

Research on Government Responsibility for the Protection of Intangible Cultural Heritage in Minority Areas

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ABSTRACT

The protection of intangible cultural heritage is a long and arduous systematic project. It not only protects the heritage itself, but also protects its surroundings, including its historical, scientific, and emotional connotations and the elements of cultural heritage formation. In the protection of intangible cultural heritage, the local government will play a leading role and bear unshirkable responsibility for the success or failure of the construction. In the process, however, local governments are often affected by various factors, resulting in adverse phenomena such as government undertaking the whole things and protective damage. This paper takes minority areas as the research district to study the government responsibility for the protection of intangible cultural heritage.

1. Introduction

China is an ancient civilization with its five thousand years' splendid culture. All ethnic minorities have jointly created China's rich and precious cultural heritage. The intangible cultural heritage of Chinese ethnic minorities has its own uniqueness. It is the manifestation of their national characteristics and spirits, and the important symbol that distinguishes one nation from another. However, with the acceleration of modernization, more attention has been focused on economic development, and the protection of intangible cultural heritage in ethnic minority areas is undervalued, leading that problems such as imperfect laws, insufficient funds, improper management, and inadequate protection have appeared. One of the main reasons is that the governments in some ethnic minority areas pay more attention to development than protection, resulting in the lack of government responsibility. Therefore, it is necessary to optimize the

government's responsibility in protecting the intangible cultural heritage in minority areas, and better rescue and protect the intangible cultural heritage.

2. Analysis of Government Responsibility in the Protection of Intangible Cultural Heritage

2.1 Make and Implement Relevant Laws and Policies

The protection of intangible cultural heritage is not just a short-term act, but a long and arduous systematic project. First, relevant government departments need to formulate scientific and reasonable development plans. Therefore, government relevant departments and agencies should pay attention to, coordinate and cooperate with each other, deeply understand the value contained in intangible cultural heritage and the significance of long-term protection; establish the concept of "promoting development by protection, and promoting protection

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by development" according to the suggestions of relevant scholars, formulate practical new policies, and strengthen management; draw up a long-term plan, organize and implement carefully to carry out protection and inheritance work step by step. In order to bring the protection of intangible cultural heritage into the track of legalization, government departments at all levels should actively formulate reasonable construction plans and local rules and regulations based on the actual conditions of the region. Provide a strong legal basis for the protection of intangible cultural heritage by establishing relatively perfect legal protection. In August 2021, the general office of the CPC Central Committee and the general office of the State Council issued the "Opinions on Further Strengthening the Protection of Intangible Cultural Heritage", emphasizing that intangible cultural heritage is an important part of Chinese excellent traditional culture, a vivid witness of the continuous inheritance of Chinese civilization, and an important basis for connecting national feelings and maintaining national unity^[1].

2.2 Maintain and Improve the Environment of Heritages

When protecting intangible cultural heritage, the governments of ethnic minority areas should also upgrade and build the cultural ecological environment accordingly. Therefore, the governments in ethnic minority areas should invest a lot of financial resources in the construction of hardware facilities around the intangible cultural heritage, which mainly involves the corresponding renovation of the surrounding residential buildings and the natural environment, in order to coordinate well with the atmosphere of intangible cultural heritage. At the same time, it is necessary to shape the local humanistic environment, and create an atmosphere for all people to participate in the protection of intangible culture. The government should encourage people to freely express their creativity, and let them provide assistance for the protection of intangible cultural heritage in a relatively relaxed environment. The governments of ethnic minority areas should also mobilize the enthusiasm of relevant departments, such as organizing large-scale exhibition activities, setting up cultural heritage days, or holding cultural festivals to publicize intangible cultural heritage, so as to form an atmosphere of cultural heritage protection with all people participating. In recent years, China has attached great importance to the protection of intangible cultural heritage and established "Cultural Heritage Day" specially. Every year on this day, celebrations and publicity will be widely carried out across the country and this opportunity will be taken to show some rescue and

protection achievements of folk culture. These activities can effectively improve the people's attention to intangible cultural heritage and lay a good mass foundation for the protection of intangible cultural heritage in the future.

2.3 Provide Funds for Protection of Intangible Cultural Heritage

The protection of intangible cultural heritage requires a large amount of financial, material and human resources. In the entire process, abundant funds are needed from the census to data archiving, from the cultural heritage rescue to the publicity and protection. At present, China is still on the initial stage of socialism with relatively limited financial resources. Especially in ethnic minority areas, local governments often spend more efforts to poverty alleviation and do not invest sufficient funds in cultural construction. Take the Dragon Boat Festival along the Miluo River as an example. In the past, Chinese people just rowed dragon boats and ate rice dumplings to memorize the festival, which was not paid enough attention. However, South Korea's successful declaration of the Dragon Boat Festival has attracted great attention from the Chinese government and provincial and municipal departments. In order to build the dragon boat racing course in Miluo River, the local government allocated 20 million yuan and built a special viewing platform.

2.4 Integrate with All Forces

The protection of intangible cultural heritage involves a wide range of fields. It needs to coordinate multiple forces, and at the same time requires a large amount of financial, material and human resources to be invested to support the smooth development of the entire process. At the same time, because it shoulders the burden of maintaining historical continuity and involves a wide range of knowledge, the local government is needed to play a leading role in the whole process. On the basis of determining the protection of intangible cultural heritage, the forces of all social parties are fully integrated through the establishment of a long-term and effective operating mechanism, so that they can actively and extensively participate in the process of intangible cultural heritage protection. Judging from past experience, the participation of news media, business, academia, and cultural organizations at all levels is of great practical significance to the protection of intangible cultural heritage. Therefore, the governments of ethnic minority areas should give full play to their own organization and coordination function to integrate various forces, so as to promote the protection of local intangible cultural heritage. In China, there are

currently more than 3,000 cultural centers and mass art centers, 1,500 museums of various types, nearly 4,000 cultural stations and 200 institutions and universities that conduct research on intangible cultural heritage across the country. In the face of so many institutions and organizations, only the government exerts its organizational function, can it effectively integrate social forces, make a concerted effort and promote the research and protection of intangible cultural heritage.

3. Problems of Government's Performance in the Protection of Intangible Cultural Heritage

3.1 Government-led "Protective Damage"

The protection of intangible cultural heritage needs to be led by the government, especially effective measures should be taken for the historical and cultural factors in the heritage. However, the current situation is not optimistic. There are many problems in the government's protection activities, such as weak protection awareness and inaccurate positioning of protective measures. These actions have led to "protective damage" to some extent. For example, Donglan County, Hechi City, the birthplace of the bronze drum culture, put forward the slogan "red Donglan, the hometown of bronze drums"^[2] to develop tourism with cultural attraction. It is certainly conducive to improve the influence of the bronze drum culture, but due to involving economic interests, it will inevitably cause damage to the aboriginality of bronze drum culture. Bronze drums, as the spiritual totems and soul symbols, used to be the sacred sacrifice of some ethnic minorities in Donglan county. Except for major festivals and special moments such as sacrifice, the bronze drum can not be used. However, Donglan County is now making great publicity about bronze drums in order to develop the tourism industry. Bronze drums are performed frequently everywhere and government leaders often inspect. As a result, the bronze drum culture has lost its original solemn and sacrificial meaning.

3.2 "Arranged" Behavior of Government Intervention

The protection of intangible cultural heritage is a huge social project that requires the leadership of the government and the assistance of all sectors of society to complete it. The government is the main part controlling the direction and progress of this project. Its responsibility is to establish a management system for intangible cultural heritage protection, promulgate relevant operating systems, regulations and rules, and provide guiding opinions and suggestions on some cultural heritage protection problems. However, at present, there is too much government

intervention in the protection of intangible cultural heritage. Some local governments have undertaken the protection of intangible cultural heritage as much as possible in an administrative way, ignored the opinions of the people, and even excluded them from the protection work. This overstepping treatment makes the protection inefficient and inconsistent with the people's expectations. For example, the traditional festivals in the past were hosted by the nongovernmental organizations, and government personnel could attend as guests or put forward relevant suggestions and support, but the strong intervention of the government would turn this folk celebration into a vanity project of the government. The original organizers lost the right to host the activities, and could only helplessly watch the ancient idolatrous procession become a standardized government meeting including guest introduction, leader's welcome speech, awards and summary.

3.3 Favouring Declaration over Protection

The declaration and protection of intangible cultural heritage are two steps in the same procedure, belonging to different levels. Declaration means to state and apply for intangible cultural heritage rights. The acquisition of intangible cultural heritage rights depends on its unique cultural deposits and social value, and the ultimate goal is to make the existing intangible cultural heritage obtain the corresponding rights and get sufficient protection. The protection of intangible cultural heritage is management and protection literally. On the one hand, it needs the support of the government and society, and on the other hand, it needs people to stick to it consciously. The purpose of protection is to prevent the intangible cultural heritage from being infringed and damaged and maintain it in the raw for a long time. However, at present, the problem of emphasizing declaration over protection of intangible cultural heritage is very serious, which is because of the lack of ideological understanding. For local governments, the declaration of intangible cultural heritage is an investment, because successful declaration is the government's record, which is not only related to the image and honor of the government, but also closely related to the promotion of relevant personnel, and can also bring inexhaustible economic benefits. Therefore, for the declaration of intangible cultural heritage at the national level and in the autonomous region, government personnel at all levels provide the greatest support in terms of human, financial, spiritual and material resources. Similar to public welfare activities, the protection of intangible culture requires to invest funds and resources, but it's difficult to see the return. Moreover, the protection needs long-term persistence and implementation, which is easily overlooked, and no one cares about its success or failure.

3.4 Uncoordinated Multisectoral Cooperation

The protection of intangible cultural heritage led by the government is associated with many departments, such as the Ministry of Culture and Publicity, the Department of Religious Affairs, the Department of Personnel, the Department of Urban Construction, and the Department of Tourism. Multi-department participation in construction will lead to unclear responsibilities, poor coordination, numerous contradictions and low efficiency, which are mainly reflected in mouthing empty slogans, while prevaricating each other and no one cares about the specific work that needs to be implemented. The Bronze Drum Cultural and Ecological Protection Zone has established a provincial and municipal leadership group headed by the mayor. The deputy mayor in charge is the deputy team leader and the members include the department heads of the Municipal Culture, Development and Reform Commission, Education, Ethnic, Finance, Construction, Tourism, Land and Resources and the main leaders of the counties in the protected area. The leadership group has offices under it^[3]. Although the leading group has been established on the whole, the responsibilities of each member department have not been detailed, and the comprehensive coordinating mechanism has not been established. The construction of Cultural and Ecological Protection Zone is basically still in a state of single-handedly fighting by the Department of Culture. In 2011, the local people in Donglan County, Hechi reported to the public security bureau that a bronze drum handed down from ancient times had been stolen. The public security bureau did not file a case on the grounds that the value of the bronze drum is difficult to assess, and recommended to go to the cultural and sport bureau, which thought that it had no function of tracing the stolen cultural relics. As a result, the matter was left unsettled. Although Hechi City has established the intangible cultural heritage protection center, as the implementation department for the management and coordination of the whole protection work, the center is located in the municipal mass art museum, which makes the protection work bound to be restricted and interfered to a great extent^[4].

4. How to Optimize the Government's Responsibility

4.1 Strengthen the Sense of Responsibility of the Administrative Subject

4.1.1 From “Government-centered” to “Society-centered” and “Citizen-centered”

In the process of protecting intangible cultural

heritage, what the government should do most is ideological transformation, that is, to form an awareness of government leading and broad public participation. In terms of administrative mode, government officials should change the traditional concept that officials are above the people, truly recognize the equality of officials and the public ideologically, dare to delegate power to the people and integrate into the people's life. In terms of the governing idea, the concept of “government-centered” should be gradually transitioned to “society-centered” and “citizen-centered” as soon as possible. That is, change the ruling idea of the government and allow the public to participate in the development of national management. In terms of management mode, it is necessary to shift from "culture cultivation" in the era of planned economy to "culture management". Various trainings can be used to strengthen the ideological and moral education of officials, and cultivate the awareness of serving the people wholeheartedly and benefitting the public. Through various cultural propaganda, government officials can consciously integrate into the social family, so as to better contribute to the construction of the family. At the same time, corresponding rules and regulations must be formed to restrain officials' behavior, and those officials with inadequate ideological understanding and misconduct must be resolutely dealt with and serve as a warning.

4.1.2 Government's Change from Power-oriented to Responsibility-oriented

Changing administrative idea will help to change the current situation of unclear responsibilities, chaotic functions, mutual prevarication, and poor coordination. It is undeniable that governments at all levels should have corresponding power, which is not only the basis of governance, but also to meet the needs of national healthy development and improving people's living standards, but the government should also bear the responsibilities corresponding to power. The government is to serve the people. Only when those in power realize this can they keep a low profile, change the bureaucratic style of procrastination from top to bottom, and serve the people conscientiously and responsibly. Power and responsibility are interdependent and with great power comes great responsibility is big. The governments of ethnic minority regions have the power of intangible cultural heritage protection and enjoy the relevant benefits brought by this power, so they should assume corresponding responsibilities. Powers and responsibilities are closely related and restrict each other. In the ruling process, the governments of ethnic minority areas must seek the coordination of "power" and "responsibility"^[5]. When

enjoying the personal and group interests brought by power, the government can not ignore the responsibilities and obligations that should be undertaken and performed.

4.2 Clear Boundary of Government Behavior

4.2.1 Make the Government's Remit Clear

Making the scope of their rights and responsibilities clear is the key for government departments to handle state affairs well. The protection of intangible cultural heritage is led by the national cultural and tourism administration and completed with the cooperation of local governments at all levels. The main functions of the government participating in the construction of ecological reserves include guiding the establishment and improvement of the leadership mechanism; timely promulgating relevant regulations, policies and specific implementation rules related to the protection of intangible cultural heritage; establishing a scientific system of decision-making institutions under the support of rigorous analysis and research; and increasing strengthen efforts to call on relevant experts and social enthusiasts to participate widely. At the same time, carry out publicity and education to make the protection of intangible cultural heritage deeply rooted in the hearts of the people. The government should accurately "position", that is, in the protection of intangible cultural heritage, it should clearly understand its own functions and responsibilities. In other words, there must be a clear understanding of what the government should do and what the government should not do. What should be done by the government should not be passed on to the people or the market; What should not be done by the government should not be taken over, overstepped and arranged by the government. The personnel responsible for implementation shall ensure the professional construction of the project, and the government does not need to participate in all aspects of protection activities.

4.2.2 Standardize Administrative Approval

The government's participation in the protection of intangible cultural heritage will inevitably formulate relevant protection measures, which will clearly stipulate the administrative approval procedures, such as the declaration of the heritage list and the application for protection funds. The declaration is a cumbersome process. Although the application is successful, the allocation of funds is also a long process, which not only delays the effective protection of intangible cultural heritage, but also provides approval departments with a way to get off-the-books income. Therefore, it is necessary

to learn from foreign experience, strictly supervise the administrative examination and approval process, and make it more standardized. At the same time, simplify the application procedures for cultural projects, and protect and rescue endangered heritage projects in time. In addition, the funds for successfully declared projects must be allocated in time, and the supervision department must strengthen supervision. The administrative department in charge must be open and transparent in the use of funds, and use more market means such as bidding, listing and transfer to allocate resources, so as to reduce and solve the power rent-seeking.

4.2.3 Apply Exit Mechanism at the Right Time

The role of the government in each stage of the intangible cultural heritage protection is different. In the initial stage, the government, as the leader, should actively participate in the protection work, and promote community participation and give full play to the main role of the community and the indigenous residents. While the protection work is on the right track, the government should apply the exit mechanism to weaken the leading role, and give full play to its role of coordination and service. For example, for some folk activities supported by the government, when these activities are on the right track, the government can gradually fade out and let folk activities develop their spontaneity.

4.3 Optimize the Performance Appraisal System of Local Governments

4.3.1 Clarify the Public Opinion Orientation of the Governments' Performance Appraisal

Government's record is the manifestation of the achievements of the government and ruling party. Although the law in China stipulates that the ruling power belongs to the Communist Party of China and the government, in ethnic minority areas, the ruling power is sometimes manipulated by administrative personnel, and they often imposed their will upon the people, which leads that the people's will is largely determined by the ruling personnel and public opinion has been distorted to a certain extent. Therefore, when assessing the managers and supervisors responsible for the intangible cultural heritage protection, it is necessary to strengthen the democratic construction within the government, adopt various channels to be in touch with public opinion, set up suggestion boxes, and include public opinion in the inspection indicators, so as to re-establish the public opinion orientation of the governments' performance appraisal. For example, the scoring of managers by the inheritors of intangible cultural heritage can be used as one

of the criteria for the annual assessment of managers. Only in this way can we truly eliminate the various problems that exist in the performance evaluation of local governments.

4.3.2 Diversification of Performance Appraisal Items

Under the guidance of taking economic construction as the central task, the government's record is linked to the economic index. Therefore, it's inevitable to encounter conflicts between economic interests and moral responsibilities in the protection of intangible cultural heritage. Given this, it is necessary for local governments to implement a diversified assessment system, listen more to the public opinions, learn from other social organizations, and take the social indicators as the main standard of the assessment so that the people can participate in the evaluation of political performance. Especially in the protection of intangible cultural heritage, the government's performance evaluation should gradually transit from single evaluation that only depends on economic indicators to a comprehensive evaluation. , including politics, economy, culture, society, ecology, etc. A systematic evaluation system will be established to meet the requirements for cultural inheritance and protection and the needs of the development of times.

4.3.3 Highlight the Differences in the Government's Performance Appraisal Items

Local governments undertake different responsibilities, so the evaluation methods should also be different. By analyzing and studying foreign experience, a new evaluation system can be established, which includes both general evaluation index of all departments and personalized ones reflecting departments' characteristics. The general evaluation index can be used to compare the performance of different departments to make them have competitive pressure and driving force for reform; the personalized index is to adapt to the different situations of each department, so that the performance evaluation is more convincing. Especially in the protection of intangible cultural heritage, based on the its particularity, in addition to the common comprehensive evaluation indexes, some personalized cultural factors should also be added in the process of governments' performance evaluation.

4.4 Improve the Government's Supervision Mechanism

4.4.1 Judicial Supervision

In the protection of intangible cultural heritage, it's

essential to implement legal supervision, further refine the "Intangible cultural heritage law of the People's Republic of China", and clarify the scope of rights and responsibilities of governments at all levels in the protection of intangible cultural heritage through explicit provisions of the law. On the one hand, the judicial departments need to be given sufficient judicial supervision power. On the other hand, an effective legal basis for supervision needs to be provided. At the same time, according to the local folk culture and the ruling characteristics of the local government, combined with the "Intangible cultural heritage law of the People's Republic of China", relevant local policies, a systematic and complete legal protection system and judicial supervision mechanism are established to restrain the expansion of government power.

4.4.2 Administrative Supervision

To reverse the current situation of excessive government power and its rapid expansion, in addition to external containment, it also needs to form mutual restraint and supervision through internal decentralization. Specifically, the decision-making power, supervision power, and execution power are allocated to different departments, and each department performs its own responsibilities, so as to give full play to the effect of administrative supervision. However, the power distribution is difficult because no department is willing to give up its power, so it needs to be enforced by administrative legislation. At the same time, an accountability system shall be established to subcontract the responsibility to the person. The person in charge can be found whenever there is a problem. The combination of administrative supervision and accountability mechanism can eliminate the randomness of supervision and ensure the rationality of the governance.

4.4.3 Social Supervision

First of all, the government's ruling information must be made public, and at the same time, the authenticity of the information must be ensured. Give full play to the role of the news media and the supervision of government's conduct must be increased. Secondly, the rights, procedures and related rules of social supervision must be established through legislation to ensure that the rights of social supervision institutions are not violated. The essence of the intangible cultural heritage development is to pursue profits. Excessive commercialization is harmful to the protection. Therefore, it is necessary to establish a monitoring and regulation mechanism to standardize and manage the development of intangible cultural heritage industry. In

response to this problem, experts on intangible heritage protection in China have proposed a mechanism of "cultural early warning". That is, before the intangible cultural heritage project attracts social attention, the research institutions should first take protective measures to prevent destructive development. This "cultural early warning" mechanism can restrain the disadvantages of blind development to a certain extent, and thus plays a positive role in guiding the intangible cultural heritage protection.

5. Perfect the Social Participation Mechanism

5.1 Arouse People's Cultural Consciousness

Government alone is not enough to solve the problem of intangible cultural heritage protection. It is essential to arouse people's cultural consciousness, make them feel proud of the national culture and cultivate their desire to protect it. The government needs to encourage and guide people to participate in the protection of intangible cultural heritage through a variety of channels, so as to obtain strong support in the arduous construction tasks. In short, let people integrate into the trend of intangible cultural heritage protection, shorten the distance between the government and the people, and truly form a coordinated and orderly whole. Everyone is the cell that makes up this country, and culture is the hub connecting each cell. Everyone should consciously use various channels to learn cultural knowledge, understand the procedures of intangible cultural heritage protection, and actively participate in it and contribute their own strength. In the protection of intangible cultural heritage, it may cause certain losses to the interests of people. In the face of this problem, we should make a rational analysis. Although this huge project itself is a free economic expenditure, it will leave the most precious treasure to future generations. Therefore, the people also need to understand the difficulties and take the initiative to make concessions on some interest issues to ensure the smooth progress of the great construction.

5.2 Encourage Non-profit Organizations to Participate in the Construction

Although the government has enough power to support it, the ruling personnels are also ordinary people, and they are not omnipotent. In the construction of intangible cultural heritage protection, the governments of ethnic minority areas are mainly responsible for planning and construction, coordinating various resources, and macro-control. The specific details and the problem of government failure require the participation of various non-profit organizations. Dongba Paper in Lijiang is in

the national intangible cultural heritage list. However, in recent years, with the development of tourism and driven by economic interests, Dongba Paper has been used as a souvenir. The craftsmanship only mastered by veterans in Dongba has been imitated indiscriminately. False advertising has seriously infringed on the rights and interests of Dongba paper. In September 2006, the establishment of the Dongba Papermaking Traditional Resources Co-management Association effectively curbed the unhealthy momentum, protected the rights of Dongba papermakers, and achieved good social benefits.

6. Conclusions

In the 21st century, cultural competitiveness plays an increasingly important role in comprehensive national power. Culture reflects the spiritual outlook and national cohesion of a country, and intangible cultural heritage is the most important treasure of a nation and the spiritual sustenance left to future generations. However, economic globalization has led to the infiltration of western culture, so protecting intangible cultural heritage has become the bounden responsibility of every Chinese. From the perspective of government responsibility, combined with the current status of intangible cultural heritage protection, this paper points out the shortcomings and defects of the government in the intangible cultural heritage protection, and puts forward countermeasures and suggestions to optimize the government's responsibility in ethnic minority areas, in order to better protect intangible cultural heritage and improve Chinese people's cultural confidence.

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