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**THIRD SESSION OF THE INTERGOVERNMENTAL MEETING OF
EXPERTS ON THE PRELIMINARY DRAFT CONVENTION FOR THE
SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE**

Paris, UNESCO Headquarters, 2-14 June 2003

**Intersessional Working Group of government experts
on the Preliminary Draft Convention for the Safeguarding
of the Intangible Cultural Heritage**

Paris, UNESCO Headquarters, 22-30 April 2003

REPORT
Professor Constantin ECONOMIDES

INTRODUCTION

1. At the second session of the Meeting of Intergovernmental Experts on the Preliminary Draft Convention for the Safeguarding of the Intangible Cultural Heritage, held from 24 February to 1 March 2003, the Plenary adopted, on the initiative of its Chairperson and in accordance with Article 4 of its Rules of Procedure, the principle of an intersessional mechanism in the form of an informal Working Group of 18 government experts, i.e. three experts from three Member States out of each electoral group. The Intersessional Working Group met at UNESCO Headquarters from 22 to 30 April 2003.

2. Out of the **18 government experts** nominated by the electoral groups and notified to UNESCO, 17 took part in the Group's discussions. These were the experts from the following Member States: South Africa, Algeria, Argentina, Benin, Brazil, Cambodia, Egypt, Spain, Greece, Hungary, India, Italy, Japan, Jamaica, Oman, the Czech Republic and Senegal. The expert from Poland was not able to attend the meeting. A large number of representatives of other Member States, and of certain IGOs and NGOs, attended one or more meetings as observers: Belgium, Bolivia, Canada, Colombia, Cuba, Grenada, Honduras, Lithuania, Morocco, Mexico, Nicaragua, Nigeria, the Netherlands, Philippines, Peru, Republic of Korea, Saint Vincent and the Grenadines, Saint Lucia, Switzerland, Turkey, Uruguay and Venezuela (among others), as well as representatives of ALECSO, the IMC and the CID. The names of the experts who attended are given in **Appendix I** to this report. The **results** of the Intersessional Group's work will take the form of a **consolidated text** to be submitted to the third session of the Meeting of Intergovernmental Experts, which is to take place at UNESCO Headquarters from 2 to 14 June 2003.

3. A **consensus** emerged at the second meeting of experts in February, on three essential points in Articles **1, 2, 3, 11A** and on the **title of Article 11B**: that is, on (i) the **purposes**; (ii) the **definitions** of the terms "intangible cultural heritage" and "safeguarding" and a delimitation of the Convention's scope and the role of States; and (iii) the establishing of national **inventories** in order to ensure that this heritage can be identified. The principle of a "list" or "register" of "intangible cultural heritage in danger" was also accepted.

4. Nevertheless, many of the Draft Convention's articles were still to be examined. The Intersessional Group therefore directed its attention to drafting the articles concerning (i) the **nature, composition and functions** of the **Committee**; (ii) the **list of intangible cultural heritage** in need of urgent safeguarding and the list of treasures of the world intangible cultural heritage, an article which had already been studied by the Drafting Committee in February; (iii) **finance**, and the creation of a **fund** for the safeguarding of the intangible cultural heritage; (iv) the **nature and content of international assistance**; and lastly (v) the Convention's **general provisions**.

A. Opening of the meeting

5. The Director-General, Mr Koïchiro Matsuura, opened the meeting, and emphasized how favourable the present business-like, confident atmosphere was proving for work on the Draft Convention for the Safeguarding of the Intangible Cultural Heritage. He recalled, in particular, the meeting held at UNESCO in March on endangered languages. He also mentioned the encouraging comments of a majority of the member countries on the Executive Board about the progress made in preparing the Preliminary Draft Convention. The Director-General stressed that important matters remained to be considered. He also took this opportunity to emphasize the great impact made by the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity. Lastly, he recalled that the Group's mandate was to prepare a consolidated version of the articles of a

Preliminary Draft Convention, which would provide a firm basis for the discussions of the third Meeting of Intergovernmental Experts in June.

6. Mr Mounir Bouchenaki, Assistant Director-General for Culture, then recalled the decisions which had led to the setting up of the Working Group, and clarified its status and its mandate. He explained that the 18 experts had been nominated by all the electoral groups, and stressed that the meeting was, of course, open to observers from other States which wished to follow the discussions. He then introduced the provisional agenda, and said that the new draft should take into account both the comments and the amendments already submitted by the Member States (to be found in the working documents distributed to all Member States as well as to the participants), and the spirit of the articles which had already been adopted by the Plenary (Articles **1, 2, 3, 11A and the title of 11B**).

B. Election of Chairperson and Rapporteur

7. Mr Bouchenaki moved on to agenda item 2, and recalled that the Chairperson and Rapporteur were to be elected in accordance with Article 4 (Subsidiary Organs) of the Rules of Procedure adopted by the Plenary in September 2002. **Mr Bedjaoui** (Algeria), and **Mr Economides**, (Greece), were then elected by consensus as **Chairperson** and **Rapporteur**, respectively.

C. Chairperson's introduction

8. The Chairperson said the Intersessional Group's work would be organized around the following **five headings**:

The **Committee**.....(Articles **8, 9, 10, 10 bis**)

The **Lists**..... (Articles **11-12**)

The **Fund**.....(Articles **15, 16, 17, 18**)

International assistance..... (Articles **19, 20, 21, 22, 23, 24, 25, 26**)

Other provisions..... (Preamble, General Provisions – Articles **4 to 7** – and Articles **27 to 29**)

9. Before addressing the substantive issues, the Chairperson wished to clarify certain aspects relating to the Group's **mandate** and its **working methods**. So far as the **mandate** was concerned, the Chairperson explained that the Group's work ought to facilitate the deliberations of the third session, but should not, in doing so, anticipate the work of the Plenary. As to **working methods**, the Chairperson said that for the sake of transparency the **results of the Group's work would be sent to Member States during May**; also, to ensure that proper progress was made, the representatives of the 18 Member States nominated by the electoral groups would have priority over the observers in addressing the meeting.

D. General discussion

10. During its eight days of discussions, the Working Group examined the articles in the five sections, following the plan of work put forward out by the Chairperson: I. Committee; II. Lists, II. Finance; IV. International assistance and V. Other provisions (cf. Text of the articles approved, in **Appendix II**).

I. COMMITTEE FOR INTANGIBLE CULTURAL HERITAGE

(Articles 8, 9, 10, 10bis)

Creation [establishment] of the Committee

12. The experts first tackled the issues surrounding the terms “Committee” and “Panel”, and the number of members the Committee should have. On the first point, some experts considered that it was necessary to keep a flexible structure, and that the term “Panel” was more appropriate, while the majority of experts felt that “Committee” better reflected this body’s decision-making function, as well as its intergovernmental character. The Group therefore decided to adopt the term “Committee”. As to the Committee’s composition, the majority of experts considered that this question was rather a political issue, which therefore should be decided by the Plenary. The provision for equitable geographical and cultural representation in the election of members of the Committee was not altered; and in the matter of participation by other organizations or individuals in the Committee’s work, the majority of experts thought that, in the spirit of the future Convention, there were decided advantages in participation by civil society on an advisory basis. The Group therefore decided to make two separate paragraphs: one covering national and international non-governmental organizations of acknowledged competence in the field of the intangible cultural heritage, and the other concerning representatives of institutions other than NGOs, and of civil society in general, with similar competence. To accommodate the concerns of some experts, though, the Group emphasized that such participation would not be permanent; it should be clearly understood that the Committee would decide, case by case and in accordance with the nature of the matters to be discussed, which organizations and representatives of civil society might take part in its meetings. A fourth paragraph was added to this article, specifying that the Committee might at any time invite organizations and private persons to attend its meetings, so that they could be consulted on particular issues (cf. Article 8, paragraphs 1-4).

Composition of the Committee

13. Concerning the **procedure for election of the members of the Committee** by the General Assembly of States Parties, the experts first agreed on a **term of office** of four years (except for half the members elected in the first instance, whose term would be two years). Turning next to the question of re-election of Committee members, the Group thought it too early, at this stage, to pronounce on this political question: that is why this paragraph is in square brackets [Article 9(e)]. On the other hand, the Group said that Member States should choose “qualified” persons as their representatives, though some experts were in favour of the wording “highly qualified”. The Group considered however that “qualified in the diverse fields of the intangible cultural heritage” was a sufficiently demanding requirement (cf. Articles 9 and 10).

Role and functioning of the Committee

14. The governmental experts considered it necessary to have a separate heading to describe **the Committee’s role and functioning**, at present dealt with in a number of articles; and to have an article devoted to **the Assembly of States Parties**. Three articles were accordingly proposed, dealing with (i) the **rules of procedure** and other procedural matters, (ii) the **functions** of the Committee and (iii) **the Assembly of States Parties**, of which the Committee was to be a subsidiary body.

15. As to the first point, **procedural aspects**, the experts agreed on a simple formulation according to which the Committee would have to account to the General Assembly of States Parties, could adopt its own rules of procedure, and would take its decisions by simple majority. The experts also considered that in the execution of its functions the Committee should be allowed to create consultative or subsidiary bodies as it considered necessary. The term “subsidiary” was added after some experts insisted on the need to make a distinction between these two types of body (cf. **new Article X**).

16. The debate on the **Committee’s functions** gave rise to a very full discussion. A large number of experts pointed out that the essential function of the Committee was, in the first place, to promote the objectives of the Convention and encourage follow-up of its implementation, without forgetting its guiding role for the establishing of best practices in the field of safeguarding the intangible cultural heritage. The need was also stressed for the Committee to prepare operational guidelines to Member States for the implementation of the Convention. The experts emphasized, among other things, the importance of the Committee’s role in the examination and selection of heritage proposed for inclusion in the lists referred to in Article **11**, as well as in decisions on the use of the Fund’s resources (cf. **new Article Y**).

Scientific Council

17. Concerning the **creation of a “committee or council of experts” or “scientific council”**, the Working Group was in favour of the principle that the Committee should set up a **Scientific Council**, although a number of experts emphasized that this was a possibility already allowed for in Article **10**, paragraph 2. The discussion therefore mainly turned on whether or not the Convention should stipulate a Scientific Council as an institution, and above all whether such a Scientific Council should have a permanent character. Some experts insisted that a scientific Council must be established by the Convention as an institution, since this body would have the task of making scientific assessments of the intangible cultural heritage with a view to their inclusion in one of the lists mentioned in Article **11**. Moreover, it was argued by some experts that in view of the way Article **10**, paragraph 4, was formulated, the creation of a scientific council remained only an option. The Group emphasized the **role of the practitioners and custodians** as experts on the intangible cultural heritage, and on their **presence** on the Scientific Council in individual capacity. After a long discussion on this question, and taking into account the need to specify explicitly the relationship between the two Committees as well as the financial implications of setting up a Scientific Council, the Group decided to keep this provision inside square brackets for submission to the Plenary (cf. Article **10 bis**).

The General Assembly of States Parties

18. A number of experts spoke of the need for an article specifically devoted to the Assembly of States Parties; the experts accordingly drafted a provision specifying the sovereign character of this body. This article prescribes meetings every two years, with the possibility of convening an extraordinary session at the request of the Committee or of one third of the States Parties (cf. **new Article Z**).

II. LISTS AND REGISTERS OF THE INTANGIBLE CULTURAL HERITAGE

(Articles 11B, C and 12)

Register [List] of the intangible cultural heritage in need of urgent safeguarding

19. Most of the experts accorded particular importance to this article within the framework of the future Convention. A discussion ensued on **the terms “Register” and “List”**. Some experts argued for reference to a “register” in order to take account of national practice in those States which had Registers (not Lists) of their intangible cultural heritage. A great number of experts thought the term “list” more appropriate at the international level, while “register” suited a national context better. After an exchange of views, the Group decided that this question should be left open for decision at a later stage. As to inclusion in the list, some States considered that the initiative should come from the State directly concerned, while others thought it appropriate to allow other States, though only indirectly concerned, to make applications for inclusion in exceptional cases. In the end the experts considered that it was up to the State directly concerned with the intangible cultural heritage in question to apply for its inclusion on the list (cf. Article **11B**).

List of treasures [typical examples] [masterpieces] of the intangible cultural heritage

20. The need to have a **list of treasures** to ensure a greater **visibility** for the intangible cultural heritage was recognized by the majority of the experts. They also emphasized the importance for **cultural diversity** of safeguarding the intangible cultural heritage, and this idea was incorporated in the present paragraph. The question of the selection criteria for the intangible cultural heritage to be included in the list was raised. The experts considered that it was the Committee’s task to establish the selection criteria. The issue of including the intangible cultural heritage already contained on the List of proclaimed Masterpieces was also raised; and it was recalled that the selection criteria for Masterpieces took account of their “exceptional value” as well as of the “danger of their disappearance”. Taking into account the fact that the Masterpieces will have been selected on the basis of existing criteria which might be different from those the Committee eventually establishes, the question was raised as to what would be the best way of integrating proclaimed Masterpieces into the future List of Treasures and/or the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (Article **11B** and **C**). A majority of the experts insisted that proclaimed Masterpieces should be included automatically in the List of Treasures (cf. Article **11C**).

Elements of the intangible cultural heritage not included in the lists

21. The relevance or otherwise of including the expression “of exceptional value” was discussed by the Group of Experts. In their view, what should be emphasized in this paragraph was above all the cultural importance of this heritage, not its exceptional value. Some experts said all elements of the intangible cultural heritage ought to be safeguarded, even if they were not included in either of the lists envisaged in Article 11. The term “cultural significance” attracted a consensus, and was regarded by the experts as the most appropriate one. After some discussion, and there being no wording which satisfied all the experts, the Group decided to refer this article back to the Plenary (cf. Article **12**).

22. During the session, Saint Lucia presented a proposal (submitted together with Barbados and Granada) concerning national registers, the establishment of an **international register of the intangible cultural heritage** and their interaction, the protection that could be obtained under instruments being prepared by WIPO, and the relationship between the activities of WIPO and those of UNESCO.

III. FUND FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

(Articles 15 to 18)

Nature and resources of the Fund

23. The experts were unanimously in favour of the **principle of the creation of a fund for the safeguarding of the intangible cultural heritage** and not restricting its use to the safeguarding of intangible cultural heritage “of exceptional value”. The experts accordingly deleted the reference to “exceptional value” in the paragraph introducing the Fund’s creation. The Fund would be a fund-in-trust, in conformity with the provisions of the Financial Regulations of UNESCO. Its main resources would be the compulsory and voluntary contributions made by States Parties, as well as other resources derived from revenue of various kinds. A wide-ranging discussion took place concerning compulsory contributions from States Parties. Some experts considered that a uniform compulsory contribution equal to 1% of each State Party’s annual contribution [to UNESCO] was an essential condition for the effective implementation of the Convention. Other experts, for their part, indicated that the principle of a compulsory contribution was acceptable, but it was necessary to introduce some elements of flexibility so as to enable countries going through difficult financial circumstances to accede to the Convention. The great majority of experts nevertheless insisted, in view of the Convention’s requirements, on the necessity of a stable financial arrangement based on compulsory contributions from States Parties. Some experts even insisted that other conventions had failed precisely because the States had not made a commitment from the outset on the basis of compulsory contributions. This article was, in some experts’ opinion, the very heart of the Convention itself: it was the one which required a commitment by the international community to showing solidarity in the safeguarding of the intangible cultural heritage. Other experts also emphasized the importance of having a compulsory contribution in order to ensure the proper implementation of the planned system of protection. A proposal which includes both types of contribution, compulsory and voluntary, was finally adopted by the Group, along with an authorization for the Fund to accept contributions for financing specific projects (cf. Article 15).

Contributions to the Fund

24. At the request of the Chairperson, Mr Warren, UNESCO Comptroller, was invited to provide some technical background on the Organization’s practices and experience with the 1972 Convention. Mr Warren’s presentation proved very instructive, and gave the experts a more realistic insight into the situation concerning compulsory and voluntary contributions from States Parties. Dealing with voluntary contributions first, Mr Warren indicated that these contributions should not be less than 1% of the Organization’s budget, in line with what was provided for in the 1972 Convention. Next, as to compulsory contributions, he stressed the desirability of the Fund’s receiving at least 1% of the Member States’ annual contributions to UNESCO. In answer to some experts’ questions, Mr Warren explained, among other things, that the scale of compulsory contributions established by the United Nations system already took account of the capacity of each Member State to contribute. Finally, Mr Warren said that in practice, a contribution of 1% of UNESCO’s annual budget might be very low: at present the minimum contribution under the 1972 Convention was US \$27.

Compulsory contributions

25. The experts agreed in setting up in paragraph 1 **the principle of a uniform compulsory contribution** equal to 1% of the annual contribution of the Member State to UNESCO's regular budget. In order to take account of the circumstances of States which were going through financial difficulties but wanted to accede to the Convention, some experts thought it important to make this provision more flexible by allowing such States to make a declaration at the time of ratifying the Convention, indicating the amount they could pay into the Fund and the length of time this declaration would apply. The experts nevertheless insisted that such a declaration must be exceptional and temporary, and an alternative formulation along these lines was proposed. The Group has thus left this paragraph in two possible versions, and it remains inside square brackets for examination by the Plenary. Sanctions are prescribed in the last paragraph, to encourage dilatory States to pay their compulsory contributions to the Fund (cf. Article **16**).

Voluntary Contributions

26. The opportunity for States Parties to make voluntary contributions to the Fund beyond the 1% laid down in Article **16** is then mentioned, and they are exhorted to inform the Committee of these contributions at least one year beforehand (cf. Article **16bis**). Other methods by which States Parties could collect funds have been envisaged, in Article **17**, such as the creation of national foundations or associations. Lastly, one article was devoted to the States Parties' obligation to support international fundraising campaigns organized for the safeguarding of the intangible cultural heritage under UNESCO auspices. (cf. **new Articles 16bis, 17 and 18**).

IV. CONDITIONS FOR INTERNATIONAL ASSISTANCE

(Articles 13, 19 to 26)

27. The articles concerning international assistance were organized by the experts into five parts: **purposes, requests, conditions, forms** and the **role and obligations of States Parties** receiving international assistance. This reduced the number of articles and all the provisions contained in paragraphs **19 to 26** have been included in the existing articles.

Purposes of international assistance

28. While some experts considered that the article as drafted already sufficiently reflected a spirit of international assistance, others thought it would be wise to define **the purposes of international assistance** in this article, and to simplify its drafting. In view of the limited resources available, the majority of experts were in favour of granting international assistance to those elements of the intangible cultural heritage which were on the lists mentioned in Article **11**, with particular attention to the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (Article **11B**) and the national inventories (Article **11A**). At the request of some experts, a reference to "projects" and "programmes" of safeguarding was included in paragraph 3; and to give some degree of flexibility for the granting of international assistance a fourth paragraph was added which leaves the Committee some scope to set other objectives it considers necessary. There was a discussion on the difficulty of providing assistance for any "other purposes": this would leave the door open to rather too many applications, and many experts felt that it widened the range of assistance purposes too far. The Group reaffirmed that assistance of the kind envisaged in this article should at any rate be essentially concerned with the intangible heritage featuring on the lists. The Working Group decided to amend the title to "Purposes of international assistance", and approved this article provisionally (cf. Article **20**).

Requests for international assistance

29. The experts mainly discussed the questions of **the origin** of requests and the **nature** of the intangible cultural heritage they might cover. On **the origin**, the majority of the experts thought that only the Member State involved with the particular intangible cultural heritage should be allowed to submit a request for assistance. They argued that territorial link with the heritage in question was the primary factor, and that consequently the phrase “in its territory” should remain. Other experts emphasized that, given the evolving, dynamic character of the intangible cultural heritage, it was advisable to contemplate the possibility of requests coming from other States. The Group of Experts finally decided that only the Member State directly concerned by the safeguarding of its intangible cultural heritage ought to make the request, and that the phrase “in its territory” was therefore appropriate. Nevertheless, to take account of the fact that this heritage sometimes transcends national borders, and of the principle of international cooperation that is the inspiration for such assistance, the Group of Experts included in paragraph 2 of this Article an opportunity for joint requests for assistance by two or more States. As to the **nature** of the intangible cultural heritage which might be the subject of a request for assistance, the majority of the experts thought that, for consistency with other provisions of the Convention including those in the Article concerning Lists, the request for international assistance for the safeguarding of the intangible cultural heritage ought not to be restricted to instances of exceptional value alone. Some experts, however, emphasized that, taking into account the not unlimited resources provided for in the Convention, international assistance could not deal with “all” the intangible cultural heritage; consequently it was necessary to retain some qualification for the intangible cultural heritage that could be a subject for assistance. The experts made it clear that requests for international assistance primarily concerned the elements of the intangible cultural heritage appearing on the lists, and that the assistance would be granted in accordance with the purposes defined by the Convention (cf. Article 19 and Article 20).

Conditions and forms of international assistance

30. The Group then examined the **conditions for the granting of international assistance**, while making it clear that it would be the Committee’s task to lay down how assistance was to be provided, and to spell out what the content of that assistance would be. The question whether the Committee should have recourse to experts in examining requests for assistance was left inside square brackets, because the Group was unable to agree. Some experts thought it advisable to keep this clause, so as to leave it open for the Committee to have the support of an “expert opinion”, if required. The majority were in favour of enabling the Committee to have access to funds specifically reserved for urgent safeguarding actions. The principle that the Committee should arrange for scientific and other studies in the course of taking decisions on the admissibility of a request for international assistance was also accepted. The article was thus approved, with the exception of its title, which remains inside square brackets for decision at a later date (cf. Article 21).

31. Turning to **the forms which international assistance might take**, some experts were of the view that these should not be listed in any exhaustive way, to avoid leaving out certain forms of assistance. Nevertheless, it was accepted by the Group that there was a need to indicate some forms of assistance by way of example. A full debate ensued on the various forms of assistance. Some experts considered that it was essential to refer to the paragraphs that had been adopted within the framework of the intangible cultural heritage lists described in Article 11B. Others, though, stressed the importance of not referring only to elements of the intangible cultural heritage which were on the lists. Following the discussion, the Group decided to make no reference to any particular article. Various forms of international assistance were mentioned as examples: studies, provision of experts and practitioners, training of staff and specialists in the field of the safeguarding of the intangible cultural heritage, supply of equipment and know-how, assistance in the form of loans and, in

exceptional cases, donations. Stress was laid on the fundamental role which the performers and/or practitioners of the intangible cultural heritage should play. There were discussions on the possibility of giving assistance for establishing national or regional centres for training in the safeguarding of the intangible cultural heritage; these were mentioned in Article 23, but a consensus on this point was not reached, and the reference remains inside square brackets. A great majority of experts emphasized the need for this article to contain a paragraph on assistance to the State Party in the drafting of normative measures. Another paragraph was likewise inserted dealing with assistance in the creation and/or operation of infrastructure for the safeguarding of the heritage, such as cultural centres, places for performances, archives, libraries, museums, and media libraries (cf. Article **22 paragraphs d and e**).

Role and [obligations] of the States Parties benefiting from international assistance

32. A recipient State's obligation to share, according to its means, in the costs of the safeguarding measures for which international assistance is to be provided was unanimously reaffirmed in this provision, which was originally part of paragraph 25. The Group of Experts inserted here the duty of the recipient State Party to contribute to promoting the Convention, by making known the intangible cultural heritage for which assistance had been received and the role played by that assistance in its safeguarding under the Convention (cf. Article **26 and 28**). The provisions contained in Articles **23, 24 and 25** had already been repositioned within the other articles concerning assistance, so these three articles were deleted. Lastly, the provision in Article **13** concerning international assistance was not discussed, for lack of time.

V. OTHER PROVISIONS

Education and awareness-raising programmes (provisional title)

(Articles 27-28)

33. The experts felt in general that Member States should encourage education and awareness-raising programmes so as to increase people's interest in the intangible heritage. Some experts emphasized the importance of ensuring that the general public was informed about the threats to the intangible cultural heritage. Young people were identified as the priority group to which efforts should be directed (cf. Article **27**). The members of the Group of Experts suggested transferring the elements contained in Article **28**, to Article **26**, paragraph 3.

Reports

(Article 29)

34. The discussion mainly concerned the procedure for submitting reports to the various bodies such as the Committee, the General Assembly of States Parties and UNESCO's General Conference. In order to avoid the problems encountered under the 1972 Convention, there was emphasis on the importance of the role of the Assembly of States Parties in the examination of the reports. As to the content of the reports, the experts emphasized the need to provide information on measures for safeguarding the intangible cultural heritage, including legislative and regulatory measures taken in Member States (cf. Article **29**).

General provisions

(Articles 4 to 7)

General framework for the safeguarding of the intangible cultural heritage

35. While some experts considered that the contents of this paragraph concerning the general framework for national and international safeguarding were already covered in the Convention's other articles (Articles 1 and 3, in particular), other experts stressed the need to keep parts of it. Finally, after discussion, the Group decided to maintain the principle according to which each Member State was responsible for the safeguarding of its own intangible cultural heritage. The Group approved this article, as amended (cf. Article 4).

National safeguarding of the intangible cultural heritage

36. Examination of Article 5 gave rise to much discussion on several points. First of all, in the introductory text concerning "consultation" or "participation" "of the communities concerned" or "of the cultural communities concerned" within the framework of the implementation of national measures for safeguarding the intangible cultural heritage, some experts stressed the need to mention the principle of involving the "communities concerned" in this Article's introductory paragraph; others (a majority) were against any explicit reference to the term "communities". The experts pointed out that if the term "community" were used, it would be necessary to provide a definition of terms such as "representatives of the communities". The principle of participation by all the "actors" involved had moreover been explicitly accepted by the Group, in subparagraph (d), in the context of the adoption of the various measures which the State could undertake for identifying and safeguarding its intangible cultural heritage. The Group stressed that it would be necessary to harmonize, for this purpose, usage of the terms "community", "groups" and "individuals" at the third Meeting of Governmental Experts. In addition, the Group introduced a wording into the introductory paragraph with the aim of recalling that the safeguarding measures described in it should enrich "*cultural diversity in the context of national life as a whole*". Next, concerning measures for safeguarding intellectual property rights as well as rights to use biological and ecological resources, the experts debated at considerable length the relevance of mentioning these subjects within the framework of this article. The great majority of the experts were nevertheless of the view that, taking into account the scope of the future Convention, any reference to intellectual property rights should be made with caution. In the light of these discussions, the Group of Experts decided to refer to them in paragraph (e), stressing the importance of States Parties keeping to the obligations deriving from any existing international instrument in relation to intellectual property rights and to the use of biological and ecological resources in the field concerned. There were discussions seeking the expression with the best balance between, on the one hand, the duty of the State to take steps to guarantee access to the intangible cultural heritage and, on the other, the need to guarantee compliance with the customary rules governing such access (e) (ii). Lastly, the experts observed that sub-paragraphs (e) (iv) and (e) (v), concerning education, training and awareness-raising programmes, could perhaps be included in Article 27 which deals with the same subject (cf. Article 5).

37. The Group also formed the view, at the suggestion of some of the experts, that the provision in Article 6, paragraph 6, of the original text might provisionally form a new Article 5bis on the duty of the State Party to ensure the widest possible participation of the communities that create and are bearers of the intangible cultural heritage when taking measures to safeguard it. Two wordings were proposed, and the Group decided to keep them inside square brackets, leaving the decision to the Plenary in June (cf. **new Article 5 bis**).

International cooperation

38. In view of the fact that the content of paragraphs 2 to 5 of the original article 7 appeared to be already covered by other Convention provisions, the experts decided to keep only paragraph 1, dealing specifically with international cooperation, in which the experts stressed the importance of cooperation at regional and subregional levels. Since the scope of this article had been changed in the direction of international cooperation, it was provisionally decided that the former Article 7 (International safeguarding of the intangible cultural heritage) could be relocated (inside square brackets) to become a paragraph 2 of this article. The title of this article was changed so as to reflect its new content better (cf. Article 6).

E. Closing session

39. At the end of the meeting, the **Chairperson** read out the draft again, article by article, to give an overall view of the text of the Preliminary Draft Convention. He then proposed a new, more coherent arrangement of the articles – with titles – which will be considered at the end of the Third Session of the Intergovernmental Meeting next June (Chairperson's proposal: see **Appendix III**). The Chairperson then congratulated the experts for the great amount of work they had accomplished during the meeting, and paid tribute to their conscientious participation as well as the active part played by the observers, who had made valuable contributions at every stage of the discussions. The Chairperson expressed his satisfaction with the work of the Secretariat, and concluded by emphasizing the great progress made in the drafting of the Convention's essential articles. That would provide the Plenary in June with a sound working document and thus make its task easier.

40. The permanent delegate of **Honduras**, seconded among others, by Algeria, Benin, Brazil, Hungary, Jamaica, Japan, and Senegal, then made a declaration requesting UNESCO and WIPO to jointly prepare a document, for the June meeting, that would clarify the respective mandates of the two organizations. This declaration was accepted by the Group as a very constructive proposal for cooperation between these two United Nations organizations.

41. **Mr Bouchenaki**, Assistant Director-General for Culture, then closed the intersessional meeting, conveying a message from the Director-General who was not able to be present. The Director-General particularly wished to thank all the delegations which had nominated experts to take part in the meeting, to thank the 17 experts for the active part they had played, and to thank the representatives of the delegations and NGOs who had attended as observers, for the high quality of the work done. The Director-General also communicated his heartfelt thanks to the Chairperson, Mr Bedjaoui, for the exemplary way in which he had conducted the Working Group, the achievements of which would facilitate the experts' work next June. Mr Bouchenaki informed the participants that the Director-General had taken careful note of the request made by Honduras, and announced that he had been instructed to contact the Director-General of WIPO with a view to preparing an *ad hoc* document, which would be submitted to the next session of the intergovernmental meeting.

CONCLUSION

42. During the eight days of the meeting, the Group of governmental experts examined **26 articles** in all. The articles that could not be examined by the Group for lack of time are the following: **11D, 13, 14 and 14bis**, the articles on the **Final clauses** (Articles 30-38), the **Preamble** and the **Annex**. A consolidated text of the Preliminary Draft Convention will be presented to the Plenary and will include (i) the articles already adopted by the Plenary in February, (ii) the articles approved by the Intersessional Group, as well as (iii) the articles which the Intersessional Group left inside square brackets. For provisions that have not yet been examined either by the Plenary or by the Working Group, reference should be made to the articles in the July 2002 version. Despite the large number of articles, and the delicate nature of the discussions, it is quite remarkable how strong a spirit of consensus and cooperation prevailed throughout the deliberations of the Intersessional Working Group, and what a high standard of work the experts achieved. As a result, the consolidated text will enable the Plenary of the third session of the Intergovernmental Meeting of Experts on the Preliminary Draft Convention, to be held from 2 to 14 June 2003, to have a solid basic text for its discussions.

Appendix I



United Nations Educational, Scientific and Cultural Organization
Organisation des Nations Unies pour l'éducation, la science et la culture

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Paris, avril/April 2003

GROUPE DE TRAVAIL INTERSESSIONS D'EXPERTS GOUVERNEMENTAUX SUR L'AVANT-PROJET DE CONVENTION POUR LA SAUVEGARDE DU PATRIMOINE CULTUREL IMMATERIEL

Paris, Siège de l'UNESCO, 22 - 30 avril 2003

INTERSESSIONAL WORKING GROUP OF GOVERNMENTAL EXPERTS ON THE PRELIMINARY-DRAFT CONVENTION FOR THE SAFEGUARDING OF INTANGIBLE CULTURAL HERITAGE

Paris, UNESCO Headquarters, 22 -30 April 2003

LISTE DES PARTICIPANTS/LIST OF PARTICIPANTS

1. Experts / *Experts*

Groupe 1

Professeur Constantin ECONOMIDES, (Grèce)
Asklipiou 5
145 63 KIFISSIA
Grèce
Tél. : 00.30.210.62.03.593

Professeur Tullio SCOVAZZI, (Italie)
Professor of International Law
Universita di Milano-Bicocca
Piazza dell' Ateneo Nuovo 1
20126 MILANO
Italie
Tel/fax domicile : +39.02.76.10.149
Tel. Université : +39.02.64.48.63.15
E-mail : tullio.scovazzi@unimib.it

Professeur Javier GARCIA FERNANDEZ, (Espagne)
Catedrático de Derecho Constitucional
c/o Otero y Delage, 99
28035 MADRID
Espagne
Tel.: 00.34.91.316.06.24
Fax 00 34 91 344 05 03
Email: garciafdezcab@teleline.es

Groupe 2

Son Exc. Dr. Karel KOMAREK, (République tchèque)
Délégué permanent de la République tchèque auprès de l'UNESCO
Maison de l'UNESCO, M.8.49
1, rue Miollis
75732 PARIS Cedex 15
Tel.: (33-1) 45.68.35.40
Fax: (33-1) 42.73.21.80

M. Gabor SOOS, (Hongrie)
Deuxième Secrétaire,
Délégation permanente de Hongrie auprès de l'UNESCO
Maison de l'UNESCO, M8.45
1, rue Miollis
75732 PARIS Cedex 15
Tel.: (33-1) 45.68.29.84
Fax: (33-1) 44.49.05.15
Email: g.soos@unesco.org

M. Marcin MEDYNSKI, (Pologne)¹
Ministry of Culture
WARSAW
Poland
Fax : 00 48.22.84.85.353
Mail : prawny@ugkz.gov.pl

Groupe 3

M. Joaquim FALCAO, (Brésil)
Praia de Botafogo,
190 6º andar - Botafogo
22253-900 – RIO DE JANEIRO
RJ - Brasil
Tél : 00. 21.2559.6065
Fax : 00.21.2559.6061
Email : jfalcao@fgv.br

¹ Appointed, but did not participate in the Meeting
Nommé, mais n'a pas participé à la réunion

M. Ariel GONZALEZ, (Argentine)
Premier Secrétaire
Délégation permanente de l'Argentine auprès de l'UNESCO
Maison de l'UNESCO,
1 rue Miollis
75732 PARIS Cedex 15
Tel.: (33-1) 45 68 34 37
Fax: (33-1) 45 68 34 39
Email: aw.gonzález@unesco.org

Mr. Wayne MODEST (Jamaica)
Director Museums of History & Ethnography
Institute of Jamaica
10-16 East Street
KINGSTON
Jamaica
Tel.: 1876.922.0620-6
Fax : 1876.922.1147
Email: chronus@anngel.com.jm

Groupe 4

Son Exc. Mme Neelam D. SABHARWAL, (Inde)
Ambassadeur,
Délégué permanent de l'Inde auprès de l'UNESCO
Maison de l'UNESCO
1, rue Miollis
75732 PARIS Cedex 15
Tel : (33-1) 45.68.29.88
Fax : 01 47 34 51 88
Email : dl.india@unesco.org

M. David MEASKETH, (Cambodge)
Premier Secrétaire
Délégation permanente du Royaume du Cambodge auprès de l'UNESCO
2, Place de Barcelone
75016 PARIS
fax : 01 45 25 84 72
Email : dpcambodge@wanadoo.fr

Professor Toshiyuki KONO, (Japon)
Faculty of Law
University of Kyushu, 23
C/o Permanent Delegation of Japan to UNESCO (Attn. Mrs Nanaumi)
Maison de l'UNESCO
1, Rue Miollis
7575732 PARIS Cedex 15
Tél : (33.1) 45.68.35.21
Fax : (33.1) 47.34.46.70
Email : deljpn.doc@unesco.org

Groupe 5 (a)

Professeur Comlan Adrien OGAN, (Bénin)
08 BP 7060
COTONOU
République du Bénin
Tel : (229) 49 03 89
Email : omlaleve@hotmail.com, Ivedok@yahoo.fr

Professeur Hamady BOCOUM, (Sénégal)
Directeur du Patrimoine culturel
58, Boulevard de la République
DAKAR
Sénégal
Fax : 221-822 1638
Tél/fax : 221 821 7438
Email : hawab@hotmail.com

Professor Vusi NDIMA, (South Africa)
Chief Director Heritage,
South African Department of Arts and Culture
Private ag X897
PRETORIA 0001
South Africa
Tel : 00-27-12-337-85-06
Fax : 00-27-12-321-76-81

Groupe 5 (b)

Son Exc. Dr. Ahmed RIFAAT, (Egypte)
Ambassadeur,
Délégué permanent de l'Egypte auprès de l'UNESCO
Maison de l'UNESCO
75732 PARIS Cedex 15
Tél : (33.1) 01.45.68.33.09
Fax : (33.1) 01.47.83.41.87
Email : dl.egypte@unesco.org

Son Exc. Dr. Musa BIN JAAFAR BIN HASSAN, (Oman)
Ambassadeur,
Délégué permanent du Sultanat d'Oman auprès de l'UNESCO
Maison de l'UNESCO
1, rue Miollis
75732 PARIS Cedex 15
Tél.: (33-1) 45.68.30.50
Fax : (33-1) 45.67.57.42
Email : dl.oman@unesco.org

Son Exc. M. Mohammed BEDJAOUI, (Algérie)
Président du Conseil Constitutionnel de la République d'Algérie
Délégation permanente de l'Algérie auprès de l'UNESCO
Maison de l'UNESCO
1, Rue Miollis
75732 PARIS Cedex 15
Tél.: (33-1) 45 68 29 63
Fax: (33-1) 42 19 56
Email : dl.algérie@unesco.org

2. UNESCO Secretariat / *Secrétariat de l'UNESCO*

Sector for Culture / *Secteur de la Culture*

BOUCHENAKI, Mounir (Mr)
Assistant Director-General / *Sous-directeur général*
Sector for Culture / *Secteur de la Culture*
Tel.: (33-1) 45 68 43 74
Fax: (33-1) 45 68 55 96

Division of Cultural Heritage / *Division du patrimoine culturel* Intangible Heritage Section / *Section du patrimoine immatériel*

AIKAWA, Noriko (Mrs)
Tel.: (33-1) 45 68 45 19
Fax: (33-1) 45 68 57 52
Email: n.aikawa@unesco.org

HIGUCHI, Yoshigawa (Mr)
Programme Specialist/*Spécialiste du programme*
Tel.: (33-1) 45 68 38 47
Fax: (33-1) 45 68 57 52
Email: y.higuchi@unesco.org

MORENO, César (M)
Programme Specialist/*Spécialiste du programme*
Tel.: (33-1) 45 68 47 14
Fax: (33-1) 45 68 57 52
Email: c.moreno-triana@unesco.org

KRAUSE, Anthony (M)
Consultant / *Consultant*
Tel.: (33-1) 45 68 47 41
Fax: (33-1) 45 68 57 52
Email: a.krause@unesco.org

SANO, Mayuko (Ms)
Associate Expert/*Expert associé*
Tel.: (33-1) 45 68 46 18
Fax: (33-1) 45 68 57 52
Email: m.sano@unesco.org

SATO, Naoko (Ms)
Associate Expert/*Expert associé*
Tel.: (33-1) 45 68 42 38
Fax: (33-1) 45 68 57 52
Email: n.sato@unesco.org

BOCHI, Alexandra (Ms)
Secretary / *Secrétaire*
Tel.: (33-1) 45 68 42 50
Fax: (33-1) 45 68 57 52
Email: a.bochi@unesco.org

Division of Cultural Heritage / *Division du patrimoine culturel*
International Standards Section / *Section des normes internationales*

CARDUCCI, Guido (Mr)
Chief / *Chef*
Tel.: (33-1) 45 68 44 40
Fax: (33-1) 45 68 55 96
Email: g.carducci@unesco.org

PLANCHE, Edouard (Mr)
Assistant Programme Specialist / *Spécialiste adjoint de Programme*
Tel.: (33-1) 45 68 44 04
Fax: (33-1) 45 68 55 96
Email: e.planche@unesco.org

COUTURIER, Annie-Christine (Ms)
Secretary / *Secrétaire*
Tel.: (33-1) 45 68 44 30
Fax: (33-1) 45 69 55 96
Email: ac.couturier@unesco.org

STOLLE, Gerrit-Alexander
Trainee / *Stagiaire*
Email: Gerrit.A.Stolle@gmx.de

Appendix II

Articles proposed by the Intersessional Working Group of Governmental Experts on the Preliminary-Draft Convention for the Safeguarding of the Intangible Cultural Heritage

UNESCO Headquarters (22-30 April 2003)

II. GENERAL PROVISIONS

Article 4: [General framework for national and international safeguarding of the intangible cultural heritage]

Each State Party recognizes the duty of safeguarding its intangible cultural heritage.

Article 5: [National safeguarding of the intangible cultural heritage]

To ensure that effective and active measures are taken for the safeguarding, development and presentation [cf. “*mise en valeur*”] of the intangible cultural heritage [present] in its territory, each State Party shall endeavour insofar as possible, in a manner which enriches cultural diversity in the context of national life as a whole:

- (a) to adopt a general policy aimed at giving the intangible cultural heritage a function in the life of the community, and at integrating the safeguarding of that heritage into comprehensive planning programmes ;
- (b) to identify a competent national authority, or wherever necessary, to establish a suitable entity for the safeguarding of its intangible cultural heritage ;
- (c) to foster scientific, technical, and artistic studies, and research for the effective safeguarding of intangible cultural heritage, in particular intangible cultural heritage in danger ;
- (d) to adopt [, with the participation of the actors,] appropriate legal, technical, administrative and financial measures for the identification and safeguarding of its intangible cultural heritage ; these measures, as appropriate, shall be consistent with the obligations of States Parties deriving from any existing international instrument in relation to intellectual property rights and to the use of biological and ecological resources for the safeguarding of intangible cultural heritage, and should include the following initiatives :
 - i) measures aimed at fostering transmission of the intangible cultural heritage through forums and spaces for the representation and expression of such heritage and other forms of support ;
 - ii) measures providing access to the intangible cultural heritage while respecting relevant customary rules governing access to specific aspects of intangible cultural heritage ;
 - iii) the establishment of national documentation centres [institutions] for the intangible cultural heritage ;

- iv) measures aimed at developing and implementing educational and awareness raising programmes for present and future generations regarding the importance of the intangible cultural heritage ;
 - v) support for the development of specific educational and training programmes within concerned communities and groups to facilitate the continued transmission to young people of the intangible cultural heritage ;
 - vi) Support to communities and groups concerned for the protection and development of the tangible cultural heritage that is central to the expression and transmission of the intangible cultural heritage.
- (e) to foster the establishment or development of national or regional institutions and training in the management of the intangible cultural heritage, and to encourage scientific research in that field.

Article 5 bis: Title to be defined

[Each State Party shall endeavour to ensure the widest possible participation of the communities that create, maintain and transmit [items of] the intangible cultural heritage [with the cultural communities concerned] when taking measures to safeguard such heritage present in its territory, and to involve these communities in the management of their heritage.]

[When adopting measures to safeguard the intangible cultural heritage [present] in its territory, each State Party endeavours to ensure the widest possible participation of the communities and groups that create, maintain and transmit such heritage, and to involve these communities and groups in its management.]

Article 6 : [International cooperation]
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1. Without prejudice to the provisions of their respective national legislation and customary law, the States Parties recognize that the safeguarding of intangible cultural heritage is of general interest to humanity and undertake to cooperate as appropriate, at the bilateral, sub-regional, regional and international levels, for such purpose.
- [2. For the purposes of this Convention, international safeguarding of the intangible cultural heritage shall be understood to mean the establishment of a system of international cooperation and assistance designed to aid States Parties in their efforts to safeguard such heritage.]

Article 7 (initial article deleted by the Intersessional Group and provisionally transferred to article 6, paragraph 2)
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III. Committees [and Lists]

Article 8: Composition of the International Committee for Intangible Cultural Heritage

1. An international Committee for the safeguarding of the intangible cultural heritage, known as the Intangible Cultural Heritage Committee, is hereby established within UNESCO. It shall be composed of representatives nominated by ...States Parties elected by the States Parties meeting in general assembly [during the ordinary session of the General Conference of UNESCO]. The number of States Members of the Committee shall be increased to ...as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least ...States.
2. Election of members of the Intangible Cultural Heritage Committee shall ensure equitable representation of the various regions and cultures of the world.
3. Meetings of the Intangible Cultural Heritage Committee are attended, in an advisory capacity [according to the rules of procedure of the Committee] and with the Committee's case by case agreement, by:
 - a) Representatives of national and international non-governmental organizations with demonstrated competence in the various domains of the intangible cultural heritage;
 - b) Representatives of other organizations and of civil society with similar competences.

Article 9: Membership of the Intangible Cultural Heritage Committee

1.
 - a) States Members of the Committee are elected for a term of four years by States Parties to the convention meeting in General Assembly.
 - b) However, the term of office of half of the States Members of the Committee elected during the first election is limited to two years. These States are chosen by lot during this first election.
 - c) Every two years, the General Assembly renews half of the members of the Committee.
 - d) It also elects as many members of the Committee as required to fill vacancies.
 - [e) [Without prejudice to the provisions indicated under article ...,] members of the Committee may be eligible for re-election.]
2. States Members of the Intangible Cultural Heritage Committee shall choose as their representatives persons qualified in the diverse fields of the intangible cultural heritage.

Article 10 (new version proposed by the Intersessional Group to the June 2003 Plenary, in the form of three new different articles: X, Y, Z)

Article X: [Rules of Procedures of the Committee and related issues]

1. The Committee reports to the General Assembly of the States Parties.
2. The Committee shall adopt its rules of procedures.
3. The simple majority of its members shall constitute a quorum. Decisions of the Committee shall be taken by a majority of its members present and voting.
4. The Committee may create consultative or subsidiary bodies which it deems necessary to fulfil its task.
5. The Committee may at any moment invite to its meetings public or private bodies as well as private persons, in order to consult them on specific matters. [place at the end of article 8]

Article Y: Attributions [and functions] of the Committee

[Without prejudice to other attributions granted to it by this convention], the functions of the Committee are:

1. to promote the objectives of the convention, to encourage and monitor the implementation thereof;
2. to provide guidance [on best practices and] on measures for the safeguarding of intangible cultural heritage ;
3. to seek means of increasing its resources and to take necessary measures to this end ;
4. to decide on the use of resources of the Fund ;
5. to prepare and adopt operational guidelines for the implementation of this Convention;
6. to examine the reports submitted by States Parties [in accordance with article 29 of this Convention] ;
7. [on the basis of requests submitted by States Members relating to the items of intangible cultural heritage inventorized under article 11A,] to examine and decide upon, in accordance with the objective criteria of selection that it will define at its first ordinary session and shall revise as deemed necessary :
 - requests for inscription on the lists mentioned under paragraphs B [and C] of article 11 ;
 - requests for international assistance presented in accordance with article ...

Article Z: General Assembly of the States Parties

1. A General Assembly of the States Parties is established. The General Assembly is the sovereign body of this convention.
2. The General Assembly of the States Parties shall meet in ordinary session every two years. It may meet in extraordinary session if it so decides or at the request of the Committee or of at least one third of the States Parties.
3. The General Assembly shall adopt its own rules of procedure.

Article 10 bis: Scientific Council (article put in brackets)

[The Committee shall appoint a consultative body called “Scientific Council” made up of experts [practitioners and custodians of heritage] qualified in the various areas of intangible cultural heritage. Members shall act in their personal capacity.

The Committee shall decide on the membership, functioning and role of this body in its rules of procedures.]

Lists

Article 11B: Register [List] of Intangible Cultural Heritage in Need of Urgent Safeguarding

1. With a view to providing appropriate safeguarding measures, the Committee shall establish, keep up to date [and publish], [a Register] [a List] of the intangible cultural heritage in need of urgent safeguarding, [and enter this intangible cultural heritage in [the Register] [the List] at the request of the State Party concerned.
2. [The Committee shall define the criteria for the drawing up and management of this [Register] [List].

Article 11C: List of Treasures [typical examples] [Masterpieces] of the World Intangible Cultural Heritage (proposal by Argentina on new articles C and D not yet examined)

1. To ensure better visibility of the intangible cultural heritage, to promote awareness of its significance and encourage dialogue which respects cultural diversity, the Committee shall establish, keep up to date and publish a List of Treasures of the World Intangible Cultural Heritage.
2. The Committee shall define the criteria for the drawing-up and management of the List.
3. Items already proclaimed as Masterpieces of the Oral and Intangible Heritage of Humanity are ipso facto included in the List of Treasures of the World Intangible Cultural Heritage established under this article.

[Proposal by Argentina:

- new Article C : **“List of Masterpieces of Intangible Cultural Heritage:**

To ensure visibility of the intangible cultural heritage and to promote awareness of its significance among practitioners and civil society as a whole, and in accordance with criteria that it will define at its first ordinary session, the Intangible Cultural Heritage [Panel] shall examine and submit recommendations to the Director-General regarding the candidatures presented for the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity. Such Proclamation will hereinafter constitute a List of Masterpieces of Intangible Cultural Heritage”.

- new Article D: **“Programs, projects or activities for the safeguarding of intangible cultural heritage:**

On the basis of proposals submitted by States Parties, and in accordance with criteria that it will define at its first ordinary session, the Intangible Cultural Heritage [Panel] shall periodically select a number of national, sub-regional or regional programs, projects or activities for the protection of the intangible cultural heritage, which it considers to best reflect the principles and objectives of this Convention. To this end, it shall receive, study and approve requests for international assistance formulated by States Parties for the preparation of such proposals, taking into account the special needs of developing countries.”

Article 12: [Status of the intangible cultural heritage not included in the lists]

(see initial version of July 2002) (article discussed by the Intersessional Group but with no new proposal)

Article 13: [Assistance]

(see initial version of July 2002) (article not discussed by the Intersessional Group)

Article 14: [UNESCO]

(see initial version of July 2002) (article not examined by the Intersessional Group)

Article 14 bis

(see initial version of July 2002) (article not examined by the Intersessional Group)

IV. Intangible Cultural Heritage Fund

Article 15: Nature and resources of the Intangible Cultural Heritage Fund

1. A “Fund for the safeguarding of the intangible cultural heritage”, hereinafter referred to as “the Fund”, is hereby established.
2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of UNESCO.
3. The resources of the Fund shall consist of:
 - (a) Compulsory and voluntary contributions made by States Parties;
 - (b) Contributions, gifts or bequests which may be made by:
 - (i) Other States;
 - (ii) UNESCO, other organizations of the United Nations system, particularly the United Nations Development Programme and other international organizations;
 - (iii) Public or private bodies or individuals;
 - (c) Any interest due on the resources of the Fund;
 - (d) Funds raised by collections and receipts from events organized for the benefit of the Fund; and
 - (e) All other resources authorized by the Fund’s regulations, as drawn up by the Intangible Cultural Heritage Committee.
4. The Committee shall decide on the use of resources and other forms of assistance made available. The Committee shall seek means of increasing its resources and will take all appropriate measures to this end.
- [5.] The Committee may accept contributions and other forms of assistance for general and specific purposes related to specific projects, provided that these projects be approved upon by the Committee.

No political, economic or other conditions incompatible with the objectives pursued by this convention may be attached to contributions made to the Fund.

Article 16: Compulsory contributions to the Fund

1. States Parties to this convention shall pay to the Fund 1% of their annual contribution to UNESCO's regular budget.
2. [Exceptionally, a State referred to in article 31 or 32 of this convention may declare, at the time of the deposit of its instrument of ratification, acceptance or accession, that it will contribute to the Fund to the extent of the amount it is capable of contributing. That State shall specify in its declaration the amount of that contribution as well as the period for which the declaration applies.]

[In exceptional and provisional cases, the General Assembly may authorize a State Party to postpone the payment of the contribution referred to in paragraph 1 of this article for a limited period of time. In such case, the State Party shall submit a payment plan.]

- 3) A State Party in arrears with the payment of its contribution for the current and [or the] previous year shall :
 - become ineligible for election to the Committee ;
 - have its voting right in the General Assembly suspended ;

[- lose its membership to the Committee] or [have its membership to the Committee suspended].

Article 16 bis: Voluntary contributions to the Fund

1. States Parties wishing to assist in the objectives of this Convention can provide to the Fund supplementary and voluntary contributions besides their compulsory contributions foreseen under paragraph 1 of article 16.
2. In order that the Intangible Cultural Heritage Committee may be able to decide the adoption of its measures effectively [to plan its operations effectively], States Parties who make periodic or ad hoc voluntary contributions besides their compulsory contributions are encouraged to inform the Committee with at least one year notice.

Article 17: [Other fund-raising methods]

In addition to having recourse to the Intangible Cultural Heritage Fund, each State Party may adopt other fund-raising methods to safeguard such [items of the intangible cultural heritage present in its territory. These measures include, but are not limited to, the following:

- (a) the creation of national public and private foundations or associations aimed at encouraging measures for the safeguarding of the intangible cultural heritage; and
- (b) where a State Party has assigned its competent national authority the role of receiving funds to be used for the intangible cultural heritage, portions [the totality] of such funds as received may be used to support the safeguarding of such heritage

Article 18: Title to be defined

The States Parties shall lend their support to international fund-raising campaigns organized for the benefit of the intangible cultural heritage under the auspices of UNESCO.

V. Conditions and arrangements for international assistance

Article 19: Requesting international assistance

- a) Each State Party may request international assistance for the safeguarding of intangible cultural heritage in its territory.
- b) Such a request may also be jointly submitted by two or more States Parties.
- c) The request shall include such information and documentation as provided for in article 21.

Article 20: Purposes of international assistance

International assistance may be granted for the following purposes:

- (a) the safeguarding of expressions of the intangible cultural heritage included on the list of intangible cultural heritage in urgent need of safeguarding ;
- (b) the preparation of national inventories in the spirit of article 11 A and article 3 ;
- (c) the support for programs, projects and activities developed at the regional, sub-regional and national level aiming at the safeguarding of intangible cultural heritage;
- (d) any other purpose that the Committee may consider necessary.

Article 21: [Conditions of international assistance]

1. The Intangible Cultural Heritage Committee shall establish the procedure by which requests to it for international assistance shall be considered, and shall specify the content of requests, which must include the measures contemplated, the work that is necessary, the expected cost thereof (where appropriate), the degree of urgency, and the reasons why the resources of the State Party requesting assistance do not allow it to meet all the expenses. [Wherever possible, such requests shall be supported by experts' reports.]
2. In the event that an urgent intervention is required, it should be examined on a priority basis by the Committee which should have at its disposal financial resources set aside to that effect.
3. In order to reach a decision, the Intangible Cultural Heritage Committee shall carry out such scientific, economic and technical studies and consultations as it deems necessary.

Article 22: Forms of international assistance

Assistance granted by the Intangible Cultural Heritage Committee may take the following forms:

- (a) studies concerning the various aspects and problems (artistic, scientific, technical, social, among others) related to the safeguarding of the intangible cultural heritage;
- (b) provision of experts, practitioners, technicians and skilled labour to ensure that the approved work is carried out correctly;
- (c) training of staff, performers and specialists at all levels in the field of the safeguarding of the intangible cultural heritage [including the establishment of national and regional centres for this purpose];
- (d) assistance to the State Party for the elaboration of normative or other measures in the field of intangible cultural heritage ;
- (e) assistance to the State Party in the creation and/or functioning of the infrastructures for the safeguarding of the intangible cultural heritage, as appropriate, such as cultural centres, [cultural spaces] places of performance, [workshops], museums, libraries, archives, media-libraries ;
- (f) supply of equipment and know-how which the State Party concerned might need;
- (g) low-interest or interest-free loans;
- (h) the granting, in exceptional cases, of donations.

Article 23-Article 24 -Article 25 (initial articles deleted by the Intersessional Group)

Article 26: Role and [Obligations] of States Parties benefiting from international assistance

1. International assistance shall be regulated by means of an agreement between the State Party and the Intangible Cultural Heritage Committee.
2. As a general rule, and without prejudice to article ... (relating to earmarked contributions), the State Party shall share in, according to its means, the costs of the safeguarding measures for which international assistance is to be provided.
3. Without prejudice to its general role in safeguarding its intangible cultural heritage, the State Party receiving such international assistance shall continue to safeguard the intangible cultural heritage covered by the assistance and shall take appropriate measures to make known the importance of this intangible cultural heritage and the role played by assistance provided under this Convention.

VI. Educational and awareness-raising programs

Article 27: Title to be defined

1. The States Parties shall endeavor by all appropriate means, in particular by educational and information programs, notably addressed to young people, to strengthen appreciation and respect by their peoples of the intangible cultural heritage.
2. The States Parties shall undertake to strengthen awareness-raising programs regarding intangible cultural heritage, and to keep the public broadly informed of the dangers threatening such heritage and of the activities carried out in pursuance of this Convention. In particular, they shall take appropriate measures :
 - a) to promote the inclusion in the education curricula of programs on the safeguarding of the intangible cultural heritage;
 - b) to support educational programs in favor of the safeguarding of the intangible cultural heritage for various people, in particular the young people.

Article 28 (initial article deleted by the Intersessional Group)

VII. Reports

Article 29: Title to be defined

1. The States Parties shall, in the reports which they shall submit to the Committee, and in a manner and periodicity to be determined by it, provide information on the measures for the safeguarding of their intangible cultural heritage, including legislative and administrative measures, and any other information on the implementation of this Convention.
2. These reports shall be submitted to the General Assembly of States Parties and brought to the attention of the General Conference of UNESCO.
3. The Intangible Cultural Heritage Committee shall submit a report on its activities at each of the ordinary sessions of the General assembly of States Parties and of the General Conference of UNESCO.

VIII. Final clauses

Article 30 to 38 (not examined by the Intersessional Group)

Annex (not examined by the Intersessional Group)

**Numbering and Titles concerning Draft Convention
for the Safeguarding of the Intangible Cultural Heritage**

TITLES (Provisional)	ARTICLES Preliminary-Draft (1)	New Numbering I.G.	STATUS
Preamble (2)			
I. PURPOSES			
Purposes	1	1	PLENARY
II. GENERAL PROVISIONS			
Definitions	2	2	PLENARY
Role of the State Party in the identification and the definition of the intangible cultural heritage	3	3	PLENARY
[General framework for the safeguarding of the intangible cultural heritage]	4	4	I. G.
[National safeguarding of the intangible cultural heritage]	5	5	I. G.
[International Safeguarding]		5bis	I. G.
International Cooperation	6	6	I. G.
III. ORGANS OF THE CONVENTION			
General Assembly of the States Parties	Z	7	I. G.
Intangible Cultural Heritage Committee			
[Creation [establishment] of the Intangible Cultural Heritage Committee]	9	9	I. G.
Composition of the International Committee for Intangible Cultural Heritage	8	8	I. G.
[Rules of Procedures of the Committee and related issues]	X	10	I. G.
Attributions [and functions] of the Committee	Y	11	I. G.
Scientific Council	10 bis	12	Discussed by the I. G. (4)
IV. LISTS OF THE INTANGIBLE CULTURAL HERITAGE			
National Inventories of the Intangible Cultural Heritage	11A	13	PLENARY
Register [List] of Intangible Cultural Heritage in Need of Urgent Safeguarding	11B	14	I. G.
List of Treasures [typical examples] [Masterpieces] of the World Intangible Cultural Heritage	11C	15	Discussed by the I. G.
	11D	16	Not discussed (3)
Status of the intangible cultural heritage not included in the lists	12	17	Discussed by the I. G.

**Numbering and Titles concerning Draft Convention
for the Safeguarding of the Intangible Cultural Heritage**

TITLES (Provisional)	ARTICLES Preliminary-Draft (1)	New Numbering I.G.	STATUS
V. SECRETARIAT			
UNESCO	14	18	Not discussed
[Title to be defined]	14bis	19	Not discussed
VI. INTANGIBLE CULTURAL HERITAGE FUND			
Nature and resources of the Fund [Except Paragraphe 5]	15	20	I. G.
Compulsory contributions to the Fund [Except Paragraphe 2]	16	21	I. G.
Voluntary contributions to the Fund	16bis	22	I. G.
[Other fund-raising methods]	17	23	I. G.
[Title to be defined]	18	24	I. G.
VII. INTERNATIONAL ASSISTANCE			
Purposes of international assistance	20	25	I. G.
Request for international assistance	19	26	I. G.
[Conditions of international assistance]	21	27	I. G.
Forms of international assistance	22	28	I. G.
Role and [Obligations] of States Parties benefiting from international assistance	26	29	I. G.
International assistance	13	30	Not discussed
VIII. EDUCATIONAL AND AWARENESS-RAISING PROGRAMS			
No title [title to be defined]	27	31	I. G.
IX. REPORTS			
No title [title to be defined]	29	32	I. G.
X. FINAL CLAUSES			
Official languages, Ratification, Accession, Entry into force, Denunciation, Revision, etc.	30-38	33-41	Not discussed
Annex			Not discussed
<p>(1) Initial Articles 7, 10, [23-24-25] and 28 <u>have been deleted</u> (their content has been integrated in other articles proposed by the I. G.).</p> <p>(2) The Preamble has been discussed by the Plenary in February 2003, but <u>with no proposed drafting</u>.</p> <p>(3) Initial Articles 11D, 13, 14, 14bis and those concerning the Preamble, the Final Clauses and the Annex <u>have not been discussed by the I. G.</u></p> <p>(4) Articles 10bis and 11C <u>have been</u> discussed by the I. G. , but <u>were not adopted</u>.</p>			