

**Hundred and sixty-fourth Session**

164 EX/19  
PARIS, 29 April 2002  
Original: French

Item 3.5.2 of the provisional agenda

**PROGRESS REPORT ON THE PREPARATION  
OF AN INTERNATIONAL CONVENTION FOR THE SAFEGUARDING  
OF THE INTANGIBLE CULTURAL HERITAGE**

**SUMMARY**

By 31 C/Resolution 30, the General Conference invited “the Director-General to submit to it at its 32nd session a report on the situation calling for standard-setting and on the possible scope of such standard-setting, together with a preliminary draft international convention”. The purpose of the present document is to report on recent developments in the preparation of the report and preliminary draft convention on the intangible cultural heritage since the closure of the 31st session of the General Conference.

Decision required: paragraph 11.

## **I. INTRODUCTION**

1. In accordance with 161 EX/Decision 3.4.4, the Director-General submitted to the General Conference at its 31st session, in October-November 2001, document 31 C/43 comprising the report on the preliminary study on the advisability of regulating internationally, through a new standard-setting instrument, the safeguarding of the intangible cultural heritage, together with the corresponding decisions and observations of the Executive Board at its 161st session.

2. By the resolution that it adopted, the General Conference drew attention to the importance of the intangible cultural heritage and the urgent need to afford it adequate protection. It also stressed UNESCO's specific mandate in that regard and decided that the most appropriate legal instrument for achieving that goal would be an international convention, a preliminary draft of which would be examined at its 32nd session.

3. Taking into account the view expressed by the great majority of Member States at the 31st session of the General Conference, the approach to be adopted for the instrument should be based on the one employed for the 1972 Convention and should carefully avoid any overlapping, or duplication, with related activities carried out by other organizations, principally the World Intellectual Property Organization (WIPO).

## **II. ACTIVITIES CARRIED OUT AND OBJECTIVES ATTAINED**

4. To implement the resolution adopted by the General Conference, specifically as regards the drafting of a report on the situation calling for standard-setting and on the possible scope of such standard-setting, together with a preliminary draft international convention (31 C/Resolution 30, para. 3), the Director-General has taken several steps which he wishes to report to the Members of the Executive Board.

5. First, the Director-General convened in Rio de Janeiro (Brazil), from 22 to 24 January 2002, a meeting of some 20 high-level anthropologists, ethnologists, historians and lawyers invited in a personal capacity to discuss the priority domains that should be included in an international convention for the safeguarding of the intangible cultural heritage. Among these experts were members of the Jury for the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity, which made it possible to examine the impact of the Proclamation and best practices in safeguarding and protecting such heritage as proposed in their plan of action.

6. The experts confirmed the relevance of the definition of the intangible cultural heritage worked out at the Turin International Round Table in March 2001 and recommended that consultations be held on the terminology used. The experts also specified that, at the national level, each Member State should determine freely, in consultation with the non-governmental organizations and communities concerned, the domains to which priority protection should be afforded. With regard to safeguarding the intangible cultural heritage internationally, the Convention should include a mechanism to promote public awareness of the various aspects of the intangible cultural heritage, identifying these aspects on the basis of internal criteria (i.e. the importance of the intangible heritage in forming and maintaining a social group's identity) and external criteria (in terms of respect for human rights, for example, and the capacity to foster intercultural dialogue). The Convention should draw for this purpose on experience gained in connection with the programme for the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity, particularly as regards the detailed selection criteria (worked out at the extraordinary meeting of the international jury in Elche in September 2001) and best practices in safeguarding and protecting the intangible cultural heritage.

7. According to the schedule suggested by the experts at the Rio de Janeiro meeting, whose recommendations are annexed hereto, the Director-General decided to convene at UNESCO Headquarters, from 20 to 22 March 2002, a select drafting group, composed essentially of legal experts and open to Member States' observers. The group was assigned the important but delicate task of drafting the outline of the first version of the preliminary draft convention that will be submitted, together with the report on the situation calling for standard-setting and on the possible scope of such standard-setting, to the General Conference at its 32nd session. Several key points were addressed during the discussions. Despite the undeniable level of specificity of the intangible heritage, the protection issues and requirements common to both the tangible and the intangible cultural heritage could make it worth while to follow the model of the 1972 Convention. Furthermore, the "list" system was accepted in principle owing to its importance and its role as a driving force. The need also to preserve intangible cultural heritage that has not been placed on such a list was nevertheless stressed. According to this first outline, the obligations of Member States with regard to preservation would thus be greater in respect of listed heritage and more limited – but certainly not non-existent – in respect of the remaining intangible cultural heritage. While the future convention will, by its very nature, be binding only on States Parties, the need for them to involve civil society and local communities in identifying and safeguarding the intangible cultural heritage in application of the convention was stressed frequently.

8. In keeping with the timetable adopted by the experts on the Director-General's proposal, several meetings have been scheduled for June-July 2002 at the Organization's Headquarters in order to make headway; in particular, a small meeting of experts on terminological issues is scheduled for 10 to 12 June and its particular task will be to compile a glossary on the intangible cultural heritage. This technical meeting will be followed by the second meeting of the select drafting group on the preliminary draft convention (13-15 June), after which a category VI expert committee will meet to examine the preliminary draft (3-5 July).

9. In accordance with Article 10, paragraphs 2 and 3, of the Rules of Procedure concerning recommendations to Member States and international conventions covered by the terms of Article IV, paragraph 4, of the Constitution, the Director-General must send a preliminary report accompanied by the preliminary draft convention to Member States at least 14 months before the 32nd session of the General Conference (i.e. by the end of July 2002); at least 10 months before the opening of the General Conference (by the end of December 2002), States will be required to forward their comments thereon. The preliminary report, together with the preliminary draft convention, will be submitted to the Executive Board at its 165th session (October 2002) for information. At least seven months before the opening of the General Conference (March 2003), the Director-General's report, taking account of the comments forwarded, together with the preliminary draft convention, will be sent to Member States. A summary of the comments of Member States on the preliminary report will be submitted with the Director-General's report to the Executive Board at its 166th session. Lastly, in October 2003, the Director-General's report will be submitted to the General Conference at its 32nd session.

### **III. CONCLUSION**

10. Pursuant to the resolution adopted by the General Conference at its 31st session, the Director-General considers that the best way of safeguarding the intangible cultural heritage would be to continue the reflection and consultation process initiated at Rio de Janeiro in order to draw up the report that is to be submitted to the General Conference at its 32nd session and to prepare the preliminary draft international convention.

11. After examining the present document, the Executive Board may wish to adopt the following decision:

The Executive Board,

1. Recalling 31 C/Resolution 30,
2. Having examined document 164 EX/19,
3. Having taken note of the recommendations of the meeting of experts on the “Intangible Cultural Heritage: Priority Domains for an International Convention”, held in Rio de Janeiro from 22 to 24 January 2002, and of the work of the select drafting group which met at Headquarters from 20 to 22 March 2002 with a view to the preparation of a preliminary draft international convention on the intangible cultural heritage,
4. Takes note of the proposed timetable;
5. Requests the Director-General to pursue his efforts with a view to the preparation of the report on the situation calling for standard-setting and on the possible scope of such standard-setting, together with a preliminary draft international convention which will be submitted to the General Conference at its 32nd session.

ANNEX

**International Meeting of Experts**  
**Intangible Cultural Heritage: priority domains**  
**for an International Convention**  
**Rio de Janeiro, Brazil, 22-24 January 2002**  
  
**RECOMMENDATIONS**

1. *Noting with satisfaction* the adoption of 31 C/Resolution 30 which stipulates that the safeguarding of the intangible cultural heritage “should be regulated by means of an international convention” and, consequently, invites the Director-General to submit to the General Conference at its 32nd session a report on the situation “calling for standard-setting and on the possible scope of such standard-setting, together with a preliminary draft international convention”,
2. *Taking duly into account:*
  - (i) the views expressed by a large majority of Member States at the 31st session of the General Conference of UNESCO on the need to draft an international standard-setting instrument for the safeguarding of the intangible cultural heritage, inspired by the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage; and
  - (ii) the views expressed by a number of delegates at the 161st session of the Executive Board and at the 31st session of the General Conference on the need, first, to clarify further the concept of the “intangible cultural heritage” and, secondly, to maintain close cooperation with other international bodies so as to avoid any overlapping of activities,
3. *Noting, equally, however, that:*
  - (i) the specific nature and needs of the intangible heritage differ significantly from the aspects of the heritage covered by the 1972 Convention;
  - (ii) the useful model offered by the Convention requires, consequently, certain adjustments,
4. *Welcoming* the unanimous adoption of the UNESCO Universal Declaration on Cultural Diversity, *acknowledging* with gratitude the efforts made by the Director-General to that end, and *bearing in mind* that the provisions of this Declaration are relevant to the elaboration of the future convention,
5. *Aware* of the value, the importance and the significance of the intangible cultural heritage as a key factor in maintaining cultural diversity throughout the world, especially in view of increasing globalization,

6. *Considering* that the plan of action approved by the International Round Table on the “Intangible Cultural Heritage – Working Definitions”, organized by UNESCO (14-17 March 2001, Turin, Italy), which was examined by the Executive Board at its 161st session and by the General Conference at its 31st session, defines the intangible cultural heritage as follows: “peoples’ learned processes along with the knowledge, skills and creativity that inform and are developed by them, the products they create, and the resources, spaces and other aspects of social and natural context necessary to their sustainability; these processes provide living communities with a sense of continuity with previous generations and are important to cultural identity, as well as to the safeguarding of cultural diversity and creativity of humanity”,
7. *Congratulating* the Director-General on the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity and the impact it has had upon the actors/creators concerned,
8. *Having evaluated* the experience drawn from the first Proclamation and the detailed criteria formulated on that basis by the International Jury,
9. *Having examined* the activities carried out and the measures taken by governments and by international and regional intergovernmental organizations in the different domains of the intangible cultural heritage,
10. *Taking into account* the following conclusions of the present meeting of experts:
  - (a) A flexible concept of safeguarding should be adopted, one that:
    - respects the internal dynamics of a particular cultural expression, and the diversity of all expressions of the intangible cultural heritage and of the contexts in which they evolve;
    - requires a variety of approaches in the domains of training, raising public awareness, allocating public and private aid and various documentation and archival methods;
    - emphasizes the importance of the preservation of the intangible cultural heritage as testimony of the cultural diversity of humanity, as a source of creative inspiration and as a resource for sustainable development; and
    - meets the three criteria inherent in the action plan adopted at the Turin International Round Table, namely:
      - that the active participation of the agents/creators of the culture concerned should be sought at all stages of project identification, resource allocation, planning and execution;
      - that it should be based on a people- and process-centred understanding of the intangible cultural heritage;
      - that international efforts aiming at the preservation of the intangible cultural heritage should be based on universally accepted human rights, the principles of equity and sustainability, and on respect for all cultures that also have respect for other cultures;
  - (b) During the process of elaborating the future international convention, attention should be drawn to the following points:

- (i) the future convention should be considered as an important contribution to the implementation of the UNESCO Universal Declaration on Cultural Diversity;
  - (ii) policies for safeguarding and revitalizing the intangible cultural heritage should take due account of the fact that the intangible cultural heritage often exists in contexts that have been transformed in political, economic, social or environmental terms;
  - (iii) greater use of modern technologies in safeguarding and promoting the intangible cultural heritage and ensuring their accessibility to actors/creators and local bodies should be facilitated;
  - (iv) the intangible cultural heritage, while requiring a specific approach and methodology, should be considered as closely linked to the physical dimensions of the cultural and natural heritage;
  - (v) the actions to safeguard the intangible cultural heritage should foster innovation and creation;
- (c) The safeguarding of the intangible cultural heritage should:
- (i) involve the identification, documentation, transmission and revitalization of different elements of the intangible cultural heritage, together with the implementation of policies and programmes – at the local, national, regional and international levels – designed to improve the safeguarding, dissemination, transmission, revitalization and promotion of the intangible cultural heritage;
  - (ii) encourage coherence and the interlinking of the cultural, economic, environmental, social and educational dimensions of the policies conducted by States. The role and the responsibility of the State is to provide a framework allowing for complementary and synergetic action by the different actors involved in safeguarding activities (governmental and local authorities, NGOs, associations and local communities), laying fresh emphasis on partnership;
- (d) The future convention should include a mechanism to promote national and international awareness of the various aspects of the intangible cultural heritage, identifying these aspects on the basis of internal criteria (i.e. the importance of such heritage for the construction of a social group's identity) and external criteria (respect for human rights and the capacity to foster intercultural dialogue);
- (e) The meeting reaffirms the crucial link between cultural diversity and the maintenance of biodiversity, with special reference to indigenous peoples, as specified in Article 8(j) of the Convention on Biological Diversity,

**We, the participants in the international meeting of experts on the “intangible cultural heritage – priority domains for an international convention”, recommend that UNESCO:**

1. *Actively pursue* the legal process aimed at the safeguarding of the intangible cultural heritage by drafting, as rapidly as possible, an international convention;

### **Framework of a convention**

2. *Utilize and draw upon*, for the international convention, the definition of the intangible cultural heritage established at the International Round Table held in Turin (March 2001);
3. As regards the safeguarding of the intangible cultural heritage at the national level:
  - (i) *underline* that each State shall determine the domains of protection, in consultation with the non-governmental organizations and communities concerned and in accordance with the criteria it deems appropriate, while remaining free to revise them periodically or whenever necessary;
  - (ii) *take into consideration*, for example, in order to facilitate the identification of the intangible cultural heritage domains to be covered at the national level, the scope of the domains proposed at the Turin International Round Table (oral cultural heritage, languages, performing arts and festive events, social rituals and practices, cosmologies and systems of knowledge, beliefs and practices relating to nature);
4. As regards the safeguarding of the intangible cultural heritage at the international level:
  - (i) *maintain* a close link with the programme for the “Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity” in order to draw upon the experience acquired during the proclamation of the masterpieces, with particular reference to the detailed selection criteria worked out at the extraordinary meeting of the international jury (Elche, 21-23 September 2001);
  - (ii) *modify* the terminology used for the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity by replacing the words “oral and intangible heritage of humanity” with “intangible cultural heritage”; and
  - (iii) *replace* the definition of this term used in the Proclamation programme with the definition adopted by the International Round Table in Turin, in order to harmonize the terminology and concepts used for the purposes of the Proclamation programme with those of the future international convention;
  - (iv) *continue* to enrich the Proclamation programme by drawing upon the experience of “best practices” gained through the safeguarding and protection of cultural spaces and forms of cultural expression at the local and national levels, with a view to the drafting of the international convention and the intensification of cooperation and cultural exchanges;
  - (v) *acknowledge* the relationship between the elaboration of an international convention on the intangible cultural heritage and the programme concerning the “Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity” in the light of the evaluation of the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage, carried out on the occasion of its thirtieth anniversary.

### **Approach**

5. *Ensure* that the objectives of the instrument already approved by the General Conference at its 31st session are respected in the preliminary draft international convention;



6. *Pursue* cooperation with other competent intergovernmental organizations, each with its own constituent domains of competence, and take care to avoid any overlapping of activities;
7. *Address* the issue of the intangible cultural heritage, within the framework of the international convention, from a holistic cultural perspective;
8. *Ensure* that the process of elaborating the international convention is undertaken with the full involvement of all the parties concerned, especially at the grass-roots level, thus respecting the role, dignity and significant rights of the creators and agents of the intangible cultural heritage, and that adequate measures are taken to ensure and promote their social and economic welfare;
9. *Ensure* that the international convention can gain the acceptance of the greatest possible number of Member States by taking into consideration the views, constraints and realities of each;
10. *Ensure* conceptual and terminological coherence and continuity through all the phases involved in the elaboration and the conclusion of the international convention;
11. *Ensure* that the international convention promotes and facilitates the adoption of national legislation in the field of the intangible cultural heritage and the execution of activities encouraging the implementation of national measures;

### **Preparation process**

12. *Convene*, in accordance with the timetable adopted, a select drafting group, consisting mainly of legal experts, to draft the general framework for the future convention specifying its possible scope, and a preliminary draft to be submitted to the General Conference at its 32nd session (October-November 2003), members of the drafting group to be appointed by the Director-General in consultation with the chairperson of the present international meeting of experts to ensure continuity of the reflection undertaken;
13. *Convene* in the following order and in accordance with the timetable adopted, the following meetings:
  - (i) a meeting of the select drafting group
  - (ii) an international expert committee (category VI)
  - (iii) an ad hoc working group of representatives of Member States, to examine the political acceptability of the preliminary draft convention;
14. *Encourage* Member States to adopt or develop, henceforth, policies relating to the intangible cultural heritage and to start drawing up national registers to ensure the identification and safeguarding of such heritage;
15. *Foster* the development of an ethical framework for the safeguarding and dissemination of the intangible cultural heritage;
16. *Establish* a short operational glossary for the purpose of drafting an international convention on the intangible cultural heritage.

**Hundred and sixty-fourth Session**

164 EX/19 Add.  
PARIS, 28 May 2002  
Original: English

Item 3.5.2 of the agenda

**PROGRESS REPORT ON THE PREPARATION  
OF AN INTERNATIONAL CONVENTION FOR THE SAFEGUARDING  
OF THE INTANGIBLE CULTURAL HERITAGE**

**ADDENDUM**

**Invitations to meetings of governmental experts to consider the preparation  
of a draft convention on the safeguarding of the intangible cultural heritage**

**SUMMARY**

Pursuant to Article 21 of the “Regulations for the general classification of the various categories of meetings convened by UNESCO”, the Director-General submits proposals to the Executive Board in respect of the decision to be taken by the Board concerning invitations to meetings of governmental experts (category II) on a draft convention on the safeguarding of the intangible cultural heritage.

Decision required: paragraph 11.

## **Introduction**

1. Subject to the adoption by the Executive Board at its 164th session of a decision inviting the Director-General to convene one or more category II intergovernmental meetings of experts on a draft convention on the safeguarding of the intangible cultural heritage, the Director-General submits the present document with proposals concerning invitations to the meetings.

## **Purpose of the meetings**

2. The purpose of these meetings is to define the scope and to take forward the work on the preliminary draft of an international convention.

## **Category of the meetings**

3. Pursuant to the “Regulations for the classification of the various categories of meetings convened by UNESCO” (hereinafter referred to as “the Regulations”), these meetings come within the category of “intergovernmental meetings other than international conferences of States” (category II), by virtue of which the chief participants will represent their governments.

## **Participants**

4. In accordance with the provisions of the Regulations, invitation to the meetings is a matter for the Executive Board to decide.

### **(a) Member States and Associate Members**

5. In accordance with the existing Regulations (Article 21), the Executive Board shall decide on the Director-General’s proposal, on the Member States and Associate Members whose governments are to be invited to this category of meetings (category II).

6. In accordance with the Regulations (Article 23), the governments of the Member States and Associate Members which are invited to participate have the right to vote.

### **(b) Non-Member States**

7. Under the Regulations (Article 21, para. 3), the Executive Board may designate non-Member States to be invited to send observers to the meeting.

8. The Director-General proposes that States that are not members of UNESCO but are members of at least one other organization of the United Nations system be invited to send observers to the meetings. At the time when this document was drafted, the list of such States was as follows: Brunei Darussalam, Holy See, Liechtenstein, Singapore and the United States. In addition, the Director-General proposes to the Executive Board that those States which become members of any United Nations system organization before the opening of the meetings be invited to attend the meetings as observers.

### **(c) International organizations (Articles 21.4 and 21.5 of the Regulations)**

9. The Director-General recalls that, under the Regulations (Article 21, para. 4), the organizations of the United Nations system with which UNESCO has concluded mutual representation agreements may send representatives to the meetings.

10. Pursuant to the Regulations (Article 21, para. 5), the Director-General proposes that the following organizations be invited to send observers to the meetings:

**(a) Other intergovernmental organizations**

**(i) Regional organizations**

African Intellectual Property Organization (AIPO)  
Arab Gulf States Folklore Centre  
Arab League Educational, Cultural and Scientific Organization (ALECSO)  
Association of South-East Asian Nations (ASEAN)  
Caribbean Community Secretariat (CARICOM)  
Central American Educational and Cultural Coordination (CECC)  
Council of Europe (CE)  
Eastern African Centre for Research on Oral Traditions and African National Languages (EACROTANAL)  
Economic Community of West African States (ECOWAS)  
European Union (EU)  
International Centre for Bantu Civilizations (CICIBA)  
Joint Administration of the Turkish Culture and Arts (TURKSOY)  
Latin American Faculty of Social Sciences (FLACSO)  
Latin Union  
Organization of African Unity (OAU)  
Organization of American States (OAS)  
Organization of Ibero-American States for Education, Science and Culture (OEI)  
Permanent Executive Secretariat of the “Andres Bello” Convention (SECAB)  
Secretariat of the Pacific Community (SPC)  
Southern African Development Community (SADC)

**(ii) Interregional organizations**

Agency of la Francophonie (ACTC)  
Islamic Educational, Scientific and Cultural Organization (ISESCO)  
Research Centre for Islamic History, Art and Culture (IRCICA)

**(iii) International organizations**

Convention on Biological Diversity Secretariat  
Office of the United Nations High Commissioner for Refugees (UNHCR)  
Food and Agriculture Organization (FAO)  
International Labour Office (ILO)  
World Bank  
World Intellectual Property Organization (WIPO)  
World Trade Organization (WTO)  
United Nations Environment Programme (UNEP)  
World Health Organization (WHO)  
United Nations Industrial Development Organization (UNIDO)

**(b) International non-governmental organizations having official relations with UNESCO**

International Amateur Theatre Association  
International Council of Organizations for Folklore Festivals and Folk Art (CIOFF)  
International Council for Traditional Music  
International Dance Council

International Federation of Musicians  
International Literacy and Artistic Association  
International Music council  
International Organization of Folk Art (IOV)  
International Social Science Council  
International Theatre Institute  
South-North Network Culture and Development  
Traditions for tomorrow  
Union internationale de la marionette (UNIMA)  
World Academy of Art and Science  
World Craft Council

**(c) International non-governmental organizations having no official relations with UNESCO**

Summer Institute of Linguistics  
Terra Lingua

11. Should the Executive Board concur with the proposal of the Director-General, it may wish to adopt the following draft decision:

The Executive Board,

1. Bearing in mind its decision to convene meetings of governmental experts (category II) on a draft convention on the safeguarding of the intangible cultural heritage,
2. Having examined the Director-General's proposal concerning invitations to meetings of governmental experts (164 EX/19 Add.),
3. Invites the Director-General to convene meetings of governmental experts, subject to the provision of adequate funds, the first of which could take place in September 2002, to define the scope and to take forward the work on a draft convention on the safeguarding of the intangible cultural heritage in order to report to the General Conference at its 32nd session;
4. Decides that:
  - (a) invitations to participate in the meetings of governmental experts with the right to vote will be sent to all Member States and Associate Members of UNESCO;
  - (b) invitations to send observers to the meetings of governmental experts will be sent as indicated in paragraph 5 of document 164 EX/19 Add.;
  - (c) invitations to send representatives to the meetings of governmental experts will be sent to the organizations of the United Nations system referred to in paragraph 9 of document 164 EX/19 Add.;
  - (d) invitations to send observers to the meetings of governmental experts will be sent to the international governmental and non-governmental organizations listed in paragraph 10 of document 164 EX/19 Add.;
5. Authorizes the Director-General to issue any other invitations he may deem conducive to the work of the meetings of governmental experts, and to notify it thereon.