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Intangible
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**CONVENTION FOR THE SAFEGUARDING OF THE
INTANGIBLE CULTURAL HERITAGE**

**INTERGOVERNMENTAL COMMITTEE FOR THE
SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE**

**Sixth session
Bali, Indonesia
22 to 29 November 2011**

**Item 4 of the Provisional Agenda:
Adoption of the summary records of the fifth session of the Committee**

Decision required: paragraph 2

1. This document contains the summary records of the fifth session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, held in Nairobi, Kenya, from 15 to 19 November 2010.
2. The Committee may wish to adopt the following Decision:

DRAFT DECISION 6.COM 4

The Committee,

1. Having examined document ITH/11/6.COM/CONF.206/4 Rev.,
2. Adopts the summary records of the Committee's fifth session contained in this document.

SUMMARY RECORDS OF THE FIFTH SESSION OF THE COMMITTEE

1. The fifth session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage was held from 15 to 19 November 2010 in Nairobi, Kenya, at the invitation of the Kenyan authorities following their offer made at the fourth session of the Committee held in Abu Dhabi, United Arab Emirates, in November 2009.
2. Delegations from 24 States Members of the Committee attended the session: Albania, Azerbaijan, Burkina Faso, China, Croatia, Cyprus, Cuba, Czech Republic, Grenada, Indonesia, Islamic Republic of Iran, Italy, Japan, Jordan, Kenya, Madagascar, Morocco, Nicaragua, Niger, Oman, Paraguay, Republic of Korea, Spain and Bolivarian Republic of Venezuela.
3. The following attendees were as follows:
 - (a) Delegations from 60 States Parties not Members of the Committee: Algeria, Armenia, Austria, Bangladesh, Belarus, Belgium, Plurinational State of Bolivia, Botswana, Brazil, Bulgaria, Burundi, Cambodia, Central African Republic, Chad, Colombia, Côte d'Ivoire, Denmark, Djibouti, Egypt, Estonia, Ethiopia, Fiji, France, Greece, Guinea, Hungary, India, Lesotho, Luxembourg, Malawi, Mali, Mauritius, Mauritania, Mexico, Mongolia, Namibia, Nigeria, Norway, Papua New Guinea, Peru, Portugal, Qatar, Romania, Saudi Arabia, Senegal, Slovakia, Sri Lanka, Switzerland, Sudan, Tajikistan, Togo, Tonga, Tunisia, Turkey, Uganda, United Arab Emirates, Uruguay, Viet Nam, Zambia and Zimbabwe.
 - (b) Delegations from 11 States non party to the Convention, Associate Members, Permanent Observer Missions: Cameroon, Eritrea, Finland, Israel, Libyan Arab Jamahiriya, Kuwait, Sovereign Order of Malta, Palestine, Poland, Thailand and the United States of America.
 - (c) One intergovernmental organization: UNEP.
 - (d) Category 2 Centres under the auspices of UNESCO: CRESPIAL (Centro Regional para la Salvaguardia del Patrimonio Cultural Inmaterial de América Latina), Nordic World Heritage Foundation, and International Intangible Cultural Heritage Training Centre in Beijing.
 - (e) Thirty-one accredited non-governmental organizations: African Cultural Regeneration Institute, ARTESOL - Artesanato Solidário, Association for the European Folklore Institute, Association nationale cultures et traditions, Centre for Peace building and Poverty Reduction Among African Indigenous peoples, Centre UNESCO de Catalunya, Centro UNESCO Melilla, Conservatorio de la Cultura Gastronómica Mexicana, Contact Base, Craft Revival Trust, FARO - Flemish Interface for Cultural Heritage, Foundation for the Protection of Natural and Cultural Heritage, Fundación Erigaie, Goa Heritage Action Group, GLODEPM, IDAST - Folkloristic, Ethnological, Anthropological and Oral History Activities in Tuscany, Instituut voor Vlaamse Volkskunst vzw, International Association for Falconry and Conservation of Birds of Prey, International Council for Traditional Music, International Council of Museums, International Organization of Folk Arts, Maison des cultures du monde, Mediterranean Diet Foundation, Norwegian Crafts Development NHU, PROMETRA International, Rural Women Environmental Protection Association, SIL International, SIMBDEA, Traditions pour Demain, West Africa Coalition for Indigenous People's Rights and World Martial Arts Union.
 - (f) Eleven invited examiners: Ms Dace Bula, Mr In Pyong-Chun, Mr Laszlo Felfoldi, Mr Rahul Goswami, Ms Marleen Haboud, Ms Irina Popova, Mr Jean Roche, Ms Ritu Sethi, Ms Monika Therrien, Ms Rusudan Tsurtsunia and Mr Hans Van Tilburg.
 - (g) The full list of participants is available in document ITH/10/5.COM/CONF.202/INF.19.

4. The session was conducted in four languages: English and French, the two working languages of the Committee, as well as Arabic and Spanish, respectively provided through the generous contribution of the United Arab Emirates and Spain.
5. The Intangible Cultural Heritage Section of UNESCO provided the secretariat for the meeting.
6. The elected Members of the Bureau of the fifth session of the Committee were as follows:

Chairperson: Dr Jacob Ole Miaron (Kenya)

Vice-Chairpersons: Cyprus, Croatia, Republic of Korea, Oman

Rapporteur: Ms Margarita Ruiz Brandi (Cuba)

[Monday 15th November 2010, 10 a.m.]

**ITEM 1 OF THE AGENDA:
OPENING OF THE SESSION**

7. The fifth session of the Intergovernmental Committee was opened in an official ceremony presided over by **His Excellency Mr Stephen Kalonzo Musyoka**, the Vice-President of Kenya, and Ms Irina Bokova, Director-General of UNESCO, in the presence of His Excellency Hon. Prof. Samson Kegeo Ogeri, Minister of Education and President of the Kenya National Commission for UNESCO, His Excellency Hon. William Ole Ntimama, Minister for National Heritage and Culture, Mr Toshiyuki Kono, Chairperson of the third General Assembly of the States Parties to the Convention, and Mr Francesco Bandarin, UNESCO Assistant Director-General for Culture.
8. The **Chairperson of the Committee, Dr Jacob Ole Miaron**, spoke of his great honour in hosting the fifth Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage in Nairobi, which was taking place on sub-Saharan Africa for the first time, and warmly welcomed the distinguished guests to the inaugural ceremony. He spoke of the important issues and decisions that would be tackled and adopted over the next few days in order to ensure the effective implementation of the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage, and felt assured that the Committee would engage in constructive deliberations. He also spoke of the recurrent concern with regard to the volume of nominations to the Representative List as well as the issue of geographical imbalance, particularly with the very few nominations from Africa. He took the opportunity to thank the Director-General of UNESCO for her guidance and counsel that allowed a capacity-building strategy to address this imbalance. He also thanked Ms Cécile Duvelle, Secretary of the Convention, the Convention Secretariat, the UNESCO Office in Nairobi, the United Arab Emirates and the Spanish Government for having provided Arabic and Spanish interpretation, and Japan for funding the photographic exhibition, which was launched on the first day of the meeting.
9. The **President of the third General Assembly of the States Parties to the Convention, Mr Toshiyuki Kono** spoke of his delight in participating at the fifth Committee session in Africa not least because African friends and colleagues had provided a great deal of support in the tough early negotiations of the Convention. He was pleased to inform the Committee that the first female performer of *Nyatiti*, Anyango (or Ms. Mariko Mukoyama in Japanese), officially recognized by the Luo Tribe in Kenya, came from Japan and thus connected the two countries through the transmission of intangible cultural heritage. He expressed his appreciation of the generosity of spirit of the Kenyan people in accepting her as a member of the community and bearer of this important tradition. However, Mr Kono expressed disappointment at the fact that no nomination files from Sub-Saharan Africa were submitted to the present session, and encouraged the Committee members to pool their wisdom in order to receive nominations from the region at the next Committee session. Mr Kono spoke of the revised Operational Directives that had been adopted at the General Assembly in June 2010 and cautioned against complacency, noting the discrepancies in understanding the fundamental concepts of the Convention when studying the nomination files submitted to the present session. With this in mind, Mr Kono wished to remind the assembly that the Committee at its first ordinary session in Tokyo expressed its support for the Secretariat to prepare a manual on the implementation of the Convention in each Member State, and urged the Committee to find ways and means to assist the Secretariat in pursuing this essential and urgent work. Speaking of the enormous workload of the Subsidiary Body for the examination of nominations to the Representative List, Mr Kono expressed appreciation of their devotion and achievements, noting the unique nature of examination, which was markedly different from the 1972 Convention. Moreover, he deemed the integration of scholarly and scientific activities into the practice of the Convention as crucial in order to constantly update knowledge and broaden understanding through discussions with experts from various fields of intangible cultural heritage. Moreover, in order to clarify the relationship between the

Convention and other international instruments such as the 2005 Convention, Mr Kono expressed his wish that the Secretariat organize a series of expert meetings whose outcomes would be published and shared. In this context, Mr Kono reminded the delegations that Art. 6, para. 7 of the Convention required that, ‘representatives of the Committee’ be qualified in various fields of intangible cultural heritage and therefore constituted an incredible gathering of experts from various fields of intangible cultural heritage from all over the world. He concluded by reminding Member States of the one single legal obligation, i.e. to create an inventory of intangible cultural heritage according to [Art. 12](#) of the Convention, and regretted that this item did not appear on the agenda. Mr Kono wished *bon courage* and a wonderful outcome to all.

10. On behalf of the **Ministry of State for National Heritage and Culture, the Hon. William Ole Ntimama** spoke of his heartfelt pleasure and honour to welcome the fifth session of the Intergovernmental Committee meeting in Kenya, the first Sub-Saharan country in Africa to host the meeting, demonstrating the vote of confidence in Kenya and Africa’s commitment to the objectives of the Convention. The Minister spoke of the tremendous strides made by Kenya in the implementation of the Convention, which began with a stakeholder’s forum on the Kenyan context, which was subsequently translated into the Kiswahili language. The Minister informed the delegations of Kenya’s efforts in creating a national inventory of intangible cultural heritage elements and the submission of a second element for inscription under the Urgent Safeguarding List in March 2010. Aware that the preservation of intangible cultural heritage was the surest way by which societies maintain its link with the past and raise healthy future generations, the Minister thanked the great efforts of a number of international governmental and non-governmental organizations and bodies in harnessing the common elements that brought people and nations closer together. The Minister was happy to note that the present meeting had attracted a record number of participants, about 400 people. Concluding, the Minister thanked UNESCO, the Secretariat and the President of the Committee for their efforts in the organization of the meeting, as well as the Kenyan team for their tireless work. He wished the delegates a very successful and fruitful meeting.
11. The **Hon. Prof. Samson Kegeo Ongeru, Minister of Education and President of the Kenya National Commission for UNESCO**, recalled that Kenya had joined UNESCO in 1964 and remained committed to its ideals with Kenya playing host to a number of important international events, including the 1976 UNESCO General Conference and the Intergovernmental Committee on Bioethics in 2006. The Minister conveyed his privilege and honour at welcoming the Director-General of UNESCO whose visit to Kenya on the occasion of the present meeting was part of the global effort to lead the world into a new era of peace and humanism. The Minister concluded by thanking UNESCO and the Minister of Heritage and Culture for steering the organization of the meeting, and wished the delegates a pleasant stay and fruitful meeting.
12. The **Director-General of UNESCO, Ms Irina Bokova**, spoke of her pleasure to be on African soil for the opening of the fifth session of the Committee and expressed thanks to the Kenyan authorities for their hospitality. She recognized the excellent work of the Ministry of State for National Heritage and Culture in implementing the 2003 Convention, and under Mr Jacob Miaron’s wise stewardship, the Committee’s debates were in excellent hands. The Director-General spoke of the wealth of Kenya’s cultural heritage, which was demonstrated during the Kenya Week at UNESCO Headquarters in October 2010, and expressed greetings to the many ministers and eminent persons who came to participate in the present session, attesting to the importance of the Convention. The Director-General also wished to thank Azerbaijan, Belgium (Flanders), the People’s Republic of China, Cyprus, Hungary, Italy, Japan, Norway, the Republic of Korea, Spain and the United Arab Emirates for their continued support of UNESCO and efforts to safeguard intangible cultural heritage, and reaffirmed the current priority on capacity building as being the way forward. The Director-General recalled her chairpersonship, in February 2008, at the second extraordinary session in Sofia when the Committee finalized its proposals on the Operational Directives, calling the Convention one of the most innovative instruments to address contemporary challenges. Ratified by 132 States with 181 elements currently inscribed, it bears witness to humanity’s

great diversity and unity and provides a forum for discovering and exploring unique cultural expressions, thereby being a unique tool for social cohesion and dialogue and for achieving the Millennium Development Goals. The Director-General saw the extensive media coverage of the event as a great opportunity to further improve understanding and increase respect for intangible cultural heritage. With this in mind, she encouraged the Committee to remain cognizant of the responsibility engaged for each inscribed element, as decisions would lay the ground for the future of the Convention. She also reminded the Committee of its responsibility in the examination of a significant number of files and hoped for an equitable and balanced solution that would ensure that the Committee was able to fully accomplish its task with the credibility of the Convention at stake. In this vein, the Director-General congratulated the General Assembly in June 2010 in having taken measures to rationalize some of the existing procedures. On this note, she thanked China for providing support to the Secretariat as well as Azerbaijan, Japan, the Republic of Korea and the United Arab Emirates for their intended future support, and hoped that States would respond favourably to the request for contributions to the sub-fund established by the General Assembly in support of the Secretariat. The Director-General also deemed important discussions by the Committee on inscription criteria as well as the involvement of civil society in the implementation of the Convention, with recently established intangible heritage category 2 centres also playing key roles, and with the Convention's tenth anniversary drawing close, arrangements for its celebration would be an excellent opportunity to spotlight the importance of intangible cultural heritage and highlight the sense of accomplishment and pride on what has been achieved thus far. The Director-General expressed regret that no African nominations had been submitted to the present session, which gave cause for reflection as all countries should have been equally represented. While concluding her remarks, the Director-General paid tribute to the Committee's 24 members who had worked tirelessly for the past two years in order to make the Convention a reality, with a special mention of the six pioneer members of the Subsidiary Body who had laid the foundations: Estonia, Kenya, Mexico, Republic of Korea, Turkey and United Arab Emirates for their outstanding work under the wise leadership of Ms Kristin Kuutma of Estonia. The Director-General wished the delegates every success in their important mission.

13. **His Excellency Mr Stephen Kalonzo Musyoka, the Vice-President of Kenya**, spoke of the honour of addressing the delegates on the occasion of the official opening ceremony of the fifth session of the Intergovernmental Committee and, on behalf of the government and people of Kenya, expressed gratitude to UNESCO Member States for granting Kenya the opportunity to host the meeting. The Vice-President recalled that Kenya had ratified the Convention in October 2007 and thus became the 85th State Party to do so. Since then, the Convention had been translated into Kiswahili thus enabling wider dissemination, understanding and participation of the entire greater eastern Africa region. The Vice-President spoke of Kenya's rich cultural and natural heritage: the Maasai Mara, the majestic snow-capped Mount Kenya, the panoramic Rift Valley and its spectacular beaches. Considered by anthropologists to be the epicentre and cradle of human origins, Kenya was therefore inevitably the home of all mankind. The Vice-President spoke of the diverse culture and traditions that defined Kenya's cultural heritage as equally important as tangible heritage, which were clearly evident in the wide repertoire of music, song and dance as well as tales, legends, fables and idioms, cuisine, dress and costume. Moreover, embedded in intangible cultural heritage was the expression of important social values such as respect, dignity, integrity, honour and others. The Vice-President spoke of this most opportune moment in Kenya at a time of renewal following the recent promulgation of a new constitution that recognized the value of culture in national development. Speaking of emerging cross-continental communication opportunities, the Vice-President noted the unprecedented platform provided by the Convention from which to share value systems, cultures, beliefs and traditions of people across the globe. For example, the traditions and practices associated with Kayas, the sacred forest shrines of the Mijikenda people of Kenya's coast, alongside various other places of worship, which were inscribed on the Urgent Safeguarding List in 2009, effectively making Kayas, previously a local concern, a feature of global importance.

Concluding, the Vice-President assured the delegates of Kenya's willingness to take on more projects that bring out and preserve intangible cultural heritage, and which increases the visibility of its diverse cultural values and traditions. In concluding his remarks, the Vice-President declared the fifth session of the Intergovernmental Committee for the Safeguarding of the intangible cultural heritage officially open and wished the delegates fruitful deliberations.

ITEM 2 OF THE AGENDA:

ADOPTION OF THE AGENDA OF THE FIFTH SESSION OF THE COMMITTEE

Documents [ITH/10/5.COM/CONF.202/2 Rev.2](#)
[ITH/10/5.COM/CONF.202/INF.2.1](#)
[ITH/10/5.COM/CONF.202/INF.2.2 Rev.](#)
Decision [5.COM 2](#)

14. The **Chairperson**, Mr Jacob Ole Miaron, opened the meeting by reminding the delegates of the important decisions to be taken on the second cycle of inscriptions in the light of the revised Operational Directives adopted by the General Assembly at its third session in June 2010. The Chairperson invited the representative of the Director-General, the Assistant Director-General for Culture, Mr Francesco Bandarin, to present the agenda items to the Committee.
15. The **representative of the Director-General** began by thanking the Kenyan authorities and Mr Miaron for hosting the present session and for their kind hospitality, noting the 29 African States Parties to the Convention, i.e. a quarter of States Parties were from Africa. He spoke of the importance of the Convention in responding to the provisions of UNESCO's Constitution and the attainment of development goals, with the tenth anniversary presenting a good occasion for reflection and review. Furthermore, the important decisions to be taken were reflected in the broad media coverage with the debates going live for the first time through webcasting. The Assistant Director-General for Culture proceeded to present the nineteen items on the provisional agenda. He noted that nearly all the documents had been sent by the statutory deadline of 18 October 2010, i.e. four weeks prior to the session as specified by [Rule 42](#) of the Rules of Procedure, and had been made available online. Document 6, Evaluation of nominations for inscription on the Representative List of the Intangible Cultural Heritage of Humanity, had been made available on 12 October, together with the files and examination reports, which were also made available online. Document 13 followed on 19 October, and document 17 on 26 October. However, he noted with regret that due to the heavy workload and short timeframe some translated documents in French had not been made available on time. The Assistant Director-General for Culture then briefly outlined the information documents made available to the delegates, which could be found online: <http://www.unesco.org/culture/ich/en/5COM/>, and presented the timetable and related working documents.
16. The **representative of the Director-General** called attention to the fact that there was no item concerning the examination of proposals to the Register of Best Safeguarding Practices established under [Article 18](#), recalling that the Operational Directives adopted by the General Assembly at its second session in June 2008 had proposed that the initial examination of proposals be carried out by a working group of the Committee established during the session itself. The procedure, however, proved to be laborious and the Operational Directives had been revised and adopted by the General Assembly at its third session in June 2010. He stressed that the examination of proposals would be carried out by a consultative body, which would be established at the present session. Therefore, the 15 proposals received [by the deadline of 1 March 2010] would be examined by the future Consultative Body for eventual inscription by the Committee at its sixth session in 2011. The Assistant Director-General for Culture concluded by informing the delegates that 132 States Parties had ratified

the Convention, of which there were 128 States Parties to the Convention at the moment of the Committee session.

17. The delegation of the **Republic of Korea** wished to express profound gratitude to the Kenyan authorities for their warm hospitality, and commended the Secretariat for its efforts in the organization of the meeting. With regard to document 2 and the provisional agenda, the delegation wished to highlight the role of the Bureau. According to [Rule 9](#) and [10](#) of the Rules of Procedure, the agenda should be adopted by the Committee at the beginning of each session and the Bureau was expected to organize the schedule and timing of the meeting, as stipulated in [Rule 12.2](#). The delegation regretted that the timetable had been put together without coordination or prior consultation with the Bureau, recalling the last Bureau meeting in Paris when there was insufficient time to discuss the timetable. The delegation was willing to accept the present situation but urged that for future sessions, the Secretariat and the Bureau foresee the necessary time to adequately discuss the timetable ahead of meetings.
18. The **representative of the Director-General** accepted the observation made by the Republic of Korea and explained that some of the mechanisms of the Convention did indeed require fine-tuning and that tools were being improved to that end.
19. The delegation of the **Republic of Korea** wished to add a paragraph [3] to the decision reading, 'Requests the Secretariat and the Bureau of the next session to prepare in advance a well organized provisional agenda and timetable to ensure the efficiency of the session'.
20. There were no further comments and the **Chairperson** declared amended **Decision [5.COM 2](#)** adopted by the Committee as amended.
21. Before moving to agenda item 3, the **Chairperson** wished to remind Members that two items of the agenda required the selection of candidates: item 7 and the establishment of the Subsidiary Body for the examination of inscriptions to the Representative List, and item 9 and the establishment of a Consultative Body for inscriptions to the Urgent Safeguarding List, the Register of Best Safeguarding Practices and International Assistance Requests greater than US\$25,000, asking that Committee Members consult among themselves prior to the debates. As regards the Subsidiary Body, he reminded the Committee of the requirement for equitable geographic representation from within the electoral groups informing the Members that the previous Subsidiary Body had recommended alternating mandates, with only some of the Members being replaced, in order to ensure continuity in the working process and a common understanding of the inscription criteria. He recalled the composition of the previous Subsidiary Body: Group I: Turkey; Group II: Estonia; Group III: Mexico; Group IV: Republic of Korea; Group V(a): Kenya; Group V(b): United Arab Emirates, with Turkey, Estonia, Mexico, and United Arab Emirates having to be replaced as they were no longer Committee Members. As regards the Bureau of the sixth session of the Committee, the Chairperson reminded Members that it was composed of a chairperson, vice-chairpersons and a rapporteur, and that it should demonstrate equitable geographic representation.

ITEM 3 OF THE AGENDA:
ADMISSION OF OBSERVERS

Document [ITH/10/5.COM/CONF.202/3](#)
Decision [5.COM 3](#)

22. The **Secretary of the Convention**, Ms Cécile Duvelle, informed the delegates that the Committee's deliberations were being broadcast live for the first time via webcast so that people unable to attend the session could follow the debates online.

23. The **Chairperson** agreed that this was indeed a good initiative, which would help promote the work of the Committee, and recalled that the request was made during the fourth Committee session in Abu Dhabi by the NGOs. The Chairperson added that the Committee could at any time decide to turn to private sessions for any of the debates, as necessary.
24. An announcement was made with the sad news that intangible cultural heritage expert, Mr Pavlou Pavlos, had passed away in July 2010. He was a linguist and professor at the University of Cyprus and had been following the work of the Committee over the last three years, and had been working on a manual on the inscription procedure. A minute's silence was respected in his memory.
25. The **Chairperson** informed the delegates of the proposed rules of conduct with regard to the proceedings and the interventions of the Committee Members, recalling that observers would be given the opportunity to express themselves during the general debates or after a decision had been taken, but not during the discussion of draft decisions. Moreover, he recalled [Rule 22.4](#) of the Rules of Procedure, which provides that Representatives of a State Party, whether or not a Member of the Committee, shall not speak to advocate the inclusion in the lists mentioned in Articles [16](#) and [17](#) of the Convention of an item of the intangible cultural heritage nominated by that State or to endorse a request for assistance submitted by that State, but only to provide information in reply to questions raised.
26. The representative of the **Secretary**, Ms Oda Lehmann, began by presenting document 3 Rev., which had been prepared following [Rule 8.3](#) of the Committee's Rules of Procedure laying out the public and private bodies and persons with recognized competence in the various fields of intangible cultural heritage authorized to attend Committee sessions as observers upon written request. It was noted that document 3 Rev. had been revised after having received additional inscriptions following its publication on 18 October 2010 indicating the two categories of entities authorized to obtain observer status. She informed the Committee that all 97 NGOs accredited by the General Assembly in June 2010 had received an invitation, which was accepted by 34 organizations. At the fourth session of the Committee, by Decision [4.COM 16](#) and [4.COM 17](#), examiners of the Urgent Safeguarding List nominations and International Assistance Requests greater than US\$25,000 were appointed and had also been invited to attend, which was accepted by 11 examiners [listed in para. 4 of document [ITH/10/5.COM/CONF.202/3](#)]. In application of Rule 8.3 of the Rules of Procedure, which includes Intergovernmental Organizations other than those referred to in Rule 8.2, public or private bodies and private persons with recognized competence in intangible cultural heritage can submit a written request to attend one or more future sessions [these 25 entities are listed in para. 3]. With regard to paragraph 6 of the draft decision, it called upon the Committee to authorize these organizations, bodies and persons to participate as observers in future sessions of the Committee, beginning with the sixth session. With regard to the present session, they fell under Rule 8.5 of the Committee's Rules of Procedure and were therefore authorized to attend with no speaking right. At the fourth session, 13 entities were authorized to participate as observers in the fifth, sixth and seventh sessions [listed in para. 7 of Decision [4.COM 4](#)] with two of these (Association de Nasreddin Hodja et du tourisme and Maison des cultures du monde) having since been accredited by the General Assembly and thus duly invited.
27. Paragraph 5 of draft decision [5.COM 3](#) was **adopted** by the Committee without amendment.
28. With regard to paragraph 6, the Committee was asked to decide, in conformity with Rule 8.3, whether it would authorize the listed observers at one or more future sessions. The representative of the **Secretary** explained that intergovernmental organizations – not part of the UN system but with relations with UNESCO – had been informed about the session. In total, 25 entities had requested admission as observers, of which 7 NGOs requested accreditation at the present session. On receiving accreditation under item 12 of the agenda, and if accredited by the General Assembly, the NGOs would be automatically admitted as observers to future sessions, under Rule 6 of the Rules of Procedure.

29. With regard to the public and private bodies, the **Chairperson** proposed to grant them all observer status for the next three Committee sessions. There were no objections or comments and the Chairperson declared **Decision 5.COM 3 adopted** by the Committee.

ITEM 4 OF THE AGENDA:

ADOPTION OF THE SUMMARY RECORDS OF THE FOURTH SESSION OF THE COMMITTEE

Documents	<u>ITH/10/5.COM/CONF.202/4</u> <u>ITH/10/5.COM/CONF.202/INF.4.1</u> <u>ITH/10/5.COM/CONF.202/INF.4.2</u>
Decision	<u>5.COM 4</u>

30. The **Chairperson** presented item 4 and asked the Committee to approve the summary records of the fourth session held in the United Arab Emirates in 2009.
31. As there were no objections, the Chairperson declared **Decision 5.COM 4 adopted** by the Committee.
32. Before moving on to agenda item 5, the **Chairperson** wished to inform the Committee of the outcomes of the two Bureau meetings convened in Paris in November 2009 and October 2010 as well as the email consultations with Members in June 2010. The Chairperson reminded the Committee that in addition to normal duties, as specified by the Committee's Rules of Procedure, the Bureau was authorized under the Operational Directives to approve preparatory assistance requests and International Assistance Requests up to US\$25,000. Moreover, the Committee delegated 'its Bureau the authority to decide upon the utilization of the funds allocated under item 3 of the Plan for the use of the resources of the Fund, on the basis of specific proposals to be prepared by the Secretariat' [Decision 4.COM 12]. In 2009, on an exceptional basis, the Committee also delegated its authority to approve the completed final report of the Committee to the General Assembly on its activities in order to include activities between October 2009 and June 2010. The detailed reports can be found in documents 5.COM 1 BUR and 5.COM BUR 2.
33. The **Chairperson** informed the Committee that during its meetings the Bureau evaluated a total of six preparatory assistance requests for the preparation of five nominations to the Urgent Safeguarding List and one proposal for the Register of Best Safeguarding Practices submitted by five States Parties: Guatemala, Mali, Mauritania, Nicaragua and Viet Nam. This was in addition to six International Assistance Requests up to US\$25,000 amounting to a total of US\$174,232 submitted by five States Parties: Albania, Mali, Sudan, Togo and Zimbabwe. The Bureau agreed that all twelve requests had satisfied the criteria and procedures specified in paragraph 12 of the Operational Directives and were consequently approved. Also at its fourth session, the Committee had delegated to the Bureau the authority to decide upon the utilization of the funds allocated under item 3, 'other functions of the Committee', in the plan for the use of resources of the Fund, on the basis of specific proposals to be prepared by the Secretariat. As a result, the Bureau, at its first and second meeting, was asked to decide on the use of 1) the amount available for 'other functions of the Committee' in the remaining months of 2009 and first semester of 2010 and 2) the amount allocated by the General Assembly for the same purpose from January 2010 to December 2011. At the Bureau meeting of 27 November 2009, the Secretariat proposed three specific activities to the Bureau for a total amount of US\$61,976, which was described in the Bureau report [ITH/09/5.COM 1.BUR/Report of the Chairperson]. The proposals included a capacity-building workshop for NGOs from under-represented regions aimed at facilitating their contribution to the implementation of the Convention, the publication of the 2009 Urgent Safeguarding List, Representative List and Register of Best Safeguarding Practices, and the compilation of information on measures and methodologies used or to be used in the selected best practices.
34. It was recalled that at the Bureau meeting on 25 October 2010, Members had received a report from the Secretariat on how the above funds had been spent. [For more detailed

information, refer to the report 5.COM 2 BUR/Report of the Chairperson.] With regard to the publication of the 2009 Urgent Safeguarding List, Representative List and Register of Best Safeguarding Practices, the **Chairperson** wished to point out that the Bureau had been informed that all the funds allocated had been spent on the English and French publications, with additional funds taken from the Regular Programme. Moreover, the publication of the 2009 Representative List was also available in Spanish thanks to generous funding by Spain, while the Arabic version of the three publications would be available in 2011 thanks to the generous support of the United Arab Emirates.

35. Regarding the use of the funds allocated for 'other functions of the Committee' for the period of 1 January 2010 to 31 December 2011, approved by the General Assembly [Resolution [3.GA 8](#)], it was noted that the Bureau had approved the specified expenditures for a total amount of US\$842,653. [Refer to document ITH/10/5.COM 2.BUR/4 Rev. for more details.] The **Chairperson** recalled that the percentage allocated for 'other functions of the Committee' had been increased by the General Assembly primarily to finance awareness-raising and capacity-building activities. The Bureau had been informed that the funds would complement the UNESCO Regular Programme funds and the various extra-budgetary contributions from Azerbaijan, Bulgaria, China, Cyprus, Flanders, Hungary, Japan, Norway, Republic of Korea, Spain and the United Arab Emirates, which were mainly focused on capacity-building activities; the resources of the Intangible Cultural Heritage Fund would support the overall strategy by developing training materials and organizing a first series of training of trainers' workshops in all regions of the world.
36. The **Chairperson** also reminded the Committee that the Bureau was entitled by the Committee to approve its report to the General Assembly on activities ahead of the General Assembly in June 2010, covering the period between two sessions of the General Assembly. The Committee had to approve the report before submitting it because the General Assembly normally met in June while the Committee met in November the preceding year with a gap of six months in activities. The Committee, by its Decision [4.COM 21](#), authorized the Bureau to approve the report with the addition of the activities between the fourth session of the Committee in September–October 2009 and the General Assembly in June 2010. In order to avoid another meeting of the Bureau in June 2010, the Chairperson had therefore decided to electronically consult Members on the Committee's report, which also proved to be very cost-effective. The Chairperson concluded by thanking the Secretariat for its assistance and the huge preparatory work carried out before, during and after the Bureau meetings.

[Monday 15 November 2010, 3 p.m.]

ITEM 5 OF THE AGENDA: EVALUATION OF NOMINATIONS FOR INSCRIPTION IN 2010 ON THE LIST OF INTANGIBLE CULTURAL HERITAGE IN NEED OF URGENT SAFEGUARDING

Documents [ITH/10/5.COM/CONF.202/5 Rev.](#)
[ITH/10/5.COM/CONF.202/INF.5](#)

Decision [5.COM 5](#)

37. The **Chairperson** introduced item 5 as one of the most important items of the session and recalled that the Operational Directives adopted by the General Assembly at its second session in June 2008 stipulated that nominations to the Urgent Safeguarding List be examined by external examiners. Those procedures had since been changed at the third session of the General Assembly; the current and future nominations would thus be examined by a consultative body that we would be established later in the present session. The Chairperson presented the four nominations for evaluation, each of which had been examined by two experts who would present their examination. The task of the Committee was therefore to decide whether the nomination submitted by the State Party satisfied the

five criteria for inscription. The Chairperson then proceeded to read out the criteria for inscription.

38. The **Secretary** then introduced document [ITH/10/5.COM/CONF.202/5 Rev.](#), which contained a brief overview of the nomination's history, together with the reports of the two examiners for each nomination and outlined the evaluation procedure of the four nominations to the Urgent Safeguarding List. The Secretary began by recalling that three nominations had been received by the deadline 31 March 2009 for submission of nominations to the Urgent Safeguarding List for possible inscription in 2010: two from China and one from Croatia. Additionally, three nominations – one from China and two from Mexico – initially submitted for possible inscription in 2009, had not been evaluated by the Committee at its fourth session in Abu Dhabi. In two cases, the submitting State was unable to resubmit a revised and completed file before the deadline and, in the third case, the submitting State had requested that a revised version of this nomination, addressing certain points raised in the examination reports, be evaluated by the Committee at its fifth session. Consequently, on 31 March 2009, there were six requests to be treated. In its Decision [3.COM 10](#), the Committee requested that the Secretariat propose the names of at least two qualified examiners. The Secretariat thus identified four candidate examiners for each of the six above-mentioned nominations [except the nomination 'Meshrep' from China as two examiners had already been designated by the Bureau of the fourth Committee session on 7 May 2009]. At its fourth session, the Committee designated two examiners and one alternate for each of the five files by its Decision [4.COM 16](#). In the meantime Mexico withdrew its nomination of La Maroma or peasant circus. The Secretariat also created a password-protected website allowing examiners to access all 2010 Urgent Safeguarding List nominations. Following a preliminary examination of the nominations by the examiners, gaps were identified and revised versions were resubmitted by States Parties. The examiners were requested to submit to the Secretariat a draft examination report by 31 May 2010, which had been made available to all designated examiners prior to their meeting on 5 July 2010 and attended by all twelve examiners [for five Urgent Safeguarding List files and one International Assistance Request file] in Paris. The report of the meeting chaired by Ms Ritu Sethi from Craft Revival Trust and prepared by its Rapporteur, Mr Rahul Goswami from Goa Heritage Action Group, had been made available online as document [ITH/10/5.COM/CONF.202/INF.5](#).
39. The **Secretary** explained that upon receipt of the examiners' final examination reports, they were submitted to the States Parties concerned. Mexico informed the Secretariat of its intention to withdraw its nomination on the Yúmारे of the O'oba (Lower Pimas) and their oral tradition. This resulted in a total of four nominations to the Urgent Safeguarding List subject to evaluation in the present session, and for each nomination, the Secretariat had elaborated a draft decision, synthesizing the perspectives of the two examiners with a number of recommendations. The documentation had been made available to States Parties on the website of the Convention. The Secretary informed the Committee that the present document 5.Rev. included comments received from China on the Meshrep file. The Secretary concluded by outlining the examination procedure: i) projection of 3-minute video; ii) 10–15 minute presentation by one of the examiners; iii) supplementary comments by the second examiner; iv) a question and answer session; iv) a general debate by the Committee Members; and v) final decision.
40. The **Chairperson** thanked the Secretary for the overview and wished to remind the Committee of [Rule 22.4](#) of the Rules of Procedure, which states that representatives of a State Party, whether or not they are Committee members, should not speak to advocate inclusion but only to provide information in reply to questions. This provision also applied to observers, mentioned in [Rule 8](#). The Chairperson remarked that the submitting State would be given two minutes for remarks following the Committee's decision. The Chairperson also drew attention to the Meshrep file submitted by China, which did not receive a favourable report from one of the examiners, and thus draft decision [5.COM 5.1](#) presented two options. The Chairperson therefore moved to the consideration of draft decision [5.COM 5.2](#) and **the watertight-bulkhead technology of Chinese junks submitted by China.**

*[Video projection followed by the presentation by the examiners,
Mr Hans Konrad Van Tilburg and Mr Rahul Goswami]*

41. **Mr Hans Konrad Van Tilburg** described the watertight-bulkhead technology as a traditional skill dating back to the Jin Dynasty (265–420 CE), which played a large and important role at local, regional and international levels when seaworthy vessels contributed to trade, communication and cultural exchange, sometimes known as the Maritime Silk Road, particularly during the Song dynasty and the trade routes of the Ming dynasty. This revolutionary innovation of water-tight compartments contributed to the safety and strength of the vessel, which limited losses to the entire vessel, cargo and crew in the case of flooding. The watertight bulkhead technology of Chinese junks therefore represented the keystone feature in Chinese wooden vessel construction built mainly from camphor, pine, and fir timber. Bulkhead planks were rabbit-jointed and caulked with the traditional mixture of ramie, lime, and tung oil, forming multiple independent watertight compartments. Once universal and wide-ranging, knowledge of this technology was rooted in only a few coastal areas and villages in Fujian province, three master craftsmen and about 60 assistants. The identification of coastal Chinese culture and heritage with junk/bulkhead technology is long rooted in history but only barely survived.
42. The **Examiner** alluded to observations with respect to each of the criteria. [Refer to the online reports: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00336#5.2>] It was noted that the elements satisfied all five criteria. The examiner observed some weak points in certain areas of the nomination form, but felt that these did not negate the core value or intent of each criterion and concluded that the historical significance of the element, the clear risks that had reduced its practice, and the need for further efforts to revive and sustain the tradition all pointed to a strong recommendation to inscribe the element.
43. **Mr Rahul Goswami** felt that the oral report as described fully reflected the combined findings, and further emphasized the historical value of the element and the junk's contribution to the region's trade. The examiner also wished to highlight a few points in support of the nomination: i) craftspeople need livelihoods, which had been tackled by the submitting State; ii) an impressive, ambitious and wide-ranging safeguarding plan 2011–2015 has been put in place; and iii) there was strong affirmation of the participation of the host communities. The examiner fully supported the inscription of the element on the Urgent Safeguarding List.
44. As there were no comments or observations from the Committee, the **Chairperson** moved to the draft decision, which included certain recommendations or remarks addressed to the submitting State that were elaborated by the Secretariat on the basis of the examiners' reports.
45. The **Secretary** began to read out the draft decision starting with paragraph 2. [Refer to document [ITH/10/5.COM/CONF.202/5 Rev.](#)] As there were no objections voiced, the Chairperson declared **Decision 5.COM 5.2 adopted** by the Committee.
46. The **Chairperson** introduced the next element for evaluation, the **wooden movable-type printing of China** submitted by **China**.

*[Video projection followed by the presentation by the examiners,
Ms Ritu Sethi and Ms Irena Popova]*

47. **Ms Ritu Sethi** began by thanking the Kenya authorities for their hospitality, and the Secretariat for the opportunity to examine the file of the wooden movable-type printing of China, which was described as dating from the middle of the eleventh century and widely used for the printing of manuscripts, official imperial documents and genealogies. The tradition had been preserved in the Rui'an County Zhejiang province where there was a history of immigration and where clan membership and the recording of family roots was crucial to the forging of self and community identity. The making of the blocks and the text as a whole necessitated not only knowledge of the craft but also calligraphy, Chinese history

and a mastery of ancient Chinese grammar, which had been orally and experientially transmitted from generation to generation over the last seven hundred years. The making of the genealogies began with the interviewing of the clan followed by a fifteen step process undertaken by the master craftsman with assistance by either family members or apprentices, men or women, who engraved the characters, typeset, printed and performed the task of separating pages, threading and binding. The craftsmen would carry the whole set of movable characters and printing equipment to the ancestral home of the clans in every community. Once the genealogy had been completed a solemn ceremony would be held when the manuscript would be ritually offered to the ancestors, after which it was locked in a box and preserved. The element therefore played an integral role in the intangible cultural heritage of community life. However, the long apprenticeship, the low levels of income, and rapid social transformations, with a breakdown of clan linkages, had led to a decline in genealogies with only eleven master craftsmen, over the age of fifty, possessing the knowledge. The Examiner reported that both examinations had independently concluded that the nomination satisfied all five criteria for inscription on the Urgent Safeguarding List, and proceeded to highlight the case for each of the criteria with a strong recommendation to inscribe the element. [Refer to the online reports at: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00336#5.2>].

48. **Ms Irina Popova** shared the opinion expressed by Ms Sethi, and spoke of the unique character of the movable wooden print technique as currently preserved, which had enriched civilization. The combination of the original technique and unique genealogical tradition was proof of the cultural significance of the nominated element. The way of grouping the characters for picking type was based on an arrangement of a special rhythm (with 32 sentences of 160 characters) in local Rui'an dialect, which was very different from Mandarin Chinese, and was kept in its original form only in this locality. Therefore, the practice should be more broadly viewed than simply 'traditional craftsmanship', because the people of the Rui'an region (especially communities of Dongyuan and Xiqian villages) acknowledged it as an implementation of their local tradition, ritual and part of their cultural self-identification. Concluding, the Examiner spoke of the accurate way in which the submitting State had suggested to safeguard the teaching methods and preserve and hand down the tradition.
49. The **Chairperson** thanked the examiners. As there were no comments or observations, the **Chairperson** moved to the draft decision, which was subsequently read out by the Secretary on a paragraph-by-paragraph basis. [Refer to document [ITH/10/5.COM/CONF.202/5 Rev.](#)]
50. As there were no objections voiced to the paragraphs, the **Chairperson** declared **Decision 5.COM 5.3 adopted** by the Committee.
51. The **Chairperson** introduced the next element for evaluation, **Ojkanje singing** submitted by **Croatia**.

*[Video projection followed by the presentation by the examiners,
Ms Rusudan Tsursumia and Mr Laszlo Felfoldi, who represented Mr Mihály Hoppál]*

52. **Ms Rusudan Tsursumia** described the element as being a specific style of archaic traditional singing performed in various Croatian regions of the Dalmatian hinterland belonging to the Dinaric area, but had also spread to the neighbouring country, Bosnia and Herzegovina, and was one of the strongest factors of identity for various ethnic and religious groups in Central Europe for its unique regional music and particular style of artistic singing and performance of traditional repertoire. In addition, young people learned the songs in traditional ways via oral transmission. Moreover, this unique form of singing was still alive within the population, especially among the older generation in Croatia, and together it was seen as a source of their identity, yet it was under threat. Following examination, the Examiner was satisfied that the element met all five criteria for inscription, and proceeded to highlight the points relative to each of the criteria. [Refer to the online reports].
53. **Mr Laszlo Felfoldi** began by thanking the Committee for the opportunity to participate in the evaluation process, explaining that Mr Mihály Hoppál was unable to attend due to ill health.

Mr Felfoldi made known that the nominated element had satisfied all the criteria and the report concluded with a recommendation to the Committee to inscribe Ojkanje singing on the Urgent Safeguarding List. It was a well known fact that wars swept through this relatively small area in the past, leaving it depopulated and destroyed, but the local people had managed to revive the area, continuing the traditions of their forefathers. Belonging to various religions that were once present – some of which were still present in these regions (polytheism, Catholicism, Orthodoxy, Islam) – did not prevent the transmission of Ojkanje singing because the music was not determined by ethnicity or religious identity; a unique characteristic. This was the principal reason for the urgent protection of the musical phenomenon as local people want to preserve and revive the old repertoire and perform styles typical of their close community, while encouraging high-quality performers to perform more frequently in public with a view to motivating potential singers to learn this type of singing. In this way, Ojkanje singing would be a perfect means for inter-ethnic understanding and peaceful cooperation. On that basis, Mr Felfoldi confirmed the recommendation by Ms Tsurtsumia to inscribe the element.

54. The **Chairperson** thanked the examiners. As there were no comments or observations, the **Chairperson** moved to the draft decision, which was subsequently read out by the Secretary on a paragraph-by-paragraph basis. [Refer to document [ITH/10/5.COM/CONF.202/5 Rev.](#)]
55. The **Secretary** remarked on the word ‘disruptions’ in the French text and suggested ‘rupture’, which was duly accepted by the Chairperson. As there were no objections voiced to the paragraphs, the **Chairperson** declared **Decision 5.COM 5.4 adopted** by the Committee.
56. The delegation of **Croatia** explained that the word ‘Ojkanje’ came from the word ‘oy’, which was followed by singing of the representatives from Croatia and general applause from the delegates. The delegation thanked the Committee for its acceptance and was aware of the necessity to promote the element through educational workshops and seminars for the younger generation and would also be a way of opening up multi-cultural dialogue.
57. The **Chairperson** introduced the next element for evaluation, **Meshrep** submitted by **China**, and informed the Committee that examiner, Ms Rachel Harris, was unable to attend.

[Video projection followed by the presentation by one of the examiners, Mr Chun In-Pyong]

58. **Mr Chun In-Pyong** explained that the Meshrep event was a rich collection of traditions and performances including the Uygur muqam, folk songs and dances, story-singing and drama, as well as other activities such as oral literature, tournaments and games, which people enjoyed and actively took part in. Meshrep was not only an important ‘stage’ for folk artists to display their brilliant skills but also a ‘court’ where the host mediated conflicts and ensured the preservation of moral standards. Moreover, it was a ‘classroom’ where people learned about their traditional customs, nature, and different experiences of economic production. It was a ‘playground’ to entertain the body and soul. The Examiner spoke of the Meshrep as the most important cultural carrier of Uygur traditions. He noted that the Chinese government had made great efforts and taken urgent measures to bring the transmitters and the people to Meshrep. Moreover, the education of the younger generation was in many ways very helpful for them to understand the tradition and identity with it. The nomination files outlined the action taken by the Xinjiang Culture Department, together with relevant NGOs, in the establishment of the Meshrep Rescue Team, and included such measures as the nomination of three different types of Meshrep for inscription on the National List of intangible cultural heritage from 2006 to 2007. In 2008, the Xinjiang Intangible Cultural Heritage Safeguarding Research Centre had Meshrep selected as one of China’s national research projects. Although the file did not succeed in demonstrating the feasibility and sufficiency of the safeguarding measures, the criterion was judged positively as the measures were described in a detailed manner and showed the efforts made by the Chinese authorities to safeguard Meshrep. According to the file, the nomination of the element was carried out with the support and spontaneous approval of groups and representative transmitters from Uygur communities of Xinjiang. In addition, they had unanimously declared the nomination of

Meshrep on the Urgent Safeguarding List as their common wish. The Examiner informed the Committee that he had received on 21 April 2010 an explanatory document, 'Explanations on the Revisions and Supplements of the Nomination Files for Meshrep', and that his positive final recommendation to inscribe was made based on the explanation provided by the Chinese authorities that in the course of revising the nomination they had: '[...] enhanced the measures to safeguard the transmitters, making the responsibilities of the Government at various levels more definitive, and also increasing relevant budget and made more statement on the expected effect of the measures taken'. He therefore recommended inscription of Meshrep on the Urgent Safeguarding List.

59. Mr **Chun In-Pyong** then presented the report by co-examiner, **Ms Rachel Harris**, which reported that the nomination file stated that the current practice was impoverished compared to thirty years ago, or 1979 just after the end of the Cultural Revolution, a period that saw sweeping government restrictions on traditional practices, famine and conflict. The Examiner quoted respected Xinjiang musicologist, Zhou Ji, who commented that the situation of traditional Uygur music-making seemed precarious in the 1980s as young Uygurs embraced modernity, but the 1990s saw a major revival as part of renewed interest in Uygur identity. Meshrep was described as having strong revival potential; an important factor in its status as intangible cultural heritage. However, there were issues relating to Meshrep revivals in recent years where the practice was said to have been restricted by the authorities, which was clearly a concern for the viability of the practice of Meshrep, and one that the submission did not address. The risks to Meshrep detailed in the file were recognizable and valid, and the drive for modernity in Xinjiang was said to impact on Meshrep practices. The report also cited the notable risks due to rural young people migrating to Chinese cities for jobs, as well as the shift to Chinese language as a medium of teaching in schools. Other immediate risks not covered in the submission included local restrictions on a range of community-based religious activities and on large public gatherings. With regard to the feasibility and sufficiency of the safeguarding plan, Ms Harris reported her concern that adequate monitoring systems should be put in place to ensure that monies allocated to practitioners and transmitters reached their intended beneficiaries in full. It was also a stated concern that the 'NGOs' listed in the nomination file were directly or closely linked to the State structure with the concern that the Meshrep nomination tended towards a folkloric style of presentation and understanding, which did not represent an ideal approach to the safeguarding of intangible cultural heritage. The nomination took pride in the numbers of participants mobilized to take part in this project, though in practical terms, the government network of cultural organs penetrating into Xinjiang's villages was the only feasible mechanism for interventions of this nature, and the active participation of the people in this region was still to a large extent dependent on the support and approval by government organizations. Moreover, the Examiner's reservations about the project had been heightened by the resubmission file and doubts were raised as to the viability of any grassroots preservation efforts aimed at Meshrep. Additionally, it seemed likely that the initiative would contribute to the promotion and preservation of folklorized representations of Meshrep traditions, while grassroots practice remained subject to the threats detailed above. On the more technical side, it was noted that the two files submitted over the past year (August 2009 and April 2010) revealed several discrepancies concerning terminology and finances, suggesting that earlier revisions were not taken into account in the later revised version. The recommendation by Ms Harris was therefore not to inscribe the element.
60. The **Chairperson** explained that the draft decisions drawn up by the Secretariat were based on the examination reports of the two examiners, and offered the Committee two options under criteria U.2, U.3 and U.4. It was noted that if either of the Option B's were adopted, the nomination would not satisfy all of the criteria, with the decision therefore not to inscribe the element at the present time, but would invite the State Party to resubmit a revised nomination. The Chairperson wished to remind the Committee that comments provided by the submitting State had been made available to assist in the evaluation. The Chairperson opened the floor for discussion by wishing to first address criteria U.2, U.3 and U.4, which contained two 'options'.

61. The delegation of **Italy** began by expressing gratitude to the Kenya authorities for their warm hospitality and excellent organization, and expressed concern that there were no nominations under consideration from Africa in the present session considering the wealth of its intangible cultural heritage. The delegation felt that it was indeed difficult to come to a decision in the case of divergent opinions on the nominations, recalling a similar situation with the nomination from Belarus in the previous session and the inclusion of the element to the Urgent Safeguarding List subject to certain requirements. The delegation made reference to page 73 of the fourth Committee report whereby the State Party was requested to submit yearly reports on the effects of the adopted safeguarding measures for four years following inscription. The delegation was therefore inclined to come to the same conclusion in this case, but one of the examiners had raised the point of language, and wondered whether it would be useful to allow China to respond to the question as well as offer an explanation on the protection afforded to the Uyghur language.
62. The delegation of **Madagascar** raised the issue of language and the use of the national language in education, as cited in the draft decision under U.2 option B with consent forms provided only in Chinese and English, which one of the examiners had contested as it demonstrated that the Uyghur language had not been taken on board by the national authorities. Moreover, it was noted that the examiners had asked that the revised nomination file better meet the criteria for inscription.
63. Referring to criterion U.2 and option B, the delegation of **Morocco** felt that the threat to the language was greater than the threat as a result of social context and modernization, and requested a classification of the threats, as cited, as well as U.3 and Option B, which suggested that the safeguarding measures proposed led to simplified forms of Meshrep. However, the delegation questioned whether it could be guaranteed that an element retained its authenticity over the years without a degree of change. With reference to criterion U.4 and Option B, the delegation questioned whether consent forms should be made available in the language of the community, which was not mentioned in the Operational Directives, as the issue was likely to reoccur. The delegation took the opportunity to congratulate the submitting State for the quality of the nominated file.
64. The delegation of **Azerbaijan** expressed gratitude to the Kenyan government for their hospitality. Analysing the pros and cons of the file, the delegation concluded that the file did not mention all the factors that constituted the more serious threats although it was obvious that the threats existed. Additionally, the nomination did not include an all-important strategy for the implementation of the safeguarding measures. The delegation wished to consider the fundamental impacts of inscription on the community, which would help foster efforts of the State Party and the community, adding that the nomination reflected the efforts of China to mobilize community participation and support, which should be welcomed. The delegation referred to criteria U.1, which had been satisfied, and demonstrated that the element constituted intangible cultural heritage. With regard to U.2, it was clear that the element was in need of safeguarding and it was hard to believe that the Uyghur community would be opposed to such efforts to strengthen their national identity and wondered whether the nomination was ill presented, which raised the question as to the form versus the content. The delegation concurred that there were indeed technical mistakes, for example, in the name of the citation in the Turkic language dictionary with respect to the employed term 'maxirap'.
65. The delegation of **Indonesia** congratulated the Chairperson for his presidency, and thanked the Secretariat and the Kenyan authorities for its organization of the meeting and welcome. The delegation recognized the social changes and modernization within China, which were visible in every society, and that the government had taken great measures to preserve the element in the spirit of the Convention. The delegation believed that the inscription of Meshrep would bring greater visibility to wider communities in China to participate in Meshrep. In view of the divergent opinions by the examiners, the delegation suggested that the Chairperson request clarification from China on the divergent issues.

66. The delegation of the **Islamic Republic of Iran** began by expressing sincere thanks to the Kenyan authorities, and wished to draw attention to criterion U.2 and Option B with its reference to the shift in language to the national language, stating that this did not always happen and it was not the role of the Committee to seek out shifts in language as a basis to recognize an element as endangered. The delegation therefore found U.2 Option A as acceptable and Option B as unacceptable. Regarding criterion U.4, the delegation also sought an explanation from China.
67. The delegation of **Paraguay** spoke of the wealth of traditions and culture of Kenya, and thanked the Spanish government for providing Spanish interpretation. The delegation felt that it was important that the submitting State be given the opportunity to clarify the issues, such as its position on bilingual education and the folkloric aspects of the element.
68. The delegation of **Albania** thanked the Chairperson and the Kenyan authorities for the warm welcome, and congratulated China for the quality of its file but shared the concerns expressed by Morocco, Madagascar and others with regard to the language issue, and sought clarification from China on a comment from one of the examiners who stated that in the past year the practice of Meshrep had been restricted by the Chinese authorities.
69. The **Chairperson** summarized the requests for clarification from China including the issues of language, criteria U.2, U.3 and U.4, bilingual education, folklorization and recent restrictions.
70. The delegation of **China** expressed thanks to the government of Kenya for its generous hospitality, and shared the concern expressed by Italy regarding the lack of African nominations. The delegation wished to make it known that it had already submitted a clarification to the Committee and the Secretariat on Meshrep, which had been made available online. The delegation made reference to one report that had suggested that risk factors, other than social change and modernization, had not been clearly identified, such as the shift of education, which itself posed a serious threat. In response, the delegation informed the Committee that Meshrep was a social practice hosted by a master, and the nomination had identified factors such as the low number of transmitters and hosts, which had led to the simplified practice in both content and form. In addition, the Chinese government was implementing bilingual education that included the native language of the ethnic group as well as the official language of China in ethnic minority regions, i.e. there was no shift to the national language but a dual education in both languages. The reality of the past twenty years had proved that bilingual education did not pose a serious threat to the tradition instead it was promoting understanding and communication among the ethnic groups creating harmonious relationships and common prosperity, and the development of ethnic groups. Regarding the comment, 'tend towards attenuating the social and cultural content of the Meshrep and retaining only its performance genres in folklorized forms or in touristic displays', the delegation had fully observed this phenomenon and had highlighted the fact in the nomination file, with China introducing a new concept of safeguarding the element through the establishment of an eco-preservation zone of intangible cultural heritage within the local communities. The approach of 'taking localized action' took into consideration the viability of intangible cultural heritage, which was greatly influenced by lifestyle and the social environment in its viability and transmission, and was carried out in a holistic and effective manner in respect of the communities concerned, which was different from a museum exhibition or tourist displays. The delegation made it known that China submitted the nomination at the request of communities concerned and had respected all the necessary processes. Moreover, the attestations of community consent had been signed by bearers in Uygur with their fingerprints – many bearers are illiterate and communication was made orally – and sealed with official stamps, with support documentation submitted in English and Chinese. The delegation concluded that the nomination was motivated by the desire to safeguard the element through the efforts of community consent pursuant to the Convention, and considered that Meshrep satisfied the criteria of the Convention, appealing to the Committee to accept the clarification and to inscribe the element on the Urgent Safeguarding List.

71. Referring to the question by Madagascar, the **Examiner Mr Chun In-Pyong** wondered how China could improve the nomination file related to free and prior consent, and the fact that, according to Rachel Harris's report under U.2, the practice had been restricted thirty years ago by the authorities. The Examiner however did note that the situation was changing and that currently Meshrep enjoyed a major revival and growing interest. The examiner felt that clarification was needed from China to better explain the changes currently taking place. Another concern raised was related to the English and Chinese language and he believed that the inclusion of Uygur language would improve the file.
72. Responding to the points raised in Ms Rachel Harris's examination report, the delegation of **China** stated that the government had continually made efforts to safeguard Chinese tradition even before the establishment of the Convention and had never restricted any form of tradition. Moreover, the nomination of the element to the Urgent Safeguarding List was a proof of its determination to safeguard the element, which was threatened because of the age of the practitioners. The delegation further urged the Committee to reconsider the facts.
73. Together with the delegations of Italy, Azerbaijan, the Islamic Republic of Iran, Paraguay and others, the **Chairperson** wished to move to the adoption of draft decision [5.COM 5.1](#) on a paragraph-by-paragraph basis.
74. The **Secretary** read out paragraph 1 of the draft decision, 'Takes note that China has nominated Meshrep for inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, and paragraph 2, 'Decides that from the information provided in Nomination File 00304, Meshrep satisfies the criteria for inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, as follows.' The Secretary received instruction from the Committee to pronounce Option A under criteria U.2, U.3 and U.4. [Refer to the draft decision in document [ITH/10/5.COM/CONF.202/5 Rev.](#) There were no further comments or objections to criteria U.1–U.5, which were **adopted** by the Committee. The Secretary read out Option A of paragraph 3.
75. The delegation of **Albania** congratulated China on its commitment towards safeguarding the intangible cultural heritage of its ethnic minorities but could not ignore some of the examiners' remarks and concerns and therefore wished to propose an amendment to paragraph 3 (or as edited paragraph 4), which read: 'Requests the Director-General to send a field monitoring mission made up of three members of the Consultative Body and to submit to its next session a report on the implementation of the safeguarding measures by the State Party and the participation of the community taking into account the remarks of the examiners.'
76. The delegation of **Italy** understood the concerns expressed by Albania but felt that sending a UNESCO mission was too strong a measure, which required the consent of the State Party, and preferred a lesser measure as had been taken in 2009 with the case from Belarus, 'Requests the State Party to submit in the first four years after inscription, yearly reports on the effects of measures adopted for the safeguarding of the element.'
77. The **Chairperson** sought comments from Members on the two proposals.
78. Referring to the proposal by Italy, the delegation of **Albania** asked the Secretariat whether the need to provide periodic reports was already an obligation for inscription on the Urgent Safeguarding List.
79. The **Secretary** confirmed that each element on the Urgent Safeguarding List was required to submit a periodic report every four years. The delegation of **Albania** therefore wished to maintain its proposal noting that it would not be the first time that the Director-General would be requested to send a mission in the spirit of a follow-up and was not a strong measure.
80. The delegation of **Morocco** felt awkward that the paragraph should cast doubt on the seriousness of the file, especially as the previous paragraphs on the criteria had been adopted, and which had requested the State Party to take into account the remarks by the examiners. The delegation therefore failed to see the validity of the paragraph.

81. The delegation of **Azerbaijan** was comfortable with the proposal by Albania and the monitoring mission and follow-up on the ground.
82. The delegation of **Morocco** reiterated that it did not agree with the paragraph as a whole, which did not imply that it sided with the proposal by Italy, and requested Members to read paragraph 7, 'Invites the State Party to take into account the comments of the examiners, and of the Committee in its present debate', which it felt adequately dealt with the concern.
83. The delegation of **Burkina Faso** thanked the Kenyan authorities and the Secretariat for the organization of the meeting, and voiced strong support for the position held by Morocco.
84. The delegation of **Cyprus** supported the amendment by Italy, even though it was not against the position by Morocco, and recalled that a similar situation had previously occurred with a nomination from Belarus.
85. The delegation of the **Czech Republic** supported the proposal by Albania.
86. The delegation of **Croatia** agreed with the remarks by Cyprus and again recalled the nomination by Belarus whereby annual reports had been requested.
87. The delegation of **Paraguay** saluted the commitment shown by China to safeguard an endangered element and noted that China itself had offered to receive the examiners if necessary such that both proposals were complimentary, and suggested adding to paragraph 4 that would read, 'appreciated their offer to welcome examiners to carry out monitoring of the efforts of the State Party to safeguard the element'.
88. The delegation of **Grenada** spoke of its appreciation of the hospitality of the Kenyan government and people, and spoke of its concern regarding the lack of African and Caribbean nominations. The delegation supported the position by Morocco, noting that there were no comments for Option B on U.2, U.3 and U.4. The delegation thus believed that no amendments should be made to the draft decision.
89. The delegation of **Morocco** understood the infancy of the Convention and drew attention to paragraph 161 in the Operational Directives, 'Such reports shall normally be submitted to the Committee, [...] of the fourth year following the year in which the element was inscribed, and every fourth year thereafter [...].' The provision on reporting was therefore contained within the Operational Directives.
90. For the sake of consistency, and because the Committee had opted for Option A, the delegation of **Spain** agreed with Morocco believing that it was enough to mention that the report would be submitted every four years, and by means of its earlier declaration it was clear that China sought to safeguard the element.
91. The delegation of **Albania** asked whether paragraph 7 was attached to Option B. The **Chairperson** replied that it was not.
92. The delegation of **Indonesia** sought consistency, not least because Option A had been adopted for criteria U.1–U.5, but understood that some Members wished to be assured that the measures were being implemented accordingly and asked that China be given the opportunity to reassure Members of the measures taken.
93. The delegation of the **Islamic Republic of Iran** and **Madagascar** supported the position by Morocco.
94. The **Chairperson** noted a consensus forming and proposed to remove the proposals by Albania and Italy, while maintaining the proposal by Morocco. There were no further objections.
95. The **Secretary** read out Option A of paragraph 3, 'Inscribes Meshrep on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding', which was duly **adopted**. The Secretary read out paragraph 4, which did not include the proposed paragraph by Paraguay, which was duly **adopted**. Paragraphs 5, 6 and 7 were also read out, and with no further comments or objections, the Chairperson declared **Decision [5.COM 5.1](#) adopted** by the Committee.

96. On behalf of the communities, the delegation of **China** expressed heartfelt gratitude to the Committee, the Secretariat and the examiners for their examination work. The delegation reiterated its commitment to ensuring the full implementation of the safeguarding plan for each of the inscribed elements.
97. The **Chairperson** adjourned the day's session.

[Tuesday 16 November 2010, morning session]

ITEM 6 OF THE AGENDA:

EVALUATION OF NOMINATIONS FOR INSCRIPTION IN 2010 ON THE REPRESENTATIVE LIST OF THE INTANGIBLE CULTURAL HERITAGE OF HUMANITY

Documents [ITH/10/5.COM/CONF.202/6](#)
 [ITH/10/5.COM/CONF.202/INF.6](#)
Decision [5.COM 6](#)

98. The **Chairperson** began by informing the Committee that a Bureau meeting had taken place earlier in the morning to discuss the order of the day, which was to look at item 6 but that it would have to cease discussions at 6 p.m. because of the Muslim holiday, as had been proposed by the Republic of Korea. The Chairperson also informed the Committee that due to an important appointment he had during the present day's session, **Mr Jae Bok Chang, the Deputy Permanent Delegate of the Republic of Korea to UNESCO**, would act as acting Chairperson of the session. The Chairperson introduced item 6 recalling that the task was to evaluate nominations submitted by States Parties and decide upon inscription, in accordance with objective selection criteria adopted by the General Assembly [paragraph 2 of the Operational Directives], in which all five criteria had to be satisfied. The Chairperson proceeded to read out the criteria as well as [Rule 22.4](#) of the Rules of Procedure.
99. The **Secretary** introduced the background to the item and the working document that included the report and recommendations of the Subsidiary Body, which presented the following: an overview of the nomination files; the working methods of the Subsidiary Body; the favourable and unfavourable recommendations; comments and observations of the Subsidiary Body on the 2010 nominations; and the draft decisions. The decisions of the Subsidiary Body were communicated to the submitting States Parties before the statutory deadline of 1 July 2010, in conformity with the Operational Directives. Subsequently, seven nominations that had received recommendations not to inscribe at the present time had been withdrawn by the State Party concerned. The forty-seven nominations submitted were made available online, together with accompanying documentation.
100. The **Chairperson** invited **Mr Silverse Anami, Rapporteur of the Subsidiary Body**, to present the report covering the examination of nominations proposed for inscription on the Representative List in 2010, and outlined the procedure, which would begin with a general debate followed by the adoption of the draft decisions. The Chairperson of the Subsidiary Body, Ms Kristin Kuutma, would make the presentation of each draft decision. During the presentation, a slideshow of the element concerned would be shown.
101. The **Rapporteur** thanked the Chairperson for the opportunity to share the comprehensive report with the Committee and wished to acknowledge the hard work of the Subsidiary Body, who not only represented their States Parties but were also intangible cultural heritage experts. The Rapporteur also wished to acknowledge the hard work of the Secretariat and their innovative approach, which allowed for online examinations, which simplified the work in this cycle. The help of all the experts involved in the examination process was also acknowledged. The Rapporteur began to read out the report. [The full report is presented in document [ITH/10/5.COM/CONF.202/INF.6](#)].

[The Vice-Chairperson from the Republic of Korea replaced the Chairperson at this stage]

102. **Mr Anami** started by reminding the Committee that in his first report in 2009, he explained that the workload of the Subsidiary Body was very heavy for the first cycle during which it had to examine 111 nominations. This led the Subsidiary Body to suggest amendments to the Operational Directives, some of which were designed to make its workload more manageable in the future. The Intergovernmental Committee, while acknowledging the problems faced by the Subsidiary Body, did not wish to adopt all of the proposed amendments at its fourth session, considering that more thorough reflection was needed to find appropriate solutions. It nevertheless decided by Decision [4.COM 19](#) 'on an exceptional basis relating only to the nominations proposed for evaluation in 2010, that the Secretariat and the Subsidiary Body examine with priority the nominations for the Representative List submitted by States Parties that do not have elements inscribed on the said List, have few elements inscribed on it or have presented multinational nominations'.
103. During a meeting on the sidelines of the Committee session in Abu Dhabi, the Subsidiary Body, fully conscious of the efforts made by States Parties to submit nominations, and acknowledging that it was able to examine about 50 nominations, decided that it wished to examine at least one nomination from every State that had submitted nominations in order not to create disappointment among them. The Secretariat wrote to submitting States that could not have all their nominations considered for the current cycle asking them to indicate the order in which they would like their files to be examined. On the basis of their responses, the Subsidiary Body undertook the examination of 54 nominations out of the 147 nominations received on or before the 31 August 2009 deadline.
104. The Secretariat established a password-protected website by means of which the latest versions of the compulsory documents for each nomination were made available to the members of the Subsidiary Body. These included the nomination form ICH-02 in English and French, demonstrations of the consent of communities and photographs. Video films, the initial versions of the files as submitted, and the letters sent from the Secretariat to the submitting States Parties to request additional information were also made available to the Subsidiary Body as background documents. This year, an innovation from the Secretariat allowed Subsidiary Body members to enter their examination reports online, directly through the dedicated website.
105. During its January meeting, the Subsidiary Body confirmed that the draft recommendations would again include a summary of the nomination file drafted by the Secretariat and validated by the States Parties concerned. The importance of the reports of the Subsidiary Body and of the Rapporteur was stressed, as they are key documents to enable the Committee to understand better the substance of the work of the Subsidiary Body. The report from the previous cycle also allowed States Parties to prepare better nomination files for the current cycle.
106. The Subsidiary Body again faced the same tight deadlines set in the timetable outlined in the Operational Directives, in which 15 January was the deadline for any additional information submitted by States Parties, and the month of May saw the final examination meeting of the Subsidiary Body. A work schedule similar to the 2009 work schedule was established so that examination of files considered complete could be evenly spread.
107. For the 2010 cycle, form ICH-02 had been slightly amended on the basis of the comments made by the Subsidiary Body at its meetings in January and May 2009, in particular as far as the explanatory notes were concerned. To facilitate understanding, the latter were included directly under each criterion and not annexed to the form. The number of words was limited more systematically because of the length of certain items in some nomination files of the first cycle.
108. The members of the Subsidiary Body examined the nomination files between January and April 2010. As during the first cycle in 2009, Subsidiary Body members who were nationals of a nominating State Party did not examine the corresponding nomination files and left the meeting room during the examination of the given nomination. The Secretariat prepared a draft recommendation for each nomination file on the basis of the comments concerning

each criterion from each member of the Subsidiary Body. All draft recommendations were put online on the web site dedicated to the Subsidiary Body prior to the May meeting.

109. The Secretariat informed the Subsidiary Body that it had received several letters of protests relating to elements proposed for inscription. The Subsidiary Body directed that these letters should not be brought to its attention in order not to influence its recommendations, which should only be based on the information provided in the nomination file. The Body asked the Secretariat to bring these to the attention of the Committee. In the same vein, the Subsidiary Body members reiterated that their personal knowledge of an element should not interfere in their decision and should not complement any information missing from the nomination file.
110. On 17 May 2010, the Subsidiary Body began to examine the 54 nomination files. It also addressed various cross-cutting issues already discussed during the 2009 meetings and further reflected on some of them. The Subsidiary Body gave particular attention to those files where members did not share the same views in their examination reports on one or more criteria and did not reach the same decision to inscribe or not to inscribe. The draft recommendations were revised accordingly. All recommendations were finally adopted by unanimous consensus.
111. When examining the 54 nomination files, the Subsidiary Body noted a general improvement in the quality of nominations. This progress was certainly due to a better understanding of the nomination form in general and of the criteria in particular, but also to the greater assistance provided by the Secretariat when requesting additional information, following the instructions given by the Subsidiary Body in the previous cycle. Being able to consult the initial nominations submitted in August 2009 and their revised versions resubmitted in January 2010, the Subsidiary Body could readily appreciate the difference in quality resulting from the additional information requested by the Secretariat. It was clear to the Body that a number of nominations could not have received a favourable recommendation for inscription without the assistance provided by the Secretariat. Thus, the percentage of nominations that received a favourable recommendation (85%) was much higher than it had been during the 2009 cycle and much higher than it would have been if the Subsidiary Body had examined the original files submitted in August 2009. The Subsidiary Body emphasized that the services provided by the Secretariat are valuable both to the communities and to the Subsidiary Body, and the added value of the working methodology should be noted. The additional information process was in particular deemed a good opportunity for submitting States to work more closely with the concerned communities in the spirit of the Convention.
112. The Subsidiary Body reiterated the regret it expressed in 2009 that the nominations it examined in the 2010 cycle were not more geographically representative. Of the 147 nominations initially submitted, more than half came from only four countries, all within a single electoral group, group IV. From electoral group V (b) a single State Party was represented. The Subsidiary Body recalled its suggestion made in 2009 that the Committee seek strategies to encourage a more equitable geographical representation in future cycles, in order that the Representative List can truly be representative of the intangible cultural heritage of humanity.
113. The Subsidiary Body welcomed the initiative of the Secretariat that is taking measures to strengthen the capacities of States Parties, especially developing countries, in their national implementation of the Convention and in their participation in its international mechanisms such as the Representative List. Training modules are being developed and workshops will be convened at the regional, sub-regional and national levels for a wide range of participants including national authorities, experts, communities and others, and the Subsidiary Body anticipated that these sustained efforts would soon begin to allow a wider and more effective participation by States, particularly developing countries.
114. The Subsidiary Body was concerned about the presentation of several files. In some cases, poor linguistic quality made them difficult to comprehend. Although the Subsidiary Body was mindful that drafting a nomination file in a foreign language could be problematic for some States, it should be recalled that this issue would also have an impact on the comprehension

by the public and consequently on the visibility of the elements concerned in case of inscription. The Subsidiary Body also noted that inappropriate vocabulary was used in several nominations such as references to Masterpieces, a tentative list or the world heritage of humanity, which demonstrates a certain lack of understanding of the 2003 Convention. Furthermore, in some cases, the information relating to a criterion was not placed in the proper section of the nomination form.

115. Although no file was rejected on the basis of these deficiencies, the Subsidiary Body pointed out that submitting States should make greater efforts in this regard, both to facilitate reading by the general public and thus contribute to greater visibility should the elements be inscribed, and also to facilitate the examination by the Subsidiary Body.
116. Each of the nominations submitted satisfied criterion R.5 concerning inclusion of the element in an inventory. By comparison, during the first cycle, four nominations did not receive a favourable recommendation either because the nomination did not clearly declare that the element was already included in an inventory, or because the submitting State Party declared its intention to include the element in an inventory at some future time.
117. Of the eight nominations that did not receive a favourable recommendation, none received an unfavourable recommendation because it failed to satisfy only a single criterion (as compared to 13 files that were not recommended in 2009 because of a single criterion). Criterion R.4 regarding the participation and consent of communities was a factor in seven cases; criterion R.2 (contribution to the purposes of the list) and criterion R.3 (safeguarding measures elaborated) were each a factor in six cases. Five nominations did not receive a favourable recommendation because of failing to meet criteria R.2, R.3 and R.4. Criterion R.1 was a factor in two cases, where the State Parties had not adequately demonstrated that the element constituted intangible cultural heritage as defined in the Convention.
118. The Subsidiary Body underlined the close link between criterion R.1 and criterion R.2, as well as the close link between criterion R.3 and criterion R.4. Regarding criterion 1, the Subsidiary Body questioned the appropriateness of assigning an element of the intangible cultural heritage to one or more of the five domains mentioned in [Article 2](#) of the Convention, and ultimately concluded that limiting the choice of domains would be unsuitable for certain elements, because of the different conceptions that communities can have of intangible cultural heritage.
119. The Subsidiary Body noted that some States had difficulty demonstrating that criterion R.2 was satisfied. However, no nomination was rejected solely on the basis of this criterion. The Body deemed it important that submitting States master the relevance of this criterion to the Representative List, considering the Convention's objective of promoting mutual respect and intercultural dialogue amongst communities at the local, national and international levels. In this regard, submitting States Parties should endeavour to pay greater attention to explaining how inscription would contribute to the purposes of the Convention, namely respect, visibility, dialogue, cooperation, cultural diversity and human creativity. The involvement of the communities was also considered critical in the elaboration of this criterion because they are the bearers who have not only created the element but who cherish and live it.
120. Criterion R.2 further states that the elements inscribed should encourage dialogue. Consequently, the Subsidiary Body found it difficult to formulate a favourable recommendation in the case of elements rooted in a conflict or war, as the reference to a specific historical event may not promote intercultural dialogue. The Subsidiary Body agreed that this issue might be further discussed by the Committee.
121. Regarding information on safeguarding measures (criterion R.3), the Subsidiary Body noted that in some cases only general measures were described. It underlined that specific measures should be foreseen in order to demonstrate clearly that the elements will be safeguarded adequately through the measures put in place. The Subsidiary Body also recalled that measures described should be addressed primarily to communities and not to researchers, in order to be in the spirit of the Convention which puts emphasis on communities.

122. The Subsidiary Body observed that some files did not sufficiently demonstrate community participation (criterion R.4). The Subsidiary Body was mindful that this participation may take various forms and took this variety into consideration in its examination of the nominations. However, it reiterated the importance of providing convincing evidence that communities widely participated in all stages (identification of the element, preparation of the nomination, elaboration and implementation of safeguarding measures, etc.).
123. The Subsidiary Body discussed the various ways in which inventories (criterion R.5) have been drawn up. The Subsidiary Body considered that a nominated element must be inscribed in an inventory drawn up in the spirit of articles [11](#) and [12](#) of the Convention, even if it is an inventory still under development, and that clear evidence of its specific inscription should be provided. As several elements proposed for inscription on the List were inscribed on an inventory long prior to the implementation of the Convention, this inventory may not have been drawn up in the spirit of the Convention and with the participation of communities. The Body recommended that submitting States Parties should demonstrate that their inventories are regularly updated so as to show the viability of the elements proposed for inscription and the involvement of communities, groups and individuals. Confusion was also noted between the inclusion in an inventory of an element of the intangible cultural heritage, which is in the spirit of the Convention, and the registration of bearers, which is a different exercise.
124. The Subsidiary Body expressed its concern with the negative effects that certain types of commercial or touristic developments could have on the safeguarding of intangible cultural heritage. Some members also found it difficult to consider as intangible cultural heritage practices relating to some type of entertainment.
125. Several nominations relating to handicrafts contained descriptions which focussed too much on the technical description of the craft and neglected the social function and meaning of the practice. The Subsidiary Body encouraged States Parties to place greater emphasis on these two fundamental aspects of the description.
126. The Subsidiary Body was also concerned by multiple nominations submitted by the same State Party presenting very similar elements. Some files presented identical drafting of several sections, which was also considered to be problematic. The Subsidiary Body stressed that proliferation of similar elements and repetition of texts should be avoided. The Subsidiary Body suggested that in such cases States submit a broader more inclusive nomination, and underlined the need to reflect on the action to be taken when two files presenting similar elements are submitted. The Subsidiary Body recommended that the Secretariat should take this into account in future requests for additional information.
127. The Subsidiary Body considered that any State Party may nominate an element of intangible cultural heritage present on its territory even if the element is also present on the territory of another State Party and has already been nominated by the latter and inscribed on the Representative List. The Subsidiary Body nevertheless recalled that the Convention encourages international cooperation and underlined the importance of promoting multinational nominations as contributing to dialogue between nations. To facilitate such cooperation, States should announce in advance their intention to nominate elements in order to raise awareness about the existence of a given element on the territory of more than one State Party and facilitate multinational nominations.
128. In this regard, one particular file, namely 'Falconry: a living human heritage' submitted by the United Arab Emirates, Belgium, the Czech Republic, France, Mongolia, Morocco, Qatar, the Republic of Korea, Saudi Arabia, Spain and the Syrian Arab Republic, was mentioned as an outstanding example of cooperation between States and the exemplary quality of the information provided was underlined.
129. The Subsidiary Body observed that in some nominations there seemed to be confusion between the purpose of the Representative List, which is to ensure better visibility of the intangible cultural heritage and awareness of its significance, and of the Urgent Safeguarding List, which is to encourage appropriate measures for elements in danger. It also noted

confusion between the Representative List which concerns specific elements of the intangible cultural heritage and the programmes, projects and activities referred to in [Article 18](#) of the Convention.

130. The issue of ensuring consistency and continuity in the Subsidiary Body's work was discussed. In 2009, the Subsidiary Body recommended that the Committee, at the time it establishes a new Subsidiary Body at its fifth session, consider instituting a system of staggered terms in which part of the members of the Body would be renewed every year, in order to allow continuity in the Body's work. It reiterated this recommendation and suggested maintaining in office those current members of the Body eligible to serve a further year, in order to ensure continuity in the work of this body. For the coming cycles, it also suggested that the Committee could renew every year half of the members of the Subsidiary Body, as the General Assembly does in electing Committee members. This issue is dealt with in document [ITH/10/5.COM/CONF.202/7](#).
131. **Mr Anami** concluded by saying that the Subsidiary Body wished to highlight the innovative efforts initiated and undertaken by the Secretariat to facilitate the smooth execution and coordination of the work with the Subsidiary Body members. For example, the wide consultations on transversal issues and the online evaluation of the nomination files by the members of the Subsidiary Body were very useful approaches that should be applauded and adopted for future use. Further innovations should also be encouraged to make both the nomination and evaluation processes more effective and user friendly without compromising the spirit of the Convention.
132. The **Chairperson** thanked Mr Anami for the comprehensive report detailing the working methods and results of the Subsidiary Body, and understood that the Secretariat had received correspondence concerning some of the nominations – some received prior to the Subsidiary Body meeting and one received subsequently. As explained, the Subsidiary Body had decided that these letters should not be taken into account in its recommendations, which were solely based on the information provided in the nomination file, but the Subsidiary Body asked that the Secretariat bring these to the attention of the Committee. The Chairperson believed that the Committee would also wish to be informed of the recent correspondence addressed to the Director-General prior to any decision on the recommendations of the Subsidiary Body. The Chairperson invited the Secretary to inform the Committee of the substance of the correspondence.
133. The **Secretary** presented the correspondence in the numerical order of the draft decision concerned, and noted that the nomination '**Symbolism and craftsmanship of Khachkars, Armenian cross-stones**', submitted by Armenia [draft decision 5.COM 6.1], was the subject of two parallel sets of correspondence. A letter had been addressed to the Director-General from the Congress of Azerbaijanis in Sweden and similar letters from Azerbaijanis in other countries that argued against certain historical references in the nomination file, suggesting specifically that a reference to conflict would not contribute to mutual respect or encourage dialogue between cultures. The authors took particular exception to the language of one of the documents that was submitted as part of the nomination file attesting the free, prior and informed consent of a khachkar maker, and to the geographical denominations in his declaration of consent. They asserted that inscription of the Armenian khachkars on the Representative List would exacerbate ethnic relations and contribute to discord in the region. A separate letter was addressed to the Director-General from the Copyright Agency of the Republic of Azerbaijan – one of the agencies responsible for implementing Azerbaijani cultural heritage laws – drawing attention to the fact that stone crosses were found not only in Armenia but also in Azerbaijan, in the Caucasus region and elsewhere. It asserted that the inscription of the khachkars on the Representative List would therefore be an infringement of the intellectual property rights of Azerbaijani people, notably the Udi ethnicity.
134. The second correspondence received concerned the nomination '**Human towers**', submitted by Spain [draft decision [5.COM 6.40](#)], received at UNESCO from the Grup d'Acció Valencianista based in Valencia. The correspondence invoked the 1989 Convention on the Rights of the Child and denounced the deaths of two children that occurred in the past two

decades, as well as other injuries to children who had climbed on the top of the human towers. The authors asserted that this practice violated the right of the child, enunciated in Chapter 32 of the 1989 Convention that protected the child from performing any work harmful to his or her health.

135. The third correspondence concerned '**The Mediterranean Diet**', submitted jointly by Spain, Greece, Italy and Morocco [draft decision [5.COM 6.41](#)]. On behalf of a number of organizations and entities in Crete, a letter was addressed to the Director-General from the President of the Chamber of Commerce of Heraklion asserting that there was no dietary culture common to the Mediterranean, which was instead a region of different religions, diverse cultures and varied characteristics. The organizations stated that the idea of a 'Mediterranean diet' was a very recent one derived first from medical studies and later promoted by commercial interests. Emphasizing that while there were products common to certain parts of the Mediterranean, their cultural meanings were vastly different. The organizations suggested that its inscription would not promote respect for cultural diversity based on equality and mutual respect.
136. The final set of letters concerned the nomination '**Falconry, a living human heritage**', submitted by the United Arab Emirates, Belgium, the Czech Republic, France, Mongolia, Morocco, Qatar, the Republic of Korea, Saudi Arabia, Spain and the Syrian Arab Republic [draft decision [5.COM 6.45](#)]. A first letter was addressed by the Ligue Royale Belge pour la Protection des Oiseaux and a second, virtually identical with the first, by the association, Aves, also from Belgium. Both organizations argued that falconry was not an element of identity in French and Flemish communities of Belgium but instead an esoteric and marginal activity, unknown to the majority of people. The sense of continuity was also questioned on the basis that 'many people are opposed to all forms of hunting, including hunting with birds of prey'. The authors further stated that hunting with birds of prey was and often remained a privilege of the affluent and that historically certain segments of society were prohibited from practising it. The conclusion was that the nomination did not result from the full participation of the Belgian communities and did not enjoy their endorsement. The organizations also pointed to possible negative environmental consequences of its inscription such as encouraging the further development of falconry.
137. The **Chairperson** wished to open a general debate on the reports of the Subsidiary Body – the formal report of the Subsidiary Body and the report of the Rapporteur – and invited comments from the floor.
138. The delegation of the **Republic of Korea** began by first congratulating Mr Jae Bok Chang, the Deputy Permanent Delegate of the Republic of Korea to UNESCO, for presiding a number of sessions as acting Chairperson, and the Rapporteur of the Subsidiary Body for summarizing the work of the Subsidiary Body over the past two years. The delegation wished to add that a number of controversial issues arose during the Subsidiary Body deliberations including the commercialization of intangible cultural heritage elements. With regard to transboundary elements, it was natural that neighbouring countries had a common intangible cultural heritage, which itself knew no boundaries; however there was little or no coordination between States Parties. As this was found to be a recurrent issue, the delegation suggested that the Committee devised a coordination or cooperation mechanism under which States Parties were informed of planned inscriptions. The delegation requested that the Secretariat propose a set of solutions at the next Committee session for discussion at the next General Assembly.
139. The delegation of **Italy** expressed gratitude to the members of the Subsidiary Body for their work and general guidance. The delegation was ready to follow the suggested recommendation in future inscriptions from Italy that, in the event an element was shared across different localities, one single joint proposal should be submitted. With regard to the additional comments coming from individuals and associations, the delegation suggested that in the future correspondence be made known to the States Parties concerned in advance.

140. The delegation of **Albania** thanked the Rapporteur and the Subsidiary Body, and spoke about the vital juncture of the Convention and its future credibility as a concrete and efficient tool for safeguarding intangible cultural heritage and as such should avoid diluting it into an indefinite instrument that opened up to all forms of commercialization and folklorization; the choice of elements on the lists was therefore crucial as they established precedence through its irreversible examples and served to define the very concept of intangible cultural heritage in the future. The elements on the Representative List should be representative and exemplary of intangible cultural heritage and should be specific and carried by distinct communities and convey a sense of identity and belonging; the inscription of generic elements containing multiple components and covered several domains would impoverish the notion of intangible cultural heritage. Moreover, there was a risk that the intangible cultural heritage emblem would be associated with generic elements that did not belong as intangible cultural heritage. The delegation highlighted the art, ritual and know-how as well as symbolism and significance carried by the custodian community such that goods and products were not within the scope of the Convention and would lead to commercialization. Moreover, the use of the emblem on products should be avoided. The inscription of one unsuitable nomination, which would open the way for others, would affect the credibility of the Convention; such was the responsibility at this early stage of the implementation of the Convention that was shaping its future.
141. The delegation of **Azerbaijan** congratulated the Rapporteur for pointing out crucial aspects arising from the deliberations. Regarding criterion 2 and its implications with reference to historical events, the delegation wished it to be known that Azerbaijan attached great importance to inter-cultural dialogue and cultural diversity. The delegation informed the Committee that the President launched the Baku Process in 2008 and within its framework Azerbaijan would organize and host the World Forum on Inter-Cultural Dialogue in May 2011 jointly with UNESCO, the Council of Europe and the Alliance of Civilisations. However, some historical facts on military conflicts were in its view not conducive to encouraging dialogue. In this regard, the delegation felt that the next Subsidiary Body should take this into account and flag such references when examining nomination files.
142. The delegation of **Spain** thanked the Subsidiary Body for its work and the Secretariat for making available its proceedings online, which gave transparency to the process. The delegation spoke of the infancy of the Convention and efforts therefore had to be made to ensure a strong foundation. However, despite the fact that it was important to include civil society, for example via webcast, correspondence was being sent to the Secretariat without its authors fully understanding the nomination files, which often take years to compile. As a result, the correspondence could be viewed as criticism when not viewed objectively. The delegation therefore felt it was important to be informed of correspondence prior to meetings in order to address any concerns ahead of the plenary sessions. With regard to transboundary nominations, the delegation agreed with the remarks made by the Republic of Korea that all neighbouring countries should be informed by the Secretariat of multi-national nominations in an effort for greater transparency and communication. Regarding commercialization and the exercise of caution with respect to the emblem, the delegation felt that all the countries were aware of the risks and believed that Spain could not be faulted in this regard.
143. The delegation of **Paraguay** thanked the Rapporteur for its excellent report and the Subsidiary Body for its in-depth examination of files. The delegation highlighted important aspects from the report such as the diversity of nominations, and the geographical imbalance of nominations that endangered the representative aspect of intangible cultural heritage. The delegation noted that there were seven nominations coming from its region; about the same number as previous cycles, and highlighted capacity building as another important point, suggesting that the Secretariat work on a matrix on the status of implementation of the Convention and good practices, which would be extremely useful to identify efforts by States Parties in the implementation of the Convention and thus facilitate the process of identifying mechanisms of cooperation. Another important point was the issue of consent of the communities, particularly with respect to oral traditions, and the delegation sought the

opinion of Members on audio-visual consent. The delegation concluded by congratulating the Secretariat for making the documents available online, which facilitated its preparation of the session. The delegation also wished to thank those States Parties that had presented multi-national files.

144. The delegation of **Morocco** congratulated the Chairperson for his leadership, and the Rapporteur and the Secretariat for its work. Speaking on transboundary elements, which were gaining recognition and were an increasingly important avenue for promoting the Convention with a number of States Parties submitting nominations, including Morocco, the delegation felt they should be further encouraged. The delegation welcomed the capacity-building programme put forward by the Secretariat and hoped that this would encourage nominations from under-represented States Parties. Regarding the use of the emblem, the delegation wondered whether the risks had been identified and indeed how to prevent them from occurring. The delegation concluded by remarking on references made in certain nominations to violent conflict and past historical events, and sought guidance on how to approach the issue.
145. The delegation of the **Islamic Republic of Iran** remarked on the great work by the Secretariat and the Subsidiary Body, suggesting that technical content nominations be included in the nominations so that the unique properties of the element in question would be clearly understood and distinguishable from other elements, and so that its contribution to intangible cultural heritage was guaranteed.
146. The **Chairperson** remarked that the suggestions made could be considered within the margins of the Operational Directives with States Parties free to make a proposal for amendments to the Operational Directives, which would subsequently be discussed by the Committee and eventually by the General Assembly.
147. The delegation of **Croatia** spoke of the impressive report by the Subsidiary Body and thanked the Secretariat for the preparation of the files, which greatly contributed to the successful work of the Subsidiary Body both now and in the future through its continued technical support to the Subsidiary Body. Speaking about references in nominations to historical conflict, the delegation recalled that there were already several elements on the Representative List that recounted battles and similar conflicts, the memory of which had been passed on through legends and beliefs, literature, song, dance and so on. Thus, this did not imply that they were undeserving intangible cultural heritage elements as they had transcended their origin in contemporary social relations and traditions and become highly valuable examples of intangible cultural heritage, which had been transformed through the transmission of knowledge as a means of recognition of local identity that was completely involved, and no doubt promoted inter-cultural dialogue. The delegation agreed that a degree of caution should be exercised, but that it should not be suppressed as it clearly demonstrated how tradition could be positively transformed, in conformity with the Convention.
148. The delegation of **Jordan** thanked the Kenyan authorities for hosting the meeting, and thanked the Rapporteur for highlighting the concerns of the Subsidiary Body during its examination of the files, as well as the Secretary for her remarks. The delegation believed that it was crucial to develop a mechanism to monitor the elements, including multi-national nominations – especially for States Parties that had common intangible cultural heritage – so that the historical and political background did not impact on intangible cultural heritage, and questioned whether the Subsidiary Body had to take into consideration such backgrounds. The delegation also made reference to a recent report by Al Jazeera that stated that the UNESCO emblem would appear on menus around the world, which did not embody the spirit of the Convention as it should not be used for products.
149. The delegation of **China** thanked the Subsidiary Body for its excellent and valuable work, and the Secretariat for the information provided. Regarding trans-boundary elements, the delegation shared the view expressed by the Republic of Korea that the elements on the Representative List should not only serve the purpose of safeguarding but should also

promote inter-cultural dialogue, international cooperation and mutual respect, and therefore felt strongly that the Committee consider taking action to develop a coordinating mechanism among States Parties, with China willing to take part in the process. Common elements also had another dimension reflected in its unique nature because of its localized connections as a result of its long history of development, and therefore those elements would benefit from a more in-depth examination. Regarding the under-representation of African elements – just one from Group V – the delegation solicited the Committee to consider designing a capacity-building programme specifically for the region, in which China would wish to play a part.

150. Responding to the question raised by Albania on commercialization, the delegation of **Italy** believed that the position was too radical and called for a more balanced approach within the spirit of the Convention, referring to paragraph 28 in the report by the Subsidiary Body in 2009 that stated, 'the members of the Subsidiary Body were of the view that commercialization was not *a priori* a disqualifying factor, highlighting the vital role of the intangible cultural heritage as a factor of economic development in some communities. They did, however, point out that excessive commercialization could distort traditional cultural customs or expressions'. Therefore commercialization was a consequence of intangible cultural heritage and was not a disqualifying factor for inclusion on the list, which was in the spirit of the drafters of the Convention. Nevertheless, the delegation conceded that it could create a danger and the Committee should be aware of such danger. The delegation concurred that the use of the UNESCO logo or Convention emblem for commercial purposes should be strictly prohibited, and therefore the Committee should look upon cases based on their specific merits, noting that disregarding elements based on commercial purpose would involve reviewing the current list and possibly deleting half of them.
151. The **Chairperson** opened the floor to observer States Parties with a time limit of two minutes.
152. The delegation of **Peru** (observer) congratulated the Subsidiary Body for its excellent work, and wished to echo the statements by Paraguay and China on inter-cultural dialogue. The delegation informed the Committee that it had set up a Ministry of Culture, led by leading anthropologist Mr Formosa, and a Ministry for inter-culturality as it believed that trans-boundary elements were an important alternative to single country nominations as witnessed in the region; the Incas being a classic example. As regards the use of the emblem, the delegation was of the opinion that it should not be commercially manipulated by those outside the community and its practitioners for the development of an industry around cultural identity.
153. The delegation of **Uruguay** (observer) expressed thanks to the host country and the Subsidiary Body. Recalling its nomination in 2009 of tango together with Argentina, as well as the candombe – a musical genre of African origin with noted socio-cultural importance – the delegation spoke of being firmer in terms of criteria so that not everything could become labelled as intangible cultural heritage. For example, the rights of people had to be taken in consideration, for example the rights of women in the case of genital mutilation, even if it could be considered a cultural practice, as well as cruelty to animals. This was not the case in the current elements listed but may be the case in the future, for example cock fighting in the Rio de la Plata region, which was common although prohibited, or bull-fighting. Additionally, linking elements with diverse yet unifying features, for example, in the case of the Mediterranean diet, whose expression could be considered loose or generic. In general, gastronomy could always be considered cultural heritage because people cooked with what they found in their country and that formed the basis of their cuisine, but the delegation did not feel that this constituted intangible cultural heritage, but rather that it should refer to the more complex set of social practices associated with it. The delegation believed that there were merits in some cases of commercialization, but also believed that this would lead to simplification and caricaturization of the element.
154. The delegation of **Uganda** (observer) thanked the Subsidiary Body and especially the Rapporteur for highlighting political aspects, and suggested that the letters of protest in the future should be addressed to the submitting States, allowing them to respond to the

concerns. The delegation also felt that experts, NGOs, research centres and so on should first exhaust all mechanisms within the States concerned. Furthermore, the responses from the States should be attached to the correspondence. The delegation agreed with China and other States on the need for capacity building for the Africa region in particular.

155. Speaking as a representative of the Pacific region and notably sixteen Member States, the delegation of **Fiji** (observer) thanked the Kenyan government for its kind hospitality, and acknowledged the work of the Rapporteur and the Subsidiary Body. Referring to the issue of capacity building in Africa, the delegation made known that its region was also experiencing a similar situation, and on behalf of Tonga, also present at the meeting, wished to see a plan similar to the one devised for World Heritage for a 6-year period, especially for trans-boundary nominations as the Pacific islands were separated by the ocean. Although all sixteen Member States [of the Pacific Region] had yet to ratify the Convention, members were taking necessary steps to carry out national inventories and were working together with the government of the Republic of Korea within the Asia-Pacific network. The main problem encountered involved obtaining the consent from the communities for the national lists.
156. The delegation of **Armenia** (observer) thanked the Kenyan authorities for its hospitality, the Subsidiary Body and the Secretariat for its work, and wished to comment on the letter on the subject of the Armenian nomination. The delegation fully endorsed the statements made by Spain, Italy and Peru that the letter should have been disclosed earlier to the countries concerned, but thanked the Secretariat for its consistent work in following the procedure and hoped for a resolution to the situation with regard to the geographical site which was the subject of the dispute. As regards the allusion to conflicts, the delegation believed that no references should be made on conflicts – even historical conflicts as was the case in this instance.
157. The delegation of **Bangladesh** (observer) thanked the Secretariat and the Kenyan hosts, and also noted the lack of nominated elements from Africa, agreeing with the need for capacity building suggesting that the Secretariat place special emphasis on Africa but also other developing countries and small States.
158. The delegation of **Turkey** (observer) also wished to thank the Kenyan authorities for its warm welcome, and thanked the Subsidiary Body and the Secretariat for its work. As an earlier member of the Subsidiary Body, the delegation felt that in the case of transboundary elements, States with shared intangible cultural heritage should be notified. In the event that there was no possibility of submitting a multi-national nomination, then the neighbouring States had to respect the sovereignty of the submitting State, as stipulated in the Convention. With regard to issue of conflicts, the delegation believed that no mention should be made in the nomination file so as to avoid any provocation between communities, but rather focus on dialogue and cooperation. The delegation recalled that the UNESCO constitution was written as a result of World War II and in that spirit, references to war and conflict should be avoided. Referring to the Azerbaijani case, the delegation agreed to the comments made so far, and believed that the Committee was attempting to resolve these issues in a spirit of dialogue and cooperation.
159. The delegation of **Brazil** (observer) offered thanks to the Kenya authorities and the Secretariat, and praised the Rapporteur and the Subsidiary Body for their work. The delegation expressed concern between the disparity between nominations from the geographic regions, notably from Africa and Latin America, and believed that a capacity-building programme would benefit those countries, especially Category 2 centres and NGOs. The delegation also believed in building a constructive network for the Convention, which could benefit from the support of the Subsidiary Body and the Committee through coordination, and that decentralization of the nomination files would also facilitate the processing of files, as well as maintain the inclusive nature of the Convention.
160. The delegation of **India** (observer) thanked the government of Kenya for its immense hospitality, and the Secretariat and the Subsidiary Body for their great work. The delegation spoke about the tenth anniversary of the Convention as a reason for celebration, but which

called for a certain introspection on the achievements thus far and the work yet to be done, as well as address the expressed concerns. Notwithstanding the excellent work by the Subsidiary Body, the delegation believed that the Subsidiary Body had to be strengthened, possibly enlarged and perhaps had to work differently so that it is enabled to be more responsive to the concerns expressed. Issues such as ceilings, restrictions and even geographic balances should also be addressed. Moreover, in Abu Dhabi, ASPAC had brought up the subject of extra-budgetary funding, and one of the outcomes of the meeting was to establish an *ad hoc* consultative body. The delegation acknowledged that intangible cultural heritage was inherently different to world heritage, involving people, communities and grassroots, and therefore the procedure and output needed to be more inclusive than it possibly was, which might in turn address those concerns. The delegation recognized that UNESCO was committed to the ideals of tradition and culture, pride, skills and technologies, and to bringing them into the Convention, for which introspection was needed.

161. The delegation of **Malawi** (observer) joined the other members in thanking the Kenyan authorities and the Subsidiary Body and the Secretariat. Speaking on the issue of capacity building, particularly with respect to African nominations, the delegation agreed that this was important but, additionally, development plans in certain countries did not consider culture as a priority, especially in countries where UNESCO was absent. In this vein, the delegation urged UNESCO to take up the issue, and that countries should follow the footsteps of Kenya.
162. The delegation of **Greece** (observer) thanked Kenya for its hospitality and the Subsidiary Body for its work. Referring to the letter read out by the Secretariat on the Mediterranean diet, the delegation informed the Committee that the letter had been drafted by a private body from Crete and that it had only recently been informed, wishing to know when the letter had arrived at the Secretariat and why it wasn't communicated to all Members. The delegation believed that the letter was a product of misunderstanding as Cretan people were sensitive about keeping their local diet as intact as possible and did not wish to be associated with other habits, which in itself proved the active desire to protect their habits that were part of the Mediterranean diet as a whole. Moreover, Cretan people were anxious about the potential commercialization of food products.
163. The **Chairperson** interrupted the delegation to recall the Rules of Procedure, which stated that States Parties, whether Committee Members or not, could not advocate the inclusion of elements on the lists, as stipulated in [Art.16](#) and [Art.17](#) of the Convention.
164. The delegation of **Italy** raised a point of order with respect to the letter and the fact that the countries that had submitted the Mediterranean diet had not been informed of its content at the time of the session, and therefore felt it was unfair that delegations were not given an opportunity to discuss the issue and declined the right to react.
165. The **Chairperson** invited the Secretariat to comment later on the issue.
166. The delegation of **Spain** agreed that there should be an opportunity to discuss the issue of correspondence later in the session. On another point, the delegation fully agreed with the Director-General and the Chairperson of the Committee on the shortfall of nominations from Africa and wished to reiterate its commitment to maintaining its support for intangible cultural heritage and would increase its voluntary contributions for African nominations and capacity building, which was vital for wider representation and coverage.
167. Regarding the protest letters, the **Secretary** wished to make clear that the Committee was sovereign and could either disregard the letters or give instruction to the Secretariat not to receive letters, or it could establish a procedure whereby the State concerned are kept informed and given an opportunity to respond. With regard to the letter on the Mediterranean diet, the Secretary informed Members that it had received the letter on 2 November 2010 and had informed the National Commission [for Greece], believing that Greece would inform the other States concerned. The Secretary noted that it was the first time this situation had occurred, and it was up to the Committee to decide on the action taken by the Secretariat. The Secretary spoke about the capacity-building programme under development with a focus on Africa and Latin America, but also other under-represented countries, with many donors

having already contributed to activities and projects, so would therefore be sustainable in time.

168. Referring to the general issue of letters addressed to the Committee, the delegation of **Italy** welcomed expressions of interest from associations and individuals, which should be submitted and taken into consideration, but they should be immediately communicated to the States concerned so that they were able to respond prior to evaluation. For those letters received in the current cycle, the delegation spoke of the difficult and unacceptable situation whereby States were unable to respond.
169. The **Chairperson** reiterated that it was indeed the Committee's work to decide whether the Committee, in the examination of files, should consider correspondence.
170. The **Legal Adviser** noted that the discussion was not related to any specific nomination and was in fact a general discussion by the Committee Members and therefore – from a legal standpoint – the letters did not have an impact on the recommendations of the Subsidiary Body. Moreover, decisions had already been taken and it was up to the Committee to inscribe a nomination or not. Information emanating from a letter, but also for instance from the media, was an altogether different matter; the Committee had to refer to the criteria to make its final decision based solely on the reports by the Subsidiary Body.
171. The **representative of the Director-General, Mr Francesco Bandarin**, noted a judicial void that needed to be remedied requiring a clear description of the process in the Rules of Procedure, and perhaps borrowing from experience acquired from the 1972 World Heritage Convention. For example, any relevant documentation received would be submitted to the Advisory Body, but certainly not after an evaluation was issued. He therefore recommended that a procedure be established in the future that clearly stated the process. Moreover, evaluations occasionally carried mistakes and a procedure therefore had to be in place that corrected such errors, which may come after the evaluation.
172. The **Chairperson** noted that the general debate had identified a number of issues that might lead to possible amendments on specific nominations. Moreover, several Members had requested amendments on several nominations, but the general debate had shown that the Members appreciated the recommendations of the Subsidiary Body. The Chairperson informed the Committee that the morning's Bureau meeting had reached a consensus regarding a number of nominations identified as requiring further discussion and recommended that the session begin with those nominations, which were subsequently read out.
173. The delegation of **Morocco** did not agree with changing the established order of nominations as it assumed that those files were of a controversial nature. The delegation wondered about the criteria used by the Bureau in its assertions, urging that the listed order be maintained as planned.
174. The **Chairperson** noted one nomination that should be dealt with at the end of the discussion: Decision [5.COM 6.1](#), **Armenia – Symbolism and craftsmanship of Khachkars, Armenian cross-stones**.
175. The delegation of **Italy** spoke in favour of treating the files as they appeared in the original document.
176. The **Chairperson** proposed that each decision be formally adopted, followed by brief remarks from the submitting State Party. Since all the draft decisions submitted by a single State Party follow each other, the State would be given an occasion to speak for two minutes only after all of its nominations had been treated. For multinational nominations, the coordinating State Party was asked to speak on behalf of the other submitting States Parties. The Chairperson invited the Chairperson of the Subsidiary Body, Ms Kristin Kuutma, to present the 47 draft decisions. On behalf of the Committee, the Chairperson took the opportunity to thank her for the tremendous amount of work completed by the Subsidiary Body, for her leadership, and for her skill in guiding the Committee through its many challenges.

177. The **Chairperson of the Subsidiary Body** noted that Mr Anami had provided a rich and evocative account of the working methods of the Subsidiary Body and its results, remarking that the Subsidiary Body was very impressed by the tremendous variety of intangible cultural heritage presented by the 32 States Parties. The Subsidiary Body had also addressed recommendations to the States concerned with the eight files that did not satisfy all the criteria for inscription. The Chairperson of the Subsidiary Body affirmed to States Parties, and especially to the communities, groups and individuals concerned with an element, that its recommendation not to inscribe an element during the present cycle in no way constituted a judgment on the merits of the element itself, but referred solely to the adequacy of the information presented in the nomination file. The Chairperson of the Subsidiary Body then turned to the 47 elements, reading out the substance of the draft decision. [Refer to document [ITH/10/5.COM/CONF.202/6](#) outlining the draft decisions for each nomination.]
178. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.2](#) on **The Azerbaijani carpet**, nominated by **Azerbaijan**.
179. Referring to the nomination by Azerbaijan, the delegation of the **Islamic Republic of Iran** informed the Committee that an amendment had been submitted to the Secretariat proposing an alternative title, 'The traditional art of Azerbaijani carpet weaving in the Republic of Azerbaijan'. Supporting its proposal, the delegation explained that the carpet conveyed a tangible element while 'traditional art of' suggested an intangible craft. Secondly, the adjective 'Azerbaijani' referred to two provinces within the borders of the Islamic Republic of Iran, namely East and West Azerbaijan, and therefore, in order to prevent confusion with the different and unique carpet weaving traditions in these regions, the delegation had proposed 'in the Republic of Azerbaijan.' The delegation was pleased to inform the Committee that following negotiations with Azerbaijan, a consensus had been reached with Azerbaijan accepting its proposal.
180. As a new member of the Committee, the delegation of **Azerbaijan** wished to take a constructive position vis-à-vis the concerns and proposals put to it by Committee Members, and fully shared the view that the original title did not reflect the spirit of the Convention. Moreover, the original title did not confine the nomination to the borders of the Republic of Azerbaijan and therefore the delegation felt appropriate to clearly state, 'Republic of Azerbaijan', and therefore accepted the amendment.
181. The **Chairperson** congratulated the two parties on reaching an agreement.
182. Seeing no further objection or comment, the **Chairperson of the Committee** declared **adopted Decision 5.COM 6.2** to inscribe **The traditional art of Azerbaijani carpet weaving in the Republic of Azerbaijan**, nominated by **Azerbaijan**, on the Representative List of the Intangible Cultural Heritage of Humanity.
183. The delegation of **Azerbaijan** thanked the Committee for its constructive support of the nomination, and spoke of carpet weaving as part of the national identity having been developed throughout its history over centuries.
184. The **Chairperson** adjourned the session.

[Tuesday 16 November 2010, afternoon session]

**ITEM 6 OF THE AGENDA (CONT):
EVALUATION OF NOMINATIONS FOR INSCRIPTION IN 2010 ON THE
REPRESENTATIVE LIST OF THE INTANGIBLE CULTURAL HERITAGE OF HUMANITY**

Documents [/ITH/10/5.COM/CONF.202/6](#)
 [/ITH/10/5.COM/CONF.202/INF.6](#)
Decision [5.COM 6](#)

185. The **Chairperson** continued with the inscriptions on the Representative List and recalled that the Subsidiary Body had reached a favourable recommendation on all 47 nominated elements. The **Chairperson of the Subsidiary Body**, Ms Kristin Kuutma, was invited to present the substance of the remaining 46 draft decisions.
186. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.3](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Aalst carnival**, nominated by **Belgium**, on the Representative List of the Intangible Cultural Heritage of Humanity.
187. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.4](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Houtem Jaarmarkt, annual winter fair and livestock market at Sint-Lievens-Houtem**, nominated by **Belgium**, on the Representative List of the Intangible Cultural Heritage of Humanity.
188. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.5](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Krakelingen and Tonnekensbrand, end-of-winter bread and fire feast at Geraardsbergen**, nominated by **Belgium**, on the Representative List of the Intangible Cultural Heritage of Humanity.
189. The delegation of **Belgium** thanked the government of Kenya, the Committee and the Subsidiary Body for its immense work. The three elements that have been presented, with support from the French and German speaking communities, were major social events inscribed on the national inventory, and were submitted by the communities themselves in an open invitation to submit applications, and all members of the community, youth organizations, schools and local authorities contributed in some way in the transmission of the element.
190. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.6](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Acupuncture and moxibustion of traditional Chinese medicine**, nominated by **China**, on the Representative List of the Intangible Cultural Heritage of Humanity.
191. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.7](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Peking opera**, nominated by **China**, on the Representative List of the Intangible Cultural Heritage of Humanity.
192. The delegation of **China** expressed gratitude to the Committee, and reiterated its commitment to ensuring the full implementation of the safeguarding plans for each element inscribed.
193. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.8](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Marimba music and traditional chants from Colombia's South Pacific region**, nominated by **Colombia**, on the Representative List of the Intangible Cultural Heritage of Humanity.

194. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.9](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **The Wayuu normative system, applied by the Pütchipü'üi (palabrero)**, nominated by **Colombia**, on the Representative List of the Intangible Cultural Heritage of Humanity.
195. The delegation of **Colombia** conveyed thanks to Kenya for its hospitality, and spoke of its honour at the recognition of its elements to the Representative List, speaking of the work to safeguard important heritage as a way of bequeathing a better world to the next generation. The Director of Cultural Heritage at the Ministry of Culture, Mr Juan Luis Isaza Londoño, spoke of the inscribed elements as just a sample of the country's diverse multi-cultural wealth.
196. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.10](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Gingerbread craft from Northern Croatia**, nominated by **Croatia**, on the Representative List of the Intangible Cultural Heritage of Humanity.
197. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.11](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Shrovetide door-to-door processions and masks in the villages of the Hlinecko area**, nominated by the **Czech Republic**, on the Representative List of the Intangible Cultural Heritage of Humanity.
198. The delegation of the **Czech Republic** thanked the Subsidiary Body, the Committee for the inscription of the element on the Representative List, and the Secretariat for its advice and support, and spoke of its commitment to ensure the element's longevity.
199. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.12](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Compagnonnage, network for on-the-job transmission of knowledge and identities**, nominated by **France**, on the Representative List of the Intangible Cultural Heritage of Humanity.
200. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.13](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **The craftsmanship of Alençon needle lace-making**, nominated by **France**, on the Representative List of the Intangible Cultural Heritage of Humanity.
201. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.14](#) on **The gastronomic meal of the French**, nominated by **France**.
202. The delegation of **Japan** sought clarification with regards to the publication of the Michelin Guide, which, since 2008, had been published for restaurants in Japan, with four French restaurants achieving 3-star status, and asked whether these restaurants would be covered by the nominated intangible cultural heritage. The delegation also sought clarification regarding the use of the emblem for these types of restaurants.
203. The delegation of **France** [observer] began by thanking the government of Kenya for its organization of the meeting. Responding to the question by Japan, the delegation explained that the text of the French nomination clearly specifies that the community concerned was the entire French population, with the meal being an important aspect of national culture wherever they found themselves. Moreover, the nomination file contained all the information sought by Japan, including the consent of the communities concerned, subscribed by more than 100 organizations or associations.
204. The delegation of **Japan** sought a response on the use of the emblem by such restaurants. The delegation of **France** [observer] reiterated that the French authorities, in conformity with the Operational Directives, will see to the strict respect of the Convention and the use of the emblem, as specified namely page 14 of the nomination in the part concerning safeguarding measures, where the role of the monitoring body of the safeguarding measures is mentioned.

And of course the Secretariat of UNESCO could also intervene and draw attention to something that may be considered to be unacceptable.

205. The **Chairperson of the Subsidiary Body** was pleased that Japan had raised the issue and admitted that the element had been the subject of lengthy discussion among Subsidiary Body members, noting that there were different approaches to communities and cultural practices as well as commercial aspects. Moreover, a consensus had been reached among Subsidiary Body members, as there was a notable representation of the French community, which was justified in the nomination file. With regard to the use of the UNESCO logo and the interest of private enterprises, this was regulated by the UNESCO system while the Committee would regulate the emblem and, at its discretion, would ensure surveillance on the use of the emblem in the future.
206. Seeing no further objection, the **Chairperson of the Committee** declared **adopted Decision [5.COM 6.14](#)** to inscribe **The gastronomic meal of the French**, nominated by **France**, on the Representative List of the Intangible Cultural Heritage of Humanity.
207. The delegation of **France** expressed thanks to the Committee and the experts for inscribing the element, which was at the very core of French life, and assured the Committee that the delegation would ensure that the spirit of the Convention was respected.
208. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.15](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Chhau dance**, nominated by **India**, on the Representative List of the Intangible Cultural Heritage of Humanity.
209. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.16](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Kalbelia folk songs and dances of Rajasthan**, nominated by **India**, on the Representative List of the Intangible Cultural Heritage of Humanity.
210. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.17](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Mudiyettu, ritual theatre and dance drama of Kerala**, nominated by **India**, on the Representative List of the Intangible Cultural Heritage of Humanity.
211. The delegation of **India** expressed gratitude and thanks and spoke of the diversity of culture reflected by the three inscribed elements: the first element came from the dense forests of India, the second element came from the harsh desert, and the third element came from the lush region of Kerala, each representing the living space of the communities concerned that had persisted and been transmitted across many generations. The delegation assured that this was a happy beginning for those communities and would breathe new life to these forms of cultural expression.
212. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.18](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Indonesian Angklung**, nominated by **Indonesia**, on the Representative List of the Intangible Cultural Heritage of Humanity.
213. The delegation of **Indonesia** expressed its deep appreciation of the Committee, the Subsidiary Body and the Secretariat for the inscription of Angklung on the Representative List, which the delegation described as a musical art whose inscription would contribute towards safeguarding efforts at regional and national levels, and attract young people to learn the instrument, which in turn would support the development of Angklung heritage.
214. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.19](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **The music of the Bakhshis of Khorasan**, nominated by **Islamic Republic of Iran**, on the Representative List of the Intangible Cultural Heritage of Humanity.
215. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.20](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe

The Pahlevani and Zoorkhanei rituals, nominated by **Islamic Republic of Iran**, on the Representative List of the Intangible Cultural Heritage of Humanity.

216. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.21](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **The ritual dramatic art of Ta'zīye**, nominated by **Islamic Republic of Iran**, on the Representative List of the Intangible Cultural Heritage of Humanity.
217. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.22](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Traditional skills of carpet weaving in Fars**, nominated by **Islamic Republic of Iran**, on the Representative List of the Intangible Cultural Heritage of Humanity.
218. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.23](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Traditional skills of carpet weaving in Kashan**, nominated by **Islamic Republic of Iran**, on the Representative List of the Intangible Cultural Heritage of Humanity.
219. The delegation of the **Islamic Republic of Iran** expressed gratitude and thanks to the Committee, the Subsidiary Body, the Secretariat and the examiners as well as participating delegates for the examination of the elements. The five inscribed elements demonstrated the country's commitment to the Convention and demonstrated the relative diversity of Iranian intangible cultural heritage.
220. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.24](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Kumiodori, traditional Okinawan musical theatre**, nominated by **Japan**, on the Representative List of the Intangible Cultural Heritage of Humanity.
221. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.25](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Yuki-tsumugi, silk fabric production technique**, nominated by **Japan**, on the Representative List of the Intangible Cultural Heritage of Humanity.
222. The delegation of **Japan** expressed heartfelt gratitude to the Subsidiary Body and the Secretariat for their hard work in the examination of the files, which recognized the importance of the two Japanese elements of intangible cultural heritage, and hoped that they would encourage dialogue locally to help transmit the intangible cultural heritage. The delegation spoke of Japan's commitment towards an even more successful Convention in the future.
223. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.26](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe the **Sutartinės, Lithuanian multipart songs**, nominated by **Lithuania**, on the Representative List of the Intangible Cultural Heritage of Humanity.
224. There was no representative from Lithuania, but the good news would be transmitted to the State Party.
225. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.27](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **The hopping procession of Echternach**, nominated by **Luxembourg**, on the Representative List of the Intangible Cultural Heritage of Humanity.
226. The delegation of **Luxembourg** conveyed thanks to the host country for its hospitality, and the Committee on the progress achieved with the Convention and by substantially reducing the examination files while focusing on the essential dialogue with submitting States Parties. The delegation also conveyed thanks to the Subsidiary Body and the Secretariat for their exemplary work. The inscription of the medieval procession was an honour to the country as it identified the space of Echternach as an important centre of European Christianity.

227. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.28](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Parachicos in the traditional January feast of Chiapa de Corzo**, nominated by **Mexico**, on the Representative List of the Intangible Cultural Heritage of Humanity.
228. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.29](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Pirekua, traditional song of the P'urhépecha**, nominated by **Mexico**, on the Representative List of the Intangible Cultural Heritage of Humanity.
229. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.30](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Traditional Mexican cuisine –authentic, ancestral, ongoing community culture, the Michoacán paradigm**, nominated by **Mexico**, on the Representative List of the Intangible Cultural Heritage of Humanity.
230. The delegation of **Morocco** congratulated Mexico for its excellent nomination but requested the removal of 'authentic' as both 'authentic' and 'authenticity' were not part of the Convention' vocabulary.
231. The delegation of **Mexico** had no objection to the suggestion and agreed to remove 'authentic'. Upon adoption, the delegation expressed warm thanks to Kenya for its hospitality, and where, in Africa, intangible cultural heritage was multi-dimensional and significant. The delegation spoke of the lengthy and complex process to inscribe traditional Mexican cuisine, and thanked UNESCO for its recognition, while the Parachicos festival went back in history as far as the Spanish conquest. The Under Secretary of State for Culture took the floor to express thanks that the song of the P'urhépecha was a recognized element of intangible cultural heritage.
232. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.31](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **The Mongolian traditional art of Khöömei**, nominated by **Mongolia**, on the Representative List of the Intangible Cultural Heritage of Humanity.
233. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.32](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Naadam, Mongolian traditional festival**, nominated by **Mongolia**, on the Representative List of the Intangible Cultural Heritage of Humanity.
234. The delegation of **Mongolia** expressed gratitude to the Subsidiary Body, the Secretariat and the Committee for the inscription of the two elements, which represented the nomadic civilization and lifestyle of the Mongolian people, and gave thanks to Kenya for its hospitality.
235. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.33](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Al-Bar'ah, music and dance of Oman Dhofari valleys**, nominated by **Oman**, on the Representative List of the Intangible Cultural Heritage of Humanity.
236. The delegation of **Oman** expressed thanks and appreciation to the government of Kenya for its hospitality, and gave thanks to the Committee, the Secretariat and the experts for the examination of the nomination file, with Al-Bar'ah reflecting the cultural diversity of Oman and the importance Oman bestowed on safeguarding its intangible cultural heritage.
237. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.34](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Huaconada, ritual dance of Mito**, nominated by **Peru**, on the Representative List of the Intangible Cultural Heritage of Humanity.
238. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.35](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **The scissors dance**, nominated by **Peru**, on the Representative List of the Intangible Cultural Heritage of Humanity.

239. Following the projection of a short film, the delegation of **Peru** thanked the Committee and UNESCO, explaining that the President and the Minister of Culture were keenly awaiting the result, with the ritual dance of Mito dating from the time of the Incas while the unique scissors dance was linked to remote archaeological areas of Peru; both recognized the people of the Andes.
240. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.36](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Daemokjang, traditional wooden architecture**, nominated by the **Republic of Korea**, on the Representative List of the Intangible Cultural Heritage of Humanity.
241. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.37](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Gagok, lyric song cycles accompanied by an orchestra**, nominated by the **Republic of Korea**, on the Representative List of the Intangible Cultural Heritage of Humanity.
242. The delegation of the **Republic of Korea** congratulated the Chairperson for his hard work and leadership, and Kenya for the organization of the successful meeting. The delegation expressed thanks to all those who contributed to the inscription of the two elements on the Representative List, recognizing the hard work of the Secretariat. The delegation spoke of its continued endeavours towards safeguarding its intangible cultural heritage and those of humanity.
243. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.38](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **The chant of the Sybil on Majorca**, nominated by **Spain**, on the Representative List of the Intangible Cultural Heritage of Humanity.
244. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.39](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Flamenco**, nominated by **Spain**, on the Representative List of the Intangible Cultural Heritage of Humanity.
245. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.40](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Human towers**, nominated by **Spain**, on the Representative List of the Intangible Cultural Heritage of Humanity.
246. The delegation of **Spain** thanked the Committee, the Secretariat, the Chairperson of the Subsidiary Body and all those who participated in the inscription of its elements. The delegation spoke of the enormous gratitude it felt towards the international community for its appreciation of Spanish intangible cultural heritage, and reiterated its commitment towards the intangible cultural heritage of all the peoples worldwide.
247. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.41](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **The Mediterranean diet**, nominated by **Spain, Greece, Italy and Morocco**, on the Representative List of the Intangible Cultural Heritage of Humanity.
248. As lead State Party in the nomination of the element, it was with great emotion that the delegation of **Spain**, on behalf of the other submitting States, thanked the Subsidiary Body, the Secretariat and the Committee, stating that the Mediterranean diet gave the people of the Mediterranean a profound sense of identity and continuity, which represented its hospitality and pleasure in sharing that bonded those countries. The delegation of **Italy** took the floor to pay tribute to the memory of Mr Angelo Vassallo who had recently died in a tragic accident. He was a strong supporter of the nomination and would be remembered for his integrity, honesty and support of local traditions.
249. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.42](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe

Kırkpınar oil wrestling festival, nominated by **Turkey**, on the Representative List of the Intangible Cultural Heritage of Humanity.

250. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.43](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Semah, Alevi-Bektaşî ritual**, nominated by **Turkey**, on the Representative List of the Intangible Cultural Heritage of Humanity.
251. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.44](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Traditional Sohbet meetings**, nominated by **Turkey**, on the Representative List of the Intangible Cultural Heritage of Humanity.
252. The delegation of **Turkey** thanked the Committee for the inscription of its three elements to the Representative List, which would contribute to their promotion, visibility, protection and their enhancement. Describing the element, the Kırkpınar oil wrestling was said to date from about 700 years ago, Semah was an indicator of Alevi-Bektaşî cultural identity, and the Sohbet meetings were performed by different communities and was a substantial cultural form in the transmission of culture from generation to generation.
253. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.45](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Falconry, a living human heritage**, nominated by the **United Arab Emirates, Belgium, Czech Republic, France, Mongolia, Morocco, Qatar, Republic of Korea, Saudi Arabia, Spain and Syrian Arab Republic**, on the Representative List of the Intangible Cultural Heritage of Humanity.
254. On behalf of the submitting States, the delegation of the **United Arab Emirates** extended its thanks and gratitude to the Chairperson, the Kenyan authorities, the Committee, the Secretariat, the Subsidiary Body and the experts, and the Director-General of UNESCO. The delegation spoke of its appreciation of the importance of inscribing intangible cultural heritage, especially in the case of multi-national files as this enhanced dialogue and interaction between countries and ensured further cooperation, stability and peace. The delegation also spoke of its honour in having had the opportunity to evaluate files and be the coordinator of the inscribed file on falconry, and gave thanks to the other submitting States for having forged a team spirit.
255. The **Chairperson of the Subsidiary Body** read out draft decision [5.COM 6.46](#). Seeing no objection, the **Chairperson of the Committee** declared **adopted** the decision to inscribe **Giống festival of Phù Đông and Sóc temples**, nominated by **Viet Nam**, on the Representative List of the Intangible Cultural Heritage of Humanity.
256. The delegation of **Viet Nam** expressed sincere thanks to the host country for its warm welcome, the Secretariat, and the Committee for inscribing the element, which was a moment of joy and pride for the people of Hanoi where the festival takes place; having just celebrated its 1000th year it is one of the most ancient and long-lasting of the seven thousand festivals of the 54 ethnic groups that take place across the country. The delegation spoke of its full commitment to the promotion of the universal values and humanism provided by the Convention.
257. The Chairperson turned to draft decision [5.COM 6.47](#), **The Sinjska Alka, a knights' tournament in Sinj**, nominated by **Croatia**.
258. The **Chairperson** informed the Committee that Croatia had consulted with a number of Committee Members concerning minor but important modifications in the nomination form in order to address some of the concerns expressed by the Subsidiary Body. The Chairperson therefore proposed an amendment to the draft decision that took on board the modifications.
259. The **Chairperson of the Subsidiary Body** read out the amended draft decision 5.COM 6.47. The amended paragraphs were projected on the screen and read out. R1: 'The nomination demonstrates the continuity of the Sinjska Alka and its contribution to local

identity as well as its promotion of respect of cultural diversity' and R2: 'Inscription on the Representative List could enhance visibility of intangible cultural heritage at local, national and international level' [criteria R3, R4 and R5 remain unchanged]; paragraph 3: 'Decides to inscribe The Sinjska Alka, a knights' tournament in Sinj on the Representative List of the Intangible Cultural Heritage of Humanity'; paragraph 4: 'Invites the State Party to provide to the Secretariat a nomination form that reflects the modified text circulated to the Committee during its debate.'

260. The **Chairperson** asked Croatia whether it agreed with the proposed amendment. In the spirit of mutual dialogue and friendship, the delegation of **Croatia** accepted the amendment.
261. Seeing no further objection, the **Chairperson of the Committee** declared **adopted** decision [5.COM 6.47](#) to inscribe **The Sinjska Alka, a knights' tournament in Sinj**, nominated by **Croatia**, on the Representative List of the Intangible Cultural Heritage of Humanity.
262. The delegation of **Croatia** thanked the Committee on behalf of the people of Croatia for the inscription of the two elements as it confirmed its value and significance as part of national and international heritage of humanity, and was a tribute to the efforts to preserve the heritage from extinction and served as an incentive for its continued existence; the elements will promote inter-cultural dialogue and the respect of cultural diversity.
263. The delegation of **Morocco** congratulated Croatia and the other States Parties for their successful inscriptions. The delegation took the opportunity to request the Secretariat to make available online the information pertaining to the inscriptions.
264. The delegation of **Italy** brought up the issue of working methods in the light of earlier discussions on commercialization and correspondence received by the Secretariat as there was talk of the insertion of additional paragraphs on page 11 in the draft decision, and wondered whether this subject would be discussed in a later session.
265. The **Chairperson** concurred that the discussion would indeed take place during Wednesday's morning session and, after thanking the interpreters, duly adjourned the day's session.

[Wednesday, 17 November 2010, morning session]

ITEM 6 OF THE AGENDA (CONT):
EVALUATION OF NOMINATIONS FOR INSCRIPTION IN 2010 ON THE
REPRESENTATIVE LIST OF THE INTANGIBLE CULTURAL HERITAGE OF HUMANITY

Documents [ITH/10/5.COM/CONF.202/6](#)
 [ITH/10/5.COM/CONF.202/INF.6](#)
Decision [5.COM 6](#)

266. The **Chairperson** began by informing the Committee of the Bureau meeting, which took place earlier in the morning so as to organize the work on a number of items that had yet to be completed; a revised timetable was duly circulated [[ITH/10/5.COM/CONF.202/INF.2.1 Rev.](#)]. With regard to item 7, it would be split into three parts: the terms of reference of the Subsidiary Body; the admissibility of nominations received by the Secretariat during the period August 2009–August 2010; and the working methods of the Subsidiary Body. This would be followed by item 8 and the sole request from Belarus. Item 9 on the establishment of a consultative body would be treated in the same way as item 6, and would have 56 files to examine: 33 for the Urgent Safeguarding List, 15 for the Register of Best Safeguarding Practices and 8 International Assistance Requests.
267. Returning to the nomination on **Symbolism and craftsmanship of Khachkars, Armenian cross-stones** from **Armenia**, the **Chairperson** recalled that the nomination had raised a number of concerns but, over the course of the week, the delegations of Azerbaijan and Armenia had had bilateral discussions, and had reached a solution that was satisfactory to

both parties. As a result, modifications to the decision had been circulated with a revised title to the nomination. The Chairperson invited the **Chairperson of the Subsidiary Body** to read the replacement text.

268. The **Chairperson of the Subsidiary Body** read out revised draft decision [5.COM 6.1](#) that read, paragraph 1: 'Takes note that Armenia has nominated **Armenian cross-stones art. Symbolism and craftsmanship of Khachkars** for inscription on the Representative List of the Intangible Cultural Heritage of Humanity; paragraph 2, 'Decides that, from the information provided in nomination file No. 00434, **Armenian cross-stones art. Symbolism and craftsmanship of Khachkars** satisfy the criteria for inscription on the Representative List, as follows, R1: **The symbolism and craftsmanship of Khachkars** are transmitted from generation to generation and continuously recreated to satisfy the artist's creativity, constituting a distinctive symbol of the identity of Armenian communities at home and abroad [criteria R3, R4 and R5 remain unchanged]; paragraph 3, 'Inscribes the **Armenian cross-stones art. Symbolism and craftsmanship of Khachkars** on the Representative List of the Intangible Cultural Heritage of Humanity'; paragraph 4, 'Invites the State Party to provide to the Secretariat a nomination form that reflects the modified text circulated to the Committee during its debate.'
269. Before proceeding further the **Chairperson** asked Armenia to confirm its acceptance of the proposed amendment. In the spirit of mutual respect and inter-cultural dialogue, the delegation of **Armenia** accepted the amendment and took the opportunity to thank the Secretary, the Secretariat and the delegation of Azerbaijan.
270. Having reached agreement in the spirit of cooperation and consensus, the delegation of **Azerbaijan** thanked the delegation of Armenia for its constructive approach, and gave thanks to the Secretary for her efforts and dedication in bringing the two communities together in a genuine exchange of inter-cultural dialogue, as well as the Secretariat and the Committee.
271. The delegation of **Croatia** wished to congratulate Armenia for finding a solution based on mutual respect, which was very much in line with the spirit of the Convention.
272. Seeing no further objection, the **Chairperson of the Committee** declared **adopted** decision **5.COM 6.1** to inscribe **Armenian cross-stones art. Symbolism and craftsmanship of Khachkars**, nominated by **Armenia**, on the Representative List of the Intangible Cultural Heritage of Humanity.
273. The **Chairperson** was pleased to note the spirit of consensus and dialogue.
274. The delegation of **Armenia** spoke of its honour that so many delegates had taken the time to examine the nomination and was happy that it had taken place on the day of an important Muslim festival that preached tolerance and peace. The delegation explained that the element was rooted in the Christian faith and its inscription showed that it surpassed all prejudice and conflicts, and fostered inter-cultural dialogue. The delegation expressed gratitude towards the Subsidiary Body, the Committee and the fine diplomacy exercised by the Secretary.
275. The **Chairperson** moved to the adoption of the introduction to the decision as projected on the screen, and invited Albania to present its proposal for additional paragraphs.
276. The delegation of **Albania** read out its proposal for a paragraph 4, 'Thanks the Subsidiary Body for the excellent quality of its work and congratulates all the communities, groups and individuals whose intangible cultural heritage has been inscribed on the Representative List', and for paragraph 5, 'Regrets that no candidatures from Africa were inscribed and hopes that the visibility of the Convention's first meeting in the region will stimulate States to consider submitting nominations', and for paragraph 6, 'Acknowledges with gratitude the contributions of several States Parties that will allow the organization in the coming year to carry out a systematic global strategy of strengthening national capacities in developing countries, particularly in Africa', and paragraph 7, 'Requests State Parties to take all necessary measures to avoid any commercial over-exploitation of inscribed elements, in particular

generic elements covering several areas, through the use of the Convention emblem for the instrumentalization or labelling of the elements for commercial purposes’.

277. Related to the issue of correspondence received from individuals and organizations, the delegation of **Italy** prepared, in cooperation with the Secretariat, an additional paragraph that read: ‘Requests the Secretariat to propose, for its sixth session, guidelines for the treatment of correspondence received by the Secretariat from the public or other concerned parties concerning nominations, and for their timely communication to the submitting States.’
278. The delegation of the **Republic of Korea** wished to propose a sentence on establishing a cooperation mechanism, supported from a number of delegations, which read: ‘Further requests the Secretariat to propose, for its sixth session, an information sharing mechanism through which States Parties make known their intention to submit nominations, so as to encourage, where relevant, the submission of multi-national nominations.’
279. The delegation of **Azerbaijan** proposed an amendment related to references cited in nomination files to conflicts and war and other similar events that might provoke misunderstanding between communities, which read: ‘Takes note that elements containing references to conflicts and war or any event which might provoke misunderstanding among communities should be avoided in nomination files with a view to encouraging dialogue and mutual respect among groups, communities and individuals.’
280. Referring to paragraph 7 proposed by Albania, the delegation of **Cyprus** wondered whether it only made reference to elements in the present cycle or to all elements, as this matter was sufficiently covered in the Operational Directives.
281. Commenting on the working methodology of the Committee, the delegation of **China** first thanked the delegations for its proposed amendments to the draft but wished to recall that information had to be received by the Committee four weeks prior to the Committee session meeting, and having only examined the original form of the draft, called for requisite time to study the additional paragraphs, notwithstanding the overall positive and constructive proposals.
282. The **Chairperson** reminded the Committee that it had the authority to recommend the examination of paragraphs at a later time should the Committee so wish in order to allow Members to carefully examine the proposed amendments.
283. Referring to the proposed paragraph 7 made by Albania, the delegation of **Morocco** reiterated the remark by Cyprus stating that the Operational Directives very clearly covered the subject, and was therefore unnecessary here but would concede to the request, and preferred the use of ‘reminds’ in the place of ‘requests’. The delegation also requested that the amendments be circulated in paper form for further examination.
284. The delegation of the **Republic of Korea** supported the remarks made by China and asked that the Committee be given more time to study the amendments.
285. The delegation of **Kenya** felt encouraged by the proposed paragraphs by Albania and joined in acknowledging gratitude towards States Parties in the offers and contributions made, especially with respect to capacity building in Africa. Moreover, a systematic and well coordinated stock-taking of the different situations and challenges was called for, which the Secretariat could perhaps undertake in order to establish priorities and to identify the impediments to submitting nominations, national inventories and so on.
286. The delegations of **Japan**, the **Islamic Republic of Iran**, **Paraguay** (on behalf of Group III) and **Croatia** joined in support of the proposal by China and the Republic of Korea.
287. The **Chairperson** noted a consensus towards suspending the decision until such time as the proposed amendments had been circulated and examined in more detail.
288. The delegation of **Morocco** repeated its earlier request to replace ‘requests’ with ‘reminds’.
289. The delegation of **Indonesia** supported the proposal by China, the remark by Morocco concerning paragraph 7, and the statements made by Kenya and Albania on paragraph 6.

290. The **Chairperson** duly adjourned the session.

ITEM 7 OF THE AGENDA: ESTABLISHMENT OF A SUBSIDIARY BODY FOR THE EXAMINATION OF NOMINATIONS FOR INSCRIPTION IN 2011 ON THE REPRESENTATIVE LIST OF THE INTANGIBLE CULTURAL HERITAGE OF HUMANITY AND ADOPTION OF ITS TERMS OF REFERENCE, INCLUDING THE QUESTION OF THE NOMINATIONS IT HAS TO EXAMINE

Documents [ITH/10/5.COM/CONF.202/7](#)
 [ITH/10/5.COM/CONF.202/INF.7](#)
Decision [5.COM 7](#)

291. The **Chairperson** introduced agenda item 7 on the establishment of a Subsidiary Body charged with the task of examining nominations to the Representative List for possible inscription at the sixth session of the Committee in November 2011, and suggested beginning with the examination of the terms of reference of the Subsidiary Body, followed by the identification of new members, as the question of which nominations already received by the Secretariat should be examined and evaluated in 2011 was a more sensitive issue. The Chairperson recalled [paragraph 30](#) of the Operational Directives, which stated: ‘The Committee, through its Subsidiary Body, shall examine every year nominations for inscription on the Representative List of the Intangible Cultural Heritage of Humanity in accordance with the resources available and their ability to examine these nominations.’ This required that a decision be made based on the resources available as well as the allocation of work of the Committee and the Subsidiary Body. Although the Subsidiary Body would determine its own working methods, the Chairperson commented that the future members of the Subsidiary Body would benefit from hearing the opinions, ideas and suggestions of Committee Members in order to adopt working methods that responded to common concerns. Finally, suggestions by Committee Members on improving the nomination form would also be welcomed.
292. The **Secretary of the Convention**, Ms Cécile Duvelle, recalled that the first Subsidiary Body, established two years ago during the third Committee session in Istanbul, had now concluded its work with the examination of inscriptions in the present session. According to Rule 21 of its Rules of Procedures, to establish a subsidiary body the Committee had to define its composition and terms of reference (including mandate and duration of office) at the time of its establishment, with due regard for the principle of equitable geographic representation. The Secretary therefore presented the terms of reference annexed in document ITH/10/5.COM/CONF.202/7, which were essentially identical to those adopted in Istanbul, with two important differences: the proposed mandate had been changed to one year, and not two years as was previously the case; and an additional option to refer a nomination to the submitting State for additional information as provided in the revised version of the Operational Directives had been added.
293. As regards the mandate of the Subsidiary Body, the **Secretary** explained that the Convention established only two permanent and standing governing bodies: the General Assembly and the Intergovernmental Committee, while a Subsidiary Body must be re-established periodically, with a fixed mandate, in conformity with the Rules of Procedure. At the same time, the Secretary recalled that the first Subsidiary Body recommended a certain continuity from year to year in order to ensure coherence, as the experience gained in one examination cycle would contribute to the following cycle. In order to put such a rotational system in place the Committee, if it should so decide, would agree to a mandate of one year, and at the same time, agree that members can be re-appointed for a second term of office. The Secretary reiterated that in the present cycle, only two members of the present Subsidiary Body would remain in office as Committee members, so a maximum of two previously serving members could be re-appointed.
294. The **Chairperson** thanked the Secretary for the clear presentation of the first part of item 7 and remarked that the proposed draft decision largely echoed the language adopted two

years ago. Moreover, Mr Silverse Anami, Rapporteur of the Subsidiary Body, had reported that the Subsidiary Body had found the terms of reference to be suitable. The Chairperson reiterated that if the Committee wished to put in place a system of renewable membership of half the members each year, then the best way was to reconstitute the Subsidiary Body every year with half the members eligible for reappointment. The solution proposed, of a one-year mandate, was one way of enabling this.

295. The delegation of the **Republic of Korea** commended the efforts of the Secretariat in the preparation of the terms of reference and believed that the solution proposed, regarding the one-year mandate, was the best way forward for the Subsidiary Body and therefore voiced its support. Having first-hand experience of the Subsidiary Body, the delegation of **Kenya** voiced its support for the proposal to retain the terms of reference with appointments on a yearly basis, as it allowed for continuity and consistency in the evaluation of the nomination files. The delegation of **Croatia** also voiced support for the proposal, deeming the continuation of experience as important.
296. The delegation of **Cyprus** also supported the proposal and wondered whether it was possible to have two members per electoral group, as opposed to one member from one country, as this would provide a wider body of opinion and experience. Moreover, the delegation commented that it was beneficial to have a consultative body of experts for the examination of Urgent Safeguarding List nominations.
297. The delegation of **Morocco** voiced support for the amendment as proposed by Cyprus for broader membership of the Subsidiary Body among Committee members, particularly in view of the heavy workload in the ensuing cycle. The delegation of **Italy** also voiced support for the proposal by Cyprus in consideration of the heavy workload of the Subsidiary Body. The delegation of **Spain** also supported the amendment, as it would represent a greater pool of experts from the different regions, which would particularly benefit the under-represented regions. The delegation of **Madagascar** also supported the amendment and questioned whether an alternate nominee could be appointed in the absence of a particular expert.
298. The delegation of **Japan** expressed reservations regarding the amendment as proposed by Cyprus, citing the fact that a decision on expanding the Subsidiary Body should not precede discussions on the establishment of efficient working methods and the introduction of the new format of the nomination form, which were obviously closely linked.
299. The delegation of **Burkina Faso** also favoured broadening membership and asked why the Secretariat had suggested six members and whether this was linked to working conditions.
300. Taking into consideration the concerns expressed by Japan and the comments made by the Republic of Korea, the delegation of the **Islamic Republic of Iran** felt that adding new members to the Subsidiary Body without prior programming would be misleading or at least there should be an opportunity to fully consider the issue. The delegation cited the example of Asia with its large number of countries, and wondered how equitable geographic representation would be assured.
301. The delegation of **Indonesia** supported the position voiced by Japan and the Islamic Republic of Iran to retain the original text, and proposed the establishment of an open-ended working group to discuss the working methods related to the Subsidiary Body. The delegation of the **Republic of Korea** supported the position held by Japan and held that the issue should be considered in connection with three issues: the revised nomination form, the reform of the working methods of the Subsidiary Body, and the role of the Secretariat in the examination of files. Moreover, the delegation believed that should the Subsidiary Body play the same role as it had in the past two years, its workload would not decrease with the proposed expansion of Subsidiary Body members.
302. The delegation of **China** voiced support for the position held by Japan, calling for a comprehensive examination of all the aspects as a result of expansion, including discussions of available resources, budget, and workload of the Secretariat and the Subsidiary Body.

303. The delegation of **Paraguay** found the proposal by Cyprus to be interesting in principle and spoke in favour of increasing membership of the Subsidiary Body with two members from each region, which would broaden geographic representation as well as introduce co-responsibility. Referring to the document proposed by the Secretariat as a result of experience gained so far, the delegation of **Jordan** supported the amendment proposed by Cyprus. The delegations of **Niger**, the **Czech Republic** and **Oman** also voiced support in favour of the amendment by Cyprus.
304. As consensus was not obtained, the **Chairperson** suggested returning to the discussion later.
305. The delegation of **Spain** observed that there was a majority leaning towards the inclusion of two members from each electoral group.
306. The delegation of **Japan** informed the Committee that consensus – not a majority – had to be sought in order to proceed, and sought further discussion on the subject. Moreover, the delegation wished to hear argumentation as to why the Subsidiary Body should be expanded prior to discussions on improving the efficiency of the working methods.
307. With regard to the working methods of the Subsidiary Body, the delegation of **Morocco** understood the concerns raised and said that the issue of membership did indeed lean towards enlargement of membership even if consensus had to be reached.
308. Speaking from personal experience as a member of the Subsidiary Body in the two previous cycles, the delegation of **Kenya** cautioned the Committee, asking that it carefully consider the implications of having twelve members in the Subsidiary Body, as well as the effects on working methodology. Great efforts had gone into improving efficiency and the working methods of the Subsidiary Body and some of the steps taken by the Secretariat and the Subsidiary Body included the management and coordination of work; the Cyprus proposal appeared to increase rather than decrease the workload. The delegation suggested returning to the issue at a later time.
309. Responding to the concerns by Japan, the delegation of **Cyprus** explained that increasing the Subsidiary Body membership was not aimed at the number of nomination files but the quality of the whole review process, as it would provide a broader perspective.
310. The delegation of **Italy** wished to address the substantive problem, which was how to improve the effectiveness of the work of the Subsidiary Body in light of the heavy backlog of work, and said that once the decision was made, the technical formalities would have to be considered to address the working method. The Delegation noted that the great majority was in favour of increasing membership, yet it understood the concerns voiced by Japan and other States. It was confident that once the substantive decision had been taken, all the technical formalities would be addressed and solved. Moreover, if a substantive decision were not taken now, there was a risk of repeating the discussion of technical formalities because every solution would be dependent on the options open to the Subsidiary Body. Therefore it was logical to decide on the number of members now, followed later by the technical issues.
311. The delegation of the **Islamic Republic of Iran** reiterated its concern about the proposal by Cyprus, and stated that there was a need for a methodology in order to define every aspect of the work before considering the increase in membership, i.e. the contrary of the position held by Italy.
312. The delegation of the **Bolivarian Republic of Venezuela** began by greeting and thanking the Members of the Committee for their work in preparation of the present meeting as well as the host country. On behalf of the Latin American group, the delegation believed that the annual meeting of the Committee Members was insufficient and spoke of the initiative taken by the Latin American and Caribbean group to convene a regional meeting prior to the annual Committee sessions in order to discuss the issues, but also to support the regional members of the group. The group believed that better interaction between all the members representing each group was necessary. The delegation cited the example of Mexico when it

represented the entire region, as well as sharing its own experience as a former Committee Member within the group. The delegation supported the comment made by Paraguay to increase the number of members of the Subsidiary Body.

313. The delegation of **Japan** reminded the Committee that the current methodology of the Subsidiary Body was based on consensus, and asked Members to consider whether broadening membership would indeed facilitate consensus. If the answer was no, then this would raise the question of efficiency. Therefore, increasing the number of Member States and, at the same time, maintaining or enhancing efficiency and quality appeared to be an impossible task.
314. With regard to the question of the continuity of working methods raised by the delegations of Kenya and the Republic of Korea, the delegation of **Croatia** opined that it was not so important how the Subsidiary Body should work but how much work it currently undertook in carrying out its function, and whether the doubling of its members would in fact double the amount of work of the Subsidiary Body. As it currently stood, the Subsidiary Body was constrained by the time available to it for evaluations – considered to be a serious concern. The delegation therefore recommended further discussion on the working methods of the Subsidiary Body.
315. The delegation of **Spain** agreed with Japan that the ultimate goal was to ensure that the Subsidiary Body carried out its work effectively and efficiently so that it contributed to the Committee and the Convention, progressively forging a more sustainable way of working. However, given the diversity of opinions, a consensus had to be reached in order to enrich the final result and discussion and debate was a way of honouring intangible cultural heritage. The delegation appealed to the Chairperson to give the floor to the delegation of Mexico, a former Subsidiary Body Member with two years' experience.
316. The delegation of **Mexico** believed that the experience it had accumulated over two years had been clearly portrayed by the delegation of Kenya, and that there were detailed reports of the debates that took place. Moreover, this issue was not entirely new, as on the basis of the first year the Subsidiary Body had already pondered whether it was appropriate, wise and timely to increase the number of members given the huge workload. In the second cycle, difficulties were encountered by the Secretariat in analysing and processing the huge backlog of nominations, whose capacity was obviously dependent on the capacity of the Subsidiary Body. Although a clear consensus had not been reached in the debate, the delegation thought that progress had been made, with a tendency towards increasing membership per geographic region with the idea of creating greater convergence when debating extremely complex issues related to different and varied cultures. The delegation concluded that the more time given to look at and examine the files, the more likely it was that an appropriate balance and, in particular, a degree of objectivity, would be achieved. The delegation held the view that the issue should be tackled in the present session with an ensuing discussion on working methods, and that a transition period had been reached in the schedule of nominations, recalling that there was a deadline for receiving nominations to be processed in 2012.
317. In response to concerns raised by Japan on reaching consensus, the delegation of **Italy** suggested that by increasing the members of the Subsidiary Body, it was likely that it could work in a more effective way, and of course it was the Committee's duty to draft some working methods that would enable it to perform its tasks more efficiently, but it was obvious that reaching consensus would be more difficult. However, the solution could be to split the members into two chambers with the result that it could examine more nominations. It was the delegation's view that increasing membership would render the work of the Subsidiary Body more efficient.
318. The delegation of **Kenya** called for finding the correct balance in the relationship between the Secretariat and the Subsidiary Body such that the Secretariat, in communicating with fewer members of the Subsidiary Body, would find its task facilitated, and hence would perform

better. Concluding, the delegation said that coordination would be better achieved with six members.

319. The delegation of **China** agreed with Japan that the issue of efficiency was a big problem. It was common sense that a greater number of members would decrease efficiency. The delegation also shared the view of Kenya with regard to the relationship of the Subsidiary Body and the Secretariat, such that the greater the number of Subsidiary Body members, the more work it presented to the Secretariat. The delegation did not oppose any innovative or creative ideas, but felt that due consideration had to be given to the limited available resources and it therefore favoured rationalism in place of idealism. Moreover, maintaining the current mechanism in order to sustain the system at the present moment in time did not preclude looking into the situation at a later date – possibly at the Convention's tenth anniversary.
320. With regard to the supposed additional workload of the Secretariat, in view of an increase in the number of members of the Subsidiary Body, the delegation of **Cyprus** wished to invite the Secretariat to share its opinion, as it believed that the role of the Subsidiary Body was, on the contrary, to lessen the Secretariat's workload.
321. The delegation of **Croatia** stated that it seemed easier to work with more people in the first instance, but asked the former Chairperson of the Subsidiary Body, Ms Kristin Kuutma, whether she could share her own experience, although Estonia was no longer a Committee Member.
322. The delegation of **Paraguay** urged the Committee to consider the worthwhile comments made by Italy, which brought to mind judicial systems whereby a legal commission was set up and generally began its work as a tribunal or hearing and, as it progressed, a judicial dynamic would take shape and as the number of cases increased, a pragmatic decision would be taken to establish a more efficient process to speed up the system, giving rise to two tribunals and so on. The delegation believed that this comparison could help in finding a solution. The delegation congratulated the Subsidiary Body for its phenomenal work and rigour but, at the same time, it recognized that some were urging the Committee to increase the capacity of the body by increasing its membership. It agreed this would also bring about co-responsibility of the two elected members from each region. The delegation concluded by asking the Committee to think deeply about the proposal put forward by Italy as a basis for consensus and for a more efficient system based on two subsidiary bodies.
323. The delegation of the **Republic of Korea** noted two kinds of reasons for enlarging the Subsidiary Body: 1) for the sake of different perspectives, and 2) for greater efficiency, i.e. by dividing the Subsidiary Body into two groups. However, the delegation believed that two reasons cited were actually contradictory. In the first case, it assumes that all Subsidiary Body members would evaluate all files, and in the second case, the division of members into separate groups would mean that this would not be the case. Moreover, the issue of the workload of the Secretariat still remained – assuming that it played the same role as it had over the past two years. The delegation surmised that if the constitution of the Subsidiary Body were amended to include twelve members, then the role of the Secretariat, with regard to the evaluation of files, would also have to change as a result. The delegation asked the Secretariat to comment.
324. Before giving the floor to the Secretary, the **Chairperson** invited Ms Kristin Kuutma to respond to the invitation by Croatia.
325. With regard to the methods and the work requirements of the Subsidiary Body, **Ms Kristin Kuutma, the Chairperson of the outgoing Subsidiary Body**, agreed with the comments made by Kenya and the Republic of Korea, as they relevantly expressed the views and experiences of the previous Subsidiary Body. She believed that increasing membership of the Subsidiary Body would not necessarily resolve the issue because the preparation of the files for examination depended completely on the assistance provided by the Secretariat, whose workload would not be reduced as a result. One of the concerns encountered by the Subsidiary Body was the inadequate set up of the Secretariat, which did not make the

Convention really workable, manageable and responsive to the communities who are central to the success of the Convention. Ms Kuutma therefore suggested that the problem was being seen from the wrong angle. On the other hand, it was profoundly important that parts of the inscription criteria should not be changed because, having been debated by experts and Committee Members for several years, they represented core concerns in the make up of the submission files, and were compatible with the Convention in general and thus should be retained. Ms Kuutma suggested that the Committee should perhaps take into consideration a change to the whole system of evaluation and the working methods in order to bring in extra assistance that was available to the Committee from within the pool of accredited NGOs, experts, research centres and so on. The Members of the Committee forming the Subsidiary Body would then carry out an evaluation task that would be considerably less demanding. However, this still would not help the Secretariat. Moreover, the composition of the technical assistance provided to the Convention did not fulfil the requirements.

326. The **Secretary** agreed that the discussion showed that it was clear where the problems stood. In terms of the Secretariat's workload, the Secretary agreed with Japan that if the working methods to be adopted were unknown it would be difficult to ascertain the consequences for the Secretariat. With regard to increasing the membership, she understood that the proposal was made not merely to divide the work among the members but rather in order to bring more objectivity to the examination. With respect to the Secretariat, if the working methods of the enlarged Subsidiary Body were identical to the previous one, the workload for the Secretariat would be the same for each nomination in the registration phase and when asking submitting States for additional information, but would certainly increase when coming to the synthesis of the different opinions of the Subsidiary Body members, as the Secretariat would have to make a synthesis of twelve opinions instead of six. The Secretary outlined the work process: the nominations are received by the first deadline and registered, then all the documents are scanned and put online to avoid photocopies, including photos, and subsequently screened in order to verify that the documentation corresponds to the required conditions. The Secretariat therefore reads all nominations in order to verify that the different parts of the form are filled in correctly in the appropriate language and to identify, as requested by the Subsidiary Body, possible missing information needed for its appropriate examination. The Secretariat then sends letters to the submitting State for additional information. At the second deadline, a few weeks later, the revised nominations are again registered, scanned, put online and checked to ensure that the nominations are complete before they are passed on to the Subsidiary Body; the process described would be the same irrespective of the number of members of the Subsidiary Body. She indicated the small number of staff members of the Section of which four are almost exclusively dedicated to organizing the many statutory meetings over the year and five or six of the staff are dedicated, amongst other things, to examining nominations. The second phase is the communication with the Subsidiary Body. A first meeting is held in January for explaining their tasks ahead and the criteria for inscription (to make sure that they all have the same understanding of the criteria), the working methods and the calendar with which they must comply in order to assess the nominations. Then they enter in the examination phase, when they have the nominations, photos and films before them through a password-protected dedicated website the Secretariat set up. Each member of the Body has to go through all nominations criterion by criterion, determining if the criteria have been fulfilled and explaining their conclusion. Once they finished, the Secretariat collects their opinions and summarizes them in the form of a draft recommendation to be discussed when the Subsidiary Body meets in May. Here again there is a great deal of work for the Secretariat as the members of the Body work individually and when their opinions are collated, 85% of the time they have diverse opinions. Therefore the Secretariat has to come up with options for them. Once they meet in person in May, they review all nominations and comment on the draft recommendations. Particularly with respect to the nominations with diverse opinions, the discussions of the Body can be very long. After the meeting in May, the Secretariat has to produce revised recommendations based on their discussions, and once approved,

present them in the form of draft decisions for the Committee. All these documents have to be translated in both working languages of the Committee. In addition, the Secretariat prepares the report of the Subsidiary Body for its approval. The Secretary explained that the draft decisions submitted to the Committee are not drafted by the Body itself but by the Secretariat on the basis of what the members of the Body wrote and reflecting their opinions. Therefore in this system, increasing the number of members of the Body would increase the work to be done with regard to summarizing their opinions. Finally, with regard to a greater objectivity of the opinions, as raised by some members of the Committee, the Secretary informed the floor that very often the Subsidiary Body members work with a team at the country level and this objectivity could be ensured if each member of the Body made sure to have a broad-ranging team working behind them.

327. The **Chairperson** spoke of the complexities of the issues, and cautioned against arriving at a solution in haste. It was however up to the Committee to provide a solution.
328. The delegation of **Cyprus** thanked the Secretary for the clear and helpful explanation, which contributed to a better understanding of the Secretariat's work. With regard to the recommendations on the nominations, the delegation wondered why the Secretariat was drafting the summaries of the opinions of the Subsidiary Body members, suggesting that Subsidiary Body members, and in particular its Chairperson, should write the conclusions themselves.
329. The **Secretary** fully agreed that ideally it would be a task for the Subsidiary Body, but wondered if it was possible to ask the Chairperson of the Subsidiary Body to undertake the work that the Secretariat had difficulties in accomplishing.
330. The **Chairperson** remarked that the quality of the nomination files was key to the process.
331. The delegation of **Italy** did not agree with the statement made by the Chairperson and believed it was a question of *quantity* and not *quality*; the work of the Subsidiary Body being of the highest quality. Quantity was, on the other hand, the source of the problem, and the delegation cited the example of the Republic of Korea with thirty-seven nominations, India with seventeen, and twelve from China and therefore questioned *when* the backlog of nominations would be processed, as well as new nominations. The delegation agreed on the need to strengthen the Secretariat and wished to know from the Secretariat if dividing the Subsidiary Body into two chambers would facilitate its work.
332. The **Chairperson** agreed that it was indeed an issue of *quantity* as that this was affecting the *quality*.
333. The **Secretary** replied that if there were two Subsidiary Bodies, there would be a need for two secretariats as this would double the workload both upstream and downstream, i.e. there would be twice as many draft recommendations in addition to the preliminary work on the preparation of files, and so on. Moreover, having sub-groups would not respond to the question of the greater objectivity of the Subsidiary Body.
334. The delegation of **Cyprus** agreed with the remarks made by the Secretary.
335. Responding to the remarks made by Italy, the delegation of the **Republic of Korea** replied that there were two types of quantity relative to the Subsidiary Body and the Secretariat. According to the revised timetable decided at the third session of the General Assembly, it was calculated that the Subsidiary Body had time to process 105 files in 2011, as the previous timetable only provided 50 days for evaluation and in 2010 the limit was set at 54 nominations; one per day. So the problem of quantity did not apply to the Subsidiary Body, there was however an evident problem of workload.
336. The **Chairperson** reiterated the task of the Secretariat in preparing and receiving files as a gauge of the quality of the files.
337. The delegation of **Spain** thanked the Secretariat for the overview of the work processes, and wondered how the Committee could offer support to the Secretariat in each of the phases of work outlined in order to simplify or streamline the working methods, for example in the case

of digitizing files. The delegation believed that the plurality of opinions did not imply that there was no objectivity; the fact of having diverse opinions from the same regions could mean greater capacity to process files, which would have an effect on the outcome and not the workload, i.e. plurality does not in general oppose efficacy. Moreover, information technologies contributed in facilitating work. Plurality should not be excluded when looking for methodological solutions; they are compatible.

338. The **Assistant Director-General for Culture and representative of the Director-General**, Mr Francesco Bandarin, remarked that the situation was a common occurrence in Convention management. He agreed that this was indeed an issue of *quantity* at all levels of the process and, as such, it revealed the carrying capacity of the system, which had reached its peak. Increasing the number of nominations in the following year was simply not possible and would jeopardize *quality* and probably *quantity*. A possible solution was cited as one adopted by the 1972 Convention, which was to set a reasonable limit based on the capacity of the system. Another solution would be to increase capacity, which could be achieved by using external professional capacity, i.e. the pool of accredited NGOs, as much of the work of the Committee could be done by using external expertise. The representative of the Director-General surmised that finding a solution was inevitable as the system was currently unsustainable. In the long term, it was suggested that the Committee delegate the work externally rather than create new bodies that would only add to the overload, and in the short term, a limit could possibly be set that corresponded to the present capacity.
339. The **Secretary** cited the breakdown of nominations for the current session: 47 for the Representative List, 4 for the Urgent Safeguarding List, and one request for International Assistance, or 52 files in total, with no proposals for best practices. Meanwhile, nominations pending in the next session comprised 107 for the Representative List and 56 for the Urgent Safeguarding List, International Assistance and best practices: 163 nomination files in total, as compared to 52 for the current cycle. The Secretary was pleased to note the increase in the number of nominations to the Urgent Safeguarding List, requests for International Assistance and proposals of best practices.
340. The **Chairperson** urged the Committee to propose a solution to the impasse.
341. The delegation of the **Republic of Korea** fully endorsed the statement made by the representative of the Director-General, particularly in view of the proposed increase in the Subsidiary Body and, based on the comments, opinions, experience of speakers, the delegation requested that those delegations wishing to see an increase in membership of the Subsidiary Body withdraw their request for the present time, taking into account the current conditions rendering the move impracticable.
342. The delegation of **Grenada** commended the Chairperson for his skilful guidance of the debate and, after having carefully listened to the debate, agreed that the Committee needed to move forward to find a workable solution. The delegation understood the concerns expressed by Italy but the expert advice led it to believe that the time was neither conducive nor prudent to enlarge the Subsidiary Body membership; it endorsed the position voiced by the Republic of Korea. The delegation looked towards the recommendations by the representative of the Director-General as a possible solution in the face of the current challenge of *quantity*.
343. The delegation of **Cyprus** thanked the representative of the Director-General for his good proposal and agreed that it was unlikely that membership in the Subsidiary Body be increased, but suggested there could be scope for employing external experts, as in the case of the Urgent Safeguarding List. The delegation supported the idea of a consultative body of experts, which did not itself preclude an increase in the members of the Subsidiary Body.
344. The delegation of **Kenya** supported the proposal by the representative of the Director-General especially with regard to utilizing external capacities, as exemplified by the Urgent Safeguarding List, and supported an approach that did not add to the burden of the Committee and the Secretariat. The delegation of **Albania** also supported the proposal by the Republic of Korea, and remarked that even if the Subsidiary Body were to manage and

treat many more nominations, it would be impossible for the Committee to follow and examine greater numbers.

345. The delegation of **Spain** wondered in what way the workload would be improved by relying on external expertise, not least because the increase of members in the Subsidiary Body would comprise more experts from different countries and provide a broader perspective.
346. The **representative of the Director-General** noted that the Committee had already set up an expert consultative body for the Urgent Safeguarding List and best practices, but it had been decided not to set up a similar body for the Representative List despite the fact that the latter represented the bulk of the work. However, at some point in time it could be open for reconsideration as a possible solution to tackle the issue of quantity, which obviously could not be immediately achieved, as it required a change in the Operational Directives. He suggested an intermediary solution whereby the Subsidiary Body would be supported by consultants using the resources of the Committee, which would facilitate the complex work of putting together the divergent advice and opinions, and would ease the workload. However, a long-term solution could be a consultative body for the Representative List as the Committee would still retain its ability and power to evaluate the nominations positively or negatively, which proved to work for the 1972 Convention, with the Committee receiving highly thorough, complete and professional files. The diverse organs all have clear roles: the Secretariat follows the procedure, the advisory bodies conducts technical evaluations and the Committee takes political decisions. In the case of the Representative List, the representative of the Director-General explained that a mixed system had been adopted that produced an overload for the Committee and, consequently, the Secretariat. He recommended retaining the present system, but with a request to the Secretariat to prepare an outline of a possible consultative body for consideration at the next session.
347. The **Chairperson** understood the desire to have a different system in place but said that eventually a system proved itself as the best solution and, in this case, could be exemplified by the establishment of a consultative body.
348. The delegation of **Morocco** paid tribute to the Subsidiary Body, the Chairperson of the Subsidiary Body and the Secretariat for their work adding that it was never its intention to question the quality of the work carried out by the Subsidiary Body. The delegation agreed with the statement by Cyprus with regard to the greater plurality of opinions, a reduction in the workload, and the evaluation of a greater number of files given that the capacity of the Subsidiary Body is below the expectations of the States Parties. The delegation questioned the composition of the consultative body in which members would have different working methods in the evaluation of nominations, and thus raised an important issue on the coherency of Committee's work. Noting the presence of the delegation of France, the delegation asked the Chairperson to allow observers to take the floor in order to benefit from the experience of Mr Chérif Khaznadar, former Chairperson of the General Assembly.
349. The delegation of **Azerbaijan** concluded that it appeared to be better for the Secretariat and the Committee to have an enlarged Subsidiary Body and it therefore supported the proposal of Cyprus. The delegation proposed to establish a Subsidiary Body with twelve members on an experimental basis for a period of one year; the feasibility of which would be decided upon at the next session.
350. The delegation of **Italy** wished to exercise some flexibility and agreed with the representative of the Director-General that the future would inevitably rely on the inclusion of external consultative experts given the high number of nominations. The delegation asked the Members to consider the establishment of a working group that would revise the working methods of the Committee with regard to nominations, and present a report with a proposal at the next meeting of the Committee. However, there was the urgent problem of what to do in 2012 with the backlog of 107 files, with a further 163 files anticipated, totalling 270 files. It was therefore important to distinguish between the long-term solution and the immediate problem. The delegation still maintained its position in favour of a 12-member Subsidiary

Body, in addition to a consultative body of experts adopted on a provisional basis in the coming year.

351. The delegation of **France** thanked Morocco for the invitation to speak and recalled the two occasions during which this issue was debated, i.e. changing the way in which the Subsidiary Body worked in order to lighten the workload of the Secretariat while maintaining the capacity of examining nomination files, which were complementary and could not be separated. Furthermore, increasing the capacity of the Subsidiary Body could only be achieved if the means for doing so were established; with the likelihood that the problem will worsen with time. Therefore, the only solution was to resolve the immediate situation, for example, by setting up a working group over the next few days to work out the modalities in terms of the functioning of the Subsidiary Body in order to lessen the work of the Secretariat and increase the effectiveness of the Subsidiary Body.
352. In order to break the deadlock, the delegation of **Belgium** supported the suggestion by France to come up with specific proposals. On behalf of the Asia-Pacific group, including non-members of the Committee, the delegation of the **Republic of Korea** supported the creation of the working group.
353. The **Chairperson** therefore asked that the working group be composed of one person from each electoral group.
354. The delegations of **Morocco**, the **Republic of Korea** and **Italy** recommended that the working group also include representatives of States Parties with broad and valuable experience of the Convention.
355. The **Chairperson** therefore announced an open-ended meeting to take place in the same room.
356. The delegation of **Japan** supported the proposal of an open-ended working group, which was the same methodology as adopted in Abu Dhabi, and asked that an inter-sessional meeting be considered an option in the event that some aspects of the issue remained unresolved.
357. The **Secretary** informed the Committee that the proposal to continue the debate during the lunch break was not possible for reasons of interpretation. The Secretary therefore proposed a session later in the day from 6 p.m. onwards for a period of two to three hours, with interpretation in four languages in the first hour, and English and French interpretation only in the subsequent hours.
358. The **Chairperson** informed the Committee that the meeting would continue at 3 p.m. with item 8. The morning session was thus duly adjourned.

[Wednesday, 17 November 2010, afternoon session]

ITEM 6 OF THE AGENDA (CONT):

EVALUATION OF NOMINATIONS FOR INSCRIPTION IN 2010 ON THE REPRESENTATIVE LIST OF THE INTANGIBLE CULTURAL HERITAGE OF HUMANITY

Documents [ITH/10/5.COM/CONF.202/6](#)
 [ITH/10/5.COM/CONF.202/INF.6](#)
Decision [5.COM 6](#)

359. The **Chairperson** returned to draft decision 5.COM 6 and invited the Committee to comment.
360. The delegation of **Morocco** informed the Chairperson that the proposed amendments had not been circulated as had been proposed in the morning session. The Secretary confirmed its circulation but the debate was further adjourned to allow additional time for its study. The Chairperson then proceeded to the debate on item 8.

ITEM 8 OF THE AGENDA:

EVALUATION OF INTERNATIONAL ASSISTANCE REQUESTS GREATER THAN US\$25,000

Documents [/ITH/10/5.COM/CONF.202/8](#)
 [/ITH/10/5.COM/CONF.202/INF.7](#)
Decision [5.COM 8](#)

361. The **Chairperson** turned to another important item, the evaluation of International Assistance Requests greater than US\$25,000, and recalled that the General Assembly had dedicated for the period 1 January 2010 to 31 December 2011 a total amount of about US\$2.5 million for international assistance purposes. However, only 5% of those funds had been granted to States Parties by the Bureau of the fifth session of the Committee with few States Parties taking advantage of the opportunity available to them, despite the immense needs among developing States for such assistance. The Chairperson congratulated Belarus for request for international assistance, which had been examined by examiners appointed by the Committee at its fourth session. The task was therefore to evaluate the criteria for international assistance in the light of the examination reports. The Chairperson recalled that there were seven criteria, ranging from community participation in the preparation and implementation of the proposed activities to their contribution to capacity building in the field of intangible cultural heritage, noting that it was not necessary to meet all seven criteria to approve the International Assistance Requests. The Chairperson invited the Secretary to present the background to the request. [Refer to the documentation on the International Assistance Request]
362. The **Secretary** explained that at the deadline [1 May 2009] for International Assistance Requests for amounts greater than US\$25,000, the Secretariat had not received any requests, receiving a single request on 5 May 2009 submitted by Belarus for ‘Establishing the national inventory of the intangible cultural heritage in Belarus’ for an amount of US\$133,600 [file number 00332]. The Secretariat took the initiative to proceed with the request – despite its late submission – and the Committee by its Decision 4.COM 17 during its fourth session in 2009, designated two examiners and one alternate to treat the request. The examination of the file was processed in the same way as the examination of files on the Urgent Safeguarding List. The Secretariat established contracts with the designated examiners and provided a password-protected website allowing examiners access to the files. Based on the preliminary examination by the examiners, the Secretariat invited Belarus to provide [before 30 April 2010] additional information, which was made available to the examiners, and requested that the examiners submit a draft examination report by 31 May 2010. These were posted on the website and made available to all examiners, not only for International Assistance Request but also for Urgent Safeguarding List. The two examiners participated in the meeting of examiners organized on 5 July 2010, and the report of the meeting of examiners was made available on the Convention’s website as document INF.5. The examiners were requested to finalize their report by 15 July 2010 and the reports were shown to Belarus. The working document ITH/10/5.COM/CONF.202/8 included a brief overview of the request’s history, together with the reports of the two examiners. For the request, the Secretariat elaborated a draft decision, attempting to synthesize the perspectives of the two examiners, and in order to address the administrative constraints under which the Secretariat worked. Both examiners were present at the session; one of the examiners was invited to present its report. The second examiner was also welcome to provide supplementary comments and answer any questions.
363. The **Chairperson** introduced the examiners, Mr Jean Roche from the Association nationale cultures et traditions (France), who was joined on the podium by the second examiner, Ms Dace Bula from the Institute of Literature, Folklore and Art (Latvia).
364. **Mr Jean Roche** began by thanking the Kenyan authorities and the Committee for entrusting them with the work, and the Secretariat for its support. Introducing the request, the Examiner explained that the national inventory would identify and protect all intangible cultural heritage elements in Belarus with a focus on safeguarding. As regards **background and rationale**,

the State Party had provided a coherent description of the need to pool the work carried out since 1960, and it distinguished the needs of the elements depending on urgent and less urgent needs. The project proposed that the elements be identified and selected in different stages, throughout the territory's six ethnic regions. The method was centred around the participation of and sharing of resources and funds by State institutions, communities, local associations and persons, who were repositories of such knowledge. As regards **objectives and expected results**, it also provided for an operational structure that would take into account the safeguarding of the elements and the first phase of identifying, selecting, inventorying and establishing a database for intangible cultural heritage. The proposal was therefore in line with expected outputs in the first phase of the project as well as the long-term objectives. However, it was considered necessary to monitor action taken after the inventory and database establishment phase in order to assess the expected long-term impacts. The request showed consistency between the objectives, the expected results and the proposed activities. The State Party had taken account of the recommendation in the examiners' preliminary report on the phasing of the safeguarding activities. The State Party gave a breakdown of its inventory into two distinct types of data: an initial selection of data, from existing collections, and identification of new intangible cultural heritage elements, involving individuals and local communities. Moreover, its publication (national and international) seemed to be consistent with objectives and expected results. Similarly, an Internet website would be established, as well as workshops with the local community and an international seminar. As regards **community involvement**, a survey of the knowledge-bearing communities, groups and individuals, local associations and institutions involved in protecting the intangible cultural heritage locally had shown the climate as quite conducive to participation in the project. In fact, before the project was initiated, the communities were canvassed by means of a questionnaire about their perception of the need to safeguard their intangible cultural heritage. This collaboration seemed to have been successfully carried over into the process of identification and collection, through the use of workshops held in the local communities. The measures contemplated by the submitting State seemed to provide the necessary bases for putting in place a long-term project. As regards **implementing organization – partners** it was clear that all partners involved had considerable experience of intangible cultural heritage research and collection. The coordination arrangements to be put in place were well defined. The project also covered work in pooling material locally between more specific partners (museums, associations, clubs, etc.) stressing the essential work on the ground. However, no specific details were given on the role and involvement of partners at ground level. As regards **monitoring, reporting and evaluation**, the State Party identified the organizations responsible for the project, with the Ministry of Culture of the Republic of Belarus responsible for evaluating the preparatory and roll-out phases; the National Commission of the Republic of Belarus, responsible for evaluation and scientific analysis. The Examiner considered that the evaluation tools and methods were coherent, though no evaluation indicators had yet been put in place to measure the impact of the activities and the level of success in achieving project objectives. As regards **capacity building**, the proposal would help build institutional capacities to safeguard intangible cultural heritage as well as help establish a nationwide intangible cultural heritage inventory while enhancing the sense of regional identity. The experimental working methods would also build local capacities to safeguard intangible cultural heritage. The publication of the project's outcomes on the Internet and the establishment of local workshops would also build local communities' capacities to take part in the definition of their own intangible cultural heritage. The production of educational tools designed to build teachers' capacities in regard to intangible cultural heritage seemed to be one of the strengths of the project. As regards **sustainability**, it was sufficiently clear that the project would have lasting value and that the inventory and database would evolve and be constantly updated to take account of new inventoried elements. As regards **multiplier effects**, expected multiplier effects were identified as raising awareness and spreading, promoting and safeguarding intangible cultural heritage among all people in Belarus. To conduct the activities detailed, the State of Belarus planned to release funds, including some from its own public programmes, to promote tourism and local development through the promotion of activities and events based

on traditional culture. As regards **timetable and budget**, the budget was fully in line with the activities proposed, though the workplan was not very clear, for example, on the funds from the State Party. It was reported that the tools and publications that complement the completion of the inventory and the establishment of the database must be of high quality if the objectives of the first phase of the project were to be achieved, but this expenditure item was not clearly provided for. As regards the **overall recommendation**, it was noted that the revised request was an improvement on the original file. In addition, the Examiner believed that the consideration given to the specific characteristics of the country's six regions would have a major impact on respect for cultural diversity, which in turn would enhance the overall vision of the national culture of Belarus. Responding to the request, UNESCO would not only allow the requesting State to proceed with the financial and operational implementation of the project, but will give an example of what can be achieved in neighbouring countries wishing to put into practice the recommendations of the 2003 Convention. Moreover, the inscription in 2009 of the 'Rite of the Kalyady Tsars (Christmas Tsars)' on the Urgent Safeguarding List would inevitably encourage Belarus to take effective action along the lines recommended by the Secretariat and the appointed examiners. The Examiner concluded that a final evaluation of the project should be requested in order to ascertain that examiners' comments were taken into account, as well as the technical and financial participation of the stakeholders. Nevertheless, the Examiner gave a positive response in the report to all the items.

365. **Ms Dace Bula** suggested that the State Party be given an opportunity to clarify the timeframe of the project; provide a more detailed budget breakdown; harmonize the activity description with the budget and workplan. With regard to the timeframe, the project implementation appeared in a logical and feasible sequence, but the submitted documents failed to provide a clear and consistent vision and there were some noted inconsistencies in the timetables provided, for example, the State Party affirmed its intention to contribute funding but this had not been included in the budget breakdown. In addition, it was deemed difficult to evaluate the appropriateness of the requested amounts, and more information was needed for budget items 1–4 and 9. Moreover, some activities were not clearly described, for example, it had not identified the persons running the workshops, and no rationale had been given on the international seminar. Despite the inconsistencies, the overall recommendation was positive for many reasons: the establishment of the inventory was in line with the Convention; the well-conceived plan appeared to be a reasonable outcome of the project; the implementation plan was based on a logical sequence of activities; the project included community involvement; and the project envisaged lasting results, i.e. would have a positive impact on capacity building. Moreover, the State Party had shown its willingness to submit a revised project proposal that took into account all the concerns, which convinced the examiners to recommend the request.
366. The **Chairperson** thanked the examiners for their clear reporting and noted the inclination towards a favourable recommendation despite the fact that both examiners had raised important concerns on a number of issues. The draft decision drawn up by the Secretariat therefore reflected those concerns. The Chairperson opened the floor to the Committee for comment.
367. The delegation of the **Republic of Korea** commended Belarus for its commitment towards safeguarding intangible cultural heritage and believed that the funds would contribute towards this objective in the spirit of the Convention. The delegation also supported the opinion of the examiners, and asked the Secretariat whether beneficiary countries of funds greater than US\$ 25,000 were obliged to submit financial accounts.
368. Replying to the question, the **Secretary** explained that a contract would be established with the State Party concerned wherein it would stipulate that the allocated funds had to conform to the plan contained in the request, which may be revised should the Committee recommend adjustments in the draft decision. The Secretary informed the Committee that the State Party would receive an advance of the funds, which would be subject to review, with the remaining funds provided based on the financial report having satisfied the plan submitted. This provision covered the request by the Republic of Korea for a financial report.

Moreover, States Parties were subjected to periodic review in which spent funds would be reported. The Secretariat therefore had the responsibility of ensuring that the funds were correctly assigned and spent.

369. There were no further comments and the Secretary proceeded to read the decision on a paragraph-by-paragraph basis. Following the reading of the decision, and seeing no further comment or objection, the **Chairperson** declared **Decision [5.COM 8](#) adopted** by the Committee to approve the International Assistance Request of US\$133,600 from **Belarus**.
370. The delegation of **Belarus** (observer) spoke of the importance of the request and thanked the Committee for its support, understanding and trust, and understood the responsibility that it entailed. The delegation spoke of the wealth of intangible cultural heritage in Belarus as a trans-border space between the East and West, and took the opportunity to introduce the new structure for the implementation of the plan by the State Institute for Cultural Affairs of Belarus supervised by the Ministry of Culture.

ITEM 9 OF THE AGENDA:

ESTABLISHMENT OF A CONSULTATIVE BODY FOR THE EXAMINATION IN 2011 OF NOMINATIONS FOR INSCRIPTION ON THE LIST OF INTANGIBLE CULTURAL HERITAGE IN NEED OF URGENT SAFEGUARDING, PROPOSALS TO THE REGISTER OF BEST PRACTICES AND REQUESTS FOR INTERNATIONAL ASSISTANCE GREATER THAN US\$25,000, AND ADOPTION OF ITS TERMS OF REFERENCE

Document [/ITH/10/5.COM/CONF.202/9](#)
Decision [5.COM 9](#)

371. The **Chairperson** presented item 9 and began by recalling that the General Assembly had adopted new Operational Directives in June 2010 that had changed the procedures in the examination of nominations to the Urgent Safeguarding List, proposals for the Register of Best practices and International Assistance Requests greater than US\$25,000. The Chairperson repeated his thanks to all the examiners who provided their advisory services for the nominations to the Urgent Safeguarding List inscribed on Monday 15 November and the international assistance request approved in the morning session. It had been noted that, notwithstanding the quality of their individual services, having two independent examiners conducting their examinations in parallel, and largely in isolation, revealed some shortcomings, which the General Assembly had tried to address with the new procedure that intended to bring greater coherence and continuity to the task, hopefully demonstrated over the coming years. The Chairperson invited the Secretary to introduce the background to item 9.
372. Having accepted the proposal of the Committee's open-ended working group, the **Secretary of the Convention**, Ms Cécile Duvelle, explained that the General Assembly in June 2010 had adopted the revised Operational Directives for procedures related to the examination of nominations to the Urgent Safeguarding List, the Register of Best practices and requests for international assistance. The procedure formerly in place for the Urgent Safeguarding List and international assistance called for the Committee to appoint two examiners who, working independently and in parallel, would present their recommendations to the Committee. In some cases the appointed examiners had some familiarity with the Convention, but in many cases it was their first real contact with the Convention and the Operational Directives. They were appointed for their general knowledge of intangible cultural heritage and/or their specific knowledge of the element under nomination; however it was seen as likely that they would have different interpretations of the Convention and the inscription criteria. In the case of largely shared opinions, their recommendations could easily be synthesized, but this task was made more difficult in the case of divergent conclusions.
373. The **Secretary** further explained that the previous procedure for examination of the Register of Best Safeguarding Practices – examined by a working group set up during a Committee session – sufficed in Abu Dhabi when there were only three proposals, but with fifteen such

proposals in the current cycle it was clear that another examination process was required. The process adopted by the General Assembly in June 2010 called for all these files to be examined by a consultative body to be appointed by the Committee and set up on a trial basis. Paragraph 26 of the Operational Directives specifies that, ‘the Committee shall select six independent experts and six accredited NGOs as members of the Consultative Body at each session, taking into consideration equitable geographical representation and various domains of intangible cultural heritage. The duration of office of a member of the Consultative Body shall not exceed 24 months. Every year, the Committee shall renew half of the members of the Consultative Body’.

374. The **Secretary** recalled that the Committee would already establish the Subsidiary Body in the present session, whose Rules of Procedure allowed the Committee to establish *ad hoc* consultative bodies, requiring only that the terms of reference, mandates and duration of office be adopted at the time of establishment. In order to carry out the wishes of the General Assembly, the Committee was thus faced with the challenge of setting up a system of rotation and renewal without establishing a standing body; the Convention did not provide for any standing bodies other than the General Assembly and the Committee. The Secretary therefore proposed that each year the Committee should re-establish the Consultative Body for a mandate of one year, re-adopting its terms of reference and re-appointing half of its members. In this way, the instructions of the General Assembly would be respected, as formulated in [paragraph 26](#) of the Directives, without falling foul of the Convention itself.
375. The **Secretary** proceeded to present the draft terms of reference, which was displayed on the screen [refer to document [ITH/10/5.COM/CONF.202/9](#)]. It was noted that its structure closely resembled the terms of reference of the previously adopted Subsidiary Body, with the noted exception that the composition was in line with the Operational Directives, and the responsibilities of the Consultative Body concerned the Urgent Safeguarding List, the Register of Best practices, and international assistance greater than US\$25,000 and *not* the Representative List. The Secretary turned to the Chairperson suggesting that the Committee first debate, then adopt, the terms of reference before appointing the six experts and six accredited NGOs.
376. The **Chairperson** concurred with the proposal and noted that the terms of reference closely resembled the corresponding language of the Operational Directives. The Chairperson proposed to begin with the paragraphs of the terms of reference, opening the floor to Members proposing amendments following each paragraph.
377. The **Secretary** then proceeded to read out paragraph 1 of the terms of reference of the Consultative Body.
378. There were no voiced comments or objections. The **Chairperson** thus pronounced **paragraph 1 adopted** by the Committee.
379. The **Secretary** proceeded to read out paragraph 2.
380. The delegation of **Morocco** asked the Secretariat for some clarification on the use of ‘if necessary’ and wondered whether it could be decided upon at the present time.
381. As there were no rules governing the Consultative Body, the **Secretary** replied that it was up to the Committee to decide whether it wished to delete ‘if necessary’ or allow the Consultative Body to decide on the appointment of a rapporteur.
382. There were no further comments or objections. The **Chairperson** thus pronounced **paragraph 2 adopted** by the Committee.
383. The **Secretary** proceeded to read out paragraph 3.
384. There were no further comments or objections. The **Chairperson** thus pronounced **paragraph 3 adopted** by the Committee.
385. The **Secretary** proceeded to read out paragraph 4 in its entirety.

386. The delegation of the **Islamic Republic of Iran** highlighted a typo error – to replace ‘as’ with ‘an’ in paragraphs 4b and 4c, which was accepted by the Chairperson.
387. The **Secretary** proceeded to read out paragraph 5 followed by paragraph 6. There were no comments or objections to either paragraph.
388. The **Chairperson** thus pronounced **paragraphs 4, 5 and 6**, and therefore the terms of reference as presented, **adopted** by the Committee.
389. The **Secretary** then proceeded to the second part of item 9 and the appointment of the twelve members of the Consultative Body, as outlined in the terms of reference: six individual experts and six accredited NGOs. The Secretary reminded Members to take into account the principle of equitable geographic representation and the broad experience of the different domains of intangible cultural heritage. The Secretary briefly explained the pre-selection of the twenty-four candidates presented for the twelve positions, i.e. four from each electoral group. The Secretariat had access to a pool of ninety-seven accredited organizations for the NGO candidates and a database of some 1200 names for candidates among the individual experts, of which more than one-third had been recommended by States Parties over the past few years. In either case, priority was awarded to those with prior experience in the examination of Urgent Safeguarding List nominations or IA requests in 2009 or 2010. For those regions with no prior Urgent Safeguarding List nominations or IA requests, and consequently no experienced examiners, the Secretariat drew upon the names of experts who had closely followed the Convention or participated in UNESCO expert meetings and training workshops, and who had broad knowledge of intangible cultural heritage domains, rather than those that were highly specialized in only a single domain.
390. The **Secretary** further explained that having initially identified forty-eight potential candidates for each electoral group – half NGOs and half experts – the Secretariat sought to achieve gender parity among the individual experts. The first four names in each electoral group were then contacted, and the nature of the task and its proposed timetable was explained. All of those contacted confirmed their availability and agreed to present their candidature for appointment [refer to Annex 2 of document [ITH/10/5.COM/CONF.202/9](#) for the complete list of proposed candidates]. The Secretary made clear that the list of candidates as presented was not limited and that the Committee was free to nominate other candidates if it so wished. However, there was a certain degree of risk that other nominated examiners be unavailable or unable to take on the substantial work demanded of them.
391. The **Secretary** wished to highlight that three individual experts and only one accredited NGO had been named in Group V(b), which was due to the fact that the Arab States were under-represented with only one NGO receiving accreditation by the General Assembly in June 2010. The Secretary explained that the Committee had a certain degree of flexibility in its selection; it had an obligation to appoint six accredited NGOs and six individual experts, of which two members would be appointed from each electoral group to respect the principle of equitable geographic representation, but it could choose to name two experts from one electoral group and two NGOs from another, as long as the totals were respected. In order to preserve maximum flexibility, the Secretary proposed that the Committee first begin to appoint the candidates from Group V (b).
392. The **Chairperson** thanked the Secretary for the clear introduction and informed the Committee that at the Bureau meeting in the morning session, the delegation of the Republic of Korea had raised concern over the selection procedure as it appeared difficult to have a substantive discussion on the merits of each of the candidates as they were all equally qualified. However, as the Secretariat had determined that all twenty-four of the candidates were qualified and available, the Chairperson made an open suggestion to the Committee to decide whether they would prefer to draw lots or discuss the profile of each candidate individually in the process of selection.
393. The delegation of **Cyprus** sought clarification in the suggestion that two NGOs could be chosen from the same group as long as there were six NGOs in total, yet it seemed more

judicious to have one NGO from each electoral group. The delegation also had concerns about the case of V(b) with only one NGO.

394. The **Secretary** explained that in any case only two candidates per group could be appointed, and in the case of V(b), either two individual experts or one expert and one NGO could be appointed by the Committee. The Secretary confirmed that the Consultative Body had to be composed of six NGOs and six individual experts – two per electoral group. Referring to the Bureau meeting where the question of having an alternate was raised, in case the selected candidate was unavailable, the Secretary gave thought to the principle but felt that this was unnecessary as the candidates had already made their availability known prior to their pre-selection.
395. The delegation of **Jordan** asked whether the selection procedure as adopted would be permanently applied to appointments to the Consultative Body in the future.
396. The **Secretary** replied that the decision would reside with the Committee, and it was up to the Committee to appoint six new members, possibly three individual experts and three NGOs, in the following year. The decision to either draw lots or examine the candidates at length was not permanent and the procedure could effectively be changed in the following year.
397. The delegation of **China** asked whether it was possible to allow the electoral groups some time for internal discussion.
398. The **Chairperson** granted the Committee Members a ten-minute pause for group consultations.

[10-minute pause]

399. The delegation of Morocco spoke of the somewhat difficult and awkward process of selecting candidates among those present at the session, and thus the decision to draw lots prevented any ill-ease. On behalf of **Group V(b)**, the delegation announced the selection of **Mr Abderrahman Ayoub** from Tunisia and the NGO, **Association Cont'Act pour l'éducation et les cultures**, from Morocco [refer to Annex II of this document for a brief description of each selected candidate].
400. On behalf of **Group I**, the delegation of Cyprus announced the selection of **Mr Pablo Carpintero**, and the NGO, **Maison des cultures du monde** from France.
401. On behalf of **Group II**, the delegation of Croatia selected **Ms Rusudan Tsurtsunia** from Georgia and the NGO, **Česká národopisná společnost** from the Czech Republic.
402. On behalf of **Group III**, the delegation of Paraguay announced the selection of **Mr Guillermo Sequera** from Paraguay and the NGO, **Fundación Erigaie** from Colombia.
403. On behalf of **Group IV**, the delegation of the Republic of Korea announced the selection of **Ms Adi Meretui Ratanabuabua** from Fiji, and the NGO, **Craft Revival Trust** from India.
404. On behalf of **Group V(a)**, the delegation of Madagascar announced the selection of **Ms Claudine-Augée Angoue** from Gabon and the NGO, **African Cultural Regeneration Institute – ACRI** from Kenya.
405. The **Secretary** then proceeded to read out the draft decision, including the names of the appointed members to the Consultative Body (as cited above) but not their nationalities, as they did not represent their countries.
406. There were no comments or objections. The **Chairperson** thus pronounced **Decision 5.COM 9 adopted** by the Committee.
407. The session item was thus duly closed by the **Chairperson**.

[Wednesday, 17 November 2010, afternoon session – 5 p.m.]

**ITEM 10 OF THE AGENDA:
REFLECTION ON THE CRITERIA FOR INSCRIPTION AND DEFINITION OF ‘EMERGENCY’
FOR REQUESTS FOR INTERNATIONAL ASSISTANCE**

Documents	ITH/10/5.COM/CONF.202/10 Part I ITH/10/5.COM/CONF.202/10 Part II
Decisions	5.COM 10.1 and 5.COM 10.2

Part II of item 10

408. The **Chairperson**, Mr Jacob Ole Miaron, presented item 10, which included two sub-items inviting the Committee, in Part I, to reflect upon the possibility of revising the inscription criteria for the two Lists, as requested by the General Assembly in its Resolution [3.GA 5](#); and in Part II, to adopt a working definition of ‘emergency’ for the purpose of determining what kinds of international assistance requests could appropriately be the subject of expedited evaluation. It was understood that the two topics were put together because they both involved possible revision or interpretation of the Operational Directives. The Chairperson proposed to begin with Part II, considered the easier of the tasks, followed by discussions on Part I.
409. The **representative of the Secretary**, Mr Frank Proschan, introduced the background information on part II, which concerned the definition of ‘emergency’ for the purposes of international assistance. He recalled that [Article 22.2](#) of the Convention granted priority to requests for international assistance in the case of emergencies. When the General Assembly adopted and revised the Operational Directives in June 2008 and June 2010 respectively, it created a special expedited procedure for evaluating and approving international assistance requests in emergency situations, according to which requests may be submitted at any time, without regard to the normal annual deadline for requests greater than US\$25,000 (paragraph 47), and are evaluated and approved by the Bureau of the Committee (paragraphs 49 and 50) rather than having to wait for a meeting of the Committee itself. Although the procedures were clear, the definition of ‘emergency’ was less clear, and the Secretariat had noticed that submitting States tended to formulate erroneous ‘emergency’ requests when they were in fact long-term assistance requests. The Secretariat suggested that the Committee adopt the definition as a decision of the Committee, rather than a proposal to the General Assembly to amend the Operational Directives; this simplified procedure was seen as a speedier response to the issue in the event a future revision was required. At the same time, a decision by the Committee would provide a clear reference for submitting States, the Bureau and the Secretariat. It was noted that, to date, no State Party had submitted such a request (other than the erroneous occasions previously mentioned). The need to act quickly was obviously an important consideration in such an ‘emergency’ situation. With regard to the definition, the Secretariat had looked to two other references: the 1972 Convention, which has a provision similar to that in the 2003 Convention in its Article 21.2; and the Participation Programme of UNESCO, which makes funds available to Member States in case of emergencies. As a result, the Secretariat drew up a draft definition of ‘emergency’, echoing the two precedents, and provided non-exhaustive examples of emergency situations (paragraph 3 of draft decision 5.COM 10.2). It was emphasized that in no way did this definition alter the criteria used by the Bureau to decide whether or not to provide assistance from the Intangible Cultural Heritage Fund. The definition would simply allow everyone concerned to have a clearer idea of what types of ‘emergency’ situations were eligible for priority submission without a deadline and for evaluation by the Bureau.
410. The **Chairperson** highlighted the fact that the Secretariat had raised this matter in order that States Parties, the Bureau and the Secretariat operated on the same understanding of what constituted an emergency and would thus warrant evaluation by the Bureau on a priority basis through the special expedited procedure laid out in the Operational Directives. The

Chairperson agreed that the definition need not be carved in stone in the Operational Directives but could take the form of an adopted decision, which could easily be revised at a later meeting. The Chairperson invited Committee Members to comment on the draft decision by focusing on the draft definition rather than embarking on a long discussion on procedures. The decision text was displayed on the screen.

411. The delegation of **Morocco** thanked the Secretariat for the presentation of the item and agreed about the need to define 'emergency' in such infrequent situations, such as catastrophes that affected intangible cultural heritage. The delegation proposed an amendment to the wording of the decision to take on board the concerns of the States Parties to the Convention.
412. The delegation of the **Czech Republic** proposed to replace the word 'pestilence' with 'serious epidemic'.
413. The **representative of the Secretary** began reading out the decision and notably paragraph 3, which took into consideration the proposed amendments by the delegations of Morocco and the Czech Republic, which read: 'When a State Party cannot overcome on its own an insurmountable circumstance due to a calamity, a natural or an environmental disaster, an armed conflict, a serious epidemic, or any other natural or human factor which endangers the intangible cultural heritage, as well as communities, groups, and if applicable, individuals who are the bearers of this heritage.'
414. In response to the amendment proposed by Morocco, the delegation of **Azerbaijan** asked for clarification as to who precisely would determine whether the State Party was in need of priority assistance.
415. The delegation of **Italy** accepted the proposal to define 'emergency' but noted that the definition as proposed by Morocco was not the same as was initially proposed in the draft decision, whereby the 'insurmountable circumstances should have catastrophic consequences' whereas the proposed form read, 'endanger intangible cultural heritage', which, according to the delegation, was a substantive difference in interpretation. In addition, the delegation wished to replace the word 'factor' with 'event'. The delegation spoke in favour of keeping the reference to 'catastrophic' as it encompassed the emergency situation.
416. The **Chairperson** therefore asked the delegation of Morocco whether it had any objections to retaining the original wording. The delegation of **Morocco** voiced no objection.
417. The delegation of the **Republic of Korea** agreed with the suggestion made by Italy.
418. As there were no further objections, the **Chairperson** declared **decision [5.COM 10.2](#) adopted**, as amended by the Committee, and returned to part I of item 10: Reflection on revising the Operational Directives concerning the criteria for inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and the Representative List of the Intangible Cultural Heritage of Humanity.

Part I of item 10

419. The **representative of the Secretary** introduced the discussion by recalling the expert meeting and series of working group meetings that had taken place over the course of 2010 during which a number of suggestions for possible revision of one or more of the criteria for inscription on the Representative List and Urgent Safeguarding List were discussed. The results of those meetings were presented to a working group of the General Assembly and to the General Assembly itself when it met in June 2010. It was generally agreed that although it was timely to reflect upon the criteria adopted by the General Assembly in June 2008, a hasty revision, prior to the third session of the General Assembly in 2010, was unwarranted, with participants preferring instead a process of deliberation and reflection. The General Assembly therefore called upon the Committee to commence a reflection on revising the criteria for inscription on the two lists of intangible cultural heritage, and to report on this reflection at the next session of the General Assembly.

420. The **representative of the Secretary** informed the Committee that agenda item 10 thus responded directly to the call made by the General Assembly in its Resolution [3.GA 5](#). Anticipating that the various experts and representatives of States Parties would have the opportunity at the present session to voice their own positions with respect to the inscription criteria, the representative preferred not to attempt to summarize their preceding discussions. He did however outline two paths put forward as possible conclusions of the afternoon's debates. In Option A the Committee would conclude that specific revisions were called for; the Secretariat would then prepare a working document for the sixth Committee session – based on the day's comments – proposing revisions to the criteria, with an opportunity during that session to debate and adopt possible revisions. In Option B the Committee would conclude that the criteria were suitable in their present form and therefore did not require revision, with the result that there would be no debate during the Committee's sixth session, while reporting to the fourth session of the General Assembly that the Committee wished to retain the criteria in their present form.
421. The **Chairperson** agreed that a lengthy report on past deliberations was unnecessary as the Committee Members were already familiar with the outcomes of the several meetings in early 2010. He proposed to open a general debate, thus allowing States Parties and observers to take the floor should they so wish.
422. Referring to paragraph 5 of document [ITH/10/5.COM/CONF.202/10 Part I](#) and the remark concerning criterion R.2 and its reference to visibility, which had apparently drawn the greatest attention of all the criteria, the delegation of **Cyprus** wondered to what extent this was indeed the case considering that, in the first cycle, no nomination had been rejected on the basis of criterion R.2, whereas other criteria had been the cause of non-inscription. The delegation therefore wondered whether 'visibility' and R.2 were the only criterion under scrutiny.
423. The **representative of the Secretary** drew attention to the reports of the Subsidiary Body in 2009 and 2010 that had discussed the nominations receiving a recommendation not to inscribe, and noted that although no files were rejected on the sole basis of R.2 not having been satisfied, the files had nevertheless received a negative recommendation because of deficiencies in other criteria. So although criterion R.2 was not the sole factor in the decision to reject a file, it was a contributing factor in several.
424. The delegation of **Cyprus** sought clarification as it was felt that paragraph 5 did not only refer to 'visibility' but that indeed multiple criteria had not been fulfilled.
425. The **representative of the Secretary** made reference to the table [in paragraph 31 of document [ITH/10/5.COM/CONF.202/6](#)] outlining the criteria responsible for unfavourable recommendations, and reiterated that R.2 was a contributing factor in the rejection of six files but was never the sole factor.
426. The delegation of **Morocco** wished to recall the discussions prior to the General Assembly, and even before the draft decision, when on 15 March 2010 at the expert meeting, the delegation had explicitly highlighted the laborious and time consuming nature of the work of evaluating files alongside the criteria. However, now that the Convention was being implemented, with elements already inscribed on the two lists and the register, the delegation wondered what would happen to those elements inscribed, and those in the process of inscription, should the criteria now be revised and modified. The delegation believed that the Committee would be well advised to discuss only criterion R.2 and not examine the other criteria, which would challenge the very foundation on which the Convention stood.
427. Regarding criterion R.2 and its reference to 'visibility' and 'awareness', the delegation of **Italy** believed this to be illogical, as the effect of ensuring visibility and awareness of intangible cultural heritage was a *consequence* of inscription and not a *condition* of inscription. Therefore it was illogical to ask States Parties to indicate what they believed would happen in the future. The delegation therefore supported the deletion of criterion R.2, and called for a broader revision of all the criteria to ascertain their usefulness for the purpose of the

implementation of the Convention. The delegation therefore supported Option A of the decision.

428. Recalling the discussions during the development of criterion R.2, the delegation of **Kenya** spoke in favour of retaining the present criterion, which was based on several of the main objectives of the Convention, namely the promotion of mutual respect, the cooperation of international society and the promotion of inter-cultural dialogue. It supported requiring that the submitting States demonstrate that the nominated element was indeed responding to the objectives of the Convention. If the State Party wished to safeguard the element, but the communities did not wish to raise awareness of the element in question, then the criterion would not be met and therefore there would be no basis to advise otherwise. The delegation explained that criterion R.2 helped submitting States identify viable elements that met with the objectives of the Convention, and despite the fact that R.2 was never the sole factor in an unfavourable recommendation; the criterion still represented the objectives and ultimate goals of the Convention. The delegation was therefore in favour of Option B.
429. The delegation of **Japan** supported the revision of the criteria for the same reasons as expressed by Italy. The delegation also asked the Secretariat to note that a number of the nomination files examined in the present cycle concerned elements with multiple factors; it found it difficult to identify those communities giving informed consent for which factor, and asked that, in order to simplify the evaluation, the criteria covering informed consent should be revised so as to identify clearly those factors to which the community granted its consent.
430. The delegation of **Spain** understood that this was indeed an important juncture in the Convention but cautioned against a complete revision of the criteria, not least because some elements had already been inscribed based on the current criteria. The delegation was not against future revisions but thought it was too early to revise the criteria completely, stating that a reflection was acceptable but not a revision at the present time.
431. The delegation of the **Republic of Korea** voiced support for the position held by Italy and Japan and observed that the issue did not lie in the fact that there were significant problems with the current criteria, which admittedly were a result of extensive discussions, but that a number of States Parties had expressed difficulty in interpreting them and therefore there was scope to improve the current criteria. The delegation therefore supported Option A.
432. The delegation of **Cyprus** reiterated its concern with regard to paragraph 5 and criterion R.2 and sought a clarification of the other multiple criteria cited, as they caused a number of nominations to receive unfavourable recommendations. Moreover, it noted that none of the seven unfavourable recommendations was based solely on criterion R.2.
433. The delegation of **Indonesia** sought the advice of the Legal Adviser as the words contained in the criteria were drawn from the Convention itself, and wondered whether any revision would impact on the Convention.
434. The delegation of **Kenya** accepted that States Parties may have experienced difficulties in responding to criterion R.2 but did not agree that this justified deleting the criterion. Rather a deeper understanding of the importance of criterion R.2 was needed because it demonstrated the critical importance of cultural diversity and the ultimate objectives of the Convention. The delegation felt that there was little difference between the two options as Option A called for further reflection in the sixth Committee session while Option B allowed States Parties currently working on their nominations to respond before any anticipated change to the criteria.
435. The delegation of the **Islamic Republic of Iran** recalled the painstaking work carried out by the Committee and the General Assembly in the formulation of the criteria, declaring that the delegation and the Iranian experts had not encountered problems with the criteria or especially criterion R.2, which was in line with the spirit of the Convention. The delegation suggested that the Committee allow more time for further reflection, which would provide States Parties with an opportunity to note in writing their suggestions for improvement, so

that the issue could be tackled at the next session, either at the General Assembly or the Committee meeting.

436. The delegation of **Italy** wished to explain that it fully supported human creativity, cultural dialogue and cultural diversity, but the issue was a question of logic, as it was clearly stated in the criterion, 'inscription of the element *will* contribute to ensuring visibility', which was obvious as once listed, the element would benefit from greater visibility. Therefore a State Party should not need to demonstrate visibility when it was an obvious consequence – not a condition – of inscription. All the other aspects were already implied in the definition of cultural heritage. For example in criterion R.1, it states that the element must satisfy the conditions for being included in the definition of intangible cultural heritage, which inherently implied those aspects of human creativity, cultural dialogue and cultural diversity, therefore the latter part of R.2 was a repetition of the requirements of R.1.
437. The delegation of **Morocco** noted that the position held by Italy focused on criterion R.2, and given the fact that the examiners had expressed difficulties with this criterion, as was stated in the Rapporteur's report, the delegation was therefore not against the idea of revising or rewording criterion R.2. The delegation made reference to the interpretation of the criteria in the 1972 Convention and noted that there were often different interpretations made by the submitting States, but in a case where the criterion led to confusion then it was obvious that it deserved a better explanation. The delegation also wished to know whether the discussion on the criteria applied only to R.2 or whether a revision of all the criteria was being demanded. Moreover, it was the delegation's understanding that the General Assembly had called for a reflection on the possible reworking of the criteria and not an actual proposal.
438. From a practical point of view, the delegation of **China** supported the position held by Kenya and the Islamic Republic of Iran, as it was comfortable with the current criteria and procedure, and called for more time for reflection to allow for the accumulation of knowledge such that when the time arose, all the criteria could be reviewed. For instance, criteria R.4 and R.5 were not criteria as such but conditions for inscription and should not therefore be an indication of a judgement. The delegation therefore concluded that revision should not be considered from a logical standpoint but from a practical standpoint.
439. The delegation of **Paraguay** was inclined to agree with the position held by Kenya and others and noted that the resolution of the General Assembly provided an occasion to reflect on the issue and not necessarily to formulate a proposal, preferring to wait until a later date. The delegation of **Indonesia** also shared the opinion voiced by Kenya, the Islamic Republic of Iran and China.
440. Summarizing the remark made by the delegation of Kenya, the **Chairperson** noted that there was a greater leaning towards Option B.
441. The delegation of **Italy** voiced strong objection to the adoption of Option B, as this did not represent consensus.
442. Before closing the session, the **Secretary of the Convention**, Ms Cécile Duvelle, wished to inform the Committee Members that document 5.COM 6 had been distributed and would thus be the first item for consideration and adoption in the following morning session. The Secretary also informed the delegates that the open-ended working meeting was about to begin and was open to all those who wished to attend.
443. The **Chairperson** adjourned the day's session.

[Wednesday, 17 November 2010, evening session of the working group on item 7]

ITEM 7 OF THE AGENDA (CONT.):

ESTABLISHMENT OF A SUBSIDIARY BODY FOR THE EXAMINATION OF NOMINATIONS FOR INSCRIPTION IN 2011 ON THE REPRESENTATIVE LIST OF THE INTANGIBLE

CULTURAL HERITAGE OF HUMANITY AND ADOPTION OF ITS TERMS OF REFERENCE, INCLUDING THE QUESTION OF THE NOMINATIONS IT HAS TO EXAMINE

Documents	ITH/10/5.COM/CONF.202/7 ITH/10/5.COM/CONF.202/INF.7
Decision	5.COM 7

444. The **Secretary** invited the working group to select a Chairperson for the session.
445. The delegations of **Cyprus** and **Paraguay** proposed Ms Rut Carek, Secretary-General of the Croatian National Commission for UNESCO, as Chairperson. The working group accepted the proposal.
446. **Ms Carek** thanked the working group for the appointment, and was happy to note the large number of delegates present, and opened the discussion on the terms of reference of the Subsidiary Body and the nominations to the Representative List it will have to examine.
447. The delegation of **France** congratulated the Chairperson on her appointment. Speaking as the initiator of the working group, the delegation proposed a formula that would meet the demands and wishes expressed earlier in the day. Firstly, it noted that a way had to be found to reliably analyse nominations that would not add to the burgeoning workload of the Secretariat, and would also deal with the current backlog as well as incoming files. The delegation proposed, on an exceptional basis for the current cycle, that the six members of the Subsidiary Body be split into three groups of two members, each with an independent expert, with the nomination files split between the three sub-groups. After examination of the files, the Members would assemble to take the final decision. The independent experts would draft the texts and reports – work that is currently carried out by the Secretariat.
448. The delegation of **Cyprus** fully agreed with the proposal but suggested making two groups rather than three so that each regional group would be represented in the sub-groups. The delegation of **Algeria** found the formula to be excellent, as it would increase the effectiveness of the Subsidiary Body as well as involve scientific experts.
449. The delegation of **Morocco** had also considered a similar solution, but wondered what the consequences would be for the Secretariat. The proposal from France seemed to take into account the Committee's flexibility to create as many subsidiary bodies as its work required, and Morocco found this solution very interesting.
450. The delegation of **Croatia** agreed with the statement made by Morocco but admitted to some confusion, as it understood that the Subsidiary Body itself comprised a body of experts. Moreover, as the Subsidiary Body comprised six members – one from each electoral group – the delegation deemed it important that each Member examine all the files and be informed about all files, which would not be achieved in sub-groups and plenary discussion in the end would not be possible. The delegation was therefore strongly opposed to the proposal.
451. The delegation of **Kenya** did not see how the independent expert could coordinate the tasks and replace the Secretariat in its administrative and technical work. Moreover, the Secretariat would still be required to coordinate with the independent expert. The delegation was therefore against the idea of using independent expertise as an intermediate between the Subsidiary Body and the Secretariat. At the same time, it was the combination of expertise from different electoral groups that was determinant in achieving a valuable working environment. The delegation recalled that the Subsidiary Body worked for and had a responsibility to the Committee, which would be contravened by splitting up the Subsidiary Body into fragments.
452. The delegation of **Paraguay** favoured increasing the number of members of the Subsidiary Body on the basis that government experts were among the Committee Members and the Subsidiary Body, and it would promote plurality within the Subsidiary Body. Speaking on behalf of the Latin America and the Caribbean group, it said that this would allow expertise from both Latin America and the Caribbean to participate in the processing of files. With

regard to the composition of the Subsidiary Body, comprising Committee Members, the delegation asked whether this would be maintained and if indeed this was a fundamental requirement of the Convention. If it were not possible to increase membership in the Subsidiary Body, the issue remained how to increase the efficiency and management of its workload which should not be greater than the technical capacity of the Secretariat. There is a collective awareness of the number of nomination files the Committee is capable of considering for each cycle. That is basically the reality that restrains the Committee so that its work is successful. The number of files has to be managed to have successful results in future cycles. On the one hand workload issues have to be faced; on the other hand the Committee should think about the composition of the Subsidiary Body. Either it remains as it is or it will be increased with some non-governmental experts.

453. Having listened to comments made by the Secretariat and previous members of the Subsidiary Body, the delegation of **Burkina Faso** agreed that it was important to process files effectively, but it was not convinced that increasing the number of members would solve the problem and might in fact affect coordination and hamper the process as a whole. Moreover, this would not lessen the burden on the Secretariat. Thus, the delegation favoured returning to the initial configuration – one member per electoral group – at this stage, but did not rule out the possibility of expansion as resources increase in the future.
454. The delegation of the **United Arab Emirates** noted that although the proposal by France appeared to lessen the workload for the Secretariat and speed up processing, there was a risk that it was also introducing more issues. With regard to the standardization of examinations, breaking up the Subsidiary Body would break up the experts. In addition, there was the issue of consensus – an extremely important aspect in the whole process. Fragmenting the Subsidiary Body would result in logistical and practical issues. The delegation also reiterated the point that the Committee itself was made up of experts and wondered why independent experts would be brought into the process, which would only add to the logistical work of the Secretariat. The delegation also raised the issue of who would be chairing the sub-groups. The delegation was inclined towards a measured number of files submitted to the Secretariat.
455. The delegation of **Italy** believed that the proposal by France was a step forward with many positive elements such as how to deal with the backlog of files and, on an exceptional basis, would enable the processing of a higher number of files in the absence of a more appropriate solution, especially as it was likely that the number of files would increase in the future. As regards the introduction of the independent experts and entrusting them with more tasks, including assisting the Secretariat, this appeared to be a solution in the future, which could form the basis for consensus on an experimental basis. The delegation reminded the Committee that there was a backlog of 93 nomination files, or 107 if nominations received before 31 August 2010 were included. It also commented that the decision to delay the 31 August 2010 deadline to 31 March 2011 had led some States, including Italy, to postpone the submission of new nominations. The delegation noted that among those latest nominations was a multinational nomination from Mali, Burkina Faso and Côte d'Ivoire and urged that this file should be given priority.
456. The delegation of **China** spoke of the qualification of the Subsidiary Body members, especially in the case of independent experts who were not members of the Committee, which raised a legal issue and would require an amendment to the Rules of Procedure requiring a two-thirds majority. Moreover, there were political considerations as Committee members were elected by the General Assembly. The delegation did not see the apparent advantage of dividing the Subsidiary Body into three sub-groups. Moreover, the members working together ensured a general overview of all the nomination files as well as a reliable geographical representation and balance – advantages that might be lost in fragmented sub-groups. The delegation also spoke of the risk of uncertainty with this new approach and, despite welcoming innovation, preferred to accumulate experiences over time, stating that the tenth anniversary or the next session might be the right time to consider a review of the

working methods. Based on these considerations, the delegation preferred to retain the present configuration.

457. The delegation of **Spain** wished to thank France for its proposal and the other delegations for sharing their viewpoints. The delegation reiterated the remark by the United Arab Emirates concerning the vital role of the Secretariat, which was in need of greater resources if it were expected to cover all the tasks mandated to it. Referring to the suggested role of the independent experts in drafting the summary reports and working as paid experts, they would in fact not be independent but would be working for the Subsidiary Body. Referring to the remark by Paraguay, the delegation spoke of geographical representation and the different balanced points of view, which facilitated the examination of files. Moreover, increasing the number of members from six to twelve might further complicate the work, and an alternative mid-term solution should be sought. In addition, as the experts were offering support to the Subsidiary Body, they should come from the same geographical region as the appointed members of the Committee. Moreover, it had to be ascertained that this would indeed lessen the workload of the Secretariat. The delegation thought that the Secretariat's resources could be bolstered with help from the experts and that the six experts coming from the same geographical regions would act to support the Subsidiary Body and be able to produce condensed reports that encompass the broad viewpoints from the region; a second opinion could also prove to be very useful. However, the delegation did not think that external experts should be introduced at this juncture of the Convention.
458. The delegation of **Algeria** reiterated that the Secretariat was collapsing under the heavy workload, and the proposal by France would no doubt improve the effectiveness of the Subsidiary Body. However, the delegation shared the concerns voiced by Kenya calling for coherence and consistency between the Subsidiary Body and the Secretariat and understood the need for independent experts to obtain a final opinion. The delegation also concurred with the concerns voiced by Italy and the idea of a *chamber* within the Subsidiary Body, which – in the case of the proposal by France – resulted in three chambers or three working groups. However, the delegation believed that other avenues could be explored, for example, voluntary limitations by submitting States.
459. The delegation of **Cyprus** reiterated its support for the proposal by France and did not understand the concerns relating to the number of members of the Subsidiary Body, provided it facilitated the work and reduced the Secretariat's workload.
460. The delegation of **Niger** initially wished to see an increase in membership of the Subsidiary Body but in light of the opinions and views expressed, especially the views of the Secretariat, was convinced of the shortcomings of the proposed expansion and preferred to retain the current configuration.
461. Having listened carefully to the delegations, the delegation of **Estonia** agreed that the key consideration was to help the Subsidiary Body in its technical capacity as well as to ease the workload of the Secretariat, and held that expanding the Subsidiary Body did not seem to solve the problem. It also appeared evident that a lot of the work could be outsourced, especially as it was increasingly apparent that the workload would continue to grow and that the current system could not deal with the escalation in the number of files. Moreover, if the Committee did not wish to impose limitations, then extra resources would have to be found. Referring to the proposal by France, the delegation reminded Members of the current Rules of Procedure, which state that the Subsidiary Body had to be composed of States Parties of the Committee, which means that the Subsidiary Body could not be expanded by outside assistance, i.e. non-members of the Committee. However, there was the possibility of creating *ad hoc* consultative bodies, membership of which would have to be carefully vetted and monitored by the Subsidiary Body. This would not necessarily reduce the workload of the Secretariat. The proposed *ad hoc* consultative body could be composed of experts who could be asked to draft certain documents making them more manageable for the Secretariat, for example, compiling the various opinions. The delegation explained that such tasks were a full-time occupation and that the Subsidiary Body would be faced with an insurmountable amount of work if this direction were to be pursued. It was apparent that the

Rules of Procedure would have to be changed, and this would have to be tackled by the Committee in the future. The delegation wished to remind delegates not to lose sight of the main purpose of the Convention, which was to make it operational and working at the ground level, and was not solely about the Representative List, which appeared to drain a lot of resources.

462. Noting the many varied viewpoints expressed from the different geographical standpoints, the delegation of **Uruguay** questioned the criteria used to decide on the organization of work, as the number of members was determined by the way in which it worked. Moreover, the criteria were not yet robust, while the number of nominations continued to grow. Thus, the process needed to work more efficiently and, until then, there would be no marked improvement to the Secretariat's workload. The delegation thought that the experts' contribution would be positive but that they should not replace States Members. Concluding, the delegation agreed with Spain that it would be better that the Secretariat select the experts, or that they be contracted by the Subsidiary Body, which would allow Committee Members to work alongside experts familiar with the country contexts. The delegation was therefore in favour of maintaining six countries from each of the electoral groups, supported by a regional team of experts from a network of category 2 centres, universities and so on.
463. The delegation of **Austria** noted that it was commonly agreed that a solution had been found to deal with the workload of the Secretariat and the backlog of files and, reiterating the remarks by Estonia, urged the Committee not to lose sight of the main agenda, recalling the excellent statement made by Norway at the recent General Assembly, supported by some 20 countries, when speaking about the real priorities of the Convention: the safeguarding measures, according to Articles [11](#) to [15](#) at the national level, and capacity building and the Urgent Safeguarding List at the international level. The delegation spoke in favour of limiting the number of nominations, the Committee needing to keep an overview of the nominations on the Representative List. It should not be the aim to have 200 or 300 nominations processed each year, and to have in five years 2,000 elements on the List and even more.
464. The delegation of **Portugal** thanked France for initiating the working group and for its imaginative solution, and believed that retaining the current system was probably a sensible solution because it was working, albeit not ideally, and asked that it continue for a few more years, especially as enlargement would bring even more people into the decision-making process. The delegation thought that it was inevitable that a limit would be set at some stage, either voluntary or imposed, and spoke of prioritization, for example, in the case of under-represented nominations, nominations from Africa, and multi-national nominations. It appeared that the only obvious solution was to increase the financial resources of the Secretariat.
465. The delegation of **Indonesia** thanked the delegations for their opinions and for following the rather lengthy debate on the Subsidiary Body. The delegation was of the opinion that the issue could not be resolved solely by increasing the number of members of the Subsidiary Body, when, at the same time, there were only ten professional staff members in the Secretariat (while in Abu Dhabi, in 2009, there had been eleven). Thus, the underlying problem could not be resolved by the simple addition of examiners and, even if the files were treated, the Secretariat would still be left with performing its many tasks. The delegation therefore believed that the focus should shift towards the working methods of the Subsidiary Body. For example, the representative of the Director-General had spoken about setting limits, although the delegation believed that this would counter the spirit of the Convention, and a State Party should keep the right to submit as many nominations as it wished. The delegation concluded that it wished to retain the present number of six members.
466. The delegation of **Azerbaijan** said that the debate was leading to even greater divergence and urged delegates to focus on the proposal by France and the composition of the Subsidiary Body. The delegation agreed with the views expressed by China: that the work of the independent experts raised a legal issue, which required a review of the Rules of Procedure, and was therefore not possible at the present time. As regards splitting up the

Subsidiary Body, the delegation feared that it would endanger the integrity of the Subsidiary Body and its decisions.

467. The **Legal Adviser** wished to clarify the role of the Subsidiary Body with regard to the Committee's Rules of Procedure, for which the Committee itself had responsibility and was entitled to modify. With regard to the Subsidiary Body, the provision in question, [Rule 21](#) from the Committee's Rules of Procedure, emanates from the Convention and states that Subsidiary Body members must represent a State Party, and that could not be modified. The question was how the Subsidiary Body, in accordance with this article, can coordinate its work with a consultative body of experts providing it objective viewpoints. A solution had to be sought in the terms of reference of the Subsidiary Body. The Legal Adviser recalled that at the outset of the Convention it was discussed that the examination be carried out by accredited NGOs, yet the members of the Committee representing the States Parties were themselves experts. The General Assembly had chosen a process that would speed up inscriptions to the Representative List as it was not an opportune time to modify the Operational Directives, and the Committee had to act within these directives for the time being, which were applicable *mutatis mutandis* to the Subsidiary Body in terms of decision-making; collegial decision-making was implicit in the terms of reference of the Subsidiary Body. Reconciling the principle of collegiality with the principle of technical examinations by members of the Subsidiary Body, the Legal Adviser did not believe that there was a breach of procedure unless, by prudence, specific rules were applied to the Subsidiary Body, which the Committee was entitled to do. However, the recommendations by the Subsidiary Body submitted to the Committee had to be the subject of a collegial decision. In the terms of reference of the Subsidiary Body, should the Committee wish to have the sub-group comprising two members of the Subsidiary Body examining each nomination file, it would be required that the Subsidiary Body validate the decision by the two members. In the event of a divergent opinion by the two members, then the Subsidiary Body could make the final decision through a deciding vote or decide to consult by inviting an external expert. This would not constitute an enlargement of the Subsidiary Body but simply called for the opinion of an independent expert, which would help the Subsidiary Body in the case of divergent opinions. The Subsidiary Body could then validate the recommendations by its sub-groups. According to the Legal Adviser, such a structure would not require an explicit modification of the Rules of Procedure, provided that it is clarified in the terms of reference of the Subsidiary Body, and that the final decision is taken in a collegial manner and submitted to the Committee for its decision.
468. The delegation of **Sudan** spoke in favour of the proposal by France for subjective reasons, namely, if experts were unable to meet all their commitments in terms of technical requirements or in terms of dealing with the number of nomination files. With regard to the technical work, the delegation believed that it should be based on fundamental texts, for example, [Article 9](#) of the Convention and the use of NGOs. If the Rules of Procedure did not allow for an increase in membership from a technical point of view then an amendment would not be pursued. Raising awareness was also mentioned as an important issue; the number of nominations submitted encouraged other countries to do the same, the result of which would lead to the need to ensure greater capacity for the Committee to deal with the escalating number of files as well as increase the possibilities for consultations in line with [Article 8](#), which provided the opportunity to seek experts, non-members of the Committee. This was seen as especially pertinent in regions where elements were under threat, for example in Africa, and would therefore ensure their recognition and protection.
469. The delegation of **Brazil** thanked the Legal Adviser for the clarification and expressed support to the Subsidiary Body and the Secretariat in the very difficult task ahead with the high number of nominations pending. The delegation noted the different proposals with two of them, those from Estonia and Uruguay, deserving further examination as they both dealt with ways to handle the current level of nominations as well as improve the quality of examination of the files without enlarging membership to the Subsidiary Body. The proposal by Uruguay – to establish regional networks of expertise – was considered pertinent, especially for developing countries.

470. The delegation of **Belgium** unanimously supported the opinions expressed by Estonia.
471. The delegation of **Japan** noted that several delegations had mentioned limiting the number of files, and recalled the many hours spent discussing this issue in the first half of 2010, prior to the General Assembly, which saw the adoption of [paragraph 30](#) of the Operational Directives, and therefore urged that the issue not be reopened. The delegation also thanked the Legal Adviser for clarifying that outsourcing was not necessarily excluded in the current framework. The delegation asked the Secretary to give an idea of the percentage of time taken by the Secretariat to write the summaries, so that the Committee could weigh the benefits of possible outsourcing if deemed helpful.
472. The **Legal Adviser** thanked Japan for its comments, and highlighted the point already made about collegiality and the possibility of creating sub-groups within the Subsidiary Body, recalling that the final decision of the Subsidiary Body had to be taken in full collegiality. With regard to outsourcing, the Legal Adviser recalled the legal opinion expressed in Abu Dhabi, which was still applicable and was at the origin of decision [4.COM 19](#), stating that the Committee can establish its priorities, validated by paragraph 30 of the Operational Directives, and that all States must take into account the resources available and the capacity to examine nomination files by the Subsidiary Body and the Secretariat. With regard to the excessive workload, the Committee needed to take a decision, drawing inspiration from former decisions taken in Abu Dhabi and based on paragraph 30 of the Operational Directives.
473. The delegation of **Paraguay** supported the position expressed by Spain.
474. The delegation of **Kenya** cautioned against losing the gains acquired over the past two years, especially concerning the working methodology. The pressing issue was the backlog, as was noted in the Subsidiary Body report, but the delegation was optimistic that more files could be processed in this cycle thanks to the innovative solutions adopted, and that these solutions should be tried before experimenting with changes to the procedures. For example the revised timetable, alluded to earlier by the Republic of Korea, could provide an opportunity to deliver more by the Subsidiary Body. As regards enlarging membership to the Subsidiary Body, the delegation thought that this would create more complications and that now was the time to agree on the kind of Subsidiary Body the Committee needed, encouraging the innovations that would enable this. Moreover, the coordination of work undertaken by the Secretariat should be consistent and not deviate on a one-off basis as coordinators had to have prior acquired experience.
475. Referring to talks among the Latin America and the Caribbean group, the delegation of the **Bolivarian Republic of Venezuela** spoke of the wealth of experience and expertise within the delegations and their networks with links to NGOs, universities, category 2 centres, and so on; these resources could be tapped into and called upon to support the Subsidiary Body.
476. The **Chairperson** then turned to the Secretariat to answer the question raised by the Delegation of Japan.
477. The **Secretary** spoke of the similar situation in Abu Dhabi in trying to resolve these issues, and the subsequent debates of the States Parties during the different working group meetings between the fourth session of the Committee and the General Assembly, resulting in the revision of the Operational Directives. She added that, besides the nominations received for the present cycle, the Secretariat already received nominations for the next cycle, with one State party submitting 13 files at once, which only further demonstrated the success of the Convention in the encouraging yet ever-mounting numbers of nominations. Speaking on the revised timetable, reflected in the Operational Directives, the Secretary informed the Committee that the calendar could not be respected, especially in the case of the Urgent Safeguarding List. Certain States Parties should have been asked to provide additional information by 30 June 2010 but unfortunately the letters requesting missing information had not been sent simply because the Secretariat had been occupied with the organization of meetings. As a result the new timetable was six months behind schedule. The Secretary spoke of her concern about these new nominations to be submitted to the

Consultative Body, which should already be in the examination phase, but because the letters from the Secretariat requesting missing information from States Parties had not yet been sent, the work of the Body could not begin. The Secretary alluded to the succinct remark by Spain when recalling that the General Assembly had recognized the need to find innovative and realistic solutions that do not hamper the success of the Convention and that provide assistance for the Secretariat. In response to a request by India and Japan during the Abu Dhabi meeting, the General Assembly adopted an important resolution recognizing the needs of the Secretariat after having examined document [ITH/10/3.GA/CONF.201/9](#) where the Secretariat had outlined its support and resource needs. As an example, she indicated that the Committee session in Nairobi had broken the record of visibility within UNESCO but there was only one person currently assigned to raising the visibility of the Committee. She added, that the staff of the Intangible Cultural Heritage Section dealing with all concerns of the Convention is those persons present on the podium, and that it was clearly not adequate to face the demands of the Committee. Thus, the General Assembly had clearly identified the need to create a mechanism for a sub-fund that would collect contributions from States Parties, and the Secretary regretted that the sub-fund remained empty. The first pledge was submitted by the **Republic of Korea** for US\$60,000, however, it was unfortunate that the Secretariat was unable to benefit from the assistance as it did not have the funds necessary for appointing external assistance.

478. Returning to the question by Japan on the time allocated to reports and summaries, the **Secretary** explained that the procedure and the time consumed for various tasks were rather complicated to determine. She noted that States Parties, through their exchanges with the Secretariat, have an idea of the interactions, and that the problem does not lie in the drafting of reports or summaries, but in the cumulative workload. For the time being, the Committee was speaking only about nominations to the Representative List, but the problem has to be taken in the context of the entire workload of the Secretariat for the proper functioning of this Convention, its promotion and implementation on the national and international levels which required an enormous strengthening of capacities in all regions of the world. She recalled in this context that the Secretariat also had US\$10 million to manage the implementation of the capacity-building strategy.
479. Having initiated the proposal, the delegation of **France** wished to summarize the proceedings and noted two trends towards either retaining the current system or changing the system with a number of proposed modalities to effect change. As had been said on numerous occasions by the Secretariat in Abu Dhabi, Paris and so on, the Committee had reached an impasse such that only a partial solution could emerge, not least because there were more than one hundred nomination files pending examination before the next cycle. Maintaining the status quo would mean that the Subsidiary Body would only be able to process fifty or so files, and with no long-term solution for the future as files were accumulating and increasing in number.
480. The delegation of **Japan** spoke of being very disappointed by the response given by the Secretary with regard to how the requested funds would be used; such a request should have been submitted with an itemized description of the requirements. It questioned the value of the debates on this topic since the morning in the absence of information given to the Committee. With regard to the clarification by the Legal Adviser, the delegation read out [Article 29](#) of the Operational Directives, which reads, 'Examination of nominations for inscription on the Representative List of Intangible Cultural Heritage of Humanity shall be *accomplished* by a Subsidiary Body', which implied that breaking up the Subsidiary Body with assistance from independent experts would require institutionalizing the assistance. However, as the Committee would retain its decision-making procedure at plenary, this would satisfy Article 29.
481. Referring to the Operational Directives, the **Legal Adviser** highlighted paragraph 29, which dealt with the competence of the Subsidiary Body to bring recommendations to the Committee; the latter would decide on the terms of reference, which would state that the Subsidiary Body would deal with the examinations and present its recommendations to the Committee plenary. If certain modalities were added to the terms of reference in order to

improve the functioning of the Subsidiary Body and to simply decide when there was consensus, this was acceptable. The difference resided in the use of a consultative body of experts, as members of the Subsidiary Body should have a preliminary assessment of the file and, in case of divergence, the Committee could delegate an external expert to assist the Subsidiary Body with no violation of the rules. This was possible according to [Article 7](#) of the Rules of Procedure. Therefore, should the working group wish to advance on the working methods of the Subsidiary Body, improvements could be drafted in the terms of reference. With regard to the number of files to be examined in the current cycle, the Secretariat, in its original document presented to the Committee, provided a general overview of the 93 pending files to which 14 received before 31 August 2010 could be added in the current cycle. The Legal Adviser was of the legal opinion that the 107 nomination files would fall under paragraphs 29 and 30, that is to say that paragraph 29 referred to the competence of the Subsidiary Body, while paragraph 30 referred to the capacity of the Secretariat and the Subsidiary Body to examine those files. Based on these two considerations, and without discussing limitations, the Subsidiary Body could set priorities, such as multi-national nominations and the principle of representation between regions, which was advanced in Abu Dhabi and approved by the General Assembly. The Legal Adviser therefore favoured drafting terms of reference that would have the effect of improving the working methods, while reserving the discussion on the number of files to another round. Moreover, there was no legal impediment to the creation of sub-groups provided that the final decision of the Subsidiary Body be taken on a collegial basis.

482. The **representative of the Director-General**, Mr Alain Godounou, Director of the Division of Cultural Objects and Intangible Heritage, spoke of his relatively recent appointment but said that he was well acquainted with the Convention, as well as its various issues. The Representative asked for indulgence on the part of the delegation of Japan by taking into consideration the workload undertaken by the Secretariat. Mr Godonou was well aware of the contributions made by Japan in trying to solve these issues, and agreed with the delegation of France that the working group had reached a deadlock. Recalling the remarks made by the Legal Adviser, Mr Godonou noted that the Committee had the possibility of working on a priority basis, and sought further reflection on identifying what those priorities were in order to transform them into practical solutions. This was therefore potentially a significant way forward. He concluded that it was evident from the debate that States Parties did not want to introduce quotas or limits, thus making prioritization a key component to the solution.
483. The delegation of **Spain** expressed its concern at seeing the debates on a cultural convention exhibit disrespect to persons. It urged the Chairperson to close the working group session in order to continue the debate the following day under the guidance of the Secretary. The delegation of the **Bolivarian Republic of Venezuela** supported the suggestion by Spain.
484. The delegation of **Italy** recalled that the deliberations had begun as a result of the proposal by Cyprus to increase the membership of the Subsidiary Body, and admitted to losing clarity on the issue with the risk that the discussion would degenerate, and agreed to close the session.
485. The delegation of **Kenya** agreed with Italy that the objective of the deliberations was to establish whether or not to increase the membership of the Subsidiary Body. Having listened to Burkina Faso and Niger as well as other Members, and considering the burden on the Secretariat, the delegation sensed that the delegations wished to retain the current number of members, thus appearing to reach general consensus. Meanwhile, other methodological approaches could be discussed in the morning session the next day.
486. The Secretariat, represented by **Mr Frank Proschan**, wished to make clear that the Secretariat had previously provided a detailed and concrete description of the needs of the Secretariat, not to expand the amount of work by the Secretariat but to better manage its work in a humane manner. The document [ITH/10/3.GA/CONF.201/9](#) was circulated as a working document of the General Assembly [under the item: Mobilization of extra-budgetary

resources for reinforcing the Secretariat of the Convention], which provided an account of the current staffing of the Secretariat as well as its staffing needs, not to expand the amount of work, he emphasized, but to better manage this amount of work the Secretariat already has. Responding to the specific question by Japan on the percentage of time that could be saved by the Secretariat in engaging consultants to treat and prepare the recommendations of the Subsidiary Body to the Committee, Mr Proschan replied that it would save roughly thirty minutes of a 60-hour week, and this applied to all members of the Secretariat. This would be a trivial reduction in an overload of work that is not tenable for anybody.

487. As a matter of principle, the delegation of **Italy** found it difficult to accept that there was a consensus when there were clearly still majority and minority positions. Moreover, the morning session had begun with a majority position on increasing membership, whereas now there appeared to be a tendency towards maintaining six members, and it repeated that consensus had not been reached.
488. The delegation of **Japan** expressed gratitude to the Secretariat for its explanation. With regard to the two options suggested by Mr Bandarin, it was understood that the numerical cap was not an option, and if outsourcing – as the only remaining solution – was also of little help, an alternative option had therefore to be sought.
489. The **representative of the Director-General** highlighted the fact that each component of the Convention, in terms of managing the nomination files, contributed in some way to the workload of the Secretariat, and that even managing the use of the emblem required authorizations, exchanges of letters, and so on. Moreover, with every new cycle there appeared to be new issues emerging, which should be taken into account in the decisions made.
490. The delegation of **Cyprus** congratulated the Secretariat for the very good work it accomplishes on behalf of the Convention, and stated that it was now to the Committee to find a solution.
491. The **Chairperson** thanked the working group for the constructive debate and, noting that consensus had not been reached, would report the deliberations to the Bureau, concluding that it would be up to the Committee to find the best solution. The Chairperson thanked the interpreters and duly adjourned the session.

[Thursday, 18 November 2010, morning session]

ITEM 6 OF THE AGENDA (CONT):
EVALUATION OF NOMINATIONS FOR INSCRIPTION IN 2010 ON THE
REPRESENTATIVE LIST OF THE INTANGIBLE CULTURAL HERITAGE OF HUMANITY

Documents [/ITH/10/5.COM/CONF.202/6](#)
 [/ITH/10/5.COM/CONF.202/INF.6](#)
Decision [5.COM 6](#)

492. The **Chairperson** spoke of his disappointment that the evening session had failed to reach a consensual solution on item 7 and the establishment of a Subsidiary Body, which would examine the Representative List files in 2011, and would thus seek further consultations on the matter, and proposed resuming work on item 7 during Friday's morning session. The Chairperson sought an acting Chairperson during his absence, suggesting that **Mr Jae Bok Chang, the Deputy Permanent Delegate of the Republic of Korea to UNESCO**, take up the position again. A new timetable was distributed. The Chairperson wished to return to a couple of unfinished business on draft decision 5.COM 6 and [5.COM 10.1](#) on the criteria for inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and on the Representative List, which in this case was due to divergent positions of the Committee with one group wishing to see a revision of R.2, another group advocating a revision of the other criteria, while some wished to retain the criteria at the present time.

493. The **Chairperson** outlined the programme of the day. Mr Jae Bok Chang of the **Republic of Korea** commended the Chairperson for his efforts to find a solution and thanked him for his appointment as acting Chairperson.
494. The delegation of **Paraguay** was also happy to hear of the planned consultations, and agreed with the working methodology, praising the Secretariat for its outstanding work. The delegation of **Italy** supported the statement by Paraguay, offering gratitude in particular to Ms Duvelle.
495. **The Deputy Permanent Delegate of the Republic of Korea to UNESCO** took up position as Chairperson and moved to item 6 and the amendments proposed by several delegations.
496. The delegation of **Albania** proposed a modification to its proposal and replace 'requests' with 'invites'.
497. The delegation of **Madagascar** sought clarification on paragraph 9 proposed by Italy on what was implied by 'the treatment of correspondence'.
498. Commenting on paragraph 4 proposed by Albania, the delegation of **China** felt that the noted gratitude to the Subsidiary Body and so on, was a given and it was therefore unnecessary to highlight it in the draft decision, and suggested deleting the paragraph. With regard to paragraph 5, the delegation felt that the use of 'regrets' was inappropriate as there was an implied impediment to African candidatures, which was not the case, proposing instead to merge paragraph 5 and 7, that would read: 'Acknowledges with gratitude the contributions of several States Parties that will allow the organization in the coming year to carry out a systematic global strategy of strengthening national capacities in developing countries, particularly in Africa in response to the fact that no candidatures from Africa were inscribed and hopes that the visibility of the Convention's first meeting in the region will stimulate States to consider submitting nominations.' With regard to paragraph 8 on the use of the emblem, the delegation was also in favour of deleting the paragraph as this was already covered in the Operational Directives.
499. Referring to paragraph 6, the delegation of the **Republic of Korea** wished to replace 'establish' with 'identify', and supported the proposal by China to merge paragraph 5 and 7, and asked what 'organization' specifically referred to in paragraph 7.
500. Responding to the question by Madagascar, the delegation of **Italy** replied that certain States Parties had not been informed of the content of letters received by the Secretariat on their submitted nominations and were thus unable to adequately respond prior to the Committee decision on the nomination in question, and thus the proposed paragraph established a procedure. The delegation fully supported paragraph 8 by Albania and suggested [in italics]: 'Requests State Parties to take all necessary measures *in order* to avoid any commercial over-exploitation in particular *of* generic elements covering several areas, through the use of the Convention emblem for the instrumentalization or labelling of the elements for commercial purposes.' With regard to paragraph 11, the delegation suggested [in italics]: 'Takes note of elements containing references to conflicts, wars or any event which might provoke *today* misunderstanding [...].'
501. The delegation of **Morocco** supported the proposal by China to merge the two paragraphs and reiterated its preference for deleting paragraph 8.
502. The delegation of **Paraguay** reiterated the need for national capacity building and wished to highlight its importance in paragraph 7, for example, through triangulate cooperation mechanisms and asked the Secretariat to draft text that took on board its request. The delegation fully endorsed the proposal by China, and paragraphs 8 and 11 by Italy.
503. The **Chairperson** suggested that the Members submit their amended paragraphs, which could be reworked later by the Secretariat.
504. The delegation of **Croatia** agreed that paragraph 4 was unnecessary and agreed with China to delete the paragraph, but if it was retained, then thanks should also be given to the experts, and the Urgent Safeguarding List should also be mentioned in addition to the

Representative List. The delegation also agreed with the merging of paragraphs as proposed by China. With regard to paragraph 8, the delegation felt that it was important to retain it as it highlighted the risk of commercialization even if it was covered in the Operational Directives. Having consulted with other States Parties, the delegation proposed to replace paragraph 11 with: 'Invites States Parties to ensure, in case of elements containing references to war and conflict or specific historical events, the nomination file should be elaborated with utmost care, in order to avoid provoking misunderstanding among communities in any way, with a view to encouraging dialogue and mutual respect among groups, communities and individuals.'

505. With regard to the comment made on paragraph 4, the **Chairperson** noted that it referred specifically to the Representative List and not the Urgent Safeguarding List.
506. The delegation of **Azerbaijan** supported retaining paragraph 8 as proposed by Italy, as well as paragraph 11 put forward by Croatia in consultation with its delegation.
507. The **Islamic Republic of Iran** supported the deletion of paragraph 8, the merge of paragraphs 5 and 7, and paragraph 11 proposed by Croatia.
508. The delegation of **Japan** supported the deletion of paragraph 4, and the retention of paragraph 8 as proposed by Italy because provisions in Articles 140–143 dealt only with the procedure and not the context or perspective, thus the paragraph advocated cautious use of the emblem. With regard to paragraph 11, the delegation supported the clear proposal put forward by Croatia.
509. The delegation of **Burkina Faso** favoured thanking the Subsidiary Body in paragraph 4 proposed by Albania, and supported the merge of paragraphs 5 and 7 by China. The delegation also supported paragraph 6 proposed by Kenya with respect to identifying impediments to the implementation of the Convention in African countries. With regard to paragraph 8, the delegation agreed with the proposal by Morocco to retain the paragraph and include the reference to the Operational Directives. With regard to paragraph 9 by Italy, the delegation favoured a debate on the subject, as it was feared that this might open the door to potential problems in the future. The delegation concluded with its support for paragraphs 10 and 11.
510. The delegation of **Spain** also sought clarification on the issue of protest letters and their timely reception such that they would be dealt with prior to the Committee's work, and suggested prior communication with the States Parties so that it could prepare its defence and response. The delegation asked what would be done with correspondence received between the present session and the next session and whether a procedure could be put in place in the interim. The delegation supported the proposal by China to merge paragraphs 5 and 7.
511. The delegation of **Kenya** agreed with the proposal by the Republic of Korea to replace 'establish' with 'identify' in paragraph 6 and agreed with the merging of paragraphs 5 and 7. With regard to paragraph 8, the delegation called for further reflection on the meaning of 'over-exploitation' and suggested seeking the advice of the Legal Adviser. Nevertheless, the delegation believed that reiterating its importance worked as a constant reminder to States Parties. With regard to the proposal by Italy on correspondence, the delegation agreed with Burkina Faso on the need for further reflection.
512. The delegation of **Jordan** felt that paragraph 4 was unnecessary, and supported Italy's proposal on paragraph 8, as well as the proposal on paragraph 11 put forward by Croatia.
513. The delegation of **Albania** supported the proposal by **China**, and the amendment by Italy. With regard to the use of the Convention emblem, the delegation felt that there was a real threat of exploitation and therefore the addition of the paragraph served as a reminder to States Parties to ensure national measures were taken to prevent its exploitation. In the case of unauthorized use of the emblem, [paragraph 149](#) of the Operational Directives stated that the Director-General would take action in the case of misuse, whereas at the national level it was the responsibility of the local authorities to handle the matter.

514. The delegation of the **Islamic Republic of Iran** wished to join the proposal by the Republic of Korea and supported by Burkina Faso on paragraph 10.
515. The **Legal Adviser** was invited to speak and began with the proposal by Albania on paragraph 8 and the use of the emblem, noting that the provision was already embedded in paragraph 117 of the Operational Directives, which states, 'Particular attention should be paid to avoiding commercial misappropriation, to managing tourism in a sustainable way, to finding a proper balance between the interests of the commercial party, the public administration and the cultural practitioners, and to ensuring that the commercial use does not distort the meaning and purpose of the intangible cultural heritage for the community concerned', while the second part of the proposed text, and following lengthy discussions at the General Assembly, which linked its use to the UNESCO logo, was covered by WIPO (World Intellectual Property Organization) and the [Paris Convention](#), and made reference to paragraph 149 of the Operational Directives. The Legal Adviser wished to make clear that the Director-General granted the use of the emblem in consultation with the State Party, making reference to paragraph 135 of the Operational Directives, which states, 'The statutory organs may ask the Director-General to put specific cases of authorization before them and/or submit to them an occasional or regular report on specific cases of use and/or of authorization, notably concerning the granting of patronage, partnerships and commercial use', such that the State Party had the power to restrict the power of the Director-General, and could therefore decide on the cases for commercial use. So if the purpose of the amendment was to prevent misuse of the emblem, without the authorization of the Director-General, then the decision of the Paris Convention (WIPO) had to be recalled as it forbade any trades person or private company to use the emblem, which was valid for all signatories. For non-signatories, the paragraph would serve to remind them.
516. Responding to the issue of protest letters, the **Secretary** explained that the Subsidiary Body could inform the Committee that it was not interested in receiving external correspondence and the Committee would then decide to whom the letters would be addressed. However, in the event that the correspondence could shed light on the nomination, the Subsidiary Body would be duly and diligently informed prior to evaluations. As a general rule, the Secretary observed that the letters tended to arrive when the nominations were published, four weeks before the Committee meeting; the Secretary wished to make clear that it did not divulge any information during the examination process. The Secretary spoke of the case of information that would interest a multi-national nomination, for which it had been asked to formulate a mechanism to facilitate this. The Secretary agreed with Burkina Faso that the amendment had to have a clear procedure as to when the letters would be shared with the Subsidiary Body and the Committee, and which would allow the States Parties concerned to prepare a timely response.
517. The delegation of **Italy** explained that transparency was the intention of the proposal such that nominations were made through democratic processes and so it invited remarks and opinions from the public, even criticism. Moreover, the nominations should be made available on the UNESCO website as soon as they were submitted, and States Parties should be given the opportunity to respond to any comments. The amendment therefore suggested that the Secretariat prepare a procedure based on those principles.
518. Responding to the remarks made by the Legal Advisor, the delegation of **Albania** assured that there was no intention of restricting the Director-General's right to issue authorizations, but simply that it was important to recall that nationally, States Parties should take measures to prevent mismanagement or misappropriation of the emblem. The delegation was not against the mention of the Operational Directives, notably paragraphs [117](#), [147](#) and [149](#), if required.
519. The delegation of **Kenya** spoke of the issue of correspondence, the circulation of which would depend on its content and subject, and that the responsibilities of the governing bodies of the Convention should also be considered.

520. Referring to the amendment by Albania, the delegation of **Morocco** preferred that paragraphs [117](#) and [149](#) of the Operational Directives be referred to [or chapter IV.2], and proposed wording that would read: ‘Recalls the importance of the implementation of paragraphs [147](#)–149 of the Operational Directives.’
521. The **Chairperson** moved to the draft decision on a paragraph-by-paragraph basis. There were no objections or comments on **paragraphs 1–3**, which the Chairperson duly pronounced **adopted** by the Committee.
522. The **Chairperson** introduced paragraph 4, which some delegations wished to delete. There were no objections and the paragraph was duly deleted and thus paragraph 5 became paragraph 4, which was the amendment by China and proposal to merge two paragraphs. In this regard, the delegation of **Madagascar** proposed: ‘Welcoming the contributions that some States Parties are envisaging in order to implement the capacity-building strategy in developing countries, particularly in Africa, aiming at facilitating the submission of a larger number of nominations from Africa.’
523. The **Secretary** wished to make clear that the capacity-building strategy was not only aimed at increasing the number of African nominations but would also increase safeguarding measures at the national level, and suggested [in italics] ‘Welcoming the contributions that some States Parties are envisaging in order to implement the capacity-building strategy in developing countries, particularly in Africa, aiming at, *inter alia*, facilitating the submission of a larger number of nominations from Africa.’
524. The **Chairperson** moved to paragraph 6 [now paragraph 5] and the suggested replacement of ‘establish’ with ‘identify’. There were no objections or comments so the Chairperson duly pronounced **paragraph 5 adopted** by the Committee.
525. The **Chairperson** presented paragraph 7 and the amendment proposed by Albania, Kenya and Indonesia, which would now be deleted as it had been introduced in the proposal by China – amended by Madagascar – and had subsequently been adopted as paragraph 4.
526. The **Chairperson** presented paragraph 8 [now paragraph 6] proposed by Albania and supported by Italy, Paraguay, Azerbaijan, Jordan, Japan and Croatia, and with the proposed amendment by Morocco, on the use of the Convention emblem. The Secretary read out the proposal by Albania: ‘Invites the States Parties to take all the necessary measures, in conformity with paragraphs 117 and 149 of the Operational Directives, in order to avoid any commercial misappropriation of inscribed elements, in particular of generic elements covering several domains, through the use of the Convention’s emblem for purposes of commercial instrumentalization and branding.’
527. The delegation of **Morocco** wished to propose, ‘Recalls the importance of taking into account paragraphs 117 and 149 of the Operational Directives concerning the protection and use of the Convention’s emblem’, which had been submitted in writing.
528. The delegation of **Albania** felt that in addition to recalling paragraphs of the Operational Directives, the amendment had to be more specific in highlighting the risk of emblem misuse, which would discredit the Convention. Moreover the delegation felt that it was in the Committee’s mandate and responsibility to recall potential threats.
529. The **Chairperson** proposed to begin the paragraph with the text by Morocco, followed by the text by Albania. The **Secretary** read out the proposed amendment: ‘Recalls the importance of implementation paragraphs 117 and 149 of the Operational Directives concerning the protection and use of the Convention’s emblem, and invites States Parties to take all the necessary measures in order to avoid any commercial misappropriation of inscribed elements, in particular of generic elements covering several domains, through the use of the Convention’s emblem for purposes of commercial instrumentalization and branding.’ There were no further objections or comments and the Chairperson duly pronounced **paragraph 6 adopted** by the Committee.

530. The **Chairperson** moved to paragraph 9 [now paragraph 7], taking into consideration the request for greater reflection on the subject by Burkina Faso, and invited comments from the floor.
531. The delegation of **Kenya** spoke of the administrative implications for the Secretariat, the subject matter of the protest letters, as well as the function of the organs of the Convention such that depending on the letter's content, the Secretariat could address the correct organ. However, in the meantime, the Secretariat could refer the matter to the Bureau and other organs.
532. The delegation of **Spain** felt that the text was broad enough to permit the Secretariat to set up a communication procedure, which did not necessarily imply making public any criticism on the webpage as – for the sake of fairness – the State Party should be able to respond to the criticism. Moreover, a degree of objectivity should be exercised by the Secretariat with respect to the publication of correspondence.
533. The delegation of **Madagascar** fully endorsed the statement by Spain.
534. Based on the discussion, the **Chairperson** suggested an additional text that would read, 'in light of the debate of the Committee', and with no further objections or comments, the Chairperson duly pronounced **paragraph 7 adopted** by the Committee.
535. Moving to paragraph 8, the **Chairperson** noted that there were no comments on the proposed amendment, which was duly **adopted** by the Committee.
536. Moving to paragraph 9 and the original proposal by Azerbaijan amended by Croatia, the delegation of **Morocco** endorsed the paragraph but cautioned against using any terminology that could run counter to the spirit of the Convention, and submitted a text to the Secretariat, which the Secretary read out.
537. The delegation of **Azerbaijan** appreciated the efforts by Morocco but did not feel that it added anything to the original text. The delegation of **Italy** also did not feel that there was any difference in spirit between the two proposals, but preferred the text by Croatia as it was clearer. The delegation of **Morocco** joined the consensus.
538. The **Secretary** suggested a small correction in the text, replacing 'elements' with 'nominations'.
539. There were no further objections or comments to paragraph 9 amended by Croatia, and the Chairperson thus duly pronounced **paragraph 9 adopted** by the Committee.
540. The delegation of **China** returned to paragraph 4 with a small grammatical suggestion. The **Chairperson** suggested adding paragraph 4 to the preamble of the decision that would thus commence with 'Welcoming the contributions [...]'.
541. The **Representative of the Director-General, Mr Godonou**, was pleased to see the adoption of the decisions but drew attention to the additional workload that this would present to the Secretariat.
542. In light of the comment by the Representative, and as a member of the Executive Board of UNESCO, the delegation of **Madagascar** would request that the Executive Board offer its support to the Intangible Cultural Heritage section. The delegation also noted a correction in the French translation of paragraph 5.
543. The delegation of **Albania** wished to add 'The Committee' at the beginning of the decision.
544. The delegation of **Morocco** was of the understanding that the paragraph on the emblem was addressed to the States Parties and therefore did not add to the Secretariat's workload.
545. There were no further objections or comments, and the Chairperson thus duly declared **Decision 5.COM 6 adopted** by the Committee.
546. Referring to the comments made by the Representative, the **Legal Adviser** made known that the legal office would assist the Secretariat, especially in the case of the proposal by

Italy on the setting up a procedure for the treatment of external correspondence. The Legal Adviser made reference to [paragraph 32](#) of the Operational Directives [on the transmission of files and reports to States Parties], stating that it could not be amended.

547. The debate on item 6 was duly closed by the **Chairperson**.

ITEM 10 OF THE AGENDA (CONT.):

REFLECTION ON THE CRITERIA FOR INSCRIPTION AND DEFINITION OF ‘EMERGENCY’ FOR REQUESTS FOR INTERNATIONAL ASSISTANCE

Documents [/ITH/10/5.COM/CONF.202/10 Part I](#)
 [/ITH/10/5.COM/CONF.202/10 Part II](#)
Decisions [5.COM 10.1](#) and [5.COM 10.2](#)

548. Returning to item 10, **Mr Jae Bok Chang, the Deputy Permanent Delegate of the Republic of Korea to UNESCO**, one of the Vice-Chairpersons and **acting as Chairperson**, invited the representative of the Secretary to present the status of the previous day’s debate.

549. The **representative of the Secretary** reminded the Committee that a general debate on the issue had taken place rather than a specific debate on the wording of the decision, with a fairly evenly divided opinion. Among those supporting Option A, some Members advocated a complete revision of the criteria while others focused on the revision or deletion of criterion R.2. The representative of the Secretary informed the Committee that it might decide whether to move to debating the decision, in which case, it would adopt either Option A or B. In the case of Option A, further guidance would be sought in order for the Secretariat to respond to suggested proposals and prepare a document for the sixth Committee session.

550. The **Chairperson** recalled that the debate had revealed a division among Committee Members between the two options and therefore invited Members to suggest a way forward.

551. The delegation of **Italy** wished to propose a compromise solution, as it was apparent that Option A proposed to *begin* a discussion on the issue without necessarily obtaining the *results* of the discussion; it was up to the Committee to decide either to retain or to revise the criteria at its next session. Consequently, the delegation proposed an amendment to Option A in its paragraph 3 of [5.COM 10.1](#), which read: ‘Requests the Secretariat to draw up possible revisions of the draft reflecting its debates during the present session in order to take a decision on whether revision is appropriate.’

552. The delegation of **Kenya** was of the opinion that when reviewing the Operational Directives pertaining to the criteria for inscription of nomination files to the Representative List, then all five criteria should be subject to discussion. Nonetheless, the delegation still wished to retain the current criteria at the present time.

553. The **Chairperson** then proceeded to move to paragraphs 1 and 2 of the draft decision. As there were no objections, the Committee duly **adopted** them.

554. With regard to paragraph 3, the delegation of **Morocco** noted that the paragraph supposed that the Committee had reflected deeply on the criteria for both lists, which did not accurately reflect the debate on this issue. Moreover, the delegation had made known its preference for Option B and, as presented, did not envisage further discussion and wished to move forward on the issue.

555. The **Chairperson** recalled the mandate of the General Assembly of June 2010, which called for a reflection on the criteria, and noted that – to a certain extent – the discussion on item 6 in the previous day’s session had tackled the issue. The Chairperson therefore suggested the following amendment to paragraph 3, which read: ‘Taking note of the debates in the current session of the Committee on the criteria for inscription on the Lists.’

556. The delegation of **Morocco** agreed with the proposed change, and as there were no further objections, the Chairperson pronounced paragraph 3, as amended, **adopted** by the Committee.
557. The **Chairperson** moved to the more substantive part of the debate and asked the Secretariat to display the amended paragraph of Option A on the screen, as proposed and previously cited by the delegation of Italy.
558. The delegation of the **Republic of Korea** reiterated its wish to have an opportunity to review the criteria and therefore opted for Option A, adding that the original criteria may still be retained following lengthy discussion, which would not in any event be a waste of time. Additionally, in order to help the Secretariat in its work, the delegation proposed the following sentence, between paragraph 4 and 5, which read: 'Invites the States Parties to submit to the Secretariat their views on possible revisions of the criteria.'
559. The delegation of **Indonesia** first wished to congratulate all the States Parties, Committee members and observers for all their contributory efforts in the earlier sessions. The delegation reiterated its desire to retain the current criteria, as any changes brought about would entail a re-familiarization by the States Parties with the revised criteria. Moreover, Option B did not exclude revisions in the future.
560. The delegation of **Cyprus** agreed with the suggestion made by the Republic of Korea that invited States Parties to provide possible revisions of the criteria to the Secretariat, and further proposed the establishment of a working group that could deliberate on this issue providing its outcomes to the Secretariat.
561. The **Chairperson** suggested that the question of a working group could be followed up but, for the time being, he preferred to focus on the draft decision.
562. The delegation of **Morocco** remarked that no clear cut decision had yet been taken as to the preferred option for adoption, yet amendments were already being proposed for option A. With regard to the criteria, the delegation was not against revision in principle but, in an effort to avoid further confusion, thought it would be premature at this stage when States Parties were only becoming familiar with the current criteria. The delegation agreed with the suggestion made by the Republic of Korea to request States Parties to send their suggestions to the Secretariat on how they saw improvements to the criteria.
563. The delegation of **Kenya** recalled that criterion R.2 had not been the deciding factor in any of the unfavourable nomination files and had therefore not caused concern to the States Parties or the Subsidiary Body, or in the management of the Convention. Additionally, it embodied the spirit of the Convention as it allowed communities to share their intangible cultural heritage with others. The delegation was strongly reluctant to revise the criteria prematurely at this stage of the Convention when communities and States had just begun to master the process of preparing nominations. Every good thing can be improved, but the question is whether change is needed now. It cited the issue of criterion R.5 whereby States Parties had created inventories prior to the Convention without having consulted communities, but the Committee was living with those deficiencies; we can do the same with criterion R.2 until States are better able to understand the process. The delegation therefore strongly supported the retention of the current criteria.
564. The **Chairperson** wondered whether providing two options was indeed helpful and suggested drafting a compromise text once all the interventions had been heard, and therefore suggesting proceeding with the debate.
565. The delegation of **Madagascar** also supported Option B and the position held by Indonesia, Morocco and Kenya. The delegation of **Niger** spoke in favour of innovation and changes that would improve working methods; however it was not in favour of a revision of the criteria at this early stage of the Convention.
566. The delegation of **Burkina Faso** spoke of capacity building, particularly in Africa, and noted that some States Parties had inscribed elements while others had not; confusion might

ensue as States Parties were only getting to grips with the nomination process and the criteria. However, the delegation agreed with the comment made by Morocco to allow States Parties to make known their position to the Secretariat with regard to possible revisions. The Secretariat could then draft a document for consultation at the next session.

567. The delegation of **Japan** wished to remind Members of the number of meetings required and hours spent in order to draft the Operational Directives and simply to establish the criteria. If the process were applied to revise the criteria, beginning from now, they would not be fully operational until the General Assembly in four years time, and if discussions on the issue were further postponed, this would accordingly impact on the adoption of revisions. Hence, the delegation urged the Committee to begin discussions as early as possible. In an attempt to find a compromise solution, the delegation proposed an amendment to paragraph 4 of Option A with the addition of a closing sentence that read: 'Decides to examine at its sixth session possible revisions to the criteria for inscription in paragraph 1 and 2 of the Operational Directives, retaining the spirit of the current criteria.' This would help the criteria evolve, by introducing modest changes, but would still contribute to improving the criteria.
568. The **Chairperson** thanked Japan for its concrete proposal.
569. The delegation of **Italy** wished to make clear that the issue did not concern the *revision* of the criteria but the *discussion* of the revision of the criteria. Moreover, any change to the criteria would involve a decision by consensus. Attempting to bridge the gap between the two options, the delegation suggested retaining the proposal put forward by the Republic of Korea inviting States Parties to share their views on the issue with the Secretariat, which would then be shared among all States Parties at the next session.
570. Recalling its earlier position on Option B, the delegation of **Spain** acknowledged the comments made by Italy and Japan but still remained in favour of Option B, citing as example the arguments put forward by Burkina Faso.
571. Following discussion with the Secretariat, the **Chairperson** made a point of clarification with regard to paragraph 6 of Option B, that it was not the Committee's decision to retain the criteria but the General Assembly's decision and as a result proposed to replace 'requests' with 'recommends'.
572. The delegation of **Paraguay** began by supporting the comments made by Spain as well as the proposal made by Burkina Faso, and asked the Secretariat for clarification regarding the proposed amendment to replace 'requests' with 'recommends'.
573. The **Secretary**, Ms Cécile Duvelle, acknowledged that the proposed amendment was necessary as the Committee can only 'recommend' and not 'decide' on inscription criteria.
574. The delegation of **Croatia** supported the position expressed by Paraguay, Burkina Faso and Morocco.
575. With regard to the methodology for the draft decision, the delegation of **China** suggested not to reopen the debate, as the Committee and States Parties needed more time to review whether the criteria were both functional and practical in the evaluation of nominations. The delegation supported the proposal by Japan to merge the two options, as they did not appear to oppose each other, and requested the Secretariat to draft an alternative option.
576. The **Chairperson** sought advice of the Legal Adviser with regard to the procedure. The **Legal Adviser**, Mr Souhail El Zein, reiterated the suggestion by China to cease debate on the issue of whether to reflect on the revision of the criteria or not in this session, replying that if this was the case, it had to be reflected in the draft decision in order for the Secretariat to draft an alternative text.
577. Instead of amending paragraph 4 of Option A, as previously proposed, the delegation of **Japan** proposed to amend paragraph 6 of Option B to include a closing sentence that read: 'Recommends to retain the criteria for inscription in paragraph 1 and 2 of the Operational Directives, without excluding opportunities to discuss possible amendments to the criteria'.

Meanwhile, the amendment proposed by the Republic of Korea in Option A could be integrated into Option B.

578. Following consultation with the Secretariat, the **Chairperson** announced that the Committee could work on a draft text based on the proposal by Japan. The delegation of the **Islamic Republic of Iran** voiced support in favour of the proposal by Japan. The **Chairperson** was of the view that the text would be a good compromise and invited further comment from the Committee.
579. The delegation of **Kenya** was willing to accommodate the proposal by Japan but wished to see the addition of criteria R.3, R.4 and R.5. The delegation of **Italy** found that the proposal by Japan was the combined result of the joint efforts of the entire Committee and was therefore a good solution. The delegation wished to see the addition of a sentence that would read: 'States Parties are invited to submit to the Secretariat their views on possible revisions', which at the same time would explain that the Secretariat would circulate these views among the States Parties.
580. The **Chairperson** suggested, 'to be circulated to the States Parties'.
581. With regard to the text proposed by the Republic of Korea, the delegation of **Japan** noted a minor error and suggested replacing the word 'amendments' with 'revisions'. The delegation of **Albania** supported the proposal by Japan and amended by Italy, and suggested applying a time limit for the submission of views.
582. The **Chairperson** welcomed an appropriate deadline that suited both the Secretariat and the States Parties.
583. The **representative of the Secretary** proposed 1 July 2011 for States Parties to submit their comments and views to the Secretariat, which would then be made available as an information document in September or October 2011 prior to the next session. The **Chairperson** reminded the Committee that the next session would be held in November 2011.
584. The delegation of **Kenya** voiced support for the proposal by Japan.
585. The delegation of **Azerbaijan** also supported the proposal by Japan. With regard to the deadline, the delegation sought clarification as to whether this was dependent on the date of the General Assembly and not the next Committee session. Additionally, the delegation wondered whether there was ample time for States Parties to review the document given the number of documents for consultation at the next session.
586. The **Secretary** confirmed that the document would be circulated four weeks ahead of the next session of the Committee.
587. The delegation of **Morocco** subscribed to the consensus but wondered whether paragraph 6 of the decision, which requested the Secretariat to report on the decision, could in fact be deleted.
588. The **Chairperson** recalled that it was up to the Committee to decide to make the report available at the next session of the Committee and, taking on board the comment made by Morocco, asked whether the following text could replace the deleted text as follows: 'Requests the Secretariat to include this item in the provisional agenda of the next session of the Committee.'
589. The delegation of **Albania** wondered whether the Committee had to make this particular request to the Secretariat. The **Chairperson** replied that by including the Secretariat in the request, the issue would automatically be included in the provisional agenda and subsequently proposed to the Bureau.
590. The delegation of **Indonesia** felt that the proposal for paragraph 6 was similar to Option A and opposed its inclusion as amended. The **Chairperson** remarked that many of the Committee Members had shown support for the inclusion of the item in the deliberations at

the next session. The delegation of **Indonesia** maintained its position and reiterated that this was similar to returning to Option A.

591. In order to accommodate the comment by Indonesia, the delegation of **Kenya** asked that paragraph 6 be deleted.
592. The **Chairperson** sought the advice of the Legal Adviser as it was believed that if a Committee Member wished to see an item included in the provisional agenda then it had the right to request inclusion.
593. The **Legal Adviser** explained that in a situation whereby States Parties had been invited by the General Assembly to share their views and opinions on possible revisions of the criteria, then it was logical that there should be an occasion to discuss the expressed views, and therefore paragraph 6 could not be radically altered. Moreover, the General Assembly would request a report on the viewpoints.
594. The **Chairperson** was of the understanding that the General Assembly had given the Committee a clear mandate to reflect on possible revisions of the criteria.
595. The delegation of **Albania** sought a text that did not prejudge the current criteria and wished to further define the proposed agenda item as a 'discussion' on the views submitted by the States Parties.
596. The **Chairperson** wished to move ahead with adoption of the paragraphs of the draft decision as proposed by the Committee, and paragraph 4, which read: 'Recommends to retain the criteria for inscription in paragraphs 1 and 2 of the Operational Directives, without excluding the opportunities to discuss possible revisions of the criteria.' As there were no further objections, the Chairperson pronounced paragraph 4 **adopted** by the Committee.
597. The **Chairperson** moved to paragraph 5, which read: 'Invites States Parties to submit before 1st July 2011 to the Secretariat their views on possible revisions of the criteria and requests the Secretariat to circulate them to the States Parties before the sixth session of the Committee.' As there were no further objections, the Chairperson pronounced paragraph 5 as **adopted** by the Committee.
598. The **Chairperson** moved to paragraph 6, which read: 'Decides to include this item in the provisional agenda of the sixth session of the Committee without prejudging the current criteria.'
599. The delegation of **Kenya** continued to express uncertainty as to the necessity of paragraph 6.
600. The **Chairperson** drew attention to paragraph 2 of the draft decision, which called on the Committee to have a reflection on the criteria, and so therefore it was deemed logical to have the item included in the agenda.
601. The **Secretary** reiterated the remarks made by the Legal Adviser that it was logical that the Committee, having been asked to reflect on possible revisions to the criteria, would wish to share those views at its next session. Moreover, as had been rightly pointed out by the delegation of Japan, the fact that the Committee receives recommendations and suggestions does neither commit nor suggest that the Committee can amend the criteria. It is up to the General Assembly to decide whether amendments would indeed be necessary.
602. The delegation of **Indonesia** accepted the explanation by the Secretariat and asked for further clarity on the definition of the item as proposed in the provisional agenda. The **Chairperson** replied that the item would concern a reflection on the criteria for inscription.
603. In response to the question by the delegation of Indonesia, the **Legal Adviser** suggested that the item be noted as 'the report of the Committee on the question posed by the General Assembly' [or similar], explaining that this was a procedural issue – not a substantive issue. The Legal Adviser explained that the draft decision was simply asking the Secretariat to collect the views from States Parties, not to revise any directive or criteria, which would then

need to be put to the Committee at its next session for examination and the possibility of appropriate action, if any, by the General Assembly.

604. The **Chairperson** thanked the Legal Adviser for clarifying the situation, and with no further objections, the Chairperson pronounced paragraph 6 **adopted** by the Committee.
605. The **Chairperson** subsequently adjourned the meeting.

[Thursday, 18 November 2010, afternoon session]

ITEM 11 OF THE AGENDA:

AMENDMENT TO THE RULES OF PROCEDURE CONCERNING THE WORKING METHODS OF THE BUREAU

Document [/ITH/10/5.COM/CONF.202/11](#)
Decision [5.COM.11](#)

606. **Mr Jae Bok Chang, the Deputy Permanent Delegate of the Republic of Korea to UNESCO**, acting as Chairperson, introduced item 11 and invited the Secretariat to provide the background information on this item.
607. The **Representative of the Secretary, Mrs Oda Lehmann**, explained that paragraph 47 of the Operational Directives provided that international assistance requests up to US\$25,000 and emergency requests, regardless of the amount, are evaluated by the Bureau (paragraphs 49 and 50) and could be submitted at any time. The Operational Directives adopted in 2008 had already provided that requests up to US\$25,000 would be evaluated by the Bureau, and in the 2010 revision of the Operational Directives, the General Assembly extended this authority to include emergency requests as well. From time to time, the Committee may also delegate certain tasks to the Bureau in order that they can be addressed in a timely manner without the need to wait for a Committee session. The Representative cited the example during the fourth Committee session when the Committee delegated to the Bureau the authority to approve the final report of the Committee on its activities for the third General Assembly, which had been approved and adopted electronically. She further explained that the current Rules of Procedure did not foresee electronic consultation and therefore a proposal had been put forward for its revision, which proposed to amend [Rule 12.2](#) by adding the mention of the tasks of the Bureau foreseen in the Operational Directives and any other task assigned by the Committee through its own decisions. The proposed amendment to Rule 12.3 would allow the Bureau to undertake electronic consultation, if considered appropriate by the Chairperson, adding that for all important questions, the Bureau would continue to meet in person. Rules 12.1 and 12.4 would remain unchanged.
608. The **Chairperson** agreed with the sensible approach as it allowed the Bureau to conduct its routine business without the need for face-to-face meetings in Paris, and reiterated that this measure would allow the Bureau to respond in a timely manner to International Assistance Requests up to US\$25,000 and to any unforeseen emergency requests, as well as address other tasks the Committee may assign to the Bureau in the future. The Chairperson invited opinion from the Committee.
609. The delegation of the **Czech Republic** wished to comment on Rule 12.3 and agreed with the idea of electronic consultation among Bureau members but did not think that consultations should only take place between the Chairperson and members, but among all the members. Decisions should be subject to approbation by all members of the Bureau and therefore it was deemed important that all members be informed and opinion shared among all, and proposed that the sentence read, 'Members of the Bureau may, if the Chairperson deems appropriate or asks the member to do so, contact the members by correspondence including electronic consultation.'

610. The **Chairperson** projected the proposal by the Czech Republic on the screen and invited comment from the Committee. There were no remarks and the Chairperson invited the Legal Adviser to comment on the wording of the text.
611. The **Legal Adviser** sought clarity on the rationale behind the proposal.
612. The delegation of **Morocco** returned to [Rule 12.2](#) noting that the text had been amended, and sought clarity on the amended text in bold type, which read, ‘as well the tasks foreseen in the Operational Directives and any other task assigned by the Committee through its own decisions’, as reference to the Operational Directives had already been provided in the earlier paragraph. The delegation also asked for clarification with respect to the cited work coordinated by the Secretariat.
613. With reference to the ‘tasks foreseen in the Operational Directives’, the **Representative of the Secretary** explained that when the Operational Directives were amended during the General Assembly in June 2010, it enlarged the role of the Bureau to approve emergency requests even if greater than US\$25,000. In addition, at the last session in Abu Dhabi, the Committee asked the Bureau to approve its report because of the time gap of 6 months between the Committee meeting in September and the General Assembly, and as a result delegated authority to the Bureau, which had not been foreseen in the Rules of Procedure and was thus the reason for the proposed amendment.
614. The delegation of **Morocco** thanked the Secretary for the clear explanation but noted that any amendments to the Operational Directives had to make reference to the Operational Directives though this was not clear in the text.
615. There were no further comments or remarks so the **Chairperson** moved to the discussion on Rule 12.3 and the proposal by the Czech Republic.
616. Wishing to clarify its proposal, the delegation of the **Czech Republic** explained that the text referred to the communication between the different members of the Bureau.
617. Speaking from experience as a Bureau member, the **Chairperson** explained that it had a general practice of sending its delegation’s opinions to the Secretariat by email, which was then copied to all members. The Chairperson asked the Legal Adviser to advise on the wording of the amendment so that the intention was clear.
618. The **Legal Adviser** noted that the proposal by the Secretariat, after legal consultation, was based on the necessity to make urgent decisions as well as deal with other routine matters without incurring expenditures from convening meetings when decisions could be made by majority via email and electronic exchange. The Legal Adviser explained that the Chairperson was cited in premier lieu as he or she would be the person convening the meeting at Headquarters, as attributed in the Rules of Procedure. In the event that an urgent matter became known to the Secretariat, it was standard prerogative that initial contact be made with the Chairperson. The question was whether the members would have a right of decision even if they had not been contacted by the Chairperson. The amendment therefore implied that the members would have a right to convene and consult on issues, which, in legal terms, was not problematic if so decided by the Committee. However, electronic communication on the subject matter would be managed by the Bureau.
619. The delegation of **Indonesia** noted that Rule 12.3 was related to Rule 12.2 in that the Bureau had the responsibility to conduct the meeting, which was led by the Chairperson. The delegation also wanted to know whether electronic communication implied teleconferencing in addition to email exchange.
620. The **Legal Adviser** shared the same opinion with respect to the first point raised by Indonesia and noted that the proposed amendment maintained the position of the Chairperson in its text, ‘if the Chairperson deems it appropriate’ but it acknowledged appreciation of the members to request taking a decision by electronic means. With regard to the second point, the Legal Adviser explained that ‘electronic communication’ could indeed include teleconferencing or videoconferencing, but that the purpose of the amendment was

to reduce the overall communication costs, and the decision could be left to the Chairperson and the Bureau members, depending on the issue in question.

621. The **Chairperson** reminded the Committee that the Bureau arrived at decisions by consensus, and it was now clear that electronic consultations referred to email. The Chairperson proposed to replace ‘members of the Bureau’ by the ‘Bureau’.
622. The delegation of **Albania** sought clarity as to whether the Chairperson alone or Bureau members could decide on electronic consultations or could convene a meeting.
623. The **Chairperson** responded that it was the Bureau itself, comprising the Chairperson, Vice-Chairperson, Rapporteur and the members.
624. The **Legal Adviser** made clear that it was the prerogative of the Chairperson to appreciate the gravity of the situation and so initiate a meeting at Headquarters or decide to use electronic means for consultation.
625. Based on the proposal by the Czech Republic, the **Chairperson** suggested the following wording: ‘The Bureau may, if the Chairperson deems it appropriate, consult by correspondence including electronic consultation.’
626. There were no further comments or objections to the proposed amendments to [Rule 12.2](#) and Rule 12.3, or to the draft decision. The **Chairperson** moved to the adoption of the decision and with no additional comments on **paragraph 1**, it was pronounced **adopted** by the Committee. The word ‘annexed’ in paragraph 2 was replaced with ‘amended’ and read: ‘Decides to amend Rule 12 of its Rules of Procedure as amended to this Decision.’ The Chairperson thus declared **Decision [5.COM 11](#)** adopted by the Committee.
627. The discussion on item 11 was duly closed by the **Chairperson**.

ITEM 12 OF THE AGENDA: **ACCREDITATION OF NON-GOVERNMENTAL ORGANIZATIONS**

Document [ITH/10/5.COM/CONF.202/12 and Corr.](#)
Decision [5.COM 12](#)

628. The **Chairperson** turned to item 12 and the examination of requests for accreditation by NGOs, explaining that the Committee had the task of considering requests and, for those organizations satisfying the criteria adopted in the Operational Directives, recommending them to the General Assembly so that when it met in mid-2012 it could accredit them to the Committee, and so they may be called upon in the future to provide advisory services as members of the Consultative Body. The Chairperson was pleased to announce the presence of approximately 50 of the 97 NGOs accredited in June 2009. Moreover, a report of the NGO Forum, which took place on Sunday [14 November 2010], would be presented during the debate on item 13. The Chairperson took the opportunity to thank the government of Hungary for its financial assistance that enabled ten African NGOs – five already accredited, and five proposed for accreditation – to participate at the Forum and throughout the week. The Chairperson was pleased to note that requests not only included seven African NGOs but a number of NGOs from other developing countries, and he thanked members of the Committee and States Parties for encouraging NGOs present in their territories to submit such requests.
629. Introducing item 12, the **Representative of the Secretary, Mr Frank Proschan**, wished to remind the Committee that the working document for item 12 included a Corrigendum, correcting the name of one organization [refer to document ITH/10/5.COM/CONF.202/12 and Corr.]. The Representative recalled that the present session represented the third year in which the Committee had been asked to consider requests for accreditation from NGOs, with NGOs recommended for accreditation during the third session in Istanbul and the fourth session in Abu Dhabi presented to the General Assembly at its session on June 2010, when it accredited 97 NGOs that could provide advisory services. The NGOs recommended in the

present cycle would be submitted to the fourth session of the General Assembly in mid-2012, when it would decide on the additional NGOs it wishes to accredit to the Committee to provide advisory services in the future. At the time of the meeting in Abu Dhabi, in addition to the requests presented, there were 32 incomplete requests that could not be evaluated by the Committee at that time. Since the meeting in Abu Dhabi, the Secretariat received another 54 requests, making a total of 86 requests that had been received and examined by the Secretariat during the current cycle. The Representative further recalled that when the Committee met in Istanbul and Abu Dhabi, a number of Members expressed concern that there were few requests from NGOs in Latin America and the Caribbean, and even fewer from Africa and from the Arab States. The Secretariat therefore continued a sustained effort to communicate to NGOs in developing countries with more than 300 entities around the world receiving information on the procedures to request accreditation, and reminder letters were sent to 32 organizations whose requests were incomplete. The result of that outreach effort was apparent in the NGOs under consideration in the present session, which saw a much stronger response from NGOs in developing States thanks in large part to the active involvement of States Parties to identify such NGOs. The Representative was pleased to note seven additional NGOs from Africa, with several others, whose requests could not be completed prior to the meeting, for possible representation at the Committee's sixth session. The Representative admitted that NGO representation from the Arab region and from Electoral Group II remained problematic, but hoped that the high visibility of the present meeting and the Forum would increase interest.

630. The **Representative of the Secretary** provided a general overview of the working document: paragraph 92 of the Operational Directives called for the Secretariat to receive requests from NGOs and to submit recommendations to the Committee with regard to accrediting them; paragraph 5 contained the names of 32 NGOs that submitted complete requests for accreditation and satisfied the criteria for accreditation set out in paragraph 91 of the Directives, of which 17 came from Electoral Group I, 2 from Electoral Group II, none from Electoral Group III, 5 from Electoral Group IV, 7 from Electoral Group V(a) and 1 from Electoral Group V(b); paragraph 6 presented the names of 2 NGOs that submitted complete requests for accreditation, but had not satisfied the criteria for accreditation, as both organizations were newly established – BRIO in 2008 and Totarella in December 2006 [the Operational Directives required that an NGO had to be operational for at least four years]; paragraph 7 presented the names of 4 entities, but they did not appear to have the legal status of NGOs as they were governmental bodies; finally, paragraph 8, together with its annex, presented the names of 28 entities that had submitted incomplete requests, the second part of the Annex included the names of 20 entities that had not responded to communication from the Secretariat in the last 12 months and their requests were therefore suspended.
631. Knowing that the Committee attached great importance to involving NGOs from developing countries, the **Chairperson** reminded Members that item 13 specifically concerned the modalities and methods of facilitating their contribution, and therefore asked Members to focus attention on the specific requests. The Chairperson began with the 32 NGOs in paragraph 5 that were recommended by the Secretariat, and since they appeared to satisfy all the criteria set out in the Operational Directives, felt that they could be recommended without the need for lengthy debate. The Chairperson invited comments on any of the 32 organizations.
632. There were no questions or comments from Members. The **Chairperson** therefore assumed a general agreement to recommend the 32 NGOs listed in paragraph 5 to the General Assembly, and asked the Secretariat to insert their names in the draft decision. As regards the two organizations listed in paragraph 6, they had not been operational for the requisite four years and were thus ineligible in the present session. However, they would acquire eligibility in the forthcoming session and would therefore be encouraged to resubmit a request at that time.

633. As regards the organizations listed in paragraph 7, the **Representative of the Secretary** explained that they did not have the requisite legal status, and the General Assembly thus had no possibility to accredit them, so no decision was required. However, as they were engaged in relevant safeguarding work, the Committee or States Parties might wish to call upon them for their expertise. As regards the 28 entities in paragraph 8 with incomplete requests, the Secretariat would continue to work with them to assist their completion; the requests could then be presented at the Committee's sixth session. Finally, the Representative noted the 20 entities that submitted requests in 2008 or 2009, whose requests had been suspended due to an absence of communication.
634. The **Chairperson** moved to quickly adopt the draft decision, recommending to the General Assembly that it accredit the 32 NGOs that satisfied the criteria for accreditation. There were no comments or objections to the first three paragraphs of the draft decision, which were thus duly **adopted** by the Committee.
635. The **Representative of the Secretary** then proceeded to read paragraph 4, 'Decides that the following organizations satisfy the criteria set out in the above-mentioned Directives and recommends to the General Assembly that they be accredited to provide advisory services to the Committee', followed by the names of the NGOs [for the complete list of NGOs, refer to document [ITH/10/5.COM/CONF.202/12 and Corr.](#)].
636. The **Chairperson** noted the addendum of the NGO from the Republic of Korea.
637. There were no comments or objections to paragraphs 4 or 5 of the draft decision. Thus the Chairperson declared **Decision [5.COM 12](#) adopted** by the Committee.
638. The discussion on item 12 was duly closed by the **Chairperson**.

ITEM 13 OF THE AGENDA:
MODALITIES AND METHODS TO FACILITATE THE CONTRIBUTION OF
NON-GOVERNMENTAL ORGANIZATIONS FROM DEVELOPING COUNTRIES

Document [ITH/10/5.COM/CONF.202/13](#)
Decision [5.COM 13](#)

639. The **Chairperson** introduced item 13, noting the recurrence of the topic during sessions because of its importance, which was demonstrated at the NGO Forum with more than 100 participants; the majority of which were drawn from the delegations of States Parties in addition to civil society. The Chairperson asked the Secretariat to provide some background information on the item before giving the floor to the co-Chairs for their report on the NGO Forum.
640. The **Secretary** had observed the great attention afforded to this issue at almost all Committee's sessions since Algiers in 2006 so as to encourage the effective participation of NGOs in the implementation of the Convention at the national level. The Committee's formal relations with NGOs were governed by the Operational Directives, which in turn were inclusive and flexible in order to encourage participation, with the recent revisions of the Operational Directives assigning an essential role to accredited NGOs as members of the Consultative Body. It was noted however that some regions of the world were still under-represented, but outreach efforts would continue to correct the balance. Describing efforts to facilitate the contribution of NGOs, the Representative outlined a number of actions, as explained in detail in document ITH/10/5.COM/CONF.202/13. They include the NGO Forum, organized with the generous financial assistance of the Government of Hungary, which had been called for by the Committee in its Decision [4.COM 10](#); a workshop in Gabon in 2011, thanks to the kind invitation by Gabon; and a second workshop in Latin America in a country yet to be determined. During 2010, a very successful workshop for NGOs from Electoral Group II was held in Estonia, among one of the under-represented regions in terms of accreditation. Moreover, the Secretariat was developing training materials, within the global capacity-building strategy, and NGOs had a place both as a subject of lesson-plans in the

workshops on ratification and national implementation and as the audience of a specific workshop in 2011 aimed at strengthening capacities of NGOs. The Secretary also responded to the suggestions by NGOs to find a way to facilitate communication among themselves and as a result a Facebook page had been set up. She recalled that Decision [4.COM 10](#) also invited States Parties to offer written comments on the modalities and methods of facilitating the contribution of NGOs from developing countries with 26 States responded and the comments were made available on the Convention website. Generally speaking, States were satisfied with the existing criteria for accreditation and did not see them as an obstacle to fuller participation of NGOs, though greater outreach and communication efforts were emphasized as well as strengthening the capacities of NGOs through workshops and trainings. Another impediment included the limited financial resources of NGOs with States suggesting that they should receive support for their safeguarding efforts. Several States suggested a system of twinning or partnership in which well-established NGOs might give technical assistance to newer or less experienced NGOs in developing countries, and one State suggested a 'solidarity fund' through which States could support NGOs in developing countries. Further recalling Decision 4.COM 10, the Secretary spoke of the request to the Secretariat to 'prepare a funding plan that encouraged financial and logistical support to NGOs from developing countries to participate at Committee sessions, with funds from the Intangible Cultural Heritage Fund'. She outlined the measures in the proposed spending plan that offered two options: Option A, funds to support the attendance of NGO representatives from developing countries would be reflected in the draft budget plan under examination at the sixth session and proposed for adoption at the fourth session of the General Assembly; and Option B, reflected the fact that resources devoted to this purpose would reduce the resources available for other purposes of the Fund, an alternative would be to adopt an approach similar to the highly successful WIPO Voluntary Fund for Accredited Indigenous and Local Communities. In either case, the Committee would need to establish criteria on the allocation of its limited resources, and paragraphs 2–5 of the spending plan laid out eligibility and request prioritization. In addition, the Representative proposed to amend paragraph 3 so that requests would be submitted eight weeks before a Committee session rather than four weeks as it had proven difficult for the Secretariat to make travel arrangements immediately preceding the Committee meeting, which would also be a cost-saving measure.

641. Before opening the floor for debate, the **Chairperson** invited the co-Chairpersons of the NGO Forum, **Prof. Francis Xavier Gichuru** (African Cultural Regeneration Institute, Kenya) and **Mr Erick Gbodossou** (PROMETRA, Senegal), to present brief report to the Committee.
642. Co-Chair, **Mr Gbodossou**, spoke of his privilege to report on the outcomes of the Forum as a result of the Committee's wish to seek involvement of NGOs and civil society in the implementation of the Convention, and took the opportunity, on behalf of all the participants, to thank the delegation of Hungary for providing financial support that allowed 10 African NGOs to participate. Mr Gbodossou recalled the opening words of Mr Jacob Ole Miaron who highlighted the importance of cooperation between UNESCO, States Parties and NGOs, while the Secretary had highlighted the recent efforts by the Secretariat to facilitate greater involvement of civil society, noting that 97 NGOs had been accredited, and Ms Katalin Bogyay, Ambassador of the Permanent Delegation of Hungary to UNESCO, highlighted the importance that Hungary attached to the cooperation between NGOs within the framework of UNESCO's activities. Outlining the proceedings of the Forum, Mr Gbodossou recalled the three thematic sessions, introduced by two panellists. Session 1: Contribution of NGOs and civil society organizations to the safeguarding of intangible cultural heritage and the rapprochement of cultures at nation level; Session 2: Contributions of NGOs to the implementation of the Convention at the international level; Session 3: Methods and modalities of enhancing the participation of NGOs in the safeguarding of intangible heritage and the rapprochement of cultures. Mr Gbodossou spoke of the rich and varied discussions that took place as the constructive dialogue sought a common vision for more effective involvement of NGOs in the implementation of the Convention, not least because of the important role played by NGOs as cultural mediators that contribute towards bringing communities, institutions and governments together in joint efforts to safeguard intangible

cultural heritage. The participants noted the role that NGOs could play in conflict resolution, in strengthening social cohesion and in promoting peace. The role of education was also highlighted in the transmission of intangible cultural heritage to the younger generation, and NGOs could therefore play a key role in safeguarding, in close cooperation with schools and teaching institutions and in the non-formal education sector. The participants identified activities relating to intangible cultural heritage inventories as a priority area for action where NGOs could help States Parties, public institutions and local authorities. Moreover, to ensure effective contribution and assistance, the NGOs expressed their desire to actively participate in follow-up activities so as to better assist States Parties and the governing bodies of the Convention. A point highlighted by the majority of the participants was the need to build capacity among NGOs and civil society so as to equip them to help in the implementation of specific safeguarding projects and programmes as national and local NGOs acted as drivers in raising awareness among communities, particularly in the case of endangered intangible cultural heritage, passing this knowledge to the regional, national and international levels. Mr Gbodossou reported that strengthening their cooperation at all levels was one of the major challenges facing NGOs in order to multiply the impact of their actions with access to vital information. The need to use new ICTs was also highlighted. Identifying good practices also was said to be a key priority. Others expressed a wish to work and benefit from the experience acquired by UNESCO through its various regional networks, particularly category 2 centres; the consolidation of ties between the various levels would create synergy and a dynamic network of institutions, which would increase the effectiveness of their contributions. The participants agreed that the Forum constituted a first step towards building a climate of trust between the different stakeholders and called for the continuation of this type of initiative and recommended that an agenda of activities be drawn up in order to implement the conclusions of the Forum.

643. Co-Chair, **Mr Gichuru**, added that he was happy to have participated in the Forum, which revealed the belief and hope of the NGOs to reach the grassroots level in support of the implementation of the Convention by States Parties. Civil society was ready to work with States Parties and meet with successful efforts.
644. The **Chairperson** also wished to thank the government of Hungary for its generous assistance to the Forum.
645. The delegation of the **Republic of Korea** thanked the co-Chairs for their report and commended the Forum for its important step towards the goals of the Convention. Taking into account the important role of NGOs in the field of intangible cultural heritage, the delegation supported the provision of financial assistance to NGOs from developing countries and was in favour of Option A reminding the Committee that there existed a sub-item within the Intangible Cultural Heritage Fund for this purpose. Along with assistance, information-sharing and networking with NGOs should be further reinforced. To this end, the delegation took the opportunity to announce the official opening of a UNESCO category 2 centre in early 2011, and welcomed the participation of Member States in the centre's activities.
646. The delegation of **Paraguay** witnessed the positive dialogue that took place at the Forum and commend the efforts by the delegation of Hungary in its organization, noting that the meeting gave a new understanding of the priorities and viewpoints of civil society in the challenges faced in the implementation of the Convention, which called for greater and broader precipitation by NGOs, but also local communities, governments and bearers of intangible cultural heritage. The delegation noted the presence of a regional category 2 centre, CRESPIAL, that was increasing its level of implementation of the Convention. Another positive point was the dialogue between States Parties and civil society organizations in parallel with the Committee sessions, which the delegation believed would enrich knowledge and synergy.
647. The delegation of **Kenya** thanked the delegation of Hungary, the Secretariat and the co-Chairs for the facilitation of the Forum, and noted that the Convention recognized the resourcefulness of NGOs and individual experts in its implementation and therefore it was

important to engage with the NGOs as they connected with communities and acted as bridges with governments. They also have a long-standing rapport with such vulnerable groups as youth and women, as well as cultural practitioners who were often members of NGOs. The delegation spoke in favour of establishing a communication mechanism for networks at all levels including grassroots and community based organization, and supported specific funding for NGOs. The delegation recommended that the Secretariat engage more with the Forum through an open-ended working group to establish modalities and mechanisms for working with NGOs.

648. The delegation of **Croatia** congratulated Hungary for the organization of the Forum, and highlighted the importance of inter-regional and trans-continental exchange from local community level participation of NGOs to regional and international participation.
649. The delegation of **Brazil** recognized the central role of civil society in safeguarding intangible cultural heritage and they were included in national policy and in the development of inventories and nomination files. Moreover, the government were active in circulating information on the process of accreditation to NGOs. However, in Brazil, local NGOs had encountered problems in obtaining the correct documentation for the accreditation process, and the cost translating documents was also cited as inhibitory. Brazil therefore proposed that forms submitted by developing countries be completed in the language of those countries with a portion of the fund possibly allocated for its subsequent translation.
650. The delegation of **Botswana** applauded Kenya and the government of Hungary for the organization of the meeting. The delegation took the opportunity to thank the Flemish government for assisting Botswana and other African countries in undertaking inventories at grassroots level, work that was carried out with NGOs. The delegation spoke of the importance of structures that would strengthen networks, and the partnerships of local government, the media and other sectors of the economy. The delegation was in favour of increased funding to strengthen NGOs because of their community credentials.
651. The delegation of **Sudan** began by thanking Hungary for their support of NGOs, and paid tribute to the Co-chairs, reiterating their importance in the implementation of the Convention in building bridges between governments and UNESCO. The delegation called on States to follow the example of Hungary, and hoped that this would help bring together a network of institutions working in the field of intangible cultural heritage. The delegation also supported the comments by Kenya, and congratulated the NGOs accredited in this cycle and called for greater sharing of information, possibly through a web-based e-forum. The delegation also spoke of a recent event in Senegal showcasing African culture, which brought communities together.
652. The delegation of **Hungary** was pleased to hear of the positive feelings manifested by the Forum participants as well as Committee Members, and hoped the contribution would assist NGOs in fulfilling their mission as embodied in the Convention. The delegation recalled the closing speech of the Forum by the Ambassador of Hungary to UNESCO, Ms Katalin Bogay, who hoped that the initiative would serve as a model for States Parties in the future.
653. The delegation of **Uganda** thanked the Secretariat, the examiners, the Subsidiary Body, and the government of Kenya for organizing and hosting the meeting, as well as the government of Hungary, notably for having contributed towards the participation of one NGO from Uganda. The delegation also thanked the Flemish government for supporting the community inventorying in Uganda, which was due for completion in December 2010. The delegation spoke of the three Ugandan NGOs that had not received accreditation but hoped that they would receive help in obtaining accreditation in the near future. The delegation also reiterated the importance of capacity building that would encourage more submissions from Africa and suggested that the Secretariat encourage African countries to ratify the Convention.
654. The delegation of **Turkey** thanked Hungary and the Co-chairs of the Forum, who had highlighted the importance of formal and informal education. The delegation reiterated the importance of NGOs in the field of intangible cultural heritage and in formal and informal

education, and the need for NGOs to become acquainted with the Convention. With this intention in mind, Turkey recalled its suggestion in Istanbul – during the third Committee session – to convene a meeting of experts, which was subsequently held in Anatolia in September 2010 attended by 14 countries from around the world. In order to clarify [Article 14](#) of the Convention [on Education, awareness raising and capacity building] the delegation suggested having a paragraph in the Operational Directives specifically on Article 14, especially as there was no guidance at the local and national level.

655. The Chairperson invited the **Representative of the NGOs, Ms Rose Ateng Mbah** (Rural Women Environmental Protection Association, Cameroon), to read out the statement signed by 26 NGOs.
656. On behalf of the signatories of the statement, **Ms Rose Ateng Mbah** began by thanking Kenya for the warm hospitality and those that had made possible the participation of the many NGOs. The NGOs were delighted that the wish to have a Forum, expressed in Abu Dhabi, had been realized and hoped that this would set a precedent for all future Committee meetings not least because the wide participation of civil society and communities was vital in the implementation of the Convention. Moreover, the webcast should be widely broadcast and made interactive. The NGOs were ready to work with the Secretariat to prepare the next Forum as it presented a unique occasion to establish closer dialogue on such issues related to community participation in the safeguarding process. With their broad knowledge base at various territorial levels, NGOs were therefore ready to serve as an important link between UNESCO and the communities. Committed to attaining the Millennium Development Goals, the NGOs believed that the implementation of the Convention could contribute towards alleviating poverty (MDG1), the empowerment of women (MDG2) and ensure environmental stability (MDG7). Moreover, the safeguarding plans had an important role to play in terms of youth and education. The NGOs would actively follow the work by the Consultative Body and the contribution by NGOs, and welcomed greater access to decisions by the Convention's governing bodies, which would recognize the added value that civil society could bring to the implementation of the Convention. The NGOs hoped that the relationship with the Secretariat and the Committee would continue, and were willing to contribute in decisions related to nominations, funding, safeguarding plans and programmes, inventories, awareness-raising, capacity building and training. These measures would meet expectations that NGOs wished to see and should include: the creation of a platform for information exchange made accessible to NGOs as well as States Parties; the establishment of a programme for the direct exchange of experience and methodology of NGOs; and the organization of thematic meetings facilitated through UNESCO offices. Such measures would help States Parties identify the support available from the NGOs and therefore make the contributions more effective. The statement concluded with the NGOs expressing their commitment to the implementation of the Convention pursuant to its principles.
657. The **Chairperson** invited the Secretariat to present a brief introduction of the spending plan and the draft decision.
658. The **Representative of the Secretariat**, Mr Proschan, began by first responding to a couple of points raised during the general debate. Firstly, the concerns by Brazil on language and documentation. Firstly, documents had to be submitted in English or French – the two working languages of the Committee – so as to be able to easily correspond with the Secretariat, on the other hand, the supporting documentation on the legal personality of the NGO could be submitted in the language of the country in which the NGO was registered; translation was not necessarily required although it did facilitate work. Secondly, NGOs could become actively involved in the implementation of projects and activities supported by the Intangible Cultural Heritage Fund through the international assistance when requested by the submitting State Party, if designated as the responsible entity for the implementation of the submitted project. The Representative gave the example of the implementation of a project by a Kenyan organization, which was approved by the Bureau for international assistance and submitted by the government of Kenya.

659. Returning to the decision, the **Representative of the Secretary** began by presenting the spending plan, followed by the language of the plan. There were two options for the first paragraph that depended on whether the Committee decided to have the expense included within the regular budget of the Intangible Cultural Heritage Fund (Option A) or whether it wished to establish a voluntary sub-fund into which States could offer contributions (Option B). In the case of Option A the suggested percentage allocation had to be reflected in the draft plan for the use of the resources of the Fund that would be submitted to the Committee for approval at the sixth session, and then recommended to the General Assembly at its fourth session in June 2012; presently there were no funds available for that purpose, funds would be made available by the seventh session in November 2012. Alternatively, Option B would establish a voluntary sub-fund for the same purpose. In conformity with previous decisions of the General Assembly, the Committee could use funds received in the sub-fund immediately upon receipt, making them available for the sixth session in 2011. In either case, it was recommended that the Committee establish some basic eligibility criteria – as found in paragraph 2 of the draft spending plan – and some principles for prioritizing assistance should there be limited resources. The priority set out in paragraph 3 echoed the system in place for experts representing States Members of the Committee or States Parties observers who received assistance from the Intangible Cultural Heritage Fund. As previously explained, the Representative suggested changing the deadline in paragraph 3 from four weeks to eight weeks. Finally, paragraphs 4 and 5 of the spending plan further specified the eligibility and priority for assistance. Having adopted the spending plan, the Committee would then return to draft decision [5.COM 13](#). The Representative proposed an amendment, a paragraph *5bis*, that acknowledged thanks to Hungary.
660. The **Chairperson** asked Members for their preference, either Option A or Option B, and whether they had any other suggestions to offer with respect to the language of the spending plan.
661. The delegation of **Cyprus** spoke in favour of Option A and wished to add a paragraph that would read: ‘Encourage States Parties to contribute supplementary funds to the sub-fund.’
662. The delegation of **Morocco** also spoke in favour of Option A as paragraph 9, pertaining to contributions on a voluntary basis in Option B, might result in the fund remaining empty.
663. The **Chairperson** asked Members to display hands/placards for Option A, which clearly showed a majority preference for Option A.
664. The **Chairperson** turned to the discussion concerning the spending plan adopted at the General Assembly in order to decide on the percentage allocation of the Fund.
665. The **Representative of the Secretary** explained that the allocation of the budget, approved by the General Assembly in June 2010, would be determined by the amount contained in the Fund by the end of the Biennium in 2011, which would be approximately US\$3 million, although in the year 2010 there was a higher balance due to a surplus of funds at the beginning of the year, which was equal to US\$5 million. The Representative proceeded to outline the budget lines: (line 1) 54% was allocated to international assistance; (line 2) preparatory assistance for the Urgent Safeguarding List and Best Practices; (line 3) 18% covered publication of the lists, which was also supplemented by the Regular Programme funds, and the capacity-building strategy work undertaken by the Secretariat; (line 4): 5% was allocated to the participation of one expert from developing countries Member of the Committee to attend meetings; (line 5): covered the participation of experts representing State Parties but non-members of the Committee; this budget allocation was systematically over-subscribed; (line 6) 3% covered the participation of public or private bodies or persons invited by the Committee on a consultation basis; (line 7) the cost of the consultative body mechanism, i.e. the twelve experts and NGOs would be covered from this allocation; and finally (line 8) the reserve fund for emergencies, which would continue to grow by 5% until it reached a sum that the Committee decided was adequate to cover such emergencies. The NGO percentage allocation would have been determined and the Secretariat would identify the budget line from where the funds could be drawn.

666. The **Chairperson** invited Members to comment and suggest a percentage.
667. Before discussing percentages, the delegation of the **Islamic Republic of Iran** wished to add a sentence, based on the proposal by Cyprus with the language aligned with the paragraph and in order to encourage other resources to the voluntary fund, which would read, 'other sources of voluntary budgets are in the meantime encouraged to be sought'.
668. The **Representative of the Secretary** made known that although the approved spending plan was slightly more flexible in the current cycle, the Members were still restricted to the category of funds and the percentages indicated in the plan such that voluntary contributions, regardless of their source, would be distributed across the different budget lines in the same proportion as had been approved. However, should the Committee wish to have an interim or more permanent measure that would contribute specifically to NGO participation then it would be necessary to establish a sub-fund as indicated in Option B. Moreover, the Committee could decide to adopt both options, with the text proposed presented as *1 bis* if they so wished. In this way, the voluntary contributions would be allocated to the specific purpose.
669. The **Chairperson** wondered whether the two proposals might be moved to the operational part of the draft decision rather than on the part on the spending plan.
670. With regard to the paragraph proposed by the Islamic Republic of Iran, the **Legal Adviser** preferred the use of 'voluntary contribution' rather than 'voluntary budget', and if the option were adopted, the draft decision would make reference to it as an annex with only the percentage noted. In any case, it was up to the General Assembly to approve the budget line and the percentage, but the motivation was important.
671. Taking into account the proposed amendment by Cyprus, the **Chairperson** suggested, 'The States Parties are encouraged to make voluntary contributions to this fund', while the proposal by the Islamic Republic of Iran would remain unchanged [except for 'voluntary contributions'].
672. The delegation of the **Islamic Republic of Iran** wondered whether the two sentences were necessary as they appeared to be repetitive. The Chairperson explained that the first sentence pertained to States Parties, while the second pertained to other voluntary contributions.
673. The delegation of the **Republic of Korea** proposed to include NGOs in the budget line 6 attributed to public and private bodies and individuals and would thus propose to increase the allotted 3% to 5% rather than designating a separate budget line for NGOs.
674. Following consultation, the **Chairperson** proposed to increase the allocation to 5% in paragraph 1, adjusting line 6 of the spending plan accordingly. The General Assembly would then decide whether it would accept the proposal.
675. The **Legal Adviser** thought it was a good proposal, which should be reflected in the first paragraph, 'Shall include an item in budget line 6 in the plan on the use of the fund to assist participation', and the mention of 5% should be in the total description of item 6.
676. The **Secretary** wished to clarify that the voluntary contributions should not be drawn from the basic budget but come from additional funds, as was the case of Norway where funds were earmarked for a specified purpose.
677. The **Chairperson** read out paragraph 1: 'The Secretariat, in the draft Plan for the use of the resources of the Intangible Cultural Heritage Fund that it presents to the Committee at its sixth session, shall include in the budget line 6 of the Plan for the Use of the resources of the Fund a budgetary provision "to assist participation in the sessions of the Committee of experts in intangible cultural heritage representing accredited NGOs from developing countries", and in the draft Plan shall allocate 5% of the resources of the Fund.' The Chairperson continued: 'States Parties are encouraged to make a voluntary contribution to this Fund. Other sources of voluntary supplementary contributions are in the meantime encouraged to be sought.' There were no further comments or objections to paragraph 1, as

stated, which was duly **adopted** by the Committee. There were no comments or objections to paragraph 2, which was also **adopted** by the Committee. There were no objections to paragraph 3, which had been amended by the Secretariat to extend the 4-week period to 8 weeks, which was duly **adopted**. There were no comments or objections to paragraphs 4 or 5, which were duly **adopted**. The spending plan as a whole was therefore declared by the Chairperson **adopted** by the Committee.

678. The **Chairperson** drew attention to the draft decision and paragraph 5bis suggested by the Secretariat. There were no comments or objections to paragraphs 1, 2, 3, 4 and 5, which were **adopted** by the Committee. The Chairperson suggested that 5bis become paragraph 6 and proposed to delete the reference to Option A and B. There were no comments or objections to paragraph 7, which was also **adopted** by the Committee. The Chairperson thus declared **Decision 5.COM 13 adopted** by the Committee.
679. The discussion on item 13 was duly closed by the **Chairperson**.

[Thursday, 18 November 2010, evening session]

ITEM 14 OF THE AGENDA:

CELEBRATION OF THE TENTH ANNIVERSARY OF THE CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

Document [ITH/10/5.COM/CONF.202/14](#)
Decision [5.COM 14](#)

680. The **Chairperson** began by thanking Mr Jae Bok Chang, the Deputy Permanent Delegate of the Republic of Korea to UNESCO, for his role as acting Chairperson, and proposed to begin the discussion on item 14 followed by item 17 in order to dedicate the final day to the discussion on item 7. The Chairperson invited the Secretary to provide background information on item 14.
681. The **Secretary of the Convention** recalled that the Convention had been adopted on 17 October 2003 by the General Conference of UNESCO and would thus celebrate its tenth anniversary in 2013. At its recent third session, the General Assembly decided by its Resolution [3.GA 10](#) that 'the tenth anniversary of the adoption of the Convention will be an occasion for the international community engaged in safeguarding the intangible cultural heritage to conduct an initial assessment and identify the main challenges, constraints and opportunities related to the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage'. At the time of the present session, 132 States Parties had ratified the Convention and, since the beginning of its operational life in June 2008, 232 elements had been inscribed on the two lists and the Register of Best Safeguarding Practices, including those inscribed at the present session (47 Representative List and 4 Urgent Safeguarding List). Equally impressive were the 453 submitted elements and nominations, although not all were successful. The States Parties would take the opportunity to assess how and in which way the Convention had helped to advance its objectives, as well as reflect on the impacts of the Convention on the different stakeholders. The tenth anniversary was therefore an excellent opportunity to take stock of what has been accomplished during the ten years of its existence and to address key challenges related to the implementation of the Convention and possibly taking this symbolic date to spotlight intangible cultural heritage and the various initiatives to raise the Convention's visibility. It was also a good occasion for States Parties to actively involve the bearers and communities in its celebration. The Secretary invited the Committee to plan and organize various awareness-raising activities on the local, national, regional and subregional as well as international levels, and submit information to the Secretariat so that the Committee could discuss the programme and schedule at its sixth session in 2011.

682. The **Chairperson** spoke of the excellent initiative and invited the Committee to make some concrete proposals.
683. The delegation of **Paraguay** was in no doubt that the tenth anniversary would be a memorable event with broad participation, and proposed an amendment to paragraph 6, which would also invite category 2 centres and accredited NGOs to join in the celebrations and contribute towards awareness-raising. Also under paragraph 6, the delegation wished to include text that encouraged intangible cultural heritage bearers and communities to also become involved at the grassroots level.
684. The delegation of **Azerbaijan** supported the draft decision, and reiterated an earlier statement made at the General Assembly in June 2010 that Azerbaijan was ready to host the seventh Committee session in 2013 and, following discussions with the Secretariat, would – at that occasion – organize activities to coincide with the anniversary.
685. The delegation of **Morocco** agreed with the earlier comments on the importance of the tenth anniversary, and referring to paragraph 4, noted three aspects that were key to the celebration, namely: challenges in safeguarding at the community, national and international levels; the enlargement of the Representative List; and synergies with other UNESCO conventions related to culture. As regard constraints, these included the workload, the problem of simplifying practices in the name of safeguarding, the imbalances between the two lists, and financial constraints. Meanwhile, possibilities were presented by the 1972 Convention that was celebrating its 40 years in 2012, and this opportunity could be used to raise awareness. Additionally, opportunities were presented through trans-boundary intangible cultural heritage, reflected by the increasing numbers of multi-national nominations, and capacity building.
686. The delegation of **Republic of Korea** spoke of the young Convention, compared to the 1972 Convention, but the achievements were not negligible, which were evident from the numerous nominations, the many workshops and strong membership. The challenges were also not negligible and the anniversary presented an occasion to reflect on the past decade. The delegation spoke of its desire to convene an international workshop to discuss the main challenges faced by the Convention and to establish future strategies. A concrete proposal would subsequently be submitted to the Secretariat.
687. The delegation of **Croatia** spoke of the occasion as a time to reflect on the implementation of the Convention and it was therefore important to engage the actors involved prior and since its inception in its development. From the experts' side, this would recognize the contribution of two NGOs, the International Council of Traditional Music and the International Society for Ethnology and Folklore.
688. The delegation of **China** supported the draft decision on the celebrations, and the statements made by the earlier speakers, as it was indeed a great occasion for an overall assessment of the Convention. The delegation spoke of China's intention to develop some initiatives, either national or international events, which would be made known to the Secretariat at a later date.
689. The delegation of the **Islamic Republic of Iran** joined the others in recognizing that the anniversary will be a great event, and informed the Committee of regional and national programmes currently being developed for the occasion. The delegation spoke of its desire to discuss with neighbouring countries regional projects, as was reflected in the success of the regional and multi-national inscription of Novruz.
690. The **Representative of the Director-General**, Mr Godonou, joined with China and others in reiterating the importance of the initiative, and referred to the mechanisms in place and the way the Convention was managed that meant Africa would have 5% of the total elements on the lists at the time of the anniversary, which would be less than under the [1972 Convention](#). The Representative therefore called upon States to implement initiatives either prior or after the anniversary to attempt to redress this imbalance.

691. The **Chairperson** turned to the draft decision and paragraph 1, 2, 3, 4 and 5. There were no comments or objections, and they were duly **adopted** by the Committee.
692. Referring to paragraph 6, the delegation of **Morocco** wondered whether the introduction of a deadline for the submission of proposals could prove helpful to the Secretariat and proposed 1 July as a possible date.
693. The delegation of **Paraguay** wished to add text [in italics], so the final paragraph would read: 'Invites States Parties to consider how the tenth anniversary of the Convention could be celebrated at the local, national, regional and subregional, as well as *international* levels, and to encourage the participation of the communities and bearers of intangible cultural heritage, and to submit information to the Secretariat by 1 July 2011 on such events and activities that they wish to develop and carry out.'
694. There were no comments or objections to paragraph 6, which was thus duly **adopted** by the Committee.
695. The delegation of **Paraguay** reminded the Chairperson that it had submitted a proposal for paragraph 6*bis* that invited UNESCO category 2 centres and accredited NGOs to join in the celebration and to contribute to the wider dissemination of the event.
696. The delegation of **Albania** suggested a separate paragraph for the proposed amendment by Paraguay. The delegation of **Paraguay** agreed that this would further highlight the intangible cultural heritage bearers and communities.
697. The **Chairperson** read out the new paragraph 7: 'Encourages the participation of communities and intangible cultural heritage bearers in these celebrations'. There were no comments or objections to paragraph 7, which was duly **adopted** by the Committee.
698. The delegation of the **Islamic Republic of Iran** wondered whether the participation of NGOs needed to be limited to accredited NGOs and proposed to delete 'accredited'. There were no objections to this proposal.
699. There were no comments or objections to paragraph 8, which was thus duly **adopted** by the Committee. The **Chairperson** therefore declared **Decision [5.COM 14](#)** adopted by the Committee.
700. The discussion on item 14 was duly closed by the **Chairperson**.

ITEM 17 OF THE AGENDA:

VOLUNTARY SUPPLEMENTARY CONTRIBUTION FROM THE KINGDOM OF NORWAY TO THE INTANGIBLE CULTURAL HERITAGE FUND FOR STRENGTHENING THE CAPACITIES OF DEVELOPING COUNTRIES

Document [/ITH/10/5.COM/CONF.202/17](#)
Decision [5.COM 17](#)

701. The **Chairperson** turned to the next item and the first voluntary supplementary contribution made by a State Party to the Intangible Cultural Heritage Fund for a specific purpose: to strengthen the capacities of developing countries for the effective safeguarding of the intangible cultural heritage [general applause]. As President of the Committee, the Chairperson expressed his deepest gratitude to the Kingdom of Norway for its commitment to safeguarding intangible cultural heritage and for its proposal to reinforce the capacities of developing States. Moreover, the Chairperson invited other States Parties to consider the possibility of offering similar voluntary supplementary contributions to the Intangible Cultural Heritage Fund as a means of fully involving the governing bodies of the Convention in the implementation and monitoring of the ambitious capacity-building strategy under development. The Chairperson invited the Secretary to present the item and some general information on voluntary supplementary contributions to the Intangible Cultural Heritage Fund.

702. The **Secretary of the Convention** explained that Norway was the first State Party to offer a voluntary supplementary contribution for a specific purpose in accordance with [Article 25.5](#) of the Convention, which, under its terms, allowed funds to be earmarked for specific projects, but only upon their acceptance by the Committee. Other unrestricted voluntary contributions to the Fund were lumped together with the other revenues of the Fund and were spent according to the plan for the use of the resources of the Fund approved by the General Assembly. The Secretariat made known that the Secretariat had concentrated its resources from the UNESCO Regular Programme and various extra-budgetary contributions (including the Intangible Cultural Heritage Fund) on capacity-building activities, but the needs were immense and available resources were insufficient to cover all the world's regions. In this vein, Norway, proposed a voluntary supplementary contribution during 2010 and 2011 in the amount of NOK 7,744,000 (approximately US\$1.3 million) to support three capacity-building projects for developing countries: one in Lusophone countries of Africa (Mozambique, Angola, Sao Tomé and Príncipe, Cape Verde and Guinea Bissau), another in Central Asia (Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan) and the third in the Caribbean (Cuba, Dominican Republic, Aruba and Haiti) [refer to document [ITH/10/5.COM/CONF.202/17](#)]. These projects were similar to other projects planned and implemented elsewhere in Africa, Asia, Latin America and the Arab States, supported through Funds-in-Trust arrangements with donors including Japan, the Abu Dhabi Authority for Cultural Heritage, Flanders and the Republic of Korea. All these projects aimed to enhance the capacities of the beneficiary countries to safeguard their intangible cultural heritage through the effective implementation of the Convention while building up a critical mass of national capacity, both in government institutions and in civil society. The Secretary explained that one important difference between a Funds-in-Trust arrangement and the contribution by Norway was that a contribution to the Fund for a specific project allowed the Committee to assure itself that the proposed activity was in line with the Committee's priorities, in this case, capacity building in developing countries. This was not an arrangement solely between the donor and UNESCO but an engagement with the Convention. However, since it was the first time that such a funding mechanism would become operational, the Secretary wished to briefly explain the procedure. Upon approval of the offer, the Secretariat would elaborate concrete work plans for the implementation of the three projects, working with beneficiary countries through the responsible UNESCO Field Offices. The contribution would be credited to the Special Account for the Safeguarding of the Intangible Cultural Heritage and governed by its Financial Regulations, as adopted by the Committee at its first extraordinary session in May 2007. The use of these funds, along with the other expenditures in the Intangible Cultural Heritage Fund, would be reported to the Director-General and the General Assembly of the States Parties. The Secretary called upon other States Parties to consider the possibility of supporting the global capacity-building strategy by offering similar voluntary supplementary contributions to the Intangible Cultural Heritage Fund for specific projects, which was consistent with the principles of Results-Based Management in which the Secretariat was responsible to the General Assembly and to the donors. Moreover, placing this cooperation within the framework of the implementation of the Convention and the decisions of its statutory bodies would increase the impact of such projects and provide donors with high visibility among States Parties.
703. The **Secretary** drew attention to another modality of voluntary supplementary contribution to the Intangible Cultural Heritage Fund that States Parties might wish to consider, and recalled the last session in Abu Dhabi when the Committee expressed its concern about the human resources situation of the Section of Intangible Cultural Heritage. Since the Committee acknowledged that it was unrealistic to expect substantial growth in the Section's staff coming through the Regular Programme and budget, it requested the General Assembly to 'mobilize extra-budgetary resources in the amount of US\$1,100,000 per year in order to enhance, on a lasting basis, the human capacities of the Secretariat'. Subsequently, the General Assembly established a dedicated sub-fund to be used exclusively for enhancing the human capacities of the Secretariat by its Resolution [3.GA 9](#), and the Secretary called to mind the letters recently sent to some States Parties from the Director-General appealing to

their governments to contribute to the sub-fund of the Intangible Cultural Heritage Fund, which had now been established administratively. The Secretary was pleased to thank the Republic of Korea for responding positively to the invitation, as the first donor to the sub-fund, and hoped that other donors might consider the possibility of channelling part of their ongoing contributions to the sub-fund.

704. The **Chairperson** thanked the Secretary for clearly explaining the different ways to contribute to the Intangible Cultural Heritage Fund. The Chairperson was pleased that Norway place faith in the Convention and in the Committee, and invited Norway to share their vision with the Committee on how the gift could contribute to the goal of strengthening national capacities for safeguarding intangible cultural heritage.
705. The delegation of **Norway** (observer) took the opportunity to thank the government of Kenya for its efficient organization of the meeting and, having followed the work of the Committee during the present session as well as the Subsidiary Body and the Secretariat, wished to commend the Committee for its knowledge and efficiency in the decision-making and handling of the impressive number of documents in the implementation of the Convention. The delegation did however express concern on the focus on the two lists, which diverted attention from the work at the national level in the Member States. Moreover, it was evident that the rate of implementation varied considerably between countries and continents. The delegation was therefore of the opinion that measures had to be taken in order to enable developing countries to safeguard their intangible cultural heritage, which it considered to be a real matter of urgency. The delegation spoke of the practical challenges in the handling of the workload of the nominations, and the practical side of safeguarding intangible cultural heritage. The delegation was of the opinion that challenges connected to the implementation itself should remain the focus, especially at the national level. The delegation therefore welcomed the addition of a paragraph evoking this issue. With regard to the fund, the delegation believed that developing countries should be encouraged and assisted in submitting projects to the fund, which was not currently the case. Internationally, Norway would continue to promote capacity building, partnership and cooperation with local organizations and NGOs. The delegation spoke of the funds being immediately effective as soon as the agreement with UNESCO was finalized, and looked forward to learning more about the capacity-building strategy in the future.
706. The **Chairperson** thanked Norway for its kind gesture, and hoped that this would encourage other donors to follow in its footsteps.
707. The delegation of **Paraguay** thanked Norway for its generous donation and agreed with the remarks made by the delegation of Norway, which reflected the concerns expressed during the sessions on the challenges faced in the implementation of the Convention, and that capacity building would ensure safeguarding of intangible cultural heritage. On behalf of Group III, the delegation was delighted to note that assistance would be afforded to the Dominican Republic, Cuba, Uruguay, Paraguay and particularly Haiti, which was in great need of solidarity. Moreover, the timely contribution demonstrated the interest by one developed State Party to foster dialogue with developing countries in a North-South cooperation, which enriched all parties.
708. The delegation of **Jordan** thanked Norway for its generous donation and for its dedication towards the promotion of the Convention, which was a good example to other countries and would create greater incentive in the targeted countries to pay more attention to their national heritage.
709. The delegation of **Spain** also thanked Norway, encouraging others to follow and contribute to the fund especially in view of the under-representation of Africa. Moreover, Spain informed the Committee that a meeting would be held on 15 December 2010 with UNESCO to discuss an adjustment to its own budgetary contributions. The delegation sought information on the attribution of the US\$150,000 in the sub-fund and, in its offer of support to capacity-building projects in Ibero-America, wondered whether the sub-fund could be adjusted to channel

funds to capacity building, which would enable Spain to provide additional funds for Africa while continuing its contribution to Ibero-America.

710. The delegation of **Morocco** joined the other delegations in congratulating Norway, whose contribution would prove decisive – as was the case in the World Heritage Committee – noting that Haiti could benefit greatly from this assistance.
711. The delegation of **Cyprus** thanked Norway for its generosity, and informed the Committee that it would contribute to the fund for the workshop on 29 November – 3 December 2010.
712. The **Chairperson** recalled the earlier remarks by the Secretariat on the invitation to States Parties to follow up on its request made in Abu Dhabi to assist the capacity of the Secretariat through contributions to the sub-fund.
713. The **Chairperson** referred to the paragraphs of the draft decision, and with no comments or objections, the Chairperson declared **Decision [5.COM 17](#) adopted** by the Committee.
714. Concluding the discussion, the **Chairperson** further appealed to Members to consider supporting the sub-fund to enhance the human capacities of the Secretariat in order to strengthen the capacities of the Intangible Cultural Heritage Section.
715. The session was thus duly adjourned by the **Chairperson**.

[Friday, 19 November 2010, morning session]

ITEM 7 OF THE AGENDA (CONT):

ESTABLISHMENT OF A SUBSIDIARY BODY FOR THE EXAMINATION OF NOMINATIONS FOR INSCRIPTION IN 2011 ON THE REPRESENTATIVE LIST OF THE INTANGIBLE CULTURAL HERITAGE OF HUMANITY AND ADOPTION OF ITS TERMS OF REFERENCE, INCLUDING THE QUESTION OF THE NOMINATIONS IT HAS TO EXAMINE

Documents [/ITH/10/5.COM/CONF.202/7](#)
 [/ITH/10/5.COM/CONF.202/INF.7](#)
Decision [5.COM 7](#)

716. The **Chairperson** presented the timetable and the remaining items for discussion, namely the draft decision of item 7; item 15: Date and venue of the sixth session of the Committee; item 16: Election of the members of the Bureau of the sixth session of the Committee; item 18: Any other business; and item 19: Closure of the session and adoption of the List of Decisions.
717. Returning to item 7, the **Chairperson** explained that he had had productive consultations with all the delegations that had submitted multiple nominations to the lists, with all States, except India and Japan, accepting his proposal to apply paragraph 30 of the Operational Directives and examine and evaluate, during the current cycle, a reasonable number of nominations to the Representative List. He spoke of the similar situation encountered in Abu Dhabi, but unlike in 2009 with only five files for the Urgent Safeguarding List and International Assistance, there were now fifty-six such files. The Chairperson proposed to apply [4.COM 19](#) in order that the Committee would examine twelve priority files to the Representative List, including multi-national nominations and nominations from unrepresented or under-represented States. Moreover, by exercising flexibility, it was possible that all the submitting States would have one or two nominations to the Representative List evaluated in the present cycle. However, it seemed unlikely that consensus would be reached with the time remaining. The Chairperson continued that he had received a reasonable proposal from the ASPAC group to convene an inter-governmental working group prior to the sixth session, which would report to the Committee on options for managing the examination of files, revising the criteria, and addressing recommendations.

718. Should his consultations the day before be put into action, the **Chairperson** informed the Committee, sixty-four files for the Representative List, the Urgent Safeguarding List, the Register of Best Safeguarding Practices and the International Assistance greater than US\$25,000 will be on the Committee's agenda in the forthcoming cycle. He further reminded the Committee that it would be responsible – with its credibility at stake – should it claim to be able to carry out more evaluation work than represented by those sixty-four files, recalling that it had been barely able at its present session to discuss fifty-one files given the time constraints. Therefore, the Secretariat would process the sixty-four nominations in addition to supporting the work of the subsidiary and consultative bodies. It was generally agreed that the focus was to develop a global capacity-building strategy, especially for Africa. Additionally, extrabudgetary funding and voluntary supplementary contributions to the Intangible Cultural Heritage Fund had to be identified in order to allow the Secretariat to outsource work. The Chairperson continued that developing countries needed to be represented by experts at this working group, and proposed a Chairperson's substitute draft decision [Annex 1] that would provide clear guidance on priorities for the nominations already received for the current cycle and for the next cycle, as the Secretariat must be in a position to proceed with the treatment of nominations that will be received by the deadline of 31 March 2011. The Chairperson informed the Committee that the Secretariat had distributed the Chairperson's substitute draft decision in both English and French to Committee Members. The Chairperson concluded by stating that Morocco had proposed amendments to the Annex [Annex 2], and that Japan had comments on the draft decision, and specifically paragraph 5. The Chairperson proposed to first tackle the terms of reference of the Subsidiary Body followed by its composition, and the number of files.

[Five minute pause to allow Members to read the Chairperson's substitute draft decision]

719. The delegation of **Morocco**, supported by the delegation of **Italy**, began by congratulating the Chairperson for his efforts towards achieving satisfactory results, and wished to submit a proposal on behalf of Cyprus, Italy and other Members States. This proposal takes into account a longer-term approach rather than the immediate issues of nominations, back-log and the upcoming sessions, and included decision-making methods, working methods and the composition of the Subsidiary Body. The delegation wished to remind Members that the issue had not just been debated since the beginning of the session but had in fact been debated at length during the General Assembly, so progress had already been made. The open-ended working group proposed raised some major issues including the issue of funding, and the delegation was convinced that, based on the convergence of the three proposals, a conclusive result would emerge. The delegation suggested beginning the debate on the two broad-ranging proposals by Committee Members, followed by the proposal focusing on the immediate short-term issue of the composition of the Subsidiary Body and how to deal with the backlog of nomination files. The delegation noted that Japan and India did not accept the reduction in the number of their nomination files, yet these two countries accounted for half of the backlog of nomination files, and wondered whether this penalized the other States Parties that had agreed not to examine all of their nomination files.

720. The delegation of the **Republic of Korea** commended the Chairperson for steering the Committee through this difficult situation. As a member of ASPAC, the delegation asked that all pending nomination files already with the Secretariat be processed in 2011, as it had already been acknowledged that the Subsidiary Body had the capacity to deal with 100+ files, and because they had one hundred working days based on the work rate of one file per day. The delegation did not rule out openness and flexibility in the pursuit of a better solution.

721. The delegation of **Italy** supported the statements made by Morocco.

722. The delegation of **Kenya** spoke of the thorough work carried out by the Subsidiary Body and the Secretariat in maintaining the quality of files, and said that the splitting up into sub-groups with divergent opinions was not the way forward. The delegation spoke of its concern that the

African group was lagging behind and urged a focus on capacity building rather than files, voicing support for the proposal by Morocco for the coming year.

723. The delegation of **Cyprus** also supported the position by Morocco and, in response to the comments made by Kenya on the workload of the Secretariat, opined that studying files in groups of two in the Subsidiary Body and then submitting the summary report to the Secretariat on the recommendations would simplify the work. The delegation wished to open the discussion on the terms of reference rather than have a general debate.
724. The **Chairperson** proposed to discuss the points on a paragraph-by-paragraph basis.
725. Referring to [Article 25](#) of the Rules of Procedure, the **Legal Adviser** explained that any amendment should be tackled first, yet noted that the first three paragraphs of the draft decision were not being amended by the proposal by Morocco because the first paragraph dealt with the composition of the Subsidiary Body and the others dealt with procedural election in conformity with [Article 21](#) of the Rules of Procedure, with the third paragraph related to [Article 19](#). Therefore, the first noted difference with the proposal by Morocco was to be found in paragraph 4.
726. Referring to paragraph 1, the delegation of **Cyprus** proposed discussing whether the Subsidiary Body should be made up of one or two Member States from each electoral group. The delegation was in favour of each electoral group submitting two experts, resulting in twelve Subsidiary Body members instead of six.
727. Concerning the issue of the nature of the Subsidiary Body raised by Cyprus, the delegation of **Morocco** believed that this was obviously an important aspect in addition to the working methods, the evaluation methodology, and the coherence of evaluations. Thus, the proposal by Morocco supported by Cyprus would help in the case of divergent opinions as well as provide a better bridge between the Subsidiary Body and the Consultative Body. The delegation therefore supported the views expressed by Cyprus.
728. The delegation of the **Republic of Korea** was against increasing the number of Subsidiary Body members to twelve. The delegation of **Kenya**, speaking out of its experience as member of the Subsidiary Body, reiterated its earlier remark on the workings of the Subsidiary Body and the additional workload that twelve members would represent to the Secretariat. As a result, the delegation supported the position of the Republic of Korea against increasing membership to twelve. The delegations of **Croatia** and **Burkina Faso** also preferred to maintain six members – one per electoral group. The delegation of **China** thanked Morocco for its constructive proposal on the terms of reference, and reiterated its position as expressed in the working group, i.e. a six member Subsidiary Body.
729. The delegation of **Italy** explained that in order to deal with the pending nomination files the membership of the Subsidiary Body had to increase to 12, with the support from the Secretariat, as well as by dividing the Subsidiary Body into chambers of two members, as outlined in the proposal by Morocco.
730. The delegation of **Albania** supported the positions held by the Republic of Korea, Croatia and others, and was neither in favour of a division of the Subsidiary Body nor the examination of files by only two members. The delegation of **Indonesia** supported the position of the Republic of Korea, Kenya and others. The delegation of **Niger** supported the position held by Kenya, which fully reflected the opinions of the African group. The delegation of **Madagascar** voiced support for one representative per electoral group.
731. The delegation of **Cyprus** wished to respond to the remark by Albania by stating that it did not see a problem with two members evaluating a nomination file, but in the case of a problematic nomination file, it can be re-examined by all other members of the Subsidiary Body, and an external expert could be called upon.
732. The delegation of **Morocco** believed that the proposal allowed for evaluations to take place among the entire body even if the initial assessments were to be carried out by two members. The delegation made the comparison with the World Heritage Convention where

an expert goes to the site and prepares a report for the Advisory Body that makes its recommendations to the Committee. The delegation believed that decisions were reached by consensus and in a collegial manner on the basis of evaluations conducted by some of its members.

733. Having followed how the inscriptions took place in Abu Dhabi and in Nairobi, the delegation of **Albania** reiterated its concerns with regard to credibility in having only two members from two countries reviewing files as the Committee, during its sessions, does not re-open and debate files nor call into question the recommendations of the Subsidiary Body. The delegation disagreed with having an element inscribed on the List on the basis of approval by only two countries.
734. Responding to the remarks by Albania, the delegation of **Cyprus** replied that discussions were re-opened in the Committee, especially in the case of divergent opinions as was the case during the inscriptions on the Urgent Safeguarding List, as it was the responsibility of the Committee to decide and approve the inscription of elements. Thus, decisions were not to be made by two experts but instead by the entire Subsidiary Body.
735. Speaking from experience, the delegation of **Kenya** explained that the evaluation process involved all the members and each gave their own opinions, which were subsequently available online, allowing members to work in their own capitals. The opinions were then compiled and synchronized by the Secretariat. Increasing membership to twelve would double the number of discussions and therefore increase the workload for both the Secretariat and the Subsidiary Body. Moreover, there was the question of continuity with members staying on and passing on their knowledge and experience to newer members, and recent innovations would contribute to improving the current system. The delegation spoke of increasing the Secretariat as a possible solution.
736. In an attempt to move forward, the **Chairperson** proposed retaining the original text.
737. The delegation of **Cyprus** did not agree with accepting the original text. The delegation of **Morocco** agreed with Cyprus and noted that a solution could be found under paragraph 4 of the proposal without closing the discussion, and asked to return to this item later in the session.
738. The delegation of **Jordan** agreed with the remarks by Kenya that were convincing, based on working experience of the Subsidiary Body, and it therefore recommended one member per electoral group and agreed that increasing the Secretariat would help overcome the problem. The delegation therefore wished to adopt the original text.
739. The **Chairperson** maintained his position to retain the original text.
740. There were no further objections or comments, thus the **Chairperson** pronounced **paragraphs 1 to 3 adopted** by the Committee.
741. There was an amendment for paragraph 4 from the delegation of **Morocco**.
742. The delegation of the **Republic of Korea** noted that under the current system, the Secretariat had all the files translated into French and English and checked that all the criteria were respected. The delegation asked whether the amendment by Morocco still ensured that the Secretariat would play the same role.
743. The delegation of **Morocco** answered that the amendment did not present an increase to the Secretariat's workload, stating that the amendment simply made reference to provisions in the Operational Directives.
744. The **Secretariat** wished to clarify that the terms of reference proposed in the amendment only presented a slight change to the original text and did not address or change the role or tasks of the Secretariat in its preparation of the work of the Subsidiary Body.
745. The delegation of **Italy** believed that the proposal by Morocco comprising six paragraphs was an attempt to replace paragraphs 4 and 5 of the Annex, and it was in favour of the proposal as it gave more flexibility to the Subsidiary Body in order to speed up the procedure of

examinations. Concerning paragraph 3, the delegation asked whether the consultation by one of the members of the Consultative Body referred to one of the accredited non-governmental organizations.

746. The delegation of the **Republic of Korea** wished to be assured that the Secretariat would play the same role in pre-checking all the criteria before files were processed, otherwise the Subsidiary Body would spend more time carrying out this task to the detriment of examining the files. The delegation was of the opinion that the proposal by Morocco would increase the workload of the Secretariat.
747. The delegation of **Japan** asked the Republic of Korea for clarification, especially as according to the convincing argumentation by Kenya, increasing membership from six to twelve would increase the workload of the Secretariat but so would a decrease in membership from six to two.
748. The delegation of the **Republic of Korea** explained that the membership of the Subsidiary Body remained at six representatives, while Morocco wished to divide them into three groups of two. As a result, the Secretariat would have to coordinate the results from each group, thereby increasing its workload. Furthermore, in a case where the Subsidiary Body disagreed on a file, it would be referred to the Consultative Body, which would also increase the workload of the Secretariat.
749. The delegation of **Spain** did not believe that having different sub-groups evaluating nominations was the way forward, and agreed with Kenya that nominations should be reviewed by all members of the Subsidiary Body. The delegation made reference to the earlier comment on the initial evaluation by one sole expert for World Heritage, however, when the experts present the report on a nomination, the Committee reviews the proposal and consensus had to be reached. The delegation opposed the division of six members into three sub-groups.
750. The delegation of **Paraguay** wished to call upon for the Legal Adviser to comment on the proposal by Morocco as to whether the Subsidiary Body could consult with the newly established Consultative Body.
751. The **Legal Adviser** confirmed that it was indeed possible for the Subsidiary Body to consult with the Consultative Body that would review the Urgent Safeguarding List nominations. He explained that the Subsidiary Body, when it addresses itself to an accredited body or NGO, does so in its capacity as an expert based on the technical nature of the nomination files. It was up to the Committee to decide whether the Subsidiary Body can consult with any individual with competence in intangible cultural heritage, which was indeed possible with the proposal suggesting a procedure in the case of divergent opinions. The Legal Adviser reiterated that the Rules of Procedure applied *mutatis mutandis* to the Subsidiary Body, which also provided for a majority–minority rule on a given nomination file, and the Subsidiary Body must in any case have a collegiate discussion leading to a decision before it approved any decision by one or two persons, and both two-member and six-member discussions were possible.
752. The delegation of **Kenya** reiterated its position that dividing the Subsidiary Body into three parts was ill-advised, and asked that innovations be allowed to be introduced before adjusting to new situations.
753. The delegation of **Albania** supported the comments by Spain, and asked whether adopting paragraph 4 meant adopting the division of the Subsidiary Body, as they were opposed to a division.
754. The delegation of **Croatia** asked for clarification on whether the discussion concerned the Annex of draft decision [5.COM.7](#) Chairperson's substitute [Annex 1] or the proposal by Morocco [Annex 2].

755. The **Secretariat** made clear that the decision was on the adoption of the *chapeau* of paragraph 4 of draft decision [5.COM.7](#) Chairperson's substitute and not necessarily the underlying provisions, as amended by Morocco and other States.
756. The delegation of **Morocco** reiterated that there was only a slight difference in the presentation of the paragraphs, and suggested to integrate the proposal of Morocco [Annex 2] into the Annex of the draft decision 5.COM.7 Chairperson's substitute, in order to note the differences.
757. The delegation of **Japan** considered that the proposal by Morocco gave more transparency and objectivity to the examination process and therefore had its merits.
758. The **Secretariat** asked the delegation of Morocco whether the reference in the text, 'the examination of each *recommendation*', should read, 'nomination'.
759. The delegation of **Morocco** agreed that there was indeed an error in the translation of 'recommendation', which should be replaced with 'nomination'.
760. As there were no further objections or comments to paragraph 4.a, it was pronounced by the **Chairperson** as **adopted** by the Committee.
761. Several proposals by the **Republic of Korea**, the **Islamic Republic of Iran** and **Azerbaijan** were made to improve and correct the language of the paragraph.
762. The delegations of the **Republic of Korea** and **Cyprus** called for a point of order regarding the working methods with respect to the drafting of the text as paragraph 4.a had already been adopted.
763. The delegation of **Morocco** called for greater attention in the drafting in order that the text flowed from the *chapeau*.
764. The **Legal Adviser** did not wish to influence the drafting of the decision but noted that the *chapeau* of paragraph 4 had merged the language of the original text with the amended proposal, and proposed maintaining the original generic text in 4.a and 4.b proposed by the Secretariat, and in keeping with Morocco's amendment, 'to inscribe or not to inscribe [...]', create a new paragraph 5 that made a procedural condition on how to make recommendations.
765. The **Chairperson** concurred with the Legal Adviser.
766. The delegation of **Morocco** wished to make clear that the two proposals should not be seen as opposing each other, and the word 'examination' was not required in paragraph 4.a because the *chapeau* ends in 'examination' and was therefore implied in the paragraph.
767. The **Chairperson** moved to paragraph 4.b.
768. The delegation of **Albania** wished to remind Members that the evaluation process was carried out by two governmental experts, representatives of their countries, and in the event of only two examiners deciding on the outcome of nomination files, the process would not be deemed as credible. The delegation was therefore opposed to the amendment and wished to retain the original text.
769. The delegation of **Cyprus** agreed with the clear explanation provided by Legal Adviser in that the summary was not to be considered as emanating from the two experts but that the Subsidiary Body as a whole submitted the summary and recommendation to the Committee.
770. The **Legal Adviser** reiterated that paragraph 4.b of the original text as proposed by the Secretariat was in full compliance with the Operational Directives as modified by the General Assembly, and that paragraphs 4.a and 4.b were generic provisions that reproduced the provisions within the Operational Directives. The Legal Adviser explained that should the Committee wish to introduce the examination of files by two members then a new paragraph would have to be created, unrelated to paragraph 4.a and 4.b.

771. The **Chairperson** therefore suggested retaining the original text and adding a new paragraph to include the amendment suggested by Morocco.
772. The delegation of **Burkina Faso**, deeming that the Legal Adviser resolved the problem, agreed that the insertion of an additional paragraph to the amendment by Morocco would cause problems and that a new paragraph 5 should be created. The delegation stated that it was not in favour of the subdivision of the Subsidiary Body into sub-groups as this would not help deal with the capacity of the Committee to examine more nomination files and would not improve the effectiveness of its work because the whole Subsidiary Body still had to approve the nominations.
773. The delegation of **Morocco** stated that it would draft a new paragraph 5.
774. The delegation of **Italy** noted that the Committee had already decided to retain a six-member Subsidiary Body, and spoke in favour of the proposal by Morocco. The main issue was whether or not the Subsidiary Body should be divided into three chambers of two to speed up the pace of its work as it would help speed up the process with the likelihood of processing more than 31 nominations.
775. The delegation of **Kenya** agreed with the proposal by Spain and stated that it was not in favour of the division of the Subsidiary Body into chambers because ultimately all the members would have to examine every one of the files.
776. The delegation of **Cyprus** strongly supported the amendments proposed by Morocco and supported by Italy, and insisted on the fact that this would reduce the amount of work for the Subsidiary Body and therefore enable the Subsidiary Body to examine more nominations.
777. With regard to the comments of the delegation of Cyprus, the **Secretariat** responded that in the case that sub-groups enabled the Subsidiary Body to examine more nomination files, then this would translate into more preparatory work for the Secretariat. Moreover, the Subsidiary Body had to examine all the files in the latter part of the process in its final decision for each file, which entailed coordinating the results of the examinations by the sub-groups and thus incorporated an additional stage of work for the Secretariat. Moreover, it was interesting to note that the current members of the Subsidiary Body were in agreement on the parts of the process, probably because they have a shared experience of the work involved from a technical and practical viewpoint.
778. The **Representative of the Director-General, Mr Alain Godonou**, stated that those in favour of subdividing the Subsidiary Body into groups should decide on the nature of the groups, for instance, whether their purpose was only to process a larger number of nomination files, which would increase the workload, or whether it had a wider role, in which case it had to be clearly stated with the likelihood of placing additional strain on the capacity of the Secretariat. He asked that those in favour of the subdivision explain the role they foresaw for these groups, which went beyond simply increasing the number of processed files.
779. The **Chairperson** suggested focusing on point 4.b, followed by paragraph 5 proposed by Morocco, and read out that paragraph: 'The recommendation of inscription or non inscription is formulated by at least two members of the Subsidiary Body in order to be approved for inclusion in the report to be submitted to the Committee.'
780. The delegation of **Madagascar** believed that the proposal by Morocco was worth exploring further as the division of tasks was entirely valid. The problem of the workload of the Secretariat might be resolved by the addition of staff members as opposed to cutting back on the number of nomination files, even if the Secretariat had expressed its reservations.
781. The **Secretariat** wished to reassure Madagascar that the Secretariat was happy to receive support through extrabudgetary funds or resources, and thanked China for its secondment of one person to the Intangible Cultural Heritage Section. The Secretariat recalled that the General Assembly had recognized the need for extra resources and that the amounts needed and functions covered had been discussed, but only Korea had made a concrete

proposal to contribute to the sub-fund that would cover six months of work by one professional staff member.

782. The delegation of **Morocco** stated that members of the Committee should be able to assist with the examinations of nominations and that countries could help support the tasks taken on by the Secretariat. The delegation also reminded the Secretariat of its obligations to serve the interests of Member States. The delegation informed the Committee that they were ready with new wording for paragraph 5.
783. The **Representative of the Director General** took note of the comments made by Morocco and wished to draw attention to the fact that the Subsidiary Body and the Committee were currently unable to examine all the 100+ files, which called for a prioritization of work, and noted that the order of examination of files was at the core of the issue, as files were accumulating and would continue to do so in the future, so a decision had to be made whether to treat them in the order of arrival or prioritize them.
784. The delegation of **Croatia** believed it was important to anticipate problems in the future and noted that the Subsidiary Body had to shoulder a huge responsibility on behalf of the Committee. It did not believe that countries should be asked to vote on topics that had not been examined in detail. The delegation drew attention to the conditional ‘if’ contained in paragraphs 3 and 4, which did not offer any clarity on how to proceed. Moreover, it was noted that the role of the Subsidiary Body was to provide justification to inscribe or not to inscribe and recommendations were not made through voting, i.e. it was not a political but an expert opinion.
785. The delegation of **Azerbaijan** supported the remarks made by Croatia and believed that the division of the Subsidiary Body would increase efficiency but, on the other hand, would threaten its integrity. The delegation was therefore opposed to the division.
786. The delegation of **Albania** supported the remarks made by Croatia and Azerbaijan, and made reference to the statement by Cyprus and Morocco that members of the Subsidiary Body provided opinions on the recommendations, which itself implied that they had to read the files, and it therefore did not see the justification for the division. Additionally, the views expressed related to increasing the number of nominations, whereas the delegation believed that the major concern should be maintaining the quality and credibility of inscriptions through the recognition of the capacity for examination by the Subsidiary Body, i.e. can the evaluation of more than one hundred files by the Committee maintain the quality of the work and therefore the credibility of the Convention?
787. The **Chairperson** agreed and recalled that the General Assembly had stated that the issue of credibility was essential.
788. The delegation of **Japan** stated that [paragraph 29](#) of the Operational Directives required that the Subsidiary Body had to make decisions in a collegial manner, as confirmed by the Legal Adviser, and therefore had to meet in plenary, the organization of which had to be clear. The present discussion therefore focused on the stage before the plenary, and such coordination would result in additional work. The delegation then gave a hypothetical example of a divided Subsidiary Body for the stages leading up to plenary stating that if two members were to work on one nomination and agreed on the outcome there would be no need for coordination, hence there would be no additional workload, and that it was only in the case of divergent conclusions that opinions would need to be coordinated. In the case of an identical conclusion, it could be assumed that the two expert members were correct in their assessment, unless their conclusions were in doubt. The delegation therefore suggested trying this model for a short period of time in order to assess its efficiency.
789. The delegation of **Cyprus** agreed with the clear explanation provided by Japan that it believed responded to the concerns expressed by Albania, and wished to support the proposal by Morocco.
790. The delegation of **Paraguay** wished to thank Morocco and the other States for their efforts, but in light of the comments made by Kenya, Croatia and others, wished to keep the current

working methods of the Subsidiary Body. For the delegation, it was essential to continue to be able to undertake work in line with the capacity of the Subsidiary Body and the Secretariat and not to speed up nominations, as this would affect the quality of its work. The delegation therefore supported the original proposal presented by the Chairperson.

791. The delegation of the **Islamic Republic of Iran** expressed concern that the discussion was becoming increasingly unclear, and wished to remind the delegations of the issues, i.e. speeding up nominations on the part of the Subsidiary Body, or tackling the workload of the Secretariat, and as such a compromise had to be found. The delegation believed that finding the balance between the two issues would prove to be difficult. The delegation spoke of the obvious questions that would arise in the case of the former issue, such as the expertise of the Subsidiary Body members, the quality of the task, and the quantity of work carried out. Having carefully listened to the deliberations, the delegation supported the proposal put forward by Morocco.
792. The delegation of **Spain** agreed with the remarks made by Paraguay, and spoke of the many decisions that had already been taken that dealt with the core of the Convention, and of the satisfactory results achieved so far by the Subsidiary Body. However, the delegation believed that focusing on how to deal with a greater number of nominations to the Representative List would lead to States – Spain included – submitting a considerable number of files for consideration. The delegation did not believe this to be at the core of the Convention and thought that a more balanced list, with nominations from Africa for example, was in keeping with the spirit of the Convention so that intangible cultural heritage would be fully and equally represented.
793. The delegation of **Croatia** agreed with the last comment made by Spain in that more time was needed to make amendments to the work of the Subsidiary Body and suggested in the meantime to maintain the current methods while focusing on capacity building. The delegation spoke about making changes on a step-by-step basis as conditions allowed. The delegation recalled the report made by the Rapporteur in Abu Dhabi that stated that the Subsidiary Body was functional and that for each nomination, members expressed differing opinions anyway, which in the case of only two opinions would provide less clarity on the files in question.
794. The delegation of **Morocco** stated that the philosophy behind the proposed amendment was based on the evaluation process, which stated that the number of members examining nominations would be a minimum of two. The delegation reminded the Committee that the consultative body would work on an experimental basis based on the Operational Directives adopted by the General Assembly in June 2009, and the proposal itself was to work on an experimental basis, in successive stages, in which priorities would be adhered to. The delegation sought the opinion of observer States Parties.
795. The delegation of the **Czech Republic** supported the proposal made by Albania and other States and stated that each nomination should be scientifically judged by all the members of the Subsidiary Body in order to avoid mistakes and issues of subjectivity.
796. The **Chairperson** ruled for the deletion of the proposal by Morocco in light of the majority position against it.
797. The delegation of **Japan** spoke of its disappointment in the Chairperson's decision to delete the proposal by Morocco, which it believed contained interesting aspects and innovative ideas. The delegation requested that the proposal be officially recorded in the event that it might be called upon in the near future.
798. The **Chairperson** accepted the request and pronounced the original text **adopted** by the Committee.
799. The delegation of **Cyprus** disagreed with the Chairperson's decision to delete the amendment and sought clarification on the issue of the examination process by two examiners, which was the case for the Urgent Safeguarding List.

800. The delegation of **Morocco** fully agreed with Cyprus, and did not understand the basis on which the decision to delete had been made, and reminded the Chairperson that it had asked for observer States Parties to be able to give their opinion on the proposal, as they possessed significant experience and could have offered guidance.
801. The **Chairperson** stated that the deletion was based on the majority being against the proposal.
802. The delegation of **Italy** stated that a majority decision should be respected, even if it did not concur with the majority, the conclusion of which was that the Committee could not deal with the issue of the backlog; proposals had been put forward but no solutions had been arrived at. The delegation believed that the decision taken was not a good one with the result that there was only a capacity to examine a small number of nominations [a minimum of 31 files in the present cycle]. The delegation asked that the Members forming the majority come up with some proposals.
803. The delegation of **Islamic Republic of Iran** agreed with Morocco and asked the Chairperson to allow one or more of the observers to express their views. The delegation of **Morocco** requested that the proposal be clearly described on record so that it could be referred to at a later date.
804. The delegation of **Albania** asked the Legal Adviser to confirm whether or not observers were able to take the floor during a debate on a Committee decision.
805. The **Legal Adviser** stated that it was under the Chairperson's prerogative, unless there was an objection by the Committee.
806. The delegation of **Mexico** [observer] expressed concern with regard to the direction in which the debate had turned which was increasingly polarized when the issue was how to bolster the credibility of the Convention, which – after two cycles – had reached a critical stage. As expressed by Spain, the real concern was whether the spirit of the Convention was being upheld with respect to the Representative List and the Urgent Safeguarding List, and this implied not making any hasty decisions. The delegation stated that more time was needed in order to make headway. On the other hand, the delegation failed to see how the proposal by Morocco would work and there was no clear vision of the way in which the proposal would be put into practice, and therefore it did not guarantee the credibility of the elements inscribed. It questioned whether this was indeed the right moment to instigate changes in the working method. Other issues included unrepresented and under-represented States, and the situation of Africa and Latin American were also crucial concerns, as was how to introduce capacity building and safeguarding in these culturally rich regions.
807. The delegation of **France** [observer] spoke of the spirit of the Convention with the Urgent Safeguarding List as the most important pillar, when too much time was being devoted to the Representative List. The delegation believed that the proposal by Morocco, and supported by others, was an attempt to solve the problem of the more than one hundred pending nominations. The delegation remarked that if no agreement was reached during the present session, then the status quo would remain, and any solution would only be postponed until the next session.
808. The **Chairperson** stated that time constraints had reduced the possibility of reaching a solution.
809. The delegation of **Japan** requested that the proposal by Morocco be included in the agenda and recorded during the next Committee session.
810. The delegation of **Kenya** stated that its position had been based on the negotiation with the African group to focus and develop the presence of developing countries, notably Africa, on the Representative List, and appealed to the Committee to consider [Article 6](#) of the Convention on capacity building and, for the sake of Africa, to proceed and adopt the original text. From a practical point of view, the delegation was of the opinion that the proposal would

not alter the quantity of nominations when quality and quantity should go hand-in-hand. The delegation spoke of the imminent periodic reports that would help align thinking on this issue.

811. The delegation of **Morocco** supported the comment made by Japan and reiterated the request to have the proposal included in the agenda in the next Committee session, as well as a summary report of the points raised during the present debate.
812. The **Chairperson** spoke of the usefulness of the proposals that pertained to the structure of the Convention and which therefore had to be tackled in a long thought-out process without taking hasty decisions. This did not imply that the meeting had failed but rather that progress had been made in the process of debate.
813. The delegation of **Cyprus** requested that paragraph 5 be retained in the amendment because consensus had not been reached and required further discussion.
814. The **Chairperson** stated that it had been ruled that the paragraph would be deleted but that it would be included in the reports.
815. The **Secretary** wished to clarify the situation, as many States had requested that the item be reinserted into the text, and stated that the text would be contained in the summary records and could form the basis of discussion in the working group that the Chairperson would propose. Moreover, the item would be put on the agenda of the sixth session of the Committee by way of the decision adopted by the Committee. However, for the sake of clarity and consistency, the decision could not be presented with accepted and rejected proposals.
816. The delegation of **Morocco** remarked that a decision had yet to be taken as a majority had not been reached on the issue, and in order to avoid repetition at the next session the proposal had to be noted, which would be disregarded otherwise if not contained in the document. The delegation therefore requested that it be retained in square brackets.
817. The **Legal Adviser** understood that the proposal relating to the sub-division had not been accepted because of the majority views, with Japan requesting that the proposal be noted in the summary report of the session and circulated. The Secretariat had proposed a solution in that the decision will include a reference to the proposal made by Morocco to be discussed by the working group. The Legal Adviser advised that the Subsidiary Body would have to review the terms of reference in accordance with the Rules of Procedure and as such could decide whether or not to create groups or subgroups. The Legal Adviser informed the Committee that it could not leave the text relating to the terms of reference unadopted, and the proposal would appear in the summary report and mentioned in the decision that will adopt the Annex.
818. The delegation of **Italy** concurred that a decision could not reflect an alternative option that had not been decided upon. However, in this case, a decision had been made by the majority and this should be noted, and the delegation proposed to add a paragraph in the preamble of the draft declaration, that would read, 'the Committee deciding at majority and having heard the position of a minority of Members, which is reported in the summary records', thereby making a reference to the minority position.
819. The **Chairperson** suggested that the proposal be included in the draft decision. The Chairperson then proceeded to pronounce paragraphs 5 and 6 **adopted** by the Committee.
820. The delegation of **Islamic Republic of Iran** wished to echo the request by Japan and Morocco to ensure that the proposal would not be disregarded. The delegation of **Japan** felt that the expression of wishes of the minority was still unclear and did not see any reason why it should be neglected.
821. The **Chairperson** reiterated that reference would be better reflected and noted in the draft decision as opposed to the Annex.
822. The **Chairperson** pronounced the Annex of the **decision [5.COM.7](#)** as **adopted** by the Committee. The session was duly adjourned.

[Friday, 19 November 2010, afternoon session]

ITEM 7 (CONT): ESTABLISHMENT OF A SUBSIDIARY BODY FOR THE EXAMINATION OF NOMINATIONS FOR INSCRIPTION IN 2011 ON THE REPRESENTATIVE LIST OF THE INTANGIBLE CULTURAL HERITAGE OF HUMANITY AND ADOPTION OF ITS TERMS OF REFERENCE, INCLUDING THE QUESTION OF THE NOMINATIONS IT HAS TO EXAMINE

Documents [ITH/10/5.COM/CONF.202/7](#)
 [ITH/10/5.COM/CONF.202/INF.7](#)
Decision [5.COM 7](#)

823. The **Chairperson** welcomed the delegations and observers to the session and presented the draft decision Chairperson's substitute, which was a combination of proposals by Japan and other States Parties. The Chairperson appealed to Members to move swiftly in order to complete the work. The draft decision 5.COM 7 was projected on the screen, and amendments were requested to be presented in writing.
824. The **Secretary** proceeded to read the draft decision on a paragraph-by-paragraph basis.
825. There were no objections or comments to paragraphs 1 to 4, which were thus pronounced by the **Chairperson** as **adopted** by the Committee.
826. Following the reading of paragraph 5, the delegation of **Japan** proposed a small amendment to introduce a line of action, noted in the text as, 'to discuss possible measures', and to insert, 'and to present its report' after the word 'Secretariat'.
827. The delegation of **Cyprus** wished to propose a small amendment in light of the fact that it was desired that the working group improve the treatment of nominations to the Representative List by the Committee and the Subsidiary Body, but did not want to consider discussions on the Subsidiary Body because of the lengthy debate that would ensue.
828. The delegation of **Morocco** endorsed the amendment by Japan and supported the comment by Cyprus. The delegation also wished to know whether the resources required to convene the working group were presently available or not.
829. The **Chairperson** responded that it was the responsibility of the States Parties to make available the resources.
830. The delegation of **Cyprus** sought clarification as to whether reference had to be made to the examination of the text of the terms of reference of the Subsidiary Body.
831. The **Secretary** concurred that indeed it would be during the working group that proposals would be discussed, and asked that should the delegation wish to clarify the point it should draft a written amendment for inclusion in the paragraph. For example, 'to discuss possible measures to improve the treatment of nominations to the Representative List, including the terms of reference'.
832. The delegation of **Morocco** agreed that it was the responsibility of the States Parties to make available the resources, but it was also the Secretariat's responsibility as it had put forward the draft decision. The delegation sought the advice of the Legal Adviser as the decision was making reference to a working group, which may in fact not take place, and on condition that adequate financial resources were found.
833. The **Secretary** recalled that the paragraph pertaining to the working group was proposed by ASPAC, and in its original form there was already a proposal for funding. The Secretariat wished to make clear that the Secretariat did not have the financial resources to convene the meeting.
834. The delegation of **Japan** read out the original proposal from ASPAC concerning the financial implications: 'Requests the Secretariat to make administrative and budgetary arrangements to facilitate the working group meeting. The Secretariat may invite the States Parties to make

voluntary contributions when the existing financial resources are not adequate to fully finance the meeting.’

835. The **Legal Adviser** acknowledged that the original proposal behind the draft decision came from the group within the Committee and, given that the meeting could only go ahead if the funds were available, had asked the Secretariat to arrange that the funds become available. However, the Legal Adviser was unsure whether the Secretariat could dig deeper into the Committee’s regular budget without a clear decision from the Committee itself. In the case that the funds were unavailable and there was a shortfall in voluntary contributions, the Secretariat would have to extend an invitation to the States Parties to provide the necessary contributions but, from a legal point of view, there was the likelihood that the meeting would not take place in the case of insufficient contributions, which had happened in the past with other conventions.
836. The delegation of **Morocco** regretted that the meeting might not take place due to the lack of available funds, and in a written amendment proposed to complete the paragraph, which would read: ‘Decides to convene an open-ended governmental working group to be held at UNESCO Headquarters before the sixth session of the Committee to discuss possible measures to improve the treatment of nominations to the Representative List by the Committee, the Subsidiary Body and the Secretariat, and to present its report, *which will integrate point 5 relating to the amendment by Committee members* on the terms of reference of the Subsidiary Body as annexed, on condition that voluntary supplementary contributions to the Intangible Cultural Heritage Fund are received prior to 31 January 2011 in order to cover all of the costs of organizing the meeting and the costs of the participation of representatives from developing countries that are Parties to the Convention whether or not members of the Committee but only for persons who are experts in the field of intangible cultural heritage.’
837. The delegation of **Italy** found that the paragraph was too long and therefore difficult to understand and suggested splitting it into two parts. Additionally, the text, ‘integrate point 5’ was unclear.
838. The **Chairperson** concurred with the view expressed by Italy stating that it was implied that point 5 would be taken into account.
839. The delegation of **Albania** also agreed with Italy and also understood the concern of Morocco and proposed the following wording, ‘to discuss possible measures *in the light of the discussions of the fifth session of the Committee*’, which was considered to take on board the remarks by Morocco and Cyprus.
840. The delegation of **Morocco** understood the concerns by Albania but felt that there was a significant change to the meaning. The delegation offered ‘including’ as the translation of ‘*intégrer*’, and agreed that the sentence could be shortened.
841. The delegation of **Cyprus** proposed splitting the paragraph into two, with the first sentence [5.a] beginning with, ‘to convene a working group ...’, and the second [5.b], ‘on condition ...’. The delegation reiterated the desire to have the amendment annexed, which was not explicit in the proposal by Albania, and wondered whether the States Parties could be invited to submit their viewpoints and opinions to the Secretariat ahead of the working group meeting, which would form a good basis for discussion.
842. Referring to the strict deadline, the delegation of **Japan** wished to add in the same paragraph, ‘in due time’, which would introduce some flexibility.
843. The **Secretary** agreed that it was not wise to have a strict cut off point for the contributions. However, there were procedures at UNESCO with respect to the use of funds when expressed, as ‘in due time’ not least because there was a required lead-time in the organization of meetings, for example, when arranging travel, for which funds needed to be made available, as preparatory work could not be committed otherwise.

844. The delegation of **Japan** understood the explanation but thought it was rather likely that funds would not be so forthcoming after the Christmas break and therefore wondered how to introduce the notion of ‘in due time’ such that it provided some flexibility.
845. The **Chairperson** therefore maintained the addition.
846. Referring to the proposal by Morocco, the delegation of **Italy** drew attention to point 5 on the terms of reference, which read, ‘the deliberations of the Subsidiary Body on these issues will be held in a private meeting according to [Article 19](#) of the Rules of Procedure of the inter-governmental Committee’, which was considered not to be the subject of discussion, and therefore proposed to delete the specific reference to point 5.
847. The delegation of the **Islamic Republic of Iran** wished to remove ‘prior to’ in the amendment from Japan. The delegation of **Croatia** wondered whether there was some confusion as the amendment by Morocco referred to paragraph 5 of the annex of the decision and not the proposal. The delegation of **Japan** reiterated that the current language did not cover the concerns by Morocco.
848. The delegation of **Albania** was of the understanding that the terms of reference of the Subsidiary Body will not be the sole subject for discussion but rather the whole mechanism of inscription on the Representative List, and proposed, ‘which will take into account *inter alia* the amendment by some State members’. The delegation of the **Republic of Korea** agreed with the proposal by Albania and wished to include, ‘the amendment *proposed* by some State members.’ The delegation of **Morocco** agreed with the more specific wording and proposed deleting ‘some’.
849. There were no further objections or comments to paragraph 5, which was thus pronounced by the **Chairperson adopted** by the Committee.
850. With regard to paragraph 6, the **Secretary** wished to propose a date, which would be based on several considerations such as whether the States Parties wished to receive original language documents or have translated versions, and how early States Parties wished to receive the documents.
851. The delegation of **Cyprus** did not mind receiving original language documents in English or French.
852. The delegation of **Morocco** clearly felt that it was better to have documents available in both languages, as not all States Parties were comfortable with one or the other language, and asked the Secretariat to outline the work involved.
853. The **Secretary** explained that it depended on the number of States respondents. If all of the 133 States Parties respond and they make three-page proposals, then it will take some time to have the translation done. But if two States Parties only write two paragraphs, then the translation can be done in one hour. Therefore a precise answer could not be given.
854. The delegation of **Cyprus** surmised that a deadline for submissions could not be given when a date had not been set for the meeting, or even if it would indeed take place.
855. The delegation of **Albania** wished the invitations to be more inclusive and not limited to the terms of reference of the Subsidiary Body, by mentioning the inscription mechanism for the Representative List, with the addition of ‘*inter alia* and the terms of reference’, as was noted earlier. The **Chairperson** concurred with the comment made by Albania.
856. The delegation of **Japan** agreed that the comment was appropriate. However, it would enlarge the quantity of information and therefore increase the Secretariat’s work, and sought to retain the original proposal. The delegation of the **Republic of Korea** supported the insertion of *inter alia* in paragraph 6 and the deletion of the reference to the mechanism of the Representative List for the sake of simplifying. The delegation of **Albania** supported the view.
857. The **Secretary** proceeded to read out paragraph 6, and clarified that this implied that the Secretariat would send a letter to States Parties asking them to give their points of view on

the terms of reference, with 'inter alia' implying that other topics would be covered but these 'other topics' had to be defined for the sake of clarity as States Parties would need to know the topics on which they will provide opinions.

858. The delegation of **Cyprus** responded that other topics covered would include those topics that were not fully covered at the present session. The delegation of the **Republic of Korea** agreed with the consensus, but noted that the paragraph on the screen was incomplete and proposed the addition of 'in a reasonable time limit' with regard to submissions.
859. There were no further objections or comments to paragraph 6 nor on paragraph 7, which were thus pronounced by the **Chairperson** as **adopted** by the Committee.
860. With regard to paragraph 8, the delegation of the **Republic of Korea** drew attention to the fact that it was related to the final paragraph and wished to return to the paragraph for later adoption.
861. The delegation of **Cyprus** returned to paragraph 7 and raised the point that the Annex mentioned had been adopted but the amendments had not been taken into account.
862. The **Chairperson** confirmed that the Annex had been adopted earlier in the morning session. The delegation of Cyprus sought clarification from the Secretariat.
863. The **Secretary** explained that the Committee was about to adopt a decision to establish a Subsidiary Body to work on the 2011 nominations. Once created, the terms of reference as they appear in the Annex would be applied, and at the next session a new Subsidiary Body will be established with new terms of reference, which may be mandated to discuss any amendments proposed by the working group. But at the moment, in an attempt to move forward, these terms of reference would apply, which had been adopted without complete consensus but were applicable for only one year.
864. There were no further objections or comments to paragraph 8, which was thus pronounced by the **Chairperson** as **adopted** by the Committee.
865. The delegation of **Italy** found it difficult to accept paragraph 9 as the 107 nominations cited was the result of ninety-three nominations received before 31 August 2009, which equalled the backlog, and five nominations were received before 24 June 2010 with nine received before August 2010. In fact, the deadline for submission had been extended by the third General Assembly from 31 August 2010 to 31 March 2011, which resulted in some States Parties choosing to delay their submissions. It was evident that in spite of the extended deadline some nominations presented before 31 August had been included in the number. The delegation accepted this as an exceptional decision given the present situation, and noted that among the nine nominations, there were priority files submitted by Mali, Burkina Faso and Côte d'Ivoire, and was the reason these 107 nominations were accepted as an exceptional measure.
866. The delegation of **Morocco** thanked Italy for raising the issue, and held that it was obvious that this was an exceptional measure due to the timetable change following the General Assembly's adoption of the new version of the Operational Directives, which resulted in a period of transition while waiting for things to become operational, and it was willing to accept it as an exceptional measure. The delegation of the **Republic of Korea** also supported the position expressed by Italy and proposed to insert, 'on an exceptional basis'.
867. The **Legal Adviser** recommended refraining from using 'on an exceptional basis' because it was in the spirit of the modification instigated by the General Assembly, while the deadline was fixed according to the previous Operational Directives and was a transitional solution to a problem, as explained by Italy. When the States Parties abolished the previous Operational Directives it was done in good faith and the process was part of the new Operational Directives. The Legal Adviser therefore did not see a problem vis-à-vis the 107 nominations.
868. Following the explanation, the delegation of the **Republic of Korea** withdrew its proposal.

869. There were no further objections or comments to paragraph 9 nor to paragraph 10, which were thus pronounced by the **Chairperson** as **adopted** by the Committee.
870. Concerning paragraph 11, the delegation of **Japan** sought clarification of the sentence, 'does not have the capacity to responsibly and credibly evaluate', noting that many discussions had taken place on the work of the Subsidiary Body and the Secretariat, but asked whether the issue of 'capacity' had been considered, as the language employed did not accurately reflect the discussions so far.
871. The delegation of the **Islamic Republic of Iran** wanted to know whether the recently submitted nominations by Iran had been received by the Secretariat and taken into account in the distributed list of nomination files.
872. The **Secretary** confirmed having received only very recently ten nominations, which would be considered in the following cycle in 2012.
873. Replying to the Secretary, the delegation of the **Islamic Republic of Iran** recalled thirteen nominations that had been submitted within the August deadline.
874. The **Secretary** repeated that they were received after the deadline, as was the case for nominations from other countries, and confirmed that thirteen nominations had indeed been received from the Islamic Republic of Iran on 10 September 2010.
875. The delegation of **Morocco** proposed an amendment to paragraph 11 given that it was not precisely the Committee that evaluated the nominations, but that the various bodies of the Committee did not have the capacity, which was subsequently amended.
876. There were no further objections or comments to paragraph 11, which was thus pronounced by the **Chairperson** as **adopted** by the Committee.
877. The **Secretary** drew attention to the fact that [Article 7](#) of the Convention referred to the Committee and not to their bodies and the *evaluation* was entrusted to the Committee, while the *examination* was entrusted to the Subsidiary Body, therefore the language of paragraph 11 would have to be changed accordingly to reflect this.
878. Referring to paragraph 12, the delegation of the **Republic of Korea** suggested that the number of nominations to be processed in 2011 be at least 54, as this was the same number of nominations processed in 2010 and, with regard to the workload of the Secretariat, the delegation sought creative ideas from the Committee on how to relieve their workload. The delegation also wanted to delete 'further'.
879. The delegation of **Albania** concurred that Article 7 referred to the responsibilities of the Committee and reiterated that it was important to take into account the capacity of the Committee as the organ making the final decision, and proposed leaving the original paragraph [11]. It was deemed important to distinguish between the Committee and its bodies.
880. The delegation of **Japan** reiterated the fact that discussions had not taken place on the capacity of the Committee, and agreed that the message contained in the proposal by Morocco was correct, but that it was incorrect to make reference to Article 7 of the Convention.
881. The **Legal Adviser** recalled that paragraph 11 had already been adopted by the Committee and any modification required a two-thirds majority, as stipulated in the Rules of Procedure. The Legal Adviser spoke of the different interpretations of the organs of the Committee, so there were no contradictions with Article 7 because it was subject to the interpretation of the Operational Directives, which granted the Subsidiary Body authority to examine the nominations to the Representative List, and the Consultative Body to examine the nominations to the Urgent Safeguarding List. In other words, it had been decided to divide the huge body of work among the different organs, which could not be treated by the Committee alone.

882. The delegation of **Morocco** proposed therefore to replace 'evaluate' with 'examine'. The delegation of **Japan** asked that the delegation of Albania withdraw its proposal to return to the original paragraph.
883. The delegation of **Albania** wished to support the proposal by the Legal Adviser, and proposed a text that would take into consideration all the concerns, which read, 'consider that both the Committee and its organs do not have the capacity to examine and evaluate all of these files'. The delegation agreed with the remark made by Japan that no discussion had taken place on the capacity of the Committee. The delegation of **Italy** urged the Committee to move forward.
884. The **Chairperson** concurred and the paragraph as **adopted** was retained.
885. Referring to paragraph 12 and the amendment by the Republic of Korea, the delegation of **China** recalled that paragraph 11 had been adopted, which highlighted that the Committee and its organs did not have the capacity to examine all the files, with the amendment stating 'at least 54', and did not agree with the wording 'at least'.
886. The delegation of **Spain** sought clarification from the Secretariat, as despite the logical nature of Korea's proposal, in its comparison with the number of files examined in 2009, wondered whether the already over-stretched system could treat this number of files as it had to take into account other priority files, such as nominations to the Urgent Safeguarding List, requests for International Assistance and proposals of Best Practices.
887. The **Secretary** confirmed that the Subsidiary Body had indeed been able to examine 54 nomination files in 2009 in a year with four Urgent Safeguarding List nominations and one request for international assistance. In the current cycle however, there were over one hundred combined nominations and requests.
888. The delegation of **Kenya** supported the proposal by the Republic of Korea and noted that over time acquired experience and innovative solutions enabled the Subsidiary Body and the Secretariat to carry out a little more work. The addition of 'at least' assumed that more innovative solutions would emerge as a result, and suggested adopting the proposal.
889. The delegation of **Paraguay** expressed concern on the number of nominations and outlined technical assistance as being a priority, the 54 nominations cited had therefore to be clearly spelled out.
890. The delegation of **Cyprus** recalled that at the third General Assembly it had been decided that each Member State could send a specific number of nominations, and should exercise indulgence when sending too many nominations. Meanwhile, the Secretariat would examine priority cases. Referring to the 54 nominations, the delegation asked for clarity with regard to the selection criteria for those nominations.
891. The delegation of **Morocco** supported the statement by Paraguay, and reiterated that the Urgent Safeguarding List and the Register of Best Safeguarding Practices were at the heart of the Convention. A restriction or ceiling should be based on the capacity of the system.
892. The **Secretary** presented a table on the screen of the nominations received before 31 August 2010, which were listed in order of priority, in accordance with decision [4.COM.19](#), firstly multi-national nominations, nominations from States Parties with no inscribed elements on the Representative List, followed by those with the least number of elements in reverse order. So the first priority nominations would come from Mali, Burkina Faso and Côte d'Ivoire, a multi-national nomination, the second from Portugal, then Belarus, Pakistan, Cyprus, Oman [with six pending files from 2009], and the Czech Republic; if three inscribed elements were taken as the average number of inscriptions, States with more than that this number were considered to have lesser priority. The list was following by those countries that had at least three inscribed elements: Peru (with one nomination), Belgium (1), the Islamic Republic of Iran (2), France (2), Colombia (1), Mexico (1), Turkey (1), India (17), Spain (1), Croatia (1), the Republic of Korea (37), Japan (11) and China (12), which the Secretariat explained was the backlog from 2009. Furthermore, should States Parties be limited to one or two

nominations, the total number of files would amount to 31; if the number was 54, then extra nominations would be taken from Oman, India, the Republic of Korea, China and Japan.

893. The delegation of the **Republic of Korea** reiterated the need to find a solution to the workload of the Secretariat and awaited proposals from the Member States to assist its work, and recalled that Korea had already made a US\$60,000 voluntary contribution to the sub-fund.
894. The delegation of **Cyprus** thanked the Secretary for clarifying the order of nominations, and proposed that the sentence should refer to 31 or 54 depending on the priorities. The delegation of **Spain** expressed concern about the Urgent Safeguarding List and asked the Secretariat to outline the nominations to be examined.
895. The **Secretary** presented on the screen the thirty-three Urgent Safeguarding List nominations received by the Secretariat from Armenia, Brazil, Cambodia, Central African Republic, China, Ethiopia, Guatemala, Indonesia, Islamic Republic of Iran, Kenya, Mali, Mauritania, Mexico, Mongolia, Pakistan, Peru, United Arab Emirates and Viet Nam. With regard to the Register of Best Safeguarding Practices, 15 nominations were received from Argentina, Belgium, Brazil, Hungary, Latvia, Mauritania, Pakistan and Spain. The Secretary was happy to note that countries not yet represented in the Lists submitted nominations for the first time, such as the Central African Republic, Brazil, Ethiopia, Guatemala and Mauritania. There were also eight International Assistance Requests, including one multinational request from Bolivia, Chile and Peru and others (Colombia, Mongolia, Pakistan, Senegal, Uganda, Uruguay) representing most regions of the world. The total amounted to 56 files that had to be included in the current cycle for examination by the Consultative Body.
896. As a member of the ASPAC group, the delegation of **Japan** supported the proposal by the Republic of Korea and wished to remind Members that the Consultative Body was set up to reduce the work of the Secretariat, and that prior to the establishment of the Consultative Body, the Secretariat had to consult experts, amounting to a considerable workload. Therefore, the fact that there were more nominations to the Urgent Safeguarding List did not necessarily imply an increase in the workload of the Secretariat; on the contrary, the delegation believed that the Secretariat's workload had been eased. Moreover, Kenya and the Republic of Korea, as current members of the Subsidiary Body, had expressed the view that more than 54 nominations was a feasible number. The delegation therefore did not see justification for a reduction in the number of files to 31.
897. The delegation of **Albania** joined with China, Morocco and Paraguay to retain the mention of 31 files, and noted that it was not only an issue of the workload of the Secretariat but also an issue of the capacity of the Committee, and as representatives of their respective governments, it was a great responsibility to ensure that files were respectfully treated. The delegation of the **Bolivarian Republic of Venezuela** endorsed the remarks by the Secretariat, Paraguay and others with respect to the capacity of the system.
898. The delegation of **Kenya** supported the inclusion of 'at least 31 nominations', with the understanding that more would be treated as capacity becomes available. The delegation of **Madagascar** favoured 'at least 31'.
899. The delegation of **Jordan** spoke of the responsibility of the Secretariat to deal with Best Practices and capacity building, and although the Representative List was an important pillar of the Convention, other important issues had to be considered. The delegation of **Islamic Republic of Iran** supported the proposal by the Republic of Korea and Japan, and suggested that Committee members pay more attention to the Urgent Safeguarding List by not reducing the number of Urgent Safeguarding List nominations evaluated.
900. The delegation of **Paraguay** maintained its position for 31 nominations. The delegation of **Spain** also supported the minimum of 31 nominations, and wished to have assurance that all the Best Practices, International Assistance Requests and Urgent Safeguarding List nominations would be examined. The delegation of **Nicaragua** reiterated the need for capacity building, and supported the position by Paraguay and Spain.

901. The **Republic of Korea** wished to maintain its initial proposal, but in order to reach consensus proposed to add, 'Requests the Secretariat to process the 54 nominations to the Representative List *within the range of the capacity of the Secretariat*'. The delegation of **Indonesia** supported the proposal by the Republic of Korea.
902. The delegation of **Cyprus** believed that paragraph 11 and 12 should not really have existed if there had been greater focus on the work of the Subsidiary Body.
903. The delegation of **Japan** reminded the Committee that it had already adopted paragraph 4, which referred to [paragraph 30](#) of the Operational Directives, such that within this framework the language of paragraph 12 should be understood, and therefore reference to the Secretariat's work was unnecessary in this particular provision. The delegation also did not understand why the statement by the Subsidiary Body had been disregarded.
904. The **representative of the Director General**, Mr Godonou, wished to rally consensus based on trust towards the Secretariat. The Secretariat had made it known that it had a set capacity of work to deal with 31 nominations, but on the basis of its experience, could treat 'at least 31'. Moreover, there was a backlog to consider, the treatment of which hinged on the capacity of the Secretariat. Imposing work that exceeded its capacity would obviously mean that the work could not be carried out. Mr Godonou asked for a consensual show of understanding.
905. The delegation of **Republic of Korea** wished to amend the proposal to include a sentence that referred to the capacity of the Secretariat without stating a precise number and therefore removing '54'. The delegation of **Indonesia** proposed that an upper end limit be mentioned within the range 31–54. The delegation later withdrew its proposal.
906. There were no further objections or comments to paragraph 12, which was thus pronounced by the **Chairperson** as **adopted** by the Committee.
907. The delegation of **Japan** asked for clarification with regard to the adopted paragraph.
908. The **Chairperson** explained that the delegation of the Republic of Korea had modified the original proposal by Kenya.
909. The delegation of **Republic of Korea** repeated paragraph 12 and proposed to include the suggestion by Indonesia. The delegation of **Italy** believed that the Committee had been close to consensus on the proposal by Korea, which mentioned the capacity of the Secretariat and 'at least 31 nominations'.
910. The **Chairperson** sought confirmation from Indonesia that it withdrew its proposal, which Indonesia confirmed in an attempt to reach consensus.
911. The delegation of the **Islamic Republic of Iran** did not agree that consensus had been reached and maintained its position to retain '54'. The delegation of **Japan** supported the remark by the Islamic Republic of Iran to retain 'at least 54' with the additional words proposed by Korea.
912. The delegation of **Spain** concurred with Italy and believed that a compromise had been reached that satisfied all the positions. The delegation of **Paraguay** urged the States Parties to reach consensus by focusing on priority nominations as there were eighty-seven nominations in the next cycle. The delegation of **Albania** strongly supported the position expressed by Italy and Spain.
913. The delegation of the **Islamic Republic of Iran** recalled that the original text had asked that the Secretariat process 31 nominations, which implied that this was the minimum number. While the addition of 'within the range of its capacity' implied a range and therefore an upper limit – greater than 31. Therefore an upper limit, or maximum, should be included in the text or 'within the range...' should be deleted.
914. In the spirit of consensus, the delegation of the **Republic of Korea** proposed to keep 'within the range...' and add the range between 31 and 54. The delegation of the **Islamic Republic of Iran** accepted the proposal.

915. The delegation of **Italy** highlighted the fact that regardless of the stated limit, the number of files processed was dependant on the capacity of the Secretariat, though it was acknowledged that the text now reflected the discussion and therefore consensus. The delegation of **Spain** did not agree that the majority of delegations accepted the upper limit of 54, and in fact many of the States Parties had agreed to the inclusion of 31, highlighting that 56 Urgent Safeguarding List nominations, International Assistance requests and Best Practices proposals also had to be examined.
916. The delegation of the **Bolivarian Republic of Venezuela** also believed that a majority consensus was forming, and reminded the Committee that this affected the work of the Subsidiary Body, and reiterated its position to maintain ‘at least 31’.
917. The delegation of **Japan** endorsed the constructive proposal by the Republic of Korea, Italy, and the Islamic Republic of Iran, and said that the most important thing was to avoid a clear numerical limit as this would resemble the World Heritage Convention.
918. The **Secretary** wished to highlight that the text proposed by the Republic of Korea and supported by a few other countries was not in contradiction with the opinions expressed by others in that the Secretariat was asked to process at least 31 nominations while granting priority to Urgent Safeguarding List, International Assistance Requests and Best Practices, and time permitting, the Secretariat could process additional nominations up to 54.
919. The delegation of **Italy** wished to make known that it supported both positions in that they were one and the same, not least because the work would anyway be dependent on the capacity of the Secretariat to process between 31 and 54 nominations. The delegation made reference to the pertinent point made by Spain on the importance of prioritizing Urgent Safeguarding List, International Assistance Requests and Best Practice nominations.
920. There were no further objections or comments to paragraph 12, which was thus pronounced by the **Chairperson** as **adopted** by the Committee to general applause.
921. The **Secretary** proceeded to read out paragraph 13.
922. There were no objections or comments, and thus the **Chairperson** pronounced paragraph 13 as **adopted** by the Committee.
923. Referring to paragraph 14, the delegation of **Italy** spoke of the difficulties in deciding the course of action in the 2011 cycle and that the discussion was being repeated for the 2012 cycle, and therefore wished to delete this paragraph and reserve any decision at the next Committee meeting. The delegations of **Japan** and the **Islamic Republic of Iran** both fully endorsed the proposal by Italy.
924. The **Secretary** wished to inform the Committee that the next deadline for the submission of files was on 31 March 2011, when the Secretariat would begin the examination process, and therefore it had to seek instruction from the Committee at the present session on which submissions to process, without having to wait for the upcoming Committee meeting in November to begin its work.
925. The **Legal Adviser** supported the remark by the Secretariat and reiterated an earlier point that from the legal point of view setting priorities could not be based solely on an annual cycle and could only be dealt with if priorities were clearly identified, which was the legal decision handed down in Abu Dhabi. Otherwise an extraordinary session would have to be convened simply to provide such instruction. However, the principal of priorities had already been alluded to in paragraph 12 that had just been adopted.
926. The delegation of **Paraguay** agreed that the paragraphs as adopted in the draft decision had already outlined the priorities and were the guidelines for the Secretariat’s work, and urged the other delegations to kindly adopt the paragraphs.
927. In the light of the convincing explanations given by the Secretariat, the delegation of **Italy** withdrew its proposal.

928. The delegation of **Japan** understood the explanation, however, it believed that it was too premature to set priorities ahead of the meeting of the inter-sessional open-ended working group, and proposed to add a text at the end of the sentence, 'if the inter-sessional working group cannot reach an appropriate conclusion', which in its opinion provided flexibility. The delegation of the **Bolivarian Republic of Venezuela** also understood the explanation and supported retaining paragraph 14 as worded because the cycle included the deadline of 31 March, and it was unlikely that a meeting could be convened before that date.
929. The **Chairperson** invited comments on the proposal put forward by Japan.
930. The delegation of **Morocco** called for indulgence on the part of Japan as there was no guarantee that the meeting would take place before the deadline, and that the paragraph as initially worded was appropriate. The delegation of **Japan** explained that the paragraph did not imply that the meeting had to take place prior to the 31 March 2011 and, in any event, it may provide possible solutions. The delegation also believed that the additional text would provide greater flexibility.
931. The delegation of **Kenya** supported the original text, and did not foresee the working group providing solutions before the 31 March and, moreover, there was no guarantee that the solutions would be conclusive and implementable, or whether they would have to be taken as recommendations for consideration by the Committee.
932. Attempting to help reach consensus, the **Legal Adviser** explained that the proposal by Japan included the word *if*, which made the decision conditional, and he suggested alternative wording that would not prejudice the result of the working group and would provide a flexible expectation of what could be done but, at the same time, ensured that the decision was effective and not conditional. The Legal Adviser therefore recommended that Japan either withdraw its proposal or propose an alternative wording.
933. The delegation of **Japan** appreciated the constructive advice from the Legal Adviser and would follow his recommendation.
934. The delegation of **Albania** was of the understanding that the conclusion of the working group, unless adopted by the Committee, could in no way affect this decision and felt that the wording 'without prejudice to the conclusion' was redundant as the working group had its own agenda and was free to come up with its own conclusions but, unless they were adopted, could not interfere with the present decision. The delegation joined Morocco in asking that the original paragraph be retained. The delegation of **Paraguay** also supported the original paragraph.
935. The delegation of **Japan** sought a solution to the wording.
936. The **representative of the Director-General**, Mr Godonou, understood the concern by Japan and recalled that the Convention worked on two-year cycles and not annual cycles, and that it was perfectly logical that the second year of the cycle would follow the same course of action as decided in the first cycle. Therefore, as consensus had been reached in the first half of the cycle, it could be maintained for the latter part.
937. Taking into consideration the concerns by the delegation of Japan, the **Secretary** proposed that the decision be considered for this cycle as an immediate decision had to be taken, but without prejudging the result of the working group for future cycles.
938. The delegation of the **Islamic Republic of Iran** did not follow the logic of the interpretation of the paragraph as proposed as it had understood that the Committee had decided for the 2012 cycle that it would evaluate a comparable number of nominations that follow the agreed priorities. Moreover, the share of the other countries in the treatment of nominations was not apparent.
939. The delegation of **Burkina Faso** wondered whether the expression 'a similar number' was posing the problem and suggested, 'a number of appropriate nominations based on the experience of the 2011 cycle', such that the number could increase as experience was acquired.

940. The **Chairperson** recalled that paragraph 12 and the nominations received before 31 March did take into account some flexibility.
941. The delegation of **Italy** understood the concern expressed by the Islamic Republic of Iran and suggested that it was a drafting issue, and proposed, 'Decides that for the 2012 cycle it will evaluate a comparable number of nominations to the Representative List submitted before 31 March 2011, giving priority to multi-national nominations [...].' The delegation of the **Islamic Republic of Iran** thanked and accepted the proposal by Italy.
942. Wishing to accommodate the concerns of Japan, the delegation of the **Republic of Korea** proposed to replace 'decides' with 'Considers that for the 2012 cycle it *may* evaluate [...].' The delegation of **Japan** supported the proposal by the Republic of Korea.
943. There were no further objections or comments to paragraph 14 nor to paragraph 15, which were thus pronounced by the **Chairperson** as **adopted** by the Committee.
944. The **Chairperson** returned to paragraph 8 and asked the Members to announce the decision of the composition of the Subsidiary Body.
945. In Group I, the delegation of **Cyprus** proposed **Italy**. In Group II, the delegation of the **Czech Republic** proposed **Croatia**. In Group III, the delegation of **Paraguay** proposed the **Bolivarian Republic of Venezuela**. In Group IV, the delegation of the **Republic of Korea** would remain a Member of the Subsidiary Body. In Group Va, the delegation of **Kenya** would remain a Member of the Subsidiary Body. In Group Vb, the delegation of **Morocco** proposed the delegation of **Jordan**.
946. The **Chairperson** therefore pronounced **Decision [5.COM 7](#)** adopted by the Committee. The discussion on item 7 was thus duly closed.

ITEM 15 OF THE AGENDA:

DATE AND VENUE OF THE SIXTH SESSION OF THE COMMITTEE

Document [/ITH/10/5.COM/CONF.202/15](#)
Decision [5.COM 15](#)

947. The **Chairperson** introduced item 15 and invited the Committee members to propose a date and venue for the sixth session of the Committee.
948. On behalf of electoral group IV, the delegation of the **Republic of Korea** wished to propose Indonesia as the venue country.
949. Addressing the participants, the delegation of **Indonesia** spoke of the timely and appropriateness of 2010 as the International Year for the Rapprochement of Cultures and as had been mentioned in an earlier session, was a tool for social cohesion and dialogue as well as discovering and exploring expressions particular to cultures across the world. The delegation spoke of the success of the meeting with a large number of nominations, but there was still a long way to go with other critical issues to resolve, which only called for greater commitment to work harder. With the wisdom of the Committee and States Parties, the delegation was optimistic of the future, and took the opportunity to express gratitude to the Chairperson, Mr Miaron, for his excellent leadership and to the government of Kenya for its kind hospitality. The delegation also thanked the Secretariat and the Committee for its support, cooperation and hard work, which contributed to the smooth running of the meeting. The delegation spoke of its great honour to host the sixth session of the Committee in Bali, Indonesia in 2011.
950. The **Chairperson** read out the two paragraphs of the draft decision citing the proposal by Indonesia to host the sixth session of the Intergovernmental Committee meeting in November 2011 in Bali, Indonesia. There were no comments or objections, and the Chairperson declared **Decision [5.COM 15](#)** adopted by the Committee.

**ITEM 16 OF THE AGENDA:
ELECTION OF THE MEMBERS OF THE BUREAU OF THE SIXTH SESSION OF THE
COMMITTEE**

Document [/ITH/10/5.COM/CONF.202/16](#)
Decision [5.COM 16](#)

951. The **Chairperson** introduced item 16 and the election of the Bureau of the sixth session of the Committee by pronouncing Prof. Aman Wirakartakusumah from Indonesia as the candidate for Chairperson. There were no objections and Prof. Wirakartakusumah was duly elected as Chairperson. The Chairperson invited proposals for the election of the Vice-Chairs and Rapporteur.
952. On behalf of Group III, the delegation of Paraguay wished to propose **Nicaragua**.
953. On behalf of Group II, the delegation of Azerbaijan wished to propose **Albania**.
954. On behalf of Group V(a), the delegation of Madagascar wished to propose **Niger**.
955. On behalf of Group I, the delegation of Cyprus wished to propose **Spain**.
956. On behalf of Group V(b), the delegation of Jordan wished to propose **Morocco**.
957. The delegation of **Morocco** made clear that it offered its candidature as Vice-Chair and not Rapporteur.
958. There were no objections to the designated candidates as above to the position of Vice-Chairs.
959. Noting some hesitation to the election of Rapporteur, the **Secretary** wished to highlight the fact that representatives of States Parties were elected as Vice-Chairs while the Rapporteur was an individual representing any of the Bureau members' delegations.
960. The delegation of the **Republic of Korea** sought clarification regarding the capacity of the Rapporteur as the Rules of Procedure stated that the Vice-Chairs and the Rapporteur were representatives of States Parties, with the delegations attending the Bureau meetings having the capacity to take up the role.
961. The **Secretary** concurred with the Republic of Korea that in the absence of the Rapporteur at any of the Bureau meetings, then one of the Vice-Chairs could act as Rapporteur from the elected delegation. However, at the establishment of the Bureau, the Committee had to identify an individual Rapporteur.
962. The delegation of the **Republic of Korea** sought a reference in the Rules of Procedure outlining the personal capacity of the Rapporteur.
963. The **Legal Adviser** replied that it was the general practice in organs and bureaus of all the conventions, and was an interpretation of Art. 16 of the Rules of Procedure, that in exceptional circumstances when the Rapporteur was unavailable to carry out his or her task, then it was incumbent upon one of the Vice-Chairs to take up the position. Therefore, one of the Vice-Chairs had to accept the role of Rapporteur by person or there was a risk of opening a new procedure, which was unfavourable given the current situation.
964. The delegation of **Kenya** asked whether another delegation from a sub-region could take up the position of Rapporteur, citing Gabon, Croatia and Cuba.
965. The **Chairperson** delegated **Spain** [Mr Ion de la Riva] as Rapporteur, which was unanimously accepted, and the Chairperson declared **Decision 5.COM 16** adopted by the Committee.

ITEM 18 OF THE AGENDA:
ANY OTHER BUSINESS

966. The **Chairperson** invited Committee members to raise any other issues.
967. The delegation of **Madagascar** wished to draw the Secretariat's attention to certain translation issue, citing the French *biens culturels* translated as *cultural goods* and sometimes as *cultural properties*, as well as *savoir-faire* translated as *skills* or *knowledge*.
968. The **Secretary** informed the Committee of two excursions taking place over the weekend and organized by the Kenyan authorities, providing details on the logistics.
969. The **Chairperson** took the opportunity to thank the more than five hundred delegates for the fruitful and exhaustive discussions during the meeting, the Secretariat for its support, the United Arab Emirates and Spain for their contribution towards the interpretation services, Japan for the photo exhibition, and the Kenyan authorities from the Ministry for National Heritage & Culture for their contribution to the meeting. The Chairperson then introduced Hon. William Ole Ntimama, Minister for Natural Heritage and Culture of Kenya for the final closing remarks.
970. The **Hon. William Ole Ntimama** was pleased and impressed with the quality of discussions, and wished to thank the Chairperson of the Committee, the Director-General of UNESCO, Ms. Irina Bokova, the delegates as well as the many Ministries, dignitaries and NGOs that attended the session. The Minister took the opportunity to congratulate the States Parties whose elements now appeared on the lists in this cycle, and spoke of the stewardship of Ms Irina Bokova, thanking her for her presence at the opening session of the meeting, as well as the United Arab Emirates, the Spanish Government and the Hungarian Government, for their gracious grant, which contributed to the success of the meeting. The Minister spoke of the honour of hosting such an important meeting, which reflected the strong bi-lateral cooperation between UNESCO and Kenya in the field of culture, and its commitment towards cultural expression. The Minister concluded by expressing gratitude to the Member States and governmental experts for their participation and valuable contributions from which the Convention would reach greater heights and promote harmony and unity among peoples through the inscribed elements, which would serve as an inspiration to all. The Minister officially declared the fifth session of the intergovernmental meeting closed.

[ANNEX 1]**DRAFT DECISION [5.COM 7](#) Chairperson's substitute**

The Committee,

1. Having examined document [ITH/10/5.COM/CONF.202/7](#),
2. Recalling [Article 16](#) of the Convention,
3. Further recalling chapters [I.2](#), I.7, I.9 and I.15 of the Operational Directives related to the inscription of intangible cultural heritage elements on the Representative List,
4. Recalling in particular that [Paragraph 30](#) of the Operational Directives states that 'the Committee, through its Subsidiary Body, shall examine every year nominations for inscription on the Representative List of the intangible cultural heritage of Humanity in accordance with the resources available and their ability to examine these nominations. States Parties are encouraged to keep in mind the above factors when submitting nominations for inscription on the Representative List',
5. Decides to convene an open ended intergovernmental working group, to be held at UNESCO headquarters before the sixth session of the Committee, to discuss possible measures to improve the treatment of nominations to the Representative List by the Committee, Subsidiary Body and the Secretariat, on condition that voluntary supplementary contributions to the intangible cultural heritage Fund are received prior to 31 January 2011 in order to cover all of the costs of organizing the meeting and the costs of the participation of representatives of developing countries that are parties to the Convention, whether or not Members of the Committee, but only for persons who are experts in intangible cultural heritage;
6. Establishes a subsidiary body for the examination of nominations for inscription on the 2011 Representative List and adopts the terms of reference as presented in the Annex to this decision, in accordance with [Rule 21](#) of its Rules of Procedure;
7. Decides that the Subsidiary Body shall consist of [State, Group I], [State, Group II], [State, Group III], [State, Group IV], [State, Group V(a)] and [State, Group V(b)];
8. Further decides to consider the 107 nominations received before 31 August 2010 and not yet processed as admissible for possible evaluation in 2011;
9. Takes note that the total number of nominations to the Lists, proposals for the Register of Best Practices and requests for international assistance admissible for possible evaluation in 2011 is 163;
10. Considers that the Committee does not have the capacity to responsibly and credibly evaluate all of these files and perform its duty under [Article 7](#) of the Convention;
11. Further requests the Secretariat to process 31 nominations to the Representative List and transmit these to the Subsidiary Body, in order to allow its members to examine with priority multi-national nominations and those submitted by States Parties that do not have elements inscribed or have few elements inscribed on said List;
12. Thanks those SPs that have voluntarily agreed to allow some of their files already submitted to be evaluated at a later date;
13. Decides that, for the 2012 cycle, it will evaluate with priority a comparable number of nominations to the Representative List submitted before 31 March 2011 that are multi-national nominations or are submitted by States Parties that do not have elements inscribed or have few elements inscribed on said List;

14. Further decides that, for the 2012 cycle, it shall apply the same principle of priority evaluation to files that will be submitted before 31 March 2011 for the Urgent Safeguarding List, Register of Best Practices and International Assistance.

ANNEX

TERMS OF REFERENCE OF THE SUBSIDIARY BODY ON THE EXAMINATION OF NOMINATIONS TO THE REPRESENTATIVE LIST	
The Subsidiary Body	
1.	Shall be composed of a State Member of each electoral group;
2.	Shall elect its Chairperson and, if necessary, its Vice-Chairperson(s) and its Rapporteur;
3.	Shall hold private meetings in accordance with Rule 19 of the Rules of Procedure of the Committee;
4.	Shall be responsible for the examination of nominations for inscription on the Representative List in 2011 in conformity with the related paragraphs of the Operational Directives for the Implementation of the Convention. It shall, in particular, include in its examination:
	(a) An assessment of any nomination's conformity with the inscription criteria as provided in paragraph 2 of the Operational Directives;
	(b) A recommendation to inscribe or not inscribe the element submitted to the Committee, or a referral of the nomination to the submitting State for additional information;
5.	Shall provide the Committee with a report on its examination and its recommendations;
6.	Shall cease to exist following submission to the Committee at its sixth session of the report on its examination.

[ANNEX 2]**Terms of reference of the Subsidiary Body in charge of the examination of the nominations on the Representative List (proposal by Morocco)**

The Subsidiary Body is responsible for the examination of the nominations for inscription on the Representative List in 2011, in conformity with the related paragraphs of the Operational Directives for the implementation of the Convention, in particular paragraphs [29](#), [30](#) and [31](#). Its terms of reference to implement its examination are as follows:

1. The examination of each candidature must include an assessment of its conformity with to the inscription criteria as provided in [paragraph 2](#) of the Operational Directives;
2. Each recommendation to inscribe or not to inscribe the nominated element or its referral to the submitting State for complementary information shall be formulated by at least two members of the Subsidiary Body in order to be approved for inclusion in the report to be submitted to the Committee;
3. If the assessments or recommendations of the two members of the Subsidiary Body are divergent, it is up to the Subsidiary Body to decide on the content of the recommendation to be submitted to the Committee, without prejudging the right of the Chairperson to ask for the opinion of an independent expert according to [Article 8.4](#) of the Convention or to consult one of the members of the Consultative Body;
4. If the Subsidiary Body does not succeed to approve a recommendation with the majority of those present and voting, the Chairperson of the Subsidiary Body would be authorized to submit a file for the opinion of one of the members of the Consultative Body;
5. The deliberations of the Subsidiary Body on these issues will be held in private meeting, according to [Article 19](#) of the Rules of Procedure of the Intergovernmental Committee;
6. The Subsidiary Body submits to the Committee an examination report including the analysis of the conformity of the nominations with the requested criteria and a recommendation of inscription or non-inscription of the item proposed on the Representative List of the intangible cultural heritage of Humanity, or the referral of the nomination to the submitting State for complementary information.