

China's Comments on Document ITH/06/1.COM>/CONF.204/7
Criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity

i. Fall within one or more of the domains listed in Article 2.2 of the Convention

comment

It was recommended to follow as much as possible the views of tradition bearers and practitioners concerning the identification and naming of ICH elements, **particularly taking full account of the relationship between the original and the derivative, the whole and the parts, and preferably not to present or list as separate items elements that for them constitute parts of indivisible entities.** Experts have repeatedly stressed that many ICH elements belong to more than one of the domains mentioned in Article 2.2.

vi. Will enhance the diversity of ICH featuring on the List, thus reflecting cultural diversity worldwide and testifying to human creativity;

comment

The experts considered that the items listed should be representative for human creativity, in the sense that the Committee should see to it that the elements listed are (a) as diverse as possible, avoiding repetition, and (b) representative of human creativity as found in the various regions, **linguistic families and communities** of the world, **with special attention given to those regions with high intensity of cultural types.**

Related Issues

Inscription of Masterpieces

Comment on issue 6

In our opinion, according to Article 31.1 of the Convention, the three groups of Masterpieces of the Oral and Intangible Heritage of Humanity proclaimed by UNESCO before the Convention validified should in principle be automatically incorporated into the Representative List. Out of the respect for past practices and work experiences, these items will not be repetitively assessed, and their previous references and descriptions should be kept the same.

Comment on issue 7

We agree in principle on this comment. But it needs to be pointed out that if this comment stresses that "Article 31.2 of the Convention stating that the incorporation of the Masterpieces in the Representative List shall in no way prejudice the criteria for future inscriptions on that list", in other words, criteria of the "past" cannot be used as criteria of the "future". If thought in a reversed way, the criteria of the "future" should not prejudice the "past" items either, nor should the past items be re-assessed along with the new items and "be referred to and reported about in the same way as new inscriptions", as were proposed in the comment on 6. Again, this viewpoint (of leveling the old with the new) has neither technical feasibility (as one cannot change the historical assessments of the old inscriptions) nor practical possibility (to modify the "past de facto" with "future" criteria). Therefore the paradox in the issue 7 further testifies to the necessity of revising the issue 6.

Comment on issue 8

As a "provisional draft", the Convention has clearly stipulated in its Article 31 that the Committee should "incorporate in the Representative List of the Intangible Heritage of Humanity the items proclaimed 'Masterpieces of the Oral and Intangible Heritage of Humanity' before the entry into force of this Convention". In order to follow the spirit of this Convention, we should give full account of the natural transitional relationship between the Masterpieces and Representative List. Therefore, we hold that there should be no necessity for new "validity assessments" or "references and reports in the same way as new inscriptions", because only by omitting that can we objectively reflect the actual process of previous work and the continuity of ICH protection efforts. Based on the above considerations, we hold that the three groups of proclaimed Masterpieces should be unconditionally incorporated in or automatically enter the Representative List, without any repetitive assessment; their previous references and reports should also be kept the same so as to preserve the diachronicness and authenticity of the UNESCO archives and records. As for whether being from the States Parties should become a selective prerequisite for an item to enter the Urgent List, further discussions could be made after the following three comments are evaluated.

Criteria for the Urgent List

Comment on issue 9

In accordance with the spirit of Article 16 and 17 of the Convention, whether an item should be incorporated in the Urgent List should require the submission of State Parties

first, the review of the Committee and its advisory bodies next, and the approval of the Assembly finally.

Communities, groups and individuals

Comment on issue 12.

In view of the complexity of related concepts and definitions, as well as the reality of cultural diversity among all States Parties, it is suggested that actions move gradually from practice to theory. Concerning issues of high importance, complexity and controversy, further discussions can be held after the States Parties have accumulated some cases of practice.

A List and a Registry for Representative items of the ICH of Humanity?

Comment

In view of the basic spirit of the Convention and previous heritage protection practices, Chinese experts are unanimously against the proposal of setting a so-called "limited duration" for inscribed ICH items, or building of a "Register" based on this "limited duration". Regarding the comments on 18 and 23, the objection of Chinese experts are mainly based on the following prudent considerations:

1) First, Chinese experts admit there are considerable difficulties and challenges in the management and protection mechanism of ICH. However, looking back at all the existing practices and mature experiences in World Heritage Protection, which has identified and approved more than 800 items over the last three decades, there has never been in place any arbitrary setting of a "limited duration" so as to circumvent the management and monitoring challenges. In comparison to world tangible heritage, intangible cultural heritage has far more diversity, abundance and complexity, and there has only 90 items inscribed as Masterpieces before the Convention entered into force. No matter from the length of worktime or number of inscribed items, the current status quo of ICH protection is still far from meeting the mission and requirement of the Convention. Therefore, it is too early to set up any bar of "limited duration", which will in no way facilitate the protection of ICH, but will bring about unpredictable negative impacts.

2) Considering that the Convention has just taken effect, and taking into view that this is a time that many States Parties have just embarked on their protection of ICH, the setting up of a “limited duration” at this crucial time would hinder the effort of addressing the realistic demand of protecting ICH and cultural diversity in the international community, nor could it help encourage, promote and guide the States Parties to inventory and submit their national representative heritage items. Therefore, it is against the mission and spirit of the Convention to arbitrarily set up a “limited duration” or a “Register”.

3) Technically, the proposal of setting up a Register based on this “limited duration” is not conducive to the implementation of the ICH protection plans, and another Register beyond the existing two systems of inventories will definitely lead to three concurrent inventories for management and bring perplexity in definition as well as protection. It is particularly worth noting that the whole system of building inventories is still in a process of exploration, and the consideration of setting up “limited duration” or Register will only lead to many unnecessary trivial controversies, adding to the difficulty and complexity of UNESCO and even the States Parties in their protection efforts.

Comment on document ITH/06/1.COM/CONF.204/6

Advisory Assistance to the Committee

1. In accordance with the spirit of Article 9 of the Convention, we endorse and support the UNESCO's proposal of setting up a general advisory body to assist the work of the Committee, so as to help all States Parties and the international community to carry out protection of ICH in a all-round manner, and to provide specialized advices for the selection of the two Lists, ensuring the institutionalization and continuity of the assessment work.

2. Agree in principle the following:

- (1) the advisory body should be composed of and intellectually supported by practitioners, experts, NGOs and related research centers or scientific institutions widely recognized in the field of ICH;
- (2) In the scale and composition of this advisory body, it is suggested that full consideration be given to governmental and non-governmental representatives and representatives from academically credible research centers or scientific institutions from States Parties;
- (3) Regarding the representatives of practitioners, experts, NGOs and research centers or scientific institutions, high regard should be given to the diversity of regions, linguistic families and communities of the world.

3. Taking into account the extensiveness and complexity of the fields covered by ICH, we suggest that according to the basic categorization of Article 2.2 of the Convention, a branch advisory committee be set up under the umbrella of the general advisory body. We suggest that more detailed and in-depth discussions be made and relevant regulations established to foster more interactions among advisory committees of different disciplines, as well as the synergy between branch advisory committees and the general advisory body, so as to ensure a highly efficient working mechanism, and realize the institutionalization, democratization and transparency of the procedures of advisory work.

4. The accreditation of the advisory body and its sub-Committees should at least include the following:

- (1) Experts, centers or institutions that have been widely recognized for academic accomplishments in the field of ICH.

- (2) Bearers and practitioners acknowledged by the State Party and enjoying social prestige and wide recognition in the local community and affiliated groups, in principle the local representative of this type of advisors should come from the communities and groups of the State Party whose ICH items have already been listed at the first level of national inventory, and these representatives should be given special attention;
 - (3) Representatives entering this advisory body and its sub-Committees should have no cultural or political biases;
 - (4) Experts, centers and institutions with experiences for cross-culture research programs should be given special attention.
5. According to the above criteria, we suggest that the accreditation of this advisory body and its sub-Committees should include at least the following two steps:
- (1) Representatives for the four types of advisory bodies should be recommended by States Parties and be acknowledged by them;
 - (2) The recommendations should be submitted to the 24-nation Committee for review and approval.