safeguarding efforts. Yet the notion of safeguarding has been complicated by the politics and mechanisms of digital circulation. Based on fieldwork in British Columbia and Thailand, I show that participatory 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. I argue that digital heritage initiatives can support decision making about the circulation—or restriction—of heritage while drawing attention to the complexities of safeguarding in the digital age.

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1. Introduction

In the last decade, I have worked on applied projects in visual and media anthropology in Canada and Thailand. In the course of this work, I have come to view participatory media production as central to ethical digital documentation and representation of culture, languages, and heritage. In this same period of time, UNESCO produced the Convention for the Safeguarding of the Intangible Heritage1 and the Charter on the Preservation of the Digital Heritage.2 Both of these policy documents have become important for thinking through a range of local practices and approaches to documenting and representing intangible heritage in the name of transmission to future generations. These documents, and my fieldwork experiences, have for me also highlighted local approaches to ownership and control of cultural heritage and its digital representation—what I discuss in this paper as local cultural property rights discourse—as central to the project of safeguarding.3

For example, between 2004 and 2007, I worked in collaboration with members of the Doig River First Nation, a Dane-zaa community in northeastern British Columbia, and a team comprised of

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[1] UNESCO, Convention for the Safeguarding of the Intangible Heritage, 2003
[2] UNESCO, Charter on the Preservation of the Digital Heritage, 2003
[3] This paper summarizes arguments from a forthcoming article: Kate Hennessy, "Cultural Heritage on the Web: Applied Digital Visual Anthropology and Local Cultural Property Rights Discourse". *International Journal of Cultural Property* (forthcoming).

folklorists, anthropologists, linguists, and interactive media specialists, to produce a Virtual Museum of Canada exhibit called Dane Wajich—Dane-zaa Stories and Songs: Dreamers and the Land.4 This virtual exhibit features oral narratives and song traditions relating to the history of Dane-zaa dreamers, also known as prophets,5 and a contemporary history of the Doig River community and territory as they negotiate their Aboriginal and treaty rights. In the course of producing this exhibit, which involved central participation of youth, elders, and community leaders, significant conversations emerged around the ownership and circulation of documentation of intangible heritage. The ensuing negotiations over intellectual property rights relating to archival documentation of intangible heritage, including what could be shared over the internet, and what should be restricted as private knowledge, represented an important process of articulating local cultural property rights that shaped the content of the virtual exhibit. Safeguarding, in this case, included keeping some elements of intangible heritage documentation out of the public domain.

I have also seen these dynamics echoed in fieldwork in northern Thailand. Between 2009 and 2011, I worked as a lecturer and resource person in the Sirindhorn Anthropology Centre's Intangible Heritage and Museums Field School in the northern province of Lamphun.6 In two of these field school seasons, I collaborated with students and members of the Buddhist temple community of Wat Pratupa to identify and document elements of endangered intangible heritage. We observed that at Wat Pratupa, digital media and internet-based circulation of documentation have been central in local efforts to safeguard local cultural practices. Like community-based media projects at the Doig River First Nation, these practices have also opened up spaces for the negotiations of local approaches to sharing, and to the articulation of local cultural property rights. However, where members of the Doig River community opted to keep sensitive heritage off the web, members of the Wat Pratupa community have defaulted towards more open sharing of heritage documentation, indicative of diverse approaches to safeguarding in the digital age.

In this paper, therefore, I look to a range of participatory media projects, including those I have described above, to argue that community-based productions of multimedia aimed at documenting, transmitting, and revitalizing intangible heritage are significant sites in which local cultural property discourses are articulated and put into practice. This is particularly important in the age of the 'born digital' ethnographic object, where heritage documentation can become subjected to unlimited circulation in the form of digital copies and remixes. National and local governments, heritage workers, anthropologists, curators—and, increasingly local stakeholders who represent their own cultures, languages, and histories—are some of the agents of transformation of intangible cultural expression into digital heritage. All play a role in determining what media documentation enters the public domain, and what remains privately managed at the local level. As Dorothy Noyes has argued, rather than reifying the concept of tradition as community managed heritage, folklorists, anthropologists, heritage workers, and

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[4] Doig River First Nation, Amber Ridington, and Kate Hennessy, *Dane Wajich—Dane-zaa Stories and Songs: Dreamers and the Land.* (Virtual Museum of Canada, 2007).
http://www.museevirtuel-virtualmuseum.ca/sgc-cms/expositions-exhibitions/danewajich/english/index.html
[5] For detailed ethnographies of Aboriginal prophet movements in the Canadian subarctic, see: Robin Ridington, *Trail to Heaven: Knowledge and Narrative in a Northern Native Community* (Vancouver and Toronto: Douglas and McIntyre, 1988); Jean-Guy Goulet, *Ways of Knowing: Experience, Knowledge, and Power Among the Dene Tha.* (Lincoln: University of Nebraska Press, 1998); June Helm, *Prophecy and Power Among the Dogrib Indians* (Lincoln: University of Nebraska Press, 1994).
[6] For more information and e-learning resources from to the Princess Maha Chakri Sirindhorn's Intangible Heritage and Museums Field School, please visit http://www.sac.or.th/databases/fieldschool/

policy makers should instead view local tradition as a vehicle for the "collective negotiation of intracommunity conflict".7 The projects I describe highlight processes of intra and inter-community negotiation of sensitive issues of ownership and cultural knowledge; while the digital is a common source of tension and anxiety, local responses and decisions vary across cultural, geographical, and historical contexts.

World heritage policies represent another dimension of the conversation. The UNESCO Charter on the Preservation of Digital Heritage, for example, states that "access to digital heritage materials, especially 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".8 But how, and when, is documentation of sensitive digital heritage differentiated from that suitable to be circulated in the public domain? In the name of safeguarding cultural heritage, how are decisions made about what should be made public, and which should be kept private? How can emerging anxieties and conflicts be productively channelled into the articulation of local cultural property rights discourse aimed at safeguarding? I argue that participatory media production projects aimed at documenting and transmitting cultural heritage create opportunities for this kind of decision making. The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, with its emphasis on the role of local communities as full partners in efforts to safeguard their cultural heritage,9 must be considered in relation to the universal access oriented discourse around digital cultural heritage. In the age of the 'born digital' ethnographic object, the safeguarding of the intangible and the digital must be understood as interwoven projects.

2. The Intangible and the Digital

While documentation of intangible heritage is only one aspect of safeguarding, it represents an important moment in the transition from intangible expression to digital cultural heritage. The proliferation of digital tools available at low cost for the increasingly interconnected projects of documentary recording, archiving, and sharing has amplified the scale of digital production in heritage conservation initiatives10 and has implicated digital documentation in processes of making media public and removing control over the circulation of heritage from local contexts.

In the following section, I look to UNESCO's definitions of intangible cultural heritage, safeguarding, and digital heritage to emphasize the role of participatory media production projects in creating space in which key decisions can be made about the ethical circulation of heritage documentation. How do these heritage policy definitions relate to a spectrum of on-the-ground practices of knowledge and information management in diverse global contexts? I begin to answer this question by describing a range of participatory digital media-based projects that offer insight into the potential of digital production to further local goals for 'safeguarding' cultural heritage in the digital age.

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[7] Dorothy Noyes, "The Judgment of Solomon: Global Protections for Tradition and the Problem of Community Ownership", *Cultural Analysis* 5 (2006), 28.
[8] UNESCO, *Charter on the Preservation of the Digital Heritage* (2003), Article 2.
[9] See Richard Kurin, "Safeguarding Intangible Cultural Heritage: Key Factors in Implementing the 2003 Convention," *International Journal of Intangible Heritage* 2 (2007): 10-20.
[10] A spectrum of projects, approaches, and critical responses to the use of new technologies in heritage conservation can be found in: Fiona Cameron and Sarah Kenderdine, eds. *Theorizing Digital Heritage: A Critical Discourse* (Cambridge and London: MIT Press, 2007); Yehuda E. Kalay, Thomas Kvan and Janice Affleck, eds, *New Heritage: New Media and Cultural Heritage* (London and New York: Routledge, 2008).

"Intangible cultural heritage" is defined in the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage as:

> …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.[11]

The Convention also details a process through which intangible heritage may be protected for future generations. The notion of 'safeguarding' in the Convention is described as:

> …measures aimed at ensuring the viability of intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of various aspects of such heritage. [12]

Article 15 of the Convention further emphasizes the role of cultural communities, groups and individuals in safeguarding initiatives, stating that:

> Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups, and where appropriate, individuals that create, maintain, and transmit such heritage, and to involve them actively in its management.[13]

Safeguarding, by these definitions, should depend on participation at the local level, rather than top-down intervention and control of intangible heritage initiatives. As Richard Kurin has emphasized, this Article in the Convention represents a shift in perspective on the role of culture bearers in determining best practices for safeguarding. He writes:

> Governments, or university departments or museums, cannot just assume that they have permission to define intangible cultural heritage and undertake its documentation, presentation, protection, or preservation. Community participation is meant to be significant and meaningful—involving the consent of community leaders, consultation with lead cultural practitioners, shared decision making on strategies and tactics of safeguarding and so on. Article 15 strongly empowers the community in the operation of and realization of the Convention.[14]

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[11] UNESCO, *Convention for the Safeguarding of the Intangible Heritage,* 2.
[12] UNESCO, *Convention for the Safeguarding of the Intangible Heritage,* 9.
[13] UNESCO, Convention for the Safeguarding of the Intangible Heritage, Article 15.
[14] Richard Kurin, "Safeguarding Intangible Cultural Heritage: Key Factors in Implementing the 2003 Convention," *International Journal of Intangible Heritage* 2 (2007), 15.

Local participation in safeguarding initiatives must therefore include more than decision making about what to include in inventories and lists of intangible heritage, or what to document; indeed, as Michael Brown points out, the discipline of anthropology "long ago concluded that documentation has only a modest role in the preservation of culture. To think otherwise is to make the classic error of mistaking the map for the territory it represents".[15] Rather, participatory processes of safeguarding should involve the creation of opportunity for the careful consideration of the implications of digital documentation, and the development of local strategies for determining which documentation can safely enter the public domain.

These considerations are important as the "digital heritage" becomes a focus of international preservation efforts. Digital heritage is defined in the draft Charter on the Preservation of the Digital Heritage as consisting 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 generations. This ever-growing heritage may exist in any language, in any part of the world, and in any area of human knowledge or expression.[16]

Like the definition of intangible cultural heritage, which seems to embody nearly every possible form of expression, so the digital heritage would seem to include nearly all of contemporary digital production. "Born digital" media–which represents an exponentially growing domain of digitally produced documentation of intangible cultural heritage—fits neatly into this definition. However, the Digital Heritage Charter also acknowledges the complexities of legal and ethical access to digital materials:

> 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.

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[15] Michael Brown, "Heritage Trouble: Recent Work on the Protection of Cultural Property," *International Journal of Cultural Property* 12 (2005), 48.
[16] UNESCO, Charter on the Preservation of the Digital Heritage, 2003, 1.

Member States may wish to cooperate with relevant organizations and institutions in encouraging a legal and practical environment which will maximize accessibility of the digital heritage. A fair balance between the legitimate rights of creators and other rights holders and the interests of the public to access digital heritage materials should be reaffirmed and promoted, in accordance with international norms and agreements.[17]

While the intricacies of implementing and policing access to digital heritage materials remain to be explored, I hold these definitions up against one another to emphasize the extent to which the intangible and the digital, and their related policy instruments and definitions, are connected through the act of documentation and circulation. The complexities of safeguarding intangible cultural heritage in the digital age are not adequately reflected in current policy documents, even though the need for stakeholder participation and attention to digital heritage access are acknowledged. Museum scholar Fiona Cameron laments the lack of critical discourse around digital heritage, even though the "ascription of heritage metaphors to cultural materials in a digital format means that digital media has become embedded in a cycle of heritage value and consumption, and in the broader heritage complex".[18] With emphases on ensuring maximum public access through programs like "Information for All" and "Memory of the World", the UNESCO *Charter on the Preservation of the Digital Heritage*, for example, is seen to exemplify the induction of digital cultural heritage materials into broader dynamics of globalization and heterogenization.[19] As Michael Brown points out, major heritage policy documents 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 something that properly belongs to, and remains controlled by, its community of origin".[20] Jane Anderson has further explored the 'anxieties' associated with access to and circulation of the contents of colonial archives; she describes a growing tension in which Indigenous communities are demanding recognition as legitimate authors and owners of documents representing their cultures, but are faced with the reality that legal ownership is granted to the individual who made the documentation (a photograph, an audio recording, a video recording, and so on). According to Anderson, these archival materials are anxiety inducing because they often do not reflect contemporary cultural identifications and desired representation, or their anticipated use and circulation.[21] Participatory processes can represent moments of negotiation—even conflict—over what to circulate publicly and what to manage privately, determining how and if the products of intangible cultural heritage safeguarding initiatives should become a part of the world's digital heritage. The resulting tensions and anxieties are exacerbated in discourse and practices related to the production of digital heritage, making local participation in documentation of the intangible and the digital increasingly relevant.

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[17] UNESCO, Charter on the Preservation of the Digital Heritage, 2003, 2.

[18] Fiona Cameron, "The Politics of Heritage Authorship: The Case of Digital Heritage Collections" in New Heritage: New Media and Cultural Heritage, Yehuda E. Kalay, Thomas Kvan and Janice Affleck, eds. (Cambridge and London: MIT Press, 2007), 71.

[19] Fiona Cameron, "Beyond the Cult of the Replicant: Museums and Historical Digital Objects—Traditional Concerns, New Discourses," in Theorizing Digital Cultural Heritage: A Critical Discourse, Fiona Cameron and Sarah Kenderdine, eds. (Cambridge and London: MIT Press, 2007).

[20] Michael Brown, "Heritage Trouble: Recent Work on the Protection of Cultural Property," *International Journal of Cultural Property* 12 (2005), 48.

[21] Jane Anderson, "Anxieties of Authorship in the Colonial Archive," in *Media Authorship*, C. Chris and D. Gerstner, eds. (London: Routledge, forthcoming 2012).

3. Participatory Media Production and Local Cultural Property Rights Discourse

As I will describe below, documentary practices and related negotiations, conflicts, and dynamics create opportunity for the discussion of ownership and ethical circulation of cultural property. The following case studies represent a spectrum of techno-mediated approaches to safeguarding heritage in the digital age, in which the articulation of local cultural property rights discourse plays a central role. I begin with a series of examples from the Pacific, North America, and Australia, and then move on to describe my own fieldwork in northern British Columbia and Thailand.

As a first example, Guido Pigliasco's collaborative production of a cultural heritage DVD and archive with the Sawau Tribe of the island of Beqa, Fiji became a process of negotiation of intellectual property issues.[22] *The Sawau Project* focuses on the reclamation of documentation of the *vilavilairevo*, the Sawau practice of firewalking. In past decades, the *vilavilairevo* has been widely circulated and commodified, but has now been claimed by the tribe as their own to control and perform.[23] The DVD project, which uses the geography of Beqa as its framework for navigation of content, is an archive of repatriated documentation of the *vilavilairevo* and video vignettes detailing the origins of the firewalking tradition. Engaging with this media and the meaning of this element of Sawau intangible heritage required the negotiation of anxieties associated with the sharing of digital media. The successful completion of the DVD project required the collective expression of a local cultural property rights discourse to make decisions about what could be shared, and what would be safeguarded offline. Ultimately, project participants made the decision to limit the circulation of their project, restricting it to locally shared DVDs instead of web-based access, thereby reducing participation in the ongoing appropriation of practices belonging to the Sawau people.

In another example, Jason Baird Jackson describes Woodland Indian digital documentary practices in the contexts of cultural performance and ritual.[24] He makes the observation that as new recording technologies have become available, Indian peoples in Oklahoma who are concerned with the conservation of ancestral forms of music, dance, and ritual have actively integrated digital documentation into their production of digital archives for educational and personal use. He notes that these practices have emerged along with anxiety and tension about the potential commoditization of documentation, and the loss of ceremonial leaders to control how recordings are used. Woodland digital documentary practices, which include the use of cell phones, video cameras and other ubiquitous technologies "…have unfolded within a local intellectual property (IP) system rooted more broadly in tribal regional cultures and social norms".[25] At the same time, Jackson argues that these same practices can be found to be in contravention of World Intellectual Property Organization (WIPO) treaties, therefore potentially subject to massive, bankrupting fines—demonstrating significant tensions between local practices and regimes of ownership, and global heritage policies that aim to protect these same practices. Safeguarding cultural heritage, in these contexts, is more complex than ascribing to specific international policies; as Jackson

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[22] Guido Carlo Pigliasco, "Intangible Cultural Property, Tangible Databases, Visible Debates: The Sawau Project," *International Journal of Cultural Property* 16 (2009):255-272.
[23] Kate Hennessy, "A Ituvatuva Ni Vakadidike E Sawau: The Sawau Project DVD," *Visual Anthropology Review* 25(1, 2009): 90-92.
[24] Jason Baird Jackson, "Boasian Ethnography and Contemporary Intellectual Property Debates," *Proceedings of the American Philosophical Society* 154 (1, 2010): 40-49.
[25] Ibid, 44.

convincingly argues, both the Free Culture movement (as described by Lawrence Lessig, for example[26]) and intellectual property solutions presented by WIPO and others place local communities in contradictory positions that have yet to find resolution.

Kimberly Christen's work with Warumungu people in Australia, and with Native American tribes in the United States, further shows how the collaborative design and implementation of digital heritage archives can create opportunities for the negotiation and articulation of local cultural property rights discourse.[27] Her work on the development of the *Mukurtu*[28] open-source cultural heritage management system has generated insight into the wide spectrum of approaches to local heritage management that Indigenous peoples in particular are seeking to meet their contemporary needs for safeguarding their cultural property. Mukurtu gives local communities the opportunity to define culturally appropriate access to heritage documentation by customizing the Mukurtu database to meet their particular needs. In this way users are able to engage in decision making around the definition what should be made public, and what should remain private, or which media should remain somewhere in between, circulating within the "proper" systems of knowledge exchange and supporting off-line, everyday social and cultural interactions that involve the limited exchange of cultural knowledge. The Mukurtu archive, and the related Plauteau Peoples' Web Portal are both built on principles of "respectful repatriation" that aim to support such ethical circulation of cultural property.[29]

3.1 From Canada to Thailand

These dynamics of media production and negotiation of representation of culture and language have also been reflected in my fieldwork in Canada and Thailand. For example, linguistic anthropologist Patrick Moore and I identified similar outcomes in our study of endangered language documentation among members of the Carcross-Tagish First Nation in the Yukon Territory in northern Canada.30 Working in partnership with the First Peoples' Cultural Foundation to document the Tagish language, and upload documentation to the language archiving website FirstVoices.com, we observed that project participants created an environment in which elders and youth were able to articulate an Indigenous language ideology in resistance to the values and historical practices of residential schools and a history of control of native language revitalization by outside organizations. In this environment, local control over language revitalization efforts was facilitated by a collaborative relationship with archiving and technical consultants at FirstVoices.com. Participants placed emphasis on the holistic nature of language and culture, showed preference for traditional modes of social interaction, and demonstrated the centrality of elders' knowledge in the language revitalization process. The digitally mediated space created through partnership with the First Peoples' Cultural Foundation also functioned to connect language revitalization efforts to broader Carcross-Tagish discourse around political authority, land claims, and cultural identity. During my work with the Doig River First Nation between 2004 and 2008, I co-curated (with Amber Ridington) a collaboratively produced Virtual Museum of Canada exhibit of oral narratives and song

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[26] Lawrence Lessig, *Remix: Making Art and Commerce Thrive in the Hybrid Economy* (New York: The Penguin Press, 2008).

[27] Kimberly Christen, "Opening Archives: Respectful Repatriation," *American Archivist* 74 (2011): 185-210.

[28] *Mukurtu CMS*, http://www.mukurtu.org/. Accessed Aug. 24, 2012.

[29] Kimberly Christen, "Opening Archives: Respectful Repatriation," *American Archivist* 74 (2011): 185-210.

[30] Patrick Moore and Kate Hennessy, "New Technologies and Contested Ideologies: The Tagish FirstVoices Project," *American Indian Quarterly* 30, no. 1&2 (2006):119-137.

called Dane Wajich—Dane-zaa Stories and Songs: Dreamers and the Land.31 The project drew on archival ethnographic documentation created in Dane-zaa communities by anthropologists Robin Ridington, Jillian Ridington, and Antonia Mills over the last forty years.32 It re-presented these media alongside contemporary documentation of narrative and song that we had created in collaboration with members of the Doig River community in the course of the virtual exhibit production.

As I have described elsewhere33, Dane Wajich was developed using an open, participatory production process that was guided by elders and community leaders. It involved Doig River First Nation youth in central roles as media documentarians and organizers. Project planning meetings were recorded, some of which became central elements of the virtual exhibit for the way they demonstrated a Dane-zaa methodology for intangible heritage documentation. One such meeting took place in July of 2005 in the Doig River gymnasium. Elder Tommy Attachie spoke to a group of community members and project participants assembled to plan the project. His focus was a painted moose hide drum skin that had been made by a Dane-zaa prophet named Gaayęą one hundred years before; the drum had been brought to a meeting by its caretaker, former Chief Garry Oker, who played a central role in project planning. Tommy Attachie used the drum, which featured a map of heaven dreamed and painted by Gaayęą, to connect the history of Dane-zaa prophets to material culture, oral narrative, and land. He also used his knowledge of the drum—its history, and its significance in the present—to define a methodology for documenting Dane-zaa intangible cultural heritage. In the weeks that followed the performance of this narrative, our group travelled to seven sites in Dane-zaa territory where elders, youth, ethnographers and linguists recorded videos documenting life histories, traditional narratives, and histories of Dane-zaa dreamers. Between 2005 and 2007, our project team then worked to develop and complete the virtual exhibit, consulting with Chief and Council, elders, and community members from the storyboarding pre-production process through to official exhibit launch.

In the course of these consultations and design sessions, however, important questions were raised about the ownership and control of archival recordings of Dane-zaa dreamers, as well as the appropriateness of showing images of dreamers drawings, like the one featured on Gaayęą's drum, to the public over the Internet. Objections were raised in a neighbouring Dane-zaa community by desendants of another prominent dreamer, Charlie Yahey, about the use of the image of their ancestor in Doig River's media project. Ultimately, the Doig River Chief and Council had to make a decision, taking into account varying positions held by members of the community, about how to proceed. The decision was made to remove all images of dreamers drums from the virtual exhibit, in order to respect traditional care and handling of dreamers drums, which had included keeping them out of public view, except in special circumstances. The decision was also made to respect the intellectual property rights being claimed by the desendants of Charlie Yahey, which meant no longer using media that documented him in the exhibit. At Doig River, meaningful local participation in digital documentation of intangible cultural heritage, and

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[31] Doig River First Nation, Amber Ridington, and Kate Hennessy, *Dane Wajich—Dane-zaa Stories and Songs: Dreamers and the Land*. (Virtual Museum of Canada, 2007).
http://www.museevirtuel-virtualmuseum.ca/sgc-cms/expositions-exhibitions/danewajich/english/index.html
[32] Robin Ridington and Jillian Ridington, "Archiving Actualities: Sharing Authority with Dane-Zaa First Nations," *Comma* 1 (2003):61-68; Robin Ridington and Jillian Ridington, *When You Sing it Now, Just Like New: First Nations Poetics, Voices, and Representations* (Lincoln and London: University of Nebraska Press, 2006).
[33] Kate Hennessy, "From Intangible Expression to Digital Cultural Heritage," in *Safeguarding Intangible Heritage*. Michelle Stefano, Peter Davis, Gerard Corsane, eds. (London: Boydell and Brewer, 2012), 33-46; Amber Ridington and Kate Hennessy, "Building Indigenous Agency through Web-based Exhibition: Dane Wajich—Dane-zaa Stories and Songs: Dreamers and the Land," *Proceedings of Museums and the Web*, 2008. Accessed Aug. 22, 2012.
http://www.museumsandtheweb.com/mw2008/papers/ridington/ridington.html

the subsequent presentation of oral narratives, photographs, and other media, opened up space for negotiation and debate over ownership and control of Dane-zaa cultural heritage and its circulation in digital form.

I observed similar dynamics in my fieldwork in Thailand. Between 2009 and 2011, I worked as a lecturer and resource person in the Intangible Cultural Heritage an Museums Field School in Lamphun, northern Thailand, organized by the Sirindhorn Anthropology Center and UNESCO, Bangkok. The goal of the fieldschool is to introduce students from the Mekong Delta region to a wide range of practical issues, debates, case studies, and critiques of the 2003 ICH Convention. Over the last two field school seasons, I collaborated with students and the temple community of Wat Pratupa, one of the field school research sites, to document and represent locally-identified endangered elements of intangible heritage. At Wat Pratupa, local heritage documentation activities and digital circulation of representations of intangible heritage over the Internet have created opportunities for the negotiation and articulation of local cultural property rights discourse.

Wat Pratupa's Assistant Abbott, Phra Patiphan Puriphanyo, is the creator and Webmaster of a site called www.muanglamphun.com, on which, at that time, he regularly posted local documentation and news related to temple activities and documentation of local traditions, festivals, and practices. The website, and its related Facebook page, were being used as a strategy for circulating the distinct practices of Wat Pratupa's ethnic Yong community. In 2010 and 2011, I worked with students to explore some of these practices; first, we looked at issues related to the safeguarding of ethnic Yong poetic narratives called Kap Kalong, which reiterate the history of ethnic Yong migration from Burma, and details contributions of families and individuals to the Buddhist merit-making festival, the Salak Yom; the following year, we collaborated with the Assistant Abbott and community members to produce a short documentary video about local efforts to revitalize and protect the endangered Yong language.[34] This video and other field school documentation were circulated on www.muanglamphun.com and the related Facebook page.

Wat Pratupa's current approach to sharing documentation of their intangible heritage, I learned, was largely shaped in the process of developing the temple website. The site and Facebook page first featured extensive photographic documentation of the Salak Yom festival, historical photographs that the Assistant Abbott had collected from members of the community, and representations of other local traditions that had been identified as in need of protecting and publicizing. However, it was the decision to document and share images of sacred material culture owned by Wat Pratupa—specifically, the contents of a Buddhist palm-leaf manuscript and a rare wooden Buddha carving—that stimulated local discussion about the benefits and risks of digital documentation in the service of safeguarding heritage. After images of the Buddha and manuscript were posted on the website, villagers were surprised by the outside interest they generated, including the arrival of non-local filmmakers seeking to make a documentary about the valuable collection. With new awareness of the digital visibility of the collection, members of the community began to worry about the physical safety of the objects. Yet these events, and the anxieties that they produced, resulted in local decision making about appropriate digital circulation of heritage documentation. Eventually, the Assistant Abbott told me, it was decided that it was advantageous to share images of significant sacred objects in the Wat Pratupa collection, because the original objects could be kept safe and out of public view, protected from thievery. He told me:

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[34] Sirindhorn Anthropology Centre, "Because We Are Yong," Video, 2011 (7 mins 12 sec). Produced by Tashi Dendup, Kate Hennessy, Nalina Gopal, Aynur Kadir, Inpone Thephetlusy, and Aree Tirasatayapitak, and Apinan Thammasena. Accessed Aug 20, 2012, at http://www.youtube.com/watch?v=jGwgLiJ1bYE&feature=plcp

There's an idiom saying, 'If you swallow, it disappears; if you spit it out, it remains'. No matter how wise you are, if you don't have a disciple, your wisdom goes to waste. But if you teach your disciples, your knowledge transcends your own life. It doesn't matter if replicas were created, because a genuine is still a genuine. In fact, there are even more watchers than before because there are more people who are aware of these significances. A sense of ownership keeps growing, which may lead to two different strategies: increased security measures, or increased studies and revitalization. The decision depends on the conservators and the community... Let the knowledge spread in the community.[35]

4. Conclusion

In this paper, I have presented examples from the field that locate the production and circulation of digital heritage as central in debates over local cultural property rights. Participatory media production processes, where the transformation of intangible cultural heritage into digital heritage takes place, represent important moments in which community-based negotiation of the control of documentation and cultural representation can take place. These negotiations, as I have described, can include the definition of appropriate methodologies for intangible heritage documentation and the digital circulation of representations of local material culture, archival media, and intangible expressions. These locally defined processes of cultural heritage documentation and their negotiations facilitate the development of local approaches to controlling cultural property, which will range from restrictive to more liberal, depending on content and context. These processes and negotiations are particularly important in relation to world heritage policies, leading to the question: how can international policy instruments better acknowledge and support the range of on-the-ground approaches to cultural property and safeguarding? The Intangible Cultural Heritage Convention and the Digital Heritage Charter should be considered and implemented with awareness of the complexities and diversity of local cultural property rights discourse. State parties, heritage workers, and community members should be encouraged to take necessary steps to ensure that meaningful participation in intangible and digital heritage safeguarding initiatives includes space for the negotiation of diverse approaches to ownership and circulation of cultural heritage.

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[35] Phra Patiphan Phangwana, Interview conducted by Kate Hennessy, August 18, 2011, Lamphun, Thailand. Translation by Linina Phuttitarn.