

## Proposal for the UNESCO Secretariat concerning the draft statement on the Convention for the Intangible Cultural Heritage

### (Introduction)

As stated in Article 2 of this Convention, Intangible Cultural Heritage (hereafter "ICH") is heritage that has been constantly recreated and transmitted by people throughout the history of humanity. As a result, in contrast with World Cultural Heritage, which lists items produced by the human creative genius that are of high universal value, the evaluation of the products and activities of human beings which form the ICH may lead to evaluation of those who are actually bearers of the heritage. It is therefore inappropriate under this Convention to make distinctions of relative superiority or inferiority among the ICH.

It follows that the Representative List of ICH should not, in any way, be administered in such a way that it could be taken as a collection of outstanding items from a limited number of heritage items. Even if there are countries who would desire such an approach, UNESCO, the States Members of the Committee, and States Parties of this Convention should persevere in their efforts to ensure that the intentions of the Convention are properly implemented. In addition, we should avoid using "representation of cultural diversity" as a reason to eliminate similar heritage items from the same origin.

Thus, if we are to call for the "safeguarding of the ICH of humanity", a shared understanding must be sought among many countries with regard to the application of this Convention, not merely imitating the World Heritage Convention, but taking into account the special characteristics of the ICH, and ensuring sufficient time for thorough discussion.

Based on the points above, we submit the following opinion.

### Advisory Organizations to the Committee

1. The advisory organizations must be subject to the condition that its actions are ultimately based on the principle that it advises the Committee made up of States Parties. To ensure it, the Committee should clearly set out in the terms of reference the range of duties to be carried out by the advisory organizations under the control of the Committee, and should obtain the agreement of the advisory organizations for this point.

2. In the accreditation of the advisory organizations, it is necessary to ensure that sufficient information regarding the said organizations is made available, that the approval of the Committee is obtained, and that the selection process is carried out democratically and transparently.
3. In order to avoid the advisory organizations gaining excessively strong influence, a system of limited-term contracts should be introduced.
4. In the implementation of the Convention, Japan believes that, bearing in mind the diversity of ICH, it is important to have a system that can draw upon the knowledge of the various independent researchers, administrators, groups, and others that have been involved in projects for the preservation and promotion of ICH thus far. For this reason, selection of the advisory organizations should be based on records of achievement in several countries of each area.
5. While we acknowledge the authority of the advisory organizations currently proposed by the Secretariat, we do not believe it possesses sufficient knowledge of ICH in each geographical/regional area. Our concern is that this may lead to the imposition of a fixed, biased set of values. For this reason, advisory organizations should include not only international, cross-national bodies, but also organizations rooted in each area, able to give necessary advice regarding the unique ICH of each area. To reach high level of expertise in each culture and efficiency, a few well selected and highly qualified local organizations should be eligible for being selected as "advisory organizations". We strongly believe that various cultural values should be represented in a balanced manner in advisory activities of these organizations..
6. Currently, there are few local advisory organizations as described in (5) above, which are established organizations with a record of achievement in several countries of each area. Henceforth, it will be one of the obligations of States Parties to nurture such organizations. In Japan, starting this year, we intend to work actively toward the training of specialists as international cooperation in the safeguarding of ICH and towards network-building, to make a contribution in Asia.

#### **Criteria for the establishment of the Representative List**

##### **(General argument)**

1. In order to include diverse ICH on the Representative List, criteria should be limited in number and kept flexible. At the same time, however, the credibility of the Representative List and thus of the Convention must be maintained. Criteria should keep balance between these two opposing demands.
2. The Representative List should be comprehensive, so as to encourage the

safeguarding of ICH, by providing an overview which reflects the diversity of ICH throughout the world. Unlike the World Heritage Convention, it should not be based on evaluative criteria such as “outstanding universal value”, and should not form a hierarchy among items of cultural heritage.

Bearing in mind the diversity of ICH of various countries around the world, rather than emphasizing the relative value of each item of ICH, it is desirable that proposed items be entered on the list once they meet certain criteria (such as state of transmission) and have gone through the necessary administrative procedures.

3. With a view to raising awareness of the protection of ICH, the Representative List should be one that broadly represents the diverse culture existing in the world, and, in order to include as many items of ICH as possible, applications for multiple items should be allowed as much as possible at once. When processing the applications, bearing in mind that the Representative List is not an enumeration of items of outstanding value, and considering the administrative capacity involved in the process of judging, nominations should be processed according to the basic idea that any items meeting the conditions should be listed, not selected as items of especial excellence as stated in (1) above. In this way, the process will be more efficient, and the cost can be reduced. In addition, taking into account the relation or mutual connections between similar ICH, it should be possible to nominate several items together in one nomination.
4. Criteria (iii)(iv)(v), which were suggested based on the results of discussion at the meetings of experts, are each related to the community or group's recognition of the relevant ICH. If these criteria would apply separately, the relationship between community as bearer and ICH may be lost. We therefore propose to combine these criteria in one, for example as follows: “that the cultural heritage recognized as part of the cultural heritage by the relevant party (communities, groups, or in some cases individuals) be rooted in the relevant party, being transmitted and recreated, while maintaining identity and continuity”.

Again, regarding those things that are rooted in, transmitted and recreated by the community (in relation to criterion (v)):

- there are many items in local areas for which no clear records of transmission remain regarding the relevant ICH; therefore, in order to avoid the a priori elimination of such items, criteria such as set periods of transmission should not be strictly applied, but evaluation should be carried out through a variety of means.
- ICH includes both items which have roots extending throughout the country, as

well as those which exist only in certain spots. Narrow geographic limits on the extent of community, which would eliminate these kinds of ICH, should be avoided.

5. How a Representative List that promotes diversity (in relation to vi) should look like:
  - In many cases, multiple examples of the same type of ICH exist in a country or countries. These each possess distinctions, which may not be clear to the eyes of people outside, and originality rooted in the respective cultural climate of the area. The criterion "avoiding repetition" would risk ignoring these distinctions and inhibit the listing of same-type ICH, and should therefore be eliminated.
6. In regard to obtaining consent by the community, group (or individual), or submission of documents, etc., related to participation in the process leading up to registration (in relation to (vii) and (viii)):
  - Submission of a written agreement in evidence of community consent is being asked for; however, each country has its own traditions concerning forms of consensus and obtaining agreement. For countries without a tradition of contractual society, it would be appropriate to respect the traditions of those countries regarding forms of agreement. Therefore we consider written agreement to be unnecessary as a rule.
7. Regarding items listed on domestically produced inventories (related to (ix)):
  - Basically, each country should nominate candidates for the Representative List from among items listed on their respective domestically-produced inventories.
  - Inventory-making need not be limited to comprehensive inventories of all ICH of the relevant country. According to the circumstances of each country, different scope and modality of the inventory should be accepted. In addition, to be realistic, it is impossible to make an inventory that from the start would include all heritage comprehensively. It should be assumed that the inventory will be completed over time.

**(Related Points)**

8. Regarding ICH proclaimed under the Proclamation of Masterpieces and their incorporation into the Representative List, this should be carried out according to the stipulations of Article 31 of the Convention, i.e., all items of ICH from the States Parties that have been proclaimed as Masterpieces should be incorporated automatically into the Representative List.
9. When making the List of ICH in Need of Urgent Safeguarding, evaluation should be

carried out from a variety of perspectives such as the following:

- there is a high probability that the tradition will not be carried on unless it is inscribed on the list
  - the commitment of the community or bearers is extremely weak
  - lack of an adequate system for training successors
  - alteration of traditional system of preservation
10. Since each country has its own way of thinking about the concept of community, a uniform concept of community should not be imposed on all. Therefore the concept of community should not be narrowly limited to specific tribes or villages, but taken in a broad sense, based on the discussion held during the debate on the Convention.
  11. According to the Convention, only domestic inventory-making is stipulated, so, in order to avoid complication and to reduce the burden on each country, the creation of a national Representative List or other such system should not be made obligatory, even in the form of a recommendation. It would only encourage the formation of a hierarchy among ICH, ranking the Representative List, the national Representative List, and the inventory.
  12. Because the ICH is far more numerous than the tangible cultural heritage, and because it is difficult to assign an order of priority to ICH, it would be appropriate to adopt a Sunset Clause formula with a short term, set for example at 5-10 years, so as to allow as many nominations as possible.
  13. To keep this Convention effective and meaningful, a monitoring system is required. Since the period of inscription on the list will be limited with the implementation of the Sunset Clause and international assistance may be granted for ICH in need of urgent safeguarding as stipulated in Article 20 of the Convention, monitoring should be carried out only on the state of safeguarding of those items on the list of ICH in Need of Urgent Safeguarding which are stipulated by Article 20 of the Convention.