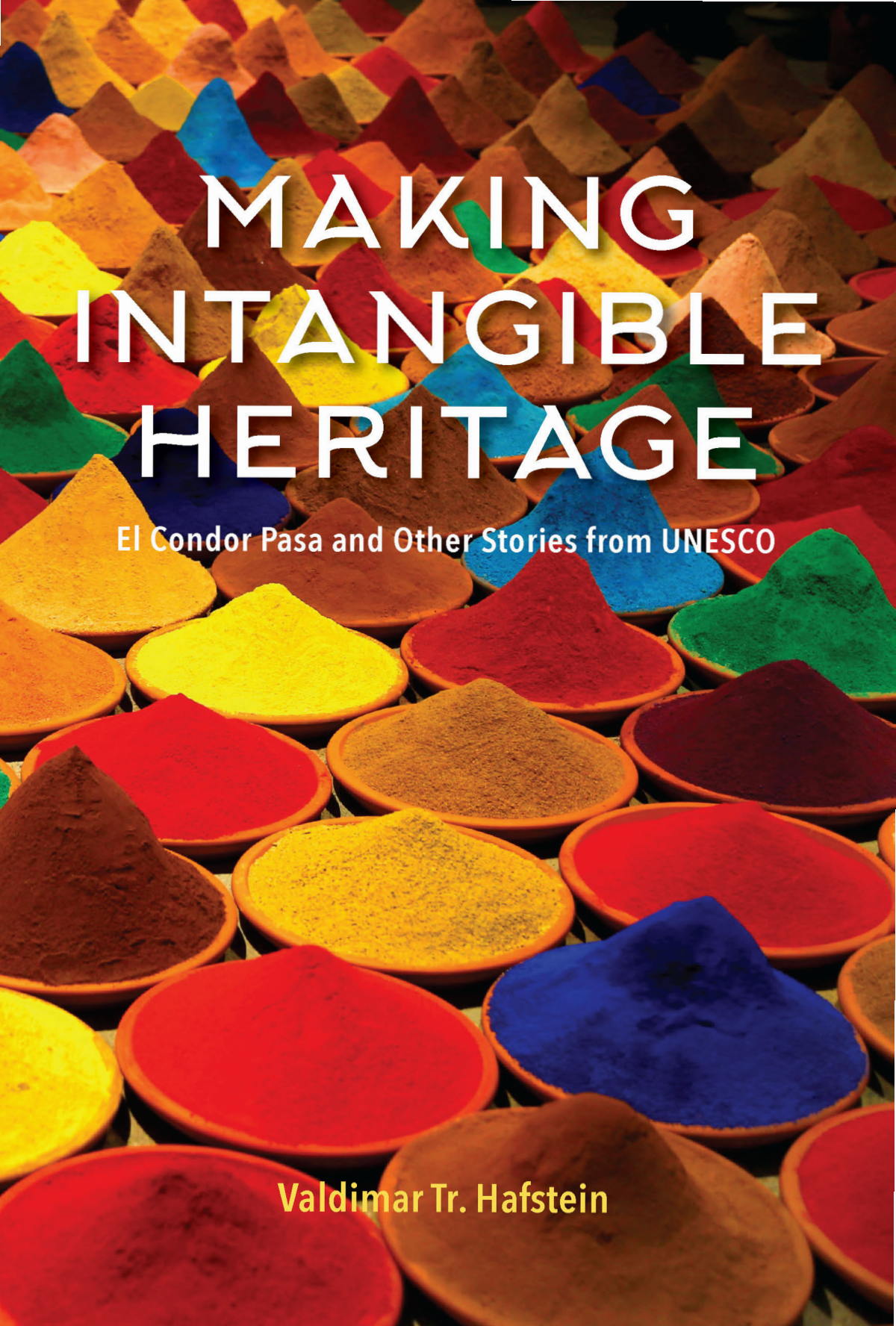
MAKING
INTANGIBLE
HERITAGE
El Condor Pasa and Other Stories from UNESCO
Valdimar Tr. Hafstein

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INDIANA UNIVERSITY PRESS

This book is a publication of

Indiana University Press
Office of Scholarly Publishing
Herman B Wells Library 350
1320 East 10th Street
Bloomington, Indiana 47405 USA

iupress.indiana.edu

Cataloging information is available from the Library of Congress.

ISBN 978-0-253-03792-3 (hardback)
ISBN 978-0-253-03793-0 (paperback)
ISBN 978-0-253-03794-7 (ebook)

1 2 3 4 5 23 22 21 20 19 18

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CHAPTER 2

Making Threats

The Condor's Flight

This is a book about intangible heritage—about how a new concept and category comes into being and goes to work in the world. It is a book about folklore, about cultural practices and expressions, and about what happens to them when they come under the sign of intangible heritage. It is about how intangible heritage was made, and how it makes, forms, and transforms the expressions and practices within its purview. It begins with a story. With a twisting plot, a colorful set of characters, and a red herring, this story recounts the origins of intangible heritage and how it was inscribed on the international agenda.[1]

The story opens with a letter. Before the letter, a song. We will get there soon enough. In the top right-hand corner, a place and a date:

La Paz, April 24, 1973

Addressed to UNESCO's director-general, the letter is sent from the Ministry of Foreign Affairs and Religion of the Republic of Bolivia. Its opening paragraph announces:

> My ministry has made a careful survey of existing documentation on the international protection of the cultural heritage of mankind.

This survey found that all existing instruments

> are aimed at the protection of tangible objects, and not forms of expression such as music and dance, which are at present undergoing the most intensive clandestine commercialization and export, in a process of commercially oriented transculturation destructive of the traditional cultures. (UNESCO 1977)

I had heard many people refer to this letter when, with help from UNESCO's archivist, I dug it up from the organization's archives in the basement of its Paris headquarters. It took a bit of searching. The letter is brief, but a detailed memorandum accompanies it. Here, the Bolivian minister impresses upon the international community how urgent it is to take action:

> The current revalorization of folk arts due to their notable invasion of the consumer market is currently giving rise to the *de facto* situation of which the following examples afford a rundown. (UNESCO 1977)

The examples follow, three in number (as in all good stories), testifying to just how bad things were:

> In the musical sphere, there are instances of melodies being wrongfully appropriated by persons unconnected with their creation who register them as their own compositions to secure to themselves the benefits conceded by copyright regulations. This leads, amongst other things, to the debasement of the folkishness of the piece. (UNESCO 1977)

"In the sphere of the dance," the minister continues, folk dances are

> appropriated by other countries wholly unconnected with their genesis to be passed off by them, even in international competitions, as folk dances of their own. In the particular case of Bolivia which, owing to its geographical situation, suffers greatly from depredations of this kind, certain organizations from neighboring countries go so far as to send here [for] complete sets of costumes for the main Bolivian folk dances, and engage "embroiderers," "mask makers" and even choreographers (of peasant "folk" origin) to organize this switching or deliberate non-spontaneous transculturation process which amounts to the filching and clandestine transfer of another people's culture. In this way, the creator peoples gradually lose their folk-art assets, while others, with better financial facilities, present as their own what was never a part of their tradition. The themes may, in some cases, be similar, but the décor and choreography are usurped. (UNESCO 1977)

The third example is crafts. "In the realm of popular art," writes the minister,

> which likewise forms part of national folklore and which has, at present, a large consumer market, there are similar filchings, as in the case of countries which reach the point of industrializing themes and techniques from the traditional patterns of the cultures of particular population groups and offering them at cut prices on the international markets with no statements of origin—a process which, in addition to lowering the quality of the objects, means the "submarginalization" of large population groups who often depend for their livelihood on this paying work. (UNESCO 1977)

Note the plaintive vocabulary of misappropriation in the minister's letter and memorandum. It is there in every other sentence: "export," "invasion,"

"appropriation," "depredation," "switching," "filching," "clandestine transfer," "loss," "usurpation," and (my personal favorite) "deliberate non-spontaneous transculturation process."

Export is one: the problem is foreigners. This is a national problem, in other words—a challenge to national culture—and therefore also an international problem, because borders are permeable and no one patrols the circulation of culture across them. The term *invasion* suggests acts of aggression, even if they are commercial in their motives and means.

Filching, *usurpation*, *depredation*: so many ways to name a thief. The colorful lexicon of theft in the minister's letter emphasizes ownership. It goes to support the minister's main point, namely, that folklore should be considered cultural property controlled by states, on the model of UNESCO's Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, adopted two and a half years before the letter was drawn up:

> The international conventions drawn up by UNESCO now provide protection for anonymous works in the domains alike of archeology and of the plastic arts, but it has only been thought fit to do this in respect of tangible objects, and not of forms of artistic expression transitory in time and space, such as music and dance, but none the less, works of art which are, today, subject to the most intense clandestine commercialization and export, despite the fact that they form part of States' cultural heritage. (UNESCO 1977)

Consider the actors and owners here: the states. According to the Bolivian letter, these artistic expressions form part of "States' cultural heritage." This is no slip of the pen:

> The Bolivian Government, by Supreme Decree No 08396 of 19 June 1968, has proclaimed State ownership of the folk music (anonymous, popular and traditional) of its territory, of the music currently being produced by unidentified composers in peasant and general folk groups and of the music of Bolivian composers deceased 30 or more years ago.
>
> Legislation extending the application of these measures to folk dance, popular art and traditional literature is in process of enactment.
>
> The Government of Bolivia, in informing the Director-General of UNESCO of these decisions taken in the exercise of its legitimate authority and of its ownership of expressions of folk art, ancient or modern, which have grown up or become traditional on its territory, of anonymous works at present performed by ethnic or folk groups, and of works by composers deceased 30 or more years ago, would indicate that the national registers of these forms of cultural property are scientifically checked by specialist researchers. (UNESCO 1977)

Enter the folklorists, ethnologists, anthropologists, historians, and heritage workers: "specialist researchers" corroborating national registers of cultural

property.[2] Nearly half a century later, UNESCO's Convention for the Safeguarding of the Intangible Cultural Heritage still envisions a similar role for us in what are now called national inventories of intangible heritage.

The Bolivian letter serves as the opening salvo in UNESCO's own account of the origins of the Convention for the Safeguarding of the Intangible Cultural Heritage, also known as the Intangible Heritage Convention. In spring and summer 2003, in a meeting room in UNESCO's headquarters in Paris, I listened to a Bolivian rapporteur in an intergovernmental meeting stress the importance of finishing the convention, "preferably this year," then pause for dramatic effect before adding: "There is thirty-years' worth of work behind this, at the international level as well as at the regional and national levels. This process has been brought to maturity." His "thirty-years' worth of work" refers back to La Paz, April 24, 1973, when another Bolivian statesman signed the letter to UNESCO's director-general. When finally I unearthed this letter from the archives, I was blown away by just how closely the work still being done follows the formulations of the Bolivian minister, for better and for worse. I will have cause to refer to it elsewhere in this book.

The third session of the Intergovernmental Meeting of Experts on the Preliminary Draft Convention for the Safeguarding of the Intangible Cultural Heritage took place over two weeks in June 2003. It met in a large conference room in the basement of UNESCO headquarters at Place Fontenoy in Paris. I attended the meeting in the capacity of an "expert" on the Icelandic delegation. As such, I was alphabetized by state ("Islande") and sat to the right of the Indian delegates (the Iranians were absent, as were the Iraqis, who did not command a sovereign state at the time). On my right-hand side sat Guðný Helgadóttir, head of the delegation and the only other delegate in attendance from Iceland. I had a headset on one ear and turned the other toward Guðný. Next to the headset plug-in was a knob where I could switch back and forth between simultaneous translations in French and English. A microphone stood on the desk in front of us. Behind us, the Doric columns of the Parthenon commanded the room in a giant rendition of the UNESCO logo, reminding delegates of the gravity of their mission, no more and no less than to uphold civilization. In front of us, the chair, secretary, and rapporteur faced us from an elevated stage, flanked by two giant screens with the draft text of the convention in English and French.

At one point, I had drinks with the Swedish delegate, Peder Bjursten, after a long day of drafting and diplomacy at Place Fontenoy. Neither of us had much experience with meetings like these and we agreed that participating in this one was at once fascinating and tedious, like being an extra on the set of a James Bond film. Bjursten reminded me of the opening scene of the 1973 film *Live and Let Die*, in a meeting room much like the one in Paris, where a Hungarian delegate is addressing the United Nations General Assembly. The camera pans past

Fig. 2.1 Death of a diplomat. Film still from *Live and Let Die* 1973. ©MGM Studios.

a number of national delegations, each with a sign on the desk in front of them and headsets on their ears, just like us. The camera then pans up to the translators' booth where a black hand emerges from off screen. It switches plugs in the unit connected to the headset of a drowsy British diplomat, replacing the soothing hum of simultaneous translation with a deadly, pulsating noise that swiftly bleeps him to death. The hand belongs to Dr. Kananga, a dictator from the fictitious Caribbean island of "San Monique." Bjursten and I both reached up instinctively and touched an ear.

According to the Secretariat Report, 249 participants representing 103 member states took part in this third session, in addition to ten delegates from UNESCO's three permanent observation missions, and representatives from two intergovernmental organizations (IGOs) and five nongovernmental organizations (NGOs). In fact, no more than half that number of people took part. I only noted one NGO in the room. It is fascinating how wide the gap is between official reports and what one actually observes at these meetings; I mention the number of participants only by way of illustration. The reports tend to gloss over conflicts, omit confrontations, and downplay disagreements all the while emphasizing points of convergence and insisting on consensus, even in its absence (see James and Winter 2017, 11). In fact, they are instrumental in creating the convergence

Fig. 2.2 Author at UNESCO's General Conference in 2011 with Einar Hreinsson, Secretary-General of Iceland's National Commission for UNESCO. Author photo.

they portray. Observing such discrepancies, one soon learns not to take the official presentation at face value but to read against the grain of these documents. In fact, nothing ought to be taken at face value. Behind the scenes, there are always other negotiations, ulterior motives, strategic alliances, and historical logics. To understand the process and the outcome, it is crucial at every stage to put it into larger context. All that I gathered from participant observation and personal communications is fundamental to my understanding of the process, supplemented by archival sources and, well, experience. As noted in the previous chapter, since the Intangible Heritage Convention entered into force in 2006 (once thirty states, including Iceland, had ratified it) I have served as an Icelandic delegate to the General Assembly of the States Parties to the convention and as official observer of a meeting of the Intergovernmental Committee in charge of executing the convention, as expert consultant to the Swedish government on its ratification and implementation, and, in 2011–2012, as the chair of the Icelandic National Commission for UNESCO.

In the course of my research, before and after the adoption of the convention, I often heard references to the Bolivian letter. Some were brief and condensed, such as the "thirty-years' worth of work," while others developed into full-blown

narrative form. I think very few people had actually read the letter—they would have had to dig deep in the archives to do so—but that did not stop anybody from making it a cardinal reference in their story of how UNESCO came to concern itself with intangible heritage: The Bolivian minister had inscribed it on the international agenda.

When UNESCO personnel, delegates, diplomats, and experts refer to the letter from Bolivia to explain why we are here (at work, in the office or meeting room or café or conference call) or to stress how long we have been here, they are engaged in what students of business administration call "organizational storytelling." The genre in which they speak is what folklorists call an "etiological narrative," that is, an account of how something came to be.

Within UNESCO, like other organizations, storytelling is rife. Moving in diplomatic circles or reading how the organization presents itself and its work in its own publications, one comes across other official stories of origins, recounting, explaining, and justifying some of its other endeavors. Stories told about the World Heritage Convention from 1972 recount how international cooperation in UNESCO's Nubia Campaign rescued the Abu Simbel temples and other monuments from the Nubian Valley in the 1960s before the Aswan High Dam submerged the valley in water—"a defining example of international solidarity when countries understood the universal nature of heritage and the universal importance of its conservation" (UNESCO World Heritage Centre 2009). The monuments were relocated beyond the reach of the flood, to the shores of the reservoir, Lake Nasser, and to the Sudan National Museum in Khartoum, and the success of these salvage operations demonstrated the necessity of international cooperation to protect cultural heritage. So the story goes (UNESCO 1982). There is more to it, of course. The forced displacement of the inhabitants and the destruction of their villages remains untold. So too does the disappearance of mud-brick building, a vernacular form of architecture that relied on alluvial mud no longer deposited by the Nile but trapped behind the dam (Mitchell 2002). And the larger political context is also crucial to understanding the "heritage diplomacy" of the Nubia campaign. As Tim Winter remarks, "With the Soviet Union providing financial assistance for constructing the dam that would lead to the flooding of the valley further south, Abu Simbel presented a number of Western allies the opportunity to assemble for a diplomatically expedient initiative, a project UNESCO has subsequently described as a 'triumph of international solidarity'" (2016, 19; see also Carruthers 2016; Betts 2015; Allias 2012).

The international community came together once more in 1966 to save the built heritage of Venice from sinking into the Mediterranean in the wake of disastrous floods, rallying experts and resources in an effort orchestrated by UNESCO (Di Giovine 2015). These campaigns are cited time and again in storytelling about the origins of the World Heritage Convention: the way the story goes, member states of UNESCO created the convention to confirm their

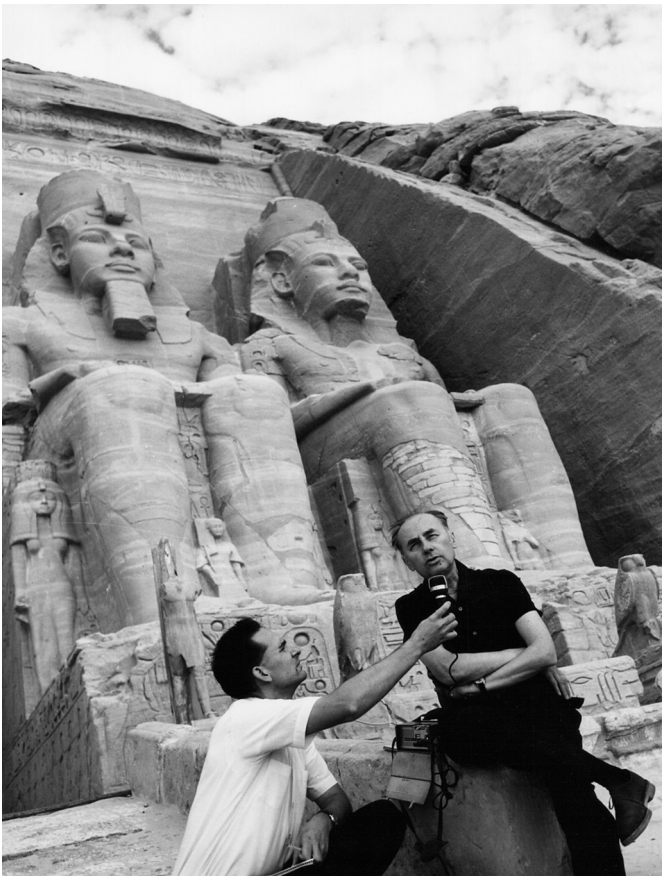


Fig. 2.3 René Maheu, UNESCO's Director-General, at the inauguration ceremony of the Abu Simbel Temples in 1968. ©UNESCO.

commitment to the cooperation fostered by the "Save Nubia" and "Save Venice" campaigns. By becoming parties to the convention, they pledged to go on working together to save heritage of outstanding universal value.

Remind you of anything? The flood is coming, build an ark! From the Sumerian flood myth in the tale of Ziusudra (seventeenth century BCE) to the Mesopotamian epic of Gilgamesh (thirteenth to tenth century BCE) to the Abrahamic story of the Flood and Noah's Ark in the Book of Genesis (tenth to fifth century BCE), the flood is a frequent motif in myths of creation, recounting how the world and mankind came to their present circumstances. Outside of Western Asian traditions, floods are or were a feature in traditional stories of origins among peoples as widely dispersed as the Maasai and Yoruba on the east and west coasts of Africa; Hopis and Inuits in North America; Incas and Tupis in South America;

among the peoples of Hawai'i, Malaysia, Korea, and China; and in Hindu, Norse, and Greek mythologies. Indeed, as folklorist Alan Dundes noted, "The flood myth is one of the most widely diffused narratives known" (1988, 2). Storytelling in the United Nations is not so different from storytelling elsewhere. The invocation of the flood motif gives UNESCO a protagonist role equivalent to that of Noah in the Book of Genesis, charged with the survival of creation as a whole. It frames the World Heritage Convention as its Ark.

As stories of origins, these narratives set the tone, the register in which UNESCO likes to describe its efforts in this arena. Like other stories of origins—like, say, the story of Adam and Eve, the apple and the snake, and the fall of man—the story about the letter from Bolivia tells us something important about its subject—about the human condition in the case of the one, about intangible heritage in the case of the other. We know that intuitively; it is a generic expectation that stories of origins evoke (much like the oral formulas "Once upon a time" or "A duck walks into a bar" evoke their own generic expectations). That something important is not always explicit, but it is brought into bold relief in those versions of UNESCO's etiological narrative that explain the motivation for the Bolivian minister's letter (e.g., Albro 2005, 4; Honko 2001; Sherkin 2001, 54, note 13).

Returning now to our story of origins for the Intangible Heritage Convention, this is where the plot thickens. We left off at the letter from Bolivia and various references made to it, but the story as told in the UN goes on to set the letter in context. Stepping back three years before the diplomatic courier delivered the letter to Paris, the story breaks into song.

In 1970, Paul Simon and Art Garfunkel released the album *Bridge over Troubled Water*. It was their last studio album and marked the end of a successful collaboration that had begun thirteen years earlier. On one track, Simon and Garfunkel perform "El Condor Pasa," which they credit as "an 18th century Peruvian folk melody." *Bridge over Troubled Water* won the Grammy award for the record of the year and instantly reached the number one spot on Billboard's pop albums chart, where it sat for six weeks. It also topped the albums charts in Australia, Canada, France, Germany, Japan, the Netherlands, Norway, Spain, Sweden, and the United Kingdom. *Bridge over Troubled Water* was Simon and Garfunkel's highest-selling album, and it is still among the best sellers of all time, with over eight million copies sold in the United States alone.

"El Condor Pasa" was its best-selling single and worldwide hit. Later that same year Perry Como covered the song on his own album, called *It's Impossible*. In the United Kingdom, Julie Felix had a top 20 hit that year with the same song. Gigliola Cinquetti in Italy; Fausto Papetti, Gianni Morandi, and Mimma Gaspari, also in Italy; Jurgen Marcus, Antonio Conde, Hugo Strasser, Marianne Rosenberg, Mary Roos, and Monika Hauff with Klaus Dieter Henkler, all of

Fig. 2.4 Simon & Garfunkel: "El Condor Pasa," Single sleeve. ©CBS/Columbia Records.

these in Germany; Caravelli, the Paul Mauriat Orchestra, Franck Pourcel and his Grand Orchestra, and Los Chacos, all in France; Karel Gott in Czechoslovakia (the "Golden Voice of Prague"); Andy Williams, Anita Kerr, Chet Atkins, Dick Hyman, Nokie Edwards, and Henry Mancini in the United States; the Cables in Jamaica; Laurie Bower in Canada; Jørgen Ingmann in Denmark; Svante Thuresson, Mia Adolphson, and Jan Lindblad (a whistling artist) in Sweden; Claudius Alzner in Austria; Esther Ofarim, Daliah Lavi, and the Parvarim, all three (separately) in Israel; Kai Hyttinen and Markus in Finland; Teresa Tang in China, Taiwan, and Indonesia; Minoru Muraoka together with Tadao Sawai in Japan; Ryoko Moriyama, also in Japan; Takeshi Onodera and Los Onoderas, in Japan as well—all these recorded their own covers, and that's just scratching the surface. In 1970, '71, '72, and '73, hundreds of artists from every continent except Antarctica released their own cover of the song. In the decades since,

artists across the world have produced their own versions of "El Condor Pasa" in various musical genres. By the count of Raúl R. Romero, director of the Institute of Ethnomusicology of the Pontifical Catholic University of Peru in Lima, more than four thousand versions have been recorded worldwide, set to over three hundred different lyrics (*Redacción La Industria* 2013). That is surely a conservative estimate.

The story as told in UNESCO circles does not go quite into that level of detail, but Simon and Garfunkel's release of "El Condor Pasa" is front and center. Perhaps they meant to show solidarity with poor, oppressed, native peoples in South America by recording the song; perhaps the intent was to support the revolutionary ethos that Andean music had come to be associated with in cosmopolitan circles in this age of Latin American dictators, revolution, and the international cult of Che Guevara. If so, that was not explicit; in any case there was no jubilation in the Andes. As seen from the Andes, this looked less like a celebration of indigenous music and more like exploitation. Rich Americans had ransacked the musical tradition of poor people in the Andes and they had made a lot of money. None of it went to those who considered themselves the rightful "owners."

The pattern was not unfamiliar—it was not that different from the colonial expropriation that shipped gold and silver from the Andes to Europe and (later) copper to North America. This time around, though, even the condor was siphoned off, bird of the Incas and symbol of native pride. As our story has it, the way it is often recounted, the whole affair made for troubled waters indeed and left a bad taste in many mouths.

By this account, the Bolivian letter to UNESCO's director general in 1973 is a political expression of that bad taste (see, e.g., Sherkin 2001, 54, note 13; Canclini 2001, 15). This is the "wrongful appropriation" that the Bolivian minister wrote about. This is what he called "the most intensive clandestine commercialization and export," the "transculturation" that he warned would destroy traditional cultures.

That is how the story is told in UNESCO circles. Its appeal is not hard to recognize, the way it sets international diplomacy to a tune many can whistle and pegs the birthday of UNESCO's endeavors to the calendar of pop music history. The story purports to tell us something interesting and important about intangible heritage and it justifies particular courses of action in the present.[3] But stories we tell about ourselves sometimes reveal more than we know, more even than we would like. Reading against the grain, this story too is more intricate: the song's provenance is more complicated, questions of ownership and appropriation are more nuanced, and the ethics of protection are not as straightforward as the story makes them out to be.

Begin with the provenance. The first to challenge Simon and Garfunkel's use of the song was a Peruvian film director, Armando Robles Godoy. His father, Daniel Alomía Robles, registered the song as his own composition in the US

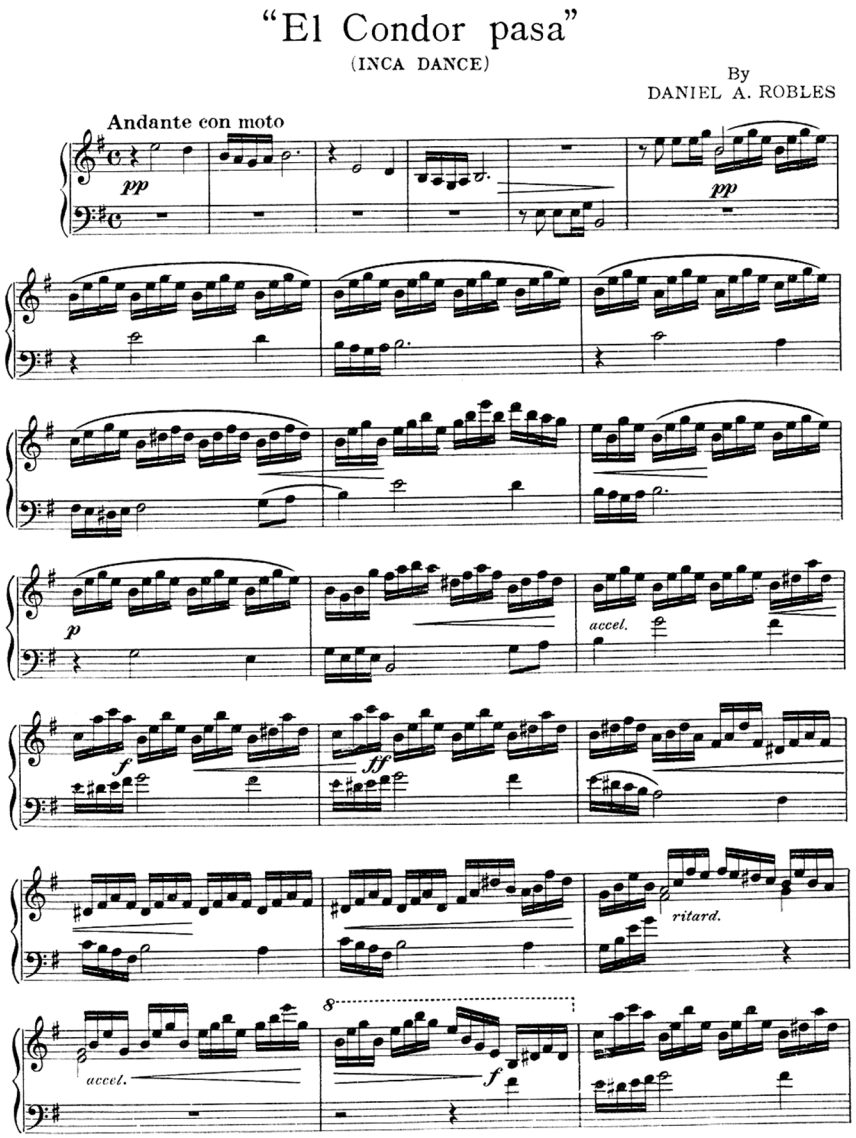
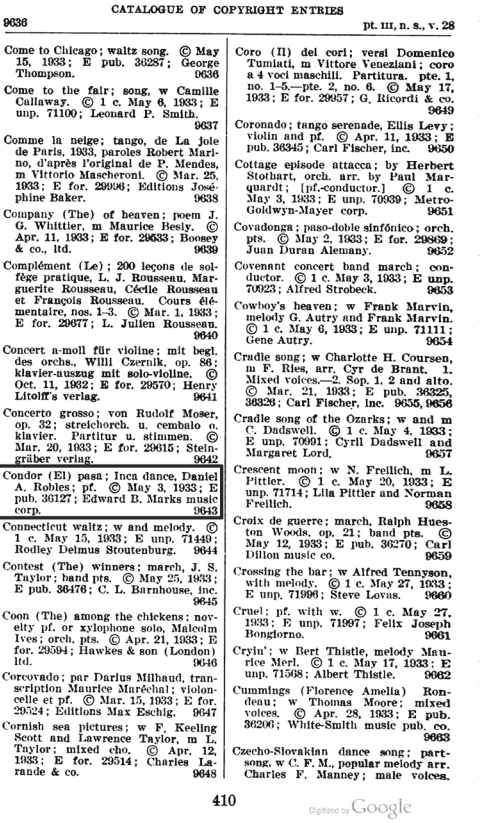


Fig. 2.5 "El Condor Pasa" (Inca Dance). Original sheet music for piano from 1928. Public domain.

Copyright Registry in 1933, in a piano arrangement with the title "Condor Pasa: Inca Dance" (Library of Congress Copyright Office 1933, 410). His son filed a lawsuit against Paul Simon in a New York court in 1970. It was an open and shut case; recognizing the legitimacy of the claim, Simon settled the suit out of court (Bondy 2008).



CATALOGUE OF COPYRIGHT ENTRIES

9636 pt. III, n. s., v. 28

Come to Chicago; waltz song. © May 15, 1933; E pub. 36287; George Thompson. 9636

Come to the fair; song, w Camille Callaway. © 1 c. May 6, 1933; E unp. 71100; Leonard P. Smith. 9637

Comme la neige; tango, de La folie de Paris, 1933, paroles Robert Marino, d'après l'original de P. Mendes, m Vittorio Mascheroni. © Mar. 25, 1933; E for. 29996; Editions Joséphine Baker. 9638

Company (The) of heaven; poem J. G. Whittier, m Maurice Besly. © Apr. 11, 1933; E for. 29633; Boosey & co., ltd. 9639

Complément (Le); 200 leçons de solfège pratique, L. J. Rousseau, Marguerite Rousseau, Cécile Rousseau et François Rousseau. Cours élémentaire, nos. 1-3. © Mar. 1, 1933; E for. 29677; L. Julien Rousseau. 9640

Concert a-moll für violine; mit begl. des orchs., Willi Czernik, op. 86; klavier-auszug mit solo-violine. © Oct. 11, 1932; E for. 29570; Henry Litolff's verlag. 9641

Concerto grosso; von Rudolf Moser, op. 32; streichorch. u. cembalo o. klavier. Partitur u. stimmen. © Mar. 20, 1933; E for. 29615; Steingräber verlag. 9642

Condor (El) pasa; Inca dance, Daniel A. Robles; pf. © May 3, 1933; E pub. 36127; Edward B. Marks music corp. 9643

Connecticut waltz; w and melody. © 1 c. May 15, 1933; E unp. 71449; Rodley Delmus Stoutenburg. 9644

Contest (The) winners; march, J. S. Taylor; band pts. © May 25, 1933; E pub. 36476; C. L. Barnhouse, inc. 9645

Coon (The) among the chickens; novelty pf. or xylophone solo, Malcolm Ives; orch. pts. © Apr. 21, 1933; E for. 29594; Hawkes & son (London) ltd. 9646

Corcovado; par Darius Milhaud, transcription Maurice Maréchal; violoncelle et pf. © Mar. 15, 1933; E for. 29524; Editions Max Eschig. 9647

Cornish sea pictures; w F. Keeling Scott and Lawrence Taylor, m L. Taylor; mixed cho. © Apr. 12, 1933; E for. 29514; Charles Larande & co. 9648

Coro (Il) dei cori; versi Domenico Tumiati, m Vittore Veneziani; coro a 4 voci maschili. Partitura. pte. 1, no. 1–5.—pte. 2, no. 6. © May 17, 1933; E for. 29957; G. Ricordi & co. 9649

Coronado; tango serenade, Ellis Levy; violin and pf. © Apr. 11, 1933; E pub. 36345; Carl Fischer, inc. 9650

Cottage episode attacca; by Herbert Stothart, orch. arr. by Paul Marquardt; [pf.-conductor.] © 1 c. May 3, 1933; E unp. 70939; Metro-Goldwyn-Mayer corp. 9651

Covadonga; paso-doble sinfónico; orch. pts. © May 2, 1933; E for. 29809; Juan Duran Alemany. 9652

Covenant concert band march; conductor. © 1 c. May 3, 1933; E unp. 70923; Alfred Strobeck. 9653

Cowboy's heaven; w Frank Marvin, melody G. Autry and Frank Marvin. © 1 c. May 6, 1933; E unp. 71111; Gene Autry. 9654

Cradle song; w Charlotte H. Coursen, m F. Ries, arr. Cyr de Brant. 1. Mixed voices.—2. Sop. 1, 2 and alto. © Mar. 21, 1933; E pub. 36325, 36326; Carl Fischer, inc. 9655, 9656

Cradle song of the Ozarks; w and m C. Dadswell. © 1 c. May 4, 1933; E unp. 70991; Cyril Dadswell and Margaret Lord. 9657

Crescent moon; w N. Freilich, m L. Pittler. © 1 c. May 20, 1933; E unp. 71714; Lila Pittler and Norman Freilich. 9658

Croix de guerre; march, Ralph Hueston Woods, op. 21; band pts. © May 12, 1933; E pub. 36270; Carl Dillon music co. 9659

Crossing the bar; w Alfred Tennyson, with melody. © 1 c. May 27, 1933; E unp. 71996; Steve Lovas. 9660

Cruel; pf. with w. © 1 c. May 27, 1933; E unp. 71997; Felix Joseph Bongiorno. 9661

Cryin'; w Bert Thistle, melody Maurice Merl. © 1 c. May 17, 1933; E unp. 71568; Albert Thistle. 9662

Cummings (Florence Amelia) Rondeau; w Thomas Moore; mixed voices. © Apr. 28, 1933; E pub. 36206; White-Smith music pub. co. 9663

Czecho-Slovakian dance song; part-song, w C. F. M., popular melody arr. Charles F. Manney; male voices.

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Fig. 2.6 Copyright notice for "El Condor Pasa. Inca Dance" from US Copyright Registry, 1933. Public domain.

Daniel Alomía Robles—the man in whose name "El Condor Pasa" is registered—was a Peruvian composer, folklorist, and collector. At the turn of the twentieth century, he traveled all over Peru, through the Amazon rainforest, and to remote villages in the Andes mountains to collect myths and legends and music. His collecting journeys even took him across the borders into Bolivia and Ecuador. His collection includes more than six hundred songs he recorded and transcribed and many others he collected with the help of correspondents around the country (Varallanos 1988, 31). He was also a published scholar of traditional music. Daniel Alomía Robles is most famous, however, neither as a collector nor as a scholar, but as a composer—one who frequently found inspiration in, cited, arranged, and recycled traditional melodies. In this, he resembles another accomplished folklore scholar and collector, better known in Europe and North America: his Hungarian contemporary, Béla Bartók.

Fig. 2.7 Daniel Alomía Robles (1871–1942). Public domain.

El Cóndor Pasa is originally the name of a zarzuela—a dramatic work of musical theater—that premiered in the Teatro Mazzi in Lima, Peru, in December 1913; with music by Daniel Alomía Robles and a libretto by Julio Badouin y Paz. The zarzuela is set in Cerro de Pasco, a mining town built in Quechua territory by the conquistadores in the sixteenth century around one of the richest silver deposits in the world. Its silver veins were largely exhausted by the end of the nineteenth century, first by the Spanish administration, then, after Peru's independence in 1821, by local patrónes and foreign interests, all making use of indigenous labor, sometimes coerced, at other times heavily exploited, in all cases with unspeakable toll in terms of human life and health, social fabric, and environment (Deustua 2000; Abeyta 2005; Bedoya Garland 1997; Dewind 1975). In 1902, a syndicate organized by US mining magnate James B. Haggin with J. P. Morgan, William Randolph Hearst, and the Vanderbilt heirs, among others, bought up local titles to the mines and consolidated them in the Cerro de Pasco Copper Company with headquarters in New York, near Washington Square Park, less than a mile from the studio in Greenwich Village where Simon and Garfunkel would later record *Bridge over Troubled Water* (Abeyta 2005, 139–140). After building a smelter and a railroad, the company began large-scale industrial copper mining operations in 1906 (McLaughlin 1945). In 1911–13, Haggin expanded his operations to Morococha, halfway between Lima and Cerro de Pasco, under what the vice president of the company later called the "skillful and forceful" direction of Harold Kingsmill (McLaughlin 1945, 510). Locally, the Cerro de Pasco Copper Company "came to be known simply (and disparagingly) as 'la compañía'" (Abeyta 2005, 192).

This is the background of the zarzuela. It dramatizes a conflict between indigenous miners in Cerro de Pasco (the "Indios") and the American bosses (the "Sajones"), following a labor dispute. The sympathy is with the miner Higinio when he kills the mean and exploitative company boss, Mr. King. The old boss, however, is soon replaced by the new boss, Mr. Cup, and the fight continues. The condor soaring above stands for the freedom the miners fight for and for Incan pride in the face of foreign exploitation.

The zarzuela nourished anti-imperial sentiments and cultivated a leftist brand of Peruvian nationalism on the eve of the centennial celebrations of the country's independence. The Cerro de Pasco Copper Company was by far the largest US corporation exploiting the mineral wealth of Peru. In fact, its investment in Cerro de Pasco and Morococha was the largest investment made in copper mining in the world up till then (Clayton 1999, 87). One historian remarks that the company "functioned as a virtual autonomous economic and political entity within the Peruvian nation" (McArver 1977, quoted in Clayton 1999, 112).

In 1916, an American commentator wrote, "It would be hard to find a dirtier town than Cerro de Pasco," adding that indigenous homes were "indescribably filthy." The gringo managers, on the other hand, had "a well-kept bowling alley, swimming pool, gymnasium, billiard room, reading room, library, dance hall, card room, bar, and barber shop, plus tennis court outside" (Clayton 1999, 117).

The audience at the Teatro Mazzi was invited to identify with defiant indigenous miners who rose against the gringo neo-imperialists. It is not likely, however, that many in the audience were indigenous. Most will have been blue-collar laborers or middle class, politically liberal or radical, and ethnically mestizo, that is of mixed ancestry. The zarzuela *El Cóndor Pasa* celebrated mestizo identity; its main protagonist, Frank, is born of a white father and an indigenous mother, and he is identified with the condor, who embodies all good hopes for the future. The Teatro Mazzi in the Plaza Italia in Lima was the venue for other radical social dramas in this period; associated with the nascent labor unions, it was attended by working-class audiences (as opposed to the more prestigious and conservative Teatro Principal, which catered to the upper crust) (Toledo Brückmann 2011).

El Cóndor Pasa inscribed itself into a cultural-political movement in Peru and neighboring countries known as *Indigenismo*, which made a strong mark in the early decades of the twentieth century. Indigenismo might be described as the cultural logic of a postcolonial nationalism that swept through Latin America in the first half of the century under conditions of an emerging capitalism and class-based politics (Abercrombie 2001). Indigenismo was an attempt to forge an autonomous and inclusive national identity against the "utopian horizon" of the Inca and an imagined indigeneity (Flores Galindo 2010, 152–196). This was an enormous challenge in Peru, with its multiple ethnic groups and languages; with mountains, rainforests, and coast; with vast economic disparities and a colonial legacy still very much in evidence. Many scholars have emphasized that the

Fig. 2.8 Advertisement for the premiere of *El Condor Pasa* in Teatro Mazzi, Lima, 19 December 1913, from Peruvian Newspaper, *La Nacion*. Public domain.

cultural project of Indigenismo is intimately allied with the ideology of cultural and racial mixing known as *mestizaje*, designed to "shape homogeneous citizens for the nation-state" (Bigenho 2006, 268). As anthropologist Michelle Bigenho and ethnomusicologist Henry Stobart note, "In the first half of the twentieth century, Andean indigenous cultural expressions . . . went from being disdained by mestizos to being the core of a national project . . . *Indigenismo* nationalized and celebrated these indigenous expressions, but without challenging the structures that continued to marginalize the country's indigenous peoples" (2016, 144; see also Mendoza 1998).

The zarzuela that premiered in Lima in 1913 was on the cusp of this movement. In the second and third decades of the twentieth century, there was an "explosion of voices on indigenous matters" (Coronado 2009, 14) as intellectuals, artists, and politicians in Lima and the provinces began to recuperate and disseminate "the figure of the indigenous—of Indian popular tradition, dress, and folklore—as a means of redefining national cultural paradigms" (Williams 2002, 43). In the libretto for *El Cóndor Pasa*, it is the mestizo who emerges as a symbol of Peru's future, a dialectical solution to the contradictions of the ruling *criollo* class, and the conquered indigenous population. The mestizo is both and neither: Frank is a new man for a new century. The music that Daniel Alomía Robles wrote to the zarzuela follows a parallel logic. It is a showcase of musical Indigenismo, a musical experiment in national unification. The score to *El Cóndor Pasa* follows a tripartite structure, beginning in the *yaraví* genre, moving into a *pasacalle*, and culminating in the *huayno* genre. Each of these genres is associated with a distinct geographic area, social class, and ethnic identity, but in Robles's music

they compose a whole, bigger than the parts. Likewise, the instrumentation of the score fuses Peru's social and musical divisions, with the European guitar and mandolin strumming together with the colonial-era *charango* while precolonial wind instruments like the *quena* flute and *siku* panpipe play the melody. In brief, Spanish, indigenous, and mestizo musical traditions come together in the music and instrumentation of *El Cóndor Pasa* to create something new: modern Peruvian music, anchored in the past but appealing to a national constituency in the present, above and beyond the divisions of language, geography, race, and class (Dorr 2007; Turino 1988, 131–132; Varallanos 1988).

The final part of the score caught on: the melody played at the end of the zarzuela, as its climax. When passing through Lima, the French folklorists Raoul and Marguerite d'Harcourt saw *El Cóndor Pasa* in the Teatro Mazzi in 1913 or 1914. The couple noted that afterward they heard street musicians playing the tune (1925, 542–544; Rios 2008, 160). In other words, it was an instant hit.

But whose hit? Whose is this tune? Is it an original composition by Daniel Alomía Robles? Or did he "merely" arrange music that he collected in the Andes? In a sense, we know what he did; the question is what to call it. The answer depends on what we mean by original and what we mean by arrangement. If Robles registered the tune as his own, that is no more than most collector-composers of his generation did—it was common practice, not only in South America but also in North America, Europe, and Asia.

Regardless of the degree of Robles's original contribution to the tune, we may say for sure that in the Teatro Mazzi, oral musical tradition passed into written musical tradition. The beauty of it is that the tune, thus modified, then passed right back into the oral musical tradition of street musicians in Lima.

The d'Harcourts published the melody as the last piece (no. 204) in their book, *Inca Music and Its Survivals* from 1925, under the title "Wayno" (i.e., huayno) and with the notation "heard in the street" ("entendu dans la rue"). Their commentary follows the music:

> This piece offers an interesting example of how, in all countries, folk melodies are fixed, or rather of how they are transformed and modeled. The melody of this fragment came originally from the folk; it is an indigenous theme that Mr. A. Robles, whom we have previously mentioned, used in a small lyrical story, *El Cóndor Pasa* . . . , staged with success in Lima. From this work, the folk has retained the fragments that were already familiar to it, and it is one of these fragments that street musicians tried to reproduce from memory; we have in turn tried to transcribe it as we heard them play it. (d'Harcourt and d'Harcourt 1925, 544; my translation)

Indeed, according to his biographer, historian José Varallanos, Daniel Alomía Robles himself acknowledged that the huayno movement—the hit, that is—was based on a traditional melody, "Soy la paloma que el nido perdió" (I am the Dove Lost from the Nest) (1988, 62, also 20, 29, 56, 61–62, 70; see also Llórens Amico

1983, 100–105, and Tucker 2013, 45; cf. Salazar Mejía 2014). The genre was certainly common in the Cerro de Pasco mining district where the zarzuela is set as well as in the Peruvian Andes and across the borders in parts of Bolivia, Ecuador, and the north of Argentina.

Actually, the French folklorist couple, Raoul and Marguerite d'Harcourt, also recorded a variant in the Jauja province of Peru. It appears in their book as melody no.47, complete with lyrics in Quechua and French: "I raised a dove / And loved her with all my heart. / Is that why she leaves me, / When I have done nothing to hurt her?" (d'Harcourt and d'Harcourt 1925, 303–304; my translation).[4] Thus both our song (as performed by street musicians in Lima) and the song from which it was adapted, about the dove lost from the nest (as performed by musicians in Jauja), may be found within the covers of *La musique des Incas et ses survivances*, separated by some 240 pages.

In March 1917, two sound technicians from the Victor Talking Machine Corporation (later acquired by RCA, which in turn was acquired by Sony Music Entertainment, which also acquired Columbus, Simon and Garfunkel's label) set out on a recording trip from the company headquarters in Camden, New Jersey, to Argentina, Chile, Bolivia, Peru, and Ecuador. They arrived by boat in Lima in August, and over the next three weeks they recorded a number of Peruvian artists. On August 27, they recorded Lima's zoo café orchestra, la Orquesta del Zoològico, performing the hit huayno from the zarzuela *El Cóndor Pasa*. Two days later, the technicians recorded another version of "El Condor Pasa," performed by the Banda del Batallón Gendarmes No. 1, the band of the military police's first battalion. The Victor Talking Machine Corporation released both recordings on 10-inch discs.

In 1919, Daniel Alomía Robles moved to New York. His solo piano version of the last movement of *El Cóndor Pasa* was published in the United States in 1923 and 1928 as sheet music with the title "Inca Dance." His music was performed in concerts in Central Park, on university campuses, and at gatherings of the Pan American Union in Washington, DC, by, among others, Edwin Franko Goldman's Goldman Band and the United States Marine Band. In 1930, the Marine Band recorded the song for a Columbia Records album. Then, in 1933, Robles transferred his rights in the song to the Edward B. Marks Music Company, which registered it in his name in the US copyright registry. That same year Robles moved back to Peru, but five years later Edward B. Marks released its own recording of the song on *The Other Americas: Album of Typical Central and South American Songs and Dances* (Rios 2008, 160; Varallanos 1988, 23–24).

As an attentive reader will have noticed, this story moves back and forth between Cerro de Pasco, Lima, and New York. That is equally true of the story the zarzuela tells and the story of the subsequent circulation of its score. But the latter also takes us across the Atlantic, to Paris. Starting in the 1950s, a growing number of Latin American musicians moved to Paris, and more than one club

opened dedicated to Latin American music. Music from the Andes, in particular, was in high vogue, though most of the musicians actually came from cosmopolitan lowland Buenos Aires and not from the Andes at all (Rios 2006).

It is here, in Paris, in the 1960s, that *El Cóndor Pasa* is a hit, once again—not the whole zarzuela, but the closing melody; the huayno that caught the ear of street musicians in Lima. The Ensemble Achalay was probably the first to record it, an ad hoc group of Argentinian and Italian musicians living in Paris, including Ricardo Galeazzi and Jorge Milchberg: it is the last track on their album from 1958, *Musiques Indiennes des Andes*. According to ethnomusicologist Fernando Rios, they picked the song up from a Peruvian recording (2008, 161; 2005, 440).[5] In 1963, Los Incas, the first and best-known Andean music ensemble in France, released another version of "El Condor Pasa," with a considerably different arrangement, on their album *Amérique du Sud*. Rios has noted that Los Incas were already a musical sensation: a fixture at Paris's Latin American clubs, sometimes with Brigitte Bardot on vocals, performing at the Olympia concert hall with French singer Marie Lafôret, having even played at Grace Kelly's wedding to Prince Rainier in Monaco in 1956. Both Galeazzi and Milchberg were members of Los Incas; both performed "El Condor Pasa" on the 1958 Achalay as well as the 1963 Incas albums (2008, 148–162).

Those who know Simon and Garfunkel's version have listened to Los Incas: they play the song on *Bridge over Troubled Water*. Paul Simon visited Paris in 1965, while he lived in England, shortly before he hit the big time. Backstage at a concert in the Théâtre de l'Est parisien, he was introduced to Jorge Milchberg, who gave Simon a copy of *Amérique du Sud*. Later, Simon got Milchberg's permission to use the 1963 recording of "El Condor Pasa" on *Bridge over Troubled Water* (Rios 2008, 161; Kingston 1997, 107). Paul Simon dubbed the track with his own voice, singing his own, original lyrics: "I said, 'I love this melody. I'm going to write lyrics to it. I just love it, and we'll just sing it right over the track'" (Luftig 1997, 86–87).

On the album sleeve, the producer lists the song as "an 18th century Peruvian folk melody" but also credits Jorge Milchberg as composer, under the pseudonym "El Inca," and Paul Simon for lyrics. Most artists who covered the song in the following years did the same. When the royalties poured in, Milchberg's bandmates in Los Incas were none too happy; it seemed to some of them that Milchberg had taken the credit while they didn't see a cent. The band broke up (Rios 2005, 635). Some of its musicians, however, led by Jorge Milchberg, joined Simon and Garfunkel on a world tour under the new band name of Urubamba. Legal proceedings made it unfeasible to use the previous band name for a while, as Milchberg's attribution "pitted him in a protracted legal battle with the family of Daniel Alomía Robles" (Rios 2005, 635n388; 2008, 172, 181n78).

In the lawsuit he filed with a New York City magistrate, Armando Robles Godoy claimed the song was neither an eighteenth-century folk melody nor

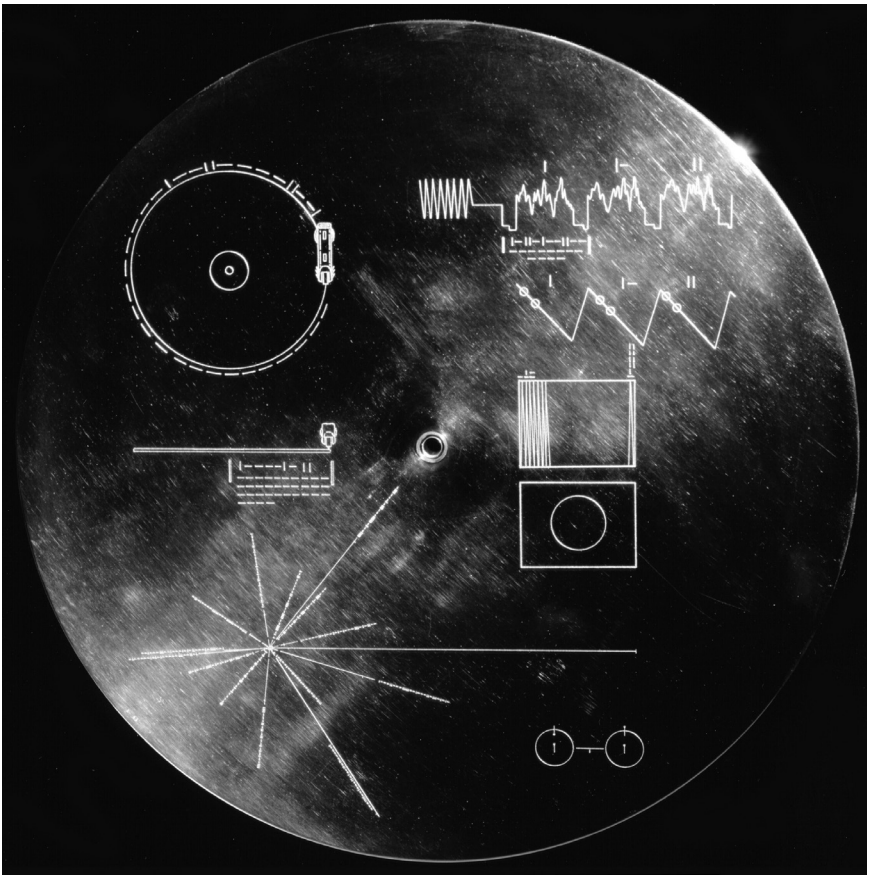

Fig. 2.9 Sounds of Earth. Cover for the Golden Record on the Voyager spacecrafts. NASA/ Public domain.

the work of Milchberg, but a composition by his father, copyrighted in 1933 and registered in the US Copyright Registry. Unlike Milchberg, Paul Simon soon settled: "It was almost a friendly case," the plaintiff said in an interview three and a half decades later: "Not only is Paul Simon a genius, he is also someone who loves culture. It wasn't a case of neglect on his part. . . . They told him it was a folk melody from the eighteenth century, and not that it was a composition by my father" (Bondy 2008, 4–5; my translation). Two years later, in 1972, Simon and Garfunkel's *Greatest Hits* album gave triple author credits for "El Condor Pasa": Robles/Simon/Milchberg.

The rest, as they say, is history. In the next few years, the song traveled the world a thousand times over, appearing on albums and cassettes in dozens of

different places, and street performers carried it to town squares across the world. They are playing it still, in a street near you. I'm willing to wager you've heard them perform it.

The condor's farthest journey is still ongoing with no end in sight. In 1977, NASA sent two Voyager spacecraft to study the boundaries of the solar system. Moving at nearly 50,000 km/hour, at the time of writing, Voyager 1, traveling north, has entered interstellar space, while Voyager 2 is southward bound and soon out of the solar system. No man-made object has ever traveled farther. Forty years after their launch these probes still have another forty thousand years to go before either may come remotely close to another star. To put that span of time into perspective, the last of the Neanderthals roamed the earth forty thousand years ago. Both Voyagers carry a special message for intelligent extraterrestrials who might find them in a remote future when humanity may long have ceased to exist: a golden record, with greetings from the people of earth, images, natural sounds, poetry, an address from Jimmy Carter and good wishes from Kurt Waldheim, and—here's the kicker—a selection representing the music of humankind. It includes Mozart's "The Queen of the Night's Aria," Javanese gamelan music, Mexican mariachi, a *Brandenburg Concerto* by Bach, Beethoven's fifth symphony, an Australian horn and totem song, "Johnny B. Goode" with Chuck Berry, and—guess what—a panpipes and drum Song (or fifty-five seconds of it) recorded in Peru (archived at the Casa de la Cultura in Lima), a version of "El Condor Pasa," or of the traditional melody on which it is based—"Soy la paloma que el nido perdió"—"I am the Dove Lost from the Nest." And lost it is (Sagan et al. 1978; Brown, Cantillo, Landau, and Cook 2017).[6]

In 2004, Peru's National Institute of Culture (an institute of the Cultural Ministry) officially declared "El Condor Pasa" a national cultural heritage of Peru—a formal recognition of great distinction (Trujillo 2012). This recognition is also part of a continuing national campaign to make it known that this is a Peruvian song—not a Simon and Garfunkel song; not some generic Andean song; not a Bolivian folk tune; but a Peruvian masterpiece by one of Peru's maestros: Robles. "From now on," the director of the National Institute of Culture argued in an interview with *La República*, "no modification of the original version can be accepted" (Escribano 2004).

Meanwhile there is still grumbling across the Bolivian border, and voices may still be heard saying, as they have been saying since at least the 1960s, that "El Condor Pasa" is actually a Bolivian song. Thus, there was no less outrage in Bolivia than in Peru over Simon and Garfunkel's release in 1970. Fernando Rios cites a La Paz gossip columnist, Lolita, who chastised the Bolivian Ministry of Culture that year for "failing to charge the duo for the appropriation of this 'national tune'" (2014, 217), and he adds that Bolivian musicians "have often asserted to me that El Condor Pasa is Bolivian" (2005, 636n391).

Conversely, there was a media furor in Peru in September 2009 when the vice president of the Peruvian parliament, Wilbert Bendezú, publicly railed against the usurpation of "El Condor Pasa" by several official Bolivian websites associated with the state, promoting Bolivia in part with a performance of this song without due acknowledgment of its authorship or national origins. The story made television and radio news and headlines in the papers for three days in a row and was the subject of excited discussions and colorful accusations (Correo 2009a, 2009b; *EcoDiario* 2009; *Los Andes* 2009; *RPP Notícias* 2009d, 2009e).

On the third day, Pablo Groux, Bolivian minister of cultures, finally issued an announcement declaring that "the composer of this song is Peruvian and although many groups from Peru, Ecuador, and Chile perform it, its authorship is not in doubt" (*RPP Notícias* 2009e my translation). He contrasted this case with that of "La Diablada" (The Dance of the Devil), a traditional dance in masks and costumes, which was at the center of another dispute between Bolivia and Peru over cultural appropriation one month earlier.

"La Diablada" is a highlight of Bolivia's Oruro Carnival and it figures on UNESCO's Representative List of the Intangible Cultural Heritage of Humanity. Characterized by "grotesque masks with terrifying teeth and huge horns covered with serpents and lizards and bulging eyes," the devil dancers are dressed in "shimmering capes studded with colored stones and sequins, the breastplates with their golden dragons, and the heavy aprons with hundreds of antique coins sewn on" (Guss 2006, 312–313).

In August 2009, Miss Peru, Karen Schwarz, represented her country in a stylized costume inspired by "La Diablada" in the Miss Universe beauty pageant, claiming it as typical Peruvian heritage. This set into motion street protests in the Bolivian capital, with Diablada dancers sending a message to their government, to the beauty queen, and to the world that they would not tolerate the filching of what was rightfully theirs. The Bolivian ambassador to UNESCO demanded "that urgent, adequate, opportune and pertinent measures be taken to protect Bolivian cultural patrimony and the respect of the origin of our customs and ancient traditions" (CNN 2009). At the same time, the minister of cultures, Pablo Groux, sent a letter to the pageant's organizers and its owner, the real estate tycoon and reality television star Donald Trump, threatening a lawsuit and citing evidence that "La Diablada" is from Bolivia and belongs to its people (*Emol. Mundo* 2009a). "La Diablada is as Bolivian as Pisco is Peruvian" (*Clarin Notícias* 2009; my translation), he asserted, referring to the fiery grape brandy that Peru and Chile each claim as their own. Groux even threatened Peruvian authorities that he would refer this grievous appropriation of Bolivian national culture to the International Court of Justice in The Hague and to the World Intellectual Property Organization in Geneva (*Clarin Notícias* 2009; *Emol.Mundo* 2009b).

Peru's foreign minister, José Antonio García Belaúnde, dared Groux to make good on his threat, adding that he was sure it would be clear to the court that "La

Diablada" is an Aymara tradition and that it could therefore not be the exclusive property of any of the three Andean countries where the Aymara are indigenous, Peru, Bolivia, and Chile (*Emol.Mundo* 2009b). Cecilia Bakula also dismissed the claim as director of Peru's National Institute of Culture (the following year she became Peru's ambassador to UNESCO). She argued that Bolivia has no grounds to claim the dance, adding "We have not 'appropriated' anyone's cultural patrimony. It is ours" (*Latino Perspectives Magazine* 2009). She cited documentary evidence of "La Diablada" from the city of Puno in Peru, dating back to 1892, while the best-known Diablada in Bolivia, in the Carnival of Oruro, only dated back to 1904. It must be added that Bakula is cherry picking her evidence, as 1904 is the year that a long-standing tradition was institutionalized with the formation of an organized dance troupe, la Gran Tradicional Auténtica Diablada Oruro (the Great Traditional Authentic Diablada of Oruro)—the name says it all (*Andina* 2009; *Emol.Mundo* 2009b; *RPP Notícias* 2009c; see also Abercrombie 1992; Cordova 2012).

Indeed, "La Diablada" is emblematic of the Bolivian carnival, with the devils standing in for the underworld of the Oruro mines, dancing in honor of the Virgin of the Mineshaft (la Virgen del Sovacón). Thus, Bolivian folklorist, Jorge Enrique Vargas Luza, author of a monograph on the masking traditions of "La Diablada" in Oruro (Vargas Luza 1998), made known to the international press his indignation that Miss Peru could claim that the Diablada costume she wore in the contest was from her country (*RPP Notícias* 2009a). The Oruro Carnival was among the first cultural practices proclaimed as a UNESCO Masterpiece of the Oral and Intangible Heritage of Humanity in 2001, as part of its Proclamation program that preceded the Intangible Heritage Convention (see more on that in chapter 3). This recognition bolstered Bolivian confidence in the ownership of "La Diablada" in this polemic and in the popular indignation and political upheaval that ensued from Miss Peru's costume in the Miss Universe contest (Bigenho and Stobart 2016).

Meanwhile, Karen Schwarz, the pageant contestant, took the moral high ground as she patiently explained to the Bolivian media that "we have a dance that unites us because the Diablada is danced in Bolivia and Peru," adding that "we can't lose tolerance or respect between both countries" over petty grievances like this one (CNN 2009). "We are siblings, we are nearly one, we have practically the same costumes, the same culture, and we have bigger problems to solve or to fight over" (*RPP Notícias* 2009b; my translation). However, when Bolivia's president, Evo Morales, invited Ms. Schwarz to join him in dancing "La Diablada" in the Oruro Carnival, she declined, saying she would love to but alas she would be busy dancing "La Diablada" in Puno, Peru (*El Comercio* 2009; *Telemetro* 2009).[7]

Two weeks later, President Morales and his minister of cultures sent out a diplomatic invitation to the governments of Peru, Colombia, and Ecuador—their

partners in the Andean Community trading bloc—to a meeting in La Paz to discuss the creation of a map of intangible heritage in the Andes, which would make clear once and for all what belongs to each country and what they share across national borders (*Emol.Mundo* 2009c). That seems not to have obviated the need for unilateral action, however. In 2011, Evo Morales signed a bill passed by the Bolivian parliament, declaring the Diablada dance to be the cultural and intangible heritage of the Plurinational State of Bolivia. Morales explained to those gathered that they needed law no. 149 of July 11, 2011, so "some neighboring countries do not take over our dances and our traditions, like the Diablada" (*La Razón* 2011). Copies were promptly dispatched to UNESCO in Paris and to the World Intellectual Property Organization (WIPO) in Geneva (WIPO, 2011).

In 2014, however, as Bigenho and Stobart describe, the Diablada dance in Puno, Peru, once again roused the Bolivian government, stirring up national indignation, "when several dances they considered to be their own appeared in a video that Peru had presented to UNESCO" (2016, 142) as part of the candidature of the Festival of Virgen de Candelaria of Puno for the Representative List of Intangible Cultural Heritage of Humanity. The Bolivian Organization for the Defense and Dissemination of Folklore organized a protest in front of UNESCO offices in La Paz, Bolivians in and outside of Bolivia mobilized online, and the Bolivian minister of cultures lodged a formal objection to Peru's nomination, accompanied by an eighteen-minute statement circulated on YouTube (156). He was not successful in preventing the festival's inscription on the Representative List, but in response to Bolivia's forceful protests, and following extended discussions, the Intergovernmental Committee in charge included two unusual articles in its decision to add the festival to the List, one "taking note" that "cultural expressions associated with the Festivity of Virgen de la Candelaria of Puno are shared by Andean communities from the region" and the other "recalling that inscription on the Representative List does not imply exclusivity" (UNESCO Intangible Cultural Heritage 2014). Following this fiasco, Evo Morales requested the minister's resignation.

Various scholars have noted the "ubiquitous nationalist discourse regarding transnational musical appropriation" in Bolivia, where outrage regularly flares up, usually directed at Argentines, Peruvians, or Chileans (Rios 2014, 198; Bigenho and Stobart 2016). Thus, already in 1965, a contributor to the Bolivian newspaper *El Diario*, outraged by what the writer saw as Chilean cultural appropriation, denounced the "exact imitation of the Diablada of Oruro," a "faithful copy of the Bolivian huayno," and the use of the *charango* and the *kena* among Chile's Nueva Canción musicians: "I do not know to whom one could denounce these actions. . . . I wish there was some international organization that one could approach like a Police Station when one denounces the theft of a wallet" (translated in Rios 2005, 542–543). In 1973, the year the Bolivian minister wrote the letter to UNESCO's

director-general, such outrage was widespread. At the First Charango Congress in June, the director of the Ministry of Education and Culture charged that "foreign assailants" coveted the charango and promised "'radical measures' to protect 'ownership rights' over all local folklore," pledging that "the charango will be decreed a 'traditional Bolivian instrument'" (quoted in Rios 2014, 208). And in November that year, the Ministry of Education passed Resolution 823, "'Rules for the Protection of Folkloric Music, Declared the Property of the State,' whose ostensible aim was to curtail the 'continuous appropriation . . . inside and outside of the nation's territory' of Bolivia's 'folkloric expressions'" (209; see also Bigenho and Stobart 2016, 153).[8]

Recall the Bolivian minister's complaint to UNESCO in 1973 that Bolivia was especially susceptible to cultural appropriation because it is surrounded by foreign countries only too willing to steal its traditions? Well, "El Condor Pasa" and "La Diablada" are two cases in point, from the Bolivian perspective. Thirty-six years separate the Bolivian government's official complaints to UNESCO in these two cases, with an important distinction: in 1973, the minister bemoaned the lack of an international instrument to protect "forms of expression such as music and dance, which are at present undergoing the most intensive clandestine commercialization and export"; in 2009 such an instrument existed and "La Diablada" was already on its Representative List, as part of the Oruro Carnival in Bolivia. However, as gleaned from this episode, all it is good for is to allow Bolivians to cite international authority in their diplomatic hand-wringing over the Miss Universe act.

Of course, all that is from the Bolivian perspective. Peru offers an alternative view. As Karen Schwarz noted during the uproar around her costume in the Miss Universe contest, these cultural expressions are common across the political border. "La Diablada" is an Aymara dance and costume tradition, and exists on either side of various political borders that the Aymara have not taken part in drawing. Likewise, the musical genre to which "El Condor Pasa" belongs is common in Quechua musical tradition in Bolivia as well as in Peru.

We also know that Robles crossed the border on his collecting journeys. The Peruvian insistence on Robles's authorship must be understood, at least in part, as a cultural politics of ownership: if Daniel Alomía Robles is the composer, then the song is from Peru—none of this vagueness of oral and instrumental circulation that knows no border. An author is a citizen. Unlike oral tradition, the author carries a passport. And the Republic of Peru issued Robles's passport.

Let's return now to that Bolivian letter to UNESCO's director-general. Consider the political backdrop: the letter bears the signature of the minister of foreign affairs and religion of the Republic of Bolivia, Mario Gutiérrez, leader of the Falangist socialist party—a fascist. The government he represented was a military

Fig. 2.10 La Diablada Ferroviaria at the Carnival of Oruro, Bolivia, 2009. Creative Commons via Wikimedia Commons.

Fig. 2.11 La Diablada at the Fiesta de la Candelaria in Puno, Peru, 2013. Creative Commons via Wikimedia Commons.

Fig. 2.12 General Hugo Banzer Suárez, Bolivian dictator. Keystone Pictures USA/Alamy.

dictatorship, led by General Hugo Banzer Suárez who came to power by coup in 1971. Before it got around to sending the letter, this government had suspended the trade unions and shut down the universities; it tortured dissidents, interned some in concentration camps or prisons, and others disappeared without a trace.

Banzer's regime also had strained relations with indigenous groups. The Aymara and the Quechua lived in abject poverty in the highlands and towns of Bolivia, their lands confiscated and their identities suppressed in a "transculturation" rather different in kind from the one that Banzer's minister complained about (Ströbele-Gregor 1996; Hylton and Thomson 2007). Already in 1953, the ruling Revolutionary Nationalist Movement (MRN) decreed that "Indios" no longer existed in Bolivia; from now on, they would be referred to as "campesinos," peasants. Meanwhile, the military regime celebrated indigenous expressive culture and appropriated it as the national-popular culture of the new mestizo Bolivia (Abercrombie 2001, 96–97; Rios 2010, 283–284).

General Banzer was in power during the golden age of the folkloric spectacle, which celebrates traditional costume and music and dance in colorful performances of national pride and harmony; indeed, the folkloric spectacle was a favorite form of entertainment under dictators, from Franco's Spain and Salazar's Portugal to Pinochet's Chile and Banzer's Bolivia (see DaCosta Holton

2005; Ortiz 1999; Guss 2000, 13). Thus the Bolivian ruler patronized folkloric festivals, hosted traditional music performances at the presidential palace, posed with indigenous music ensembles for newspaper photographers, and even led the dancers in the Gran Poder festival "all the way down the Prado, La Paz's most elegant commercial avenue" (Guss 2006, 315; Rios 2005, 481–485).

It is important to understand, then, that the Bolivian government's efforts to protect an indigenous Andean folksong, "El Condor Pasa"—and by extension, its efforts to protect other folk music, dance, and crafts—hide the real oppression of indigenous peoples within Bolivia in this period. In fact, the government's efforts to safeguard this expressive culture were part of its oppressive regime: a tool for cultural disenfranchisement. This is especially insidious because "El Condor Pasa" is a song of resistance, but through Supreme Decree no. 08396 it was nationalized, as the Bolivian government proclaimed state ownership of the folk music of its territory, and subsequently of "folk dance, popular art and traditional literature." Incidentally, the Supreme Decree was issued in 1968 by President René Barrientos, another military dictator much enamored of folklore. Banzer completed the work of expropriation through a resolution he issued in 1973 declaring traditional, anonymous, and popular music not only state property but also part of the national cultural heritage ("Patrimonio Cultural de la Nación"; Resolución Ministerial No 823 del 19.XI.1973, cited in Bigenho, Cordero, Mújica, Rozo, and Stobart 2015, 151). To borrow a phrase from Pete Townshend: meet the new boss, same as the old boss.

As a matter of fact, the South American dictators of the 1970s also appropriated the Andean condor, converting a symbol of defiance to a symbol of compliance enforced at gunpoint: along with Pinochet and others, Banzer was one of the ringleaders in "Operazion Condor," essentially an intergovernmental murder ring coordinated by intelligence agencies to quash dissent (McSherry 2005).

The lesson of "El Condor Pasa" thus extends well beyond the transnational flows of culture; beyond even its intergalactic circulation. Usually told as an account of origins, narrating how folklore was inscribed on the international agenda, the story offers an ethical rationale for safeguarding intangible heritage with concerted international efforts. At closer look, however, it complicates that provenance, muddies the ethics, and subverts the rationalization. When we scratch the surface, and persist in scratching, we soon come upon a different set of lessons about intangible heritage and its protection. These concern the uses of heritage in hegemonic strategies within states no less than its transnational circulation between them. What is more, these are difficult to disentangle. Invoking a threat from the outside—invaders, thieving neighbors, foreign corporations, or indeed "the most intensive clandestine commercialization and export"—justifies state intervention. It warrants urgent measures for protection. The threat from the outside is presented as a greater source of danger than the cultural politics of the state. In effect, protection itself becomes the means of dispossession: a

cooptive strategy, draining symbols of resistance of their power, or shuffling their semiotics to invoke the state itself as signified, adjusting their emotional register to claim allegiance to the nation.

We speak always of ourselves, and the lexicon of theft in the minister's letter—of appropriation and depredation, of filching and usurpation—reflects critically on his regime and its cultural policy. Beyond Bolivia's borders, however, this story leaves us with a question, both current and critical as we hear stories from various parts of the world about the implementation of UNESCO's intangible heritage programs. The stories come from Marrakech and Catalonia, from Malawi and Korea and Kerala, for example, places where UNESCO has recognized particular practices as the intangible heritage of humanity and where local actors claim they are losing control over their cultural practices. Now that authorities have taken an interest in their traditional practices, they complain, an administrative grid is superimposed on these practices to safeguard them. Once their practices are translated into the language of intangible heritage, local actors no longer have as much of a say in the work of representation.

The question concerns the relationship between communities and states, between empowerment and subjection, between heritage and governmentality. It is a question that is as crucial to theorizing intangible heritage as it is to writing it into policy and putting it into practice. When is protection not a means of dispossession? I'm not presupposing an answer and I'm not assuming there is none; it's not a rhetorical question. When, that is under what conditions and which circumstances, is protection not a means of dispossession?

Notes

1. I tell a condensed version of this story in a 30-minute documentary film released at the same time as this book is published, and freely available online in Open Access. Co-produced with anthropologist and filmmaker Áslaug Einarsdóttir, the film is titled *The Flight of the Condor: A Letter, a Song and the Story of Intangible Cultural Heritage*. Look it up!

2. Actually, we are always already there. The memorandum accompanying the minister's letter was composed by the prolific Bolivian folklorist Julia Elena Fortún (Vargas 2014, 65), who created the Departamento de Folklore of the Bolivian Ministry of Education and Culture in 1954, was founding president of the Sociedad Boliviana de Antropología from 1961, established the Museo Nacional de Arte Popular in 1962 and later became the ministry's director-general of culture, a position from which she founded both the Instituto Nacional de Antropología and the Ballet Folklórico Nacional in 1975 and organized the first Conferencia Nacional de Folklore in 1976. Fortún was also a prolific author and published books on the indigenous music of Bolivia, calendrical customs in Bolivia, the Diablada dance, popular crafts, foodways, festivals, and cultural politics (Vargas 2014, 35–70). Julia Elena Fortún was decorated in 1979 with the highest civilian distinction awarded by the Bolivian state, the Orden del Cóndor de los Andes. Thanks to folklorist Áki G. Karlsson for bringing her authorship of the memorandum to my attention.

3. Thus, in a UNESCO briefing paper from 2001, anthropologist Néstor García Canclini cites "the well-known example of the appropriation of the traditional Bolivian song El condor

Pasa by Simon and Garfunkel" to "illustrate the need for transnational legislation that could regulate the global use and diffusion of ethnic music" (2001, 15).

4. It may be noted in this context that Daniel Alomía Robles served as justice of the peace in Jauja in the last years of the nineteenth century, during the period of his travels and fieldwork in Peru, and that is where met his future wife, Sebastiana Godoy Agostini.

5. As Rios shows in ethnographic detail, musicians "from the Andean countries played little part at first in bringing the music of the Andes to Europe. Initially, the main protagonists were expatriate Argentines from Buenos Aires who had learned to perform highland Andean instruments and genres while living in Paris" (2008, 171).

6. The music for the Golden Record was chosen by a committee that astrophysicist Carl Sagan chaired, advised by folklorist Alan Lomax, who played a crucial role in proposing and advocating the inclusion of music outside the classical Western canon, including blues, jazz, rock'n'roll, and popular music from around the world. In his book on this project, *Murmurs of Earth: The Voyager Interstellar Record*, Sagan wrote that Lomax "was a persistent and vigorous advocate for including ethnic music even at the expense of Western classical music. He brought pieces so compelling and beautiful that we gave in to his suggestions more often than I would have thought possible. There was, for example, no room for Debussy among our selections, because Azerbaijanis play bagpipe-sounding instruments [balaban] and Peruvians play panpipes and such exquisite pieces had been recorded by ethnomusicologists known to Lomax" (Sagan et al. 1978, 16). One of these "ethnomusicologists known to Lomax" was Peruvian novelist, folklorist, and ethnologist José María Arguedas, who collected, studied, and published indigenous music and dance, and was officially appointed as "conservador general de folklore" by the Ministry of Education in 1946 before he became director of the National Museum of History and, later, of La Casa de la Cultura (which later became the National Institute of Culture, or INC) (Cerrón Fetta 2017; Casas Ballón 2017). Arguedas recorded the "Panpipes and Drum song" featured on the Golden Record and made the recording available to Alan Lomax. It is credited to La Casa de la Cultura, but comes without further attribution.

In his book on the Golden Record project, *Murmurs of Earth*, Sagan writes of the Peruvian "Panpipes and Drum Song": "The Voyager selection is played on one of these two-row panpipes. Hollow wood sticks are cut to different lengths, open at the top; sound is produced by blowing across the opening. The ramshackle, irregular tempo of the drum accompaniment is intentional and evidences no lack of expertise; the player deliberately manipulates the rhythm in favor of the unexpected. It may be played here by a one-man band. Musicians playing panpipes and drum simultaneously can be seen on pottery painted in Peru prior to Inca conquest, and on the streets of Peruvian cities today" (Sagan et al. 1978, 190).

7. It is interesting to compare this row with the rather more sober assessment of Bolivian statesman Mariano Baptista Gumucio, who was minister of education and culture in 1969–70, before Hugo Banzer's coup d'état in 1971, and again in the first civilian government after Banzer was toppled in 1979 (and later Bolivian ambassador to the United States). Before he took office in 1979, at the request of the Bolivian National Commission for UNESCO, Baptista Gumucio prepared a study of cultural policy in Bolivia for a UNESCO series called "Studies and Documents on Cultural Policies." In a chapter titled "Looting of Works of Art and Folk Culture," Baptista Gumucio wrote:

> Another aspect of the loss of works of art and of cultural identity is the appropriation by other South American countries of songs, dances and masques from the native and mestizo folk culture of Bolivia; and it is aggravated by the fact that, in these countries, unscrupulous individuals record and sell them as their own, receiving royalties for them, which is quite dishonest.

> The complaints of Bolivian musicians and composers are directed particularly at Argentina, although the matter is not so simple. The point is that Argentina has about 500,000 Bolivian immigrants, many of them labourers working initially on the sugar harvest and who have stayed on to live in the villas miseria or shanty-towns of Buenos Aires and other cities and towns. This enormous body of workers of native origin takes with it its cultural tradition, its music and other forms of folk culture, which come to be considered as products of the north of Argentina. Furthermore, this region was at one time settled by the Aymaras and Quechuas, and there are Quechua-speaking towns in the country whose folk culture is similar to that of Bolivia.
>
> This appropriation of typically Bolivian cultural forms is particularly evident in the imitations which dance troupes from the south of Peru and the Chilean pampas have been making in the last few years, by presenting the traditional Diablada of the miners of Oruro as their own creation.
>
> An agreement between the governments involved could put a stop to the illegal appropriation and dissemination of folk culture and popular songs, through the organization of effective machinery for mutual communication and rapid sanctions. (1979, 78)

8. Fernando Rios suggests that the specific incident prompting the Bolivian letter to UNESCO may have been a controversy surrounding the film *Argentinísima*, which premiered in La Paz four days before the letter is dated. It bears noting, however, that controversy surrounding the film did not flare up in Bolivia until two weeks after its first screening, ten days after the letter is dated. For more detail, see Rios 2014.

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FOLKLORE

In *Making Intangible Heritage*, Valdimar Tr. Hafstein—folklorist and official delegate to UNESCO—tells the story of UNESCO's Intangible Heritage Convention. In the ethnographic tradition, Hafstein peers underneath the official account, revealing the contexts important for understanding UNESCO as an organization, the concept of intangible heritage, and the global impact of both. Looking beyond official narratives of compromise and solidarity, this book invites readers to witness the diplomatic jostling behind the curtains, the making and breaking of alliances, and the confrontation and resistance, which shaped the convention and the concept.

Hafstein demonstrates how concepts that are central to the discipline of folklore gain force and traction outside the academic field and go to work in the world, ultimately shaping people's understanding of their own practices and the practices themselves. *Making Intangible Heritage* considers both the positive and the troubling outcomes of safeguarding intangible heritage, the protected heritage lists it brings into being, the festivals it animates, the communities it summons into existence, and the way it orchestrates difference in modern societies.

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"A brilliant and beautifully written examination of UNESCO's Intangible Cultural Heritage initiative in theory and practice from multiple perspectives. This landmark volume will change how we think about intangible heritage."

—**Barbara Kirshenblatt-Gimblett**, author of *Destination Culture: Tourism, Museums, and Heritage*

"Underpinned by lively and humorous ethnographic observations of intangible heritage in all its cultural and bureaucratic expressions, Hafstein offers an engaging, critical and insightful account of the uses and consequences of intangible heritage and its safeguarding. This captivating and theoretically important book offers an overdue assessment of the impact and consequences of what the concept of intangible heritage does at international and local levels."

—**Laurajane Smith**, author of *Uses of Heritage*

Cover Photograph: *Campo de Color* by Sonia Falcone (2013). Mixed media installation at the 55th Biennale di Venezia: 88 clay bowls with spices. Photo by Sonia Falcone.

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ISBN 978-0-253-03792-3

INDIANA UNIVERSITY PRESS