

Hundred and seventy-second session

172 EX/53
PARIS, 19 August 2005
Original: French

Item 60 of the provisional agenda

**PROPOSAL FOR THE ESTABLISHMENT OF A REGIONAL CENTRE
FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL
HERITAGE (CUZCO, REPUBLIC OF PERU),
UNDER THE AUSPICES OF UNESCO**

SUMMARY

The Republic of Peru proposed the establishment of a regional centre for the safeguarding of the intangible cultural heritage under the auspices of UNESCO (category II) and presented the corresponding detailed proposal to UNESCO in June 2005.

The present document consists of a report by the Director-General assessing the feasibility of the proposal, together with an Annex containing a draft agreement.

Decision proposed: paragraph 18.

INTRODUCTION

1. Certain processes brought about by globalization and social transformation hasten the deterioration and disappearance of intangible cultural heritage (oral traditions and expressions, performing arts, social practices, rituals and festive events, knowledge and practices concerning nature and the universe and traditional craftsmanship). In response to the increased demand from Member States regarding the urgent need to safeguard this heritage, a mainspring of cultural diversity and a guarantee of sustainable development, UNESCO's General Conference at its 32nd session (October 2003) adopted the Convention for the Safeguarding of the Intangible Cultural Heritage. This Convention shall enter into force three months after the date of deposit of the thirtieth instrument of ratification, approval or accession. By 26 July 2005, 16 Member States had already ratified the Convention and the Secretariat estimates that the required number of ratifications enabling it to take effect will be reached in 2006. UNESCO should then ensure the effective implementation of this international instrument. To do so, the Organization will have to mobilize governments, research institutions, intergovernmental and non-governmental organizations, associations and cultural workers, the media, local communities and the general public.

2. The Republic of Peru has proposed the establishment of a regional centre for the safeguarding of the intangible cultural heritage in Cuzco, under the auspices of UNESCO. This document outlines the background, the basis of this proposal and the objectives of the centre, specifically the advantages for the countries within the region and its relevance to UNESCO's programmes. In accordance with recommendations of the General Conference at its 21st session (21 C/Resolution 40) and 171 EX/Decision 23, the Executive Board has been asked to make recommendations, if any, to the General Conference concerning the establishment of the proposed centre under the auspices of UNESCO.

3. At its 171st session, the Executive Board recommended to the General Conference at its 33rd session, under the Programme and Budget for 2006-2007, that the priority of the culture programme would be "promoting cultural diversity, with special emphasis on the tangible and intangible cultural heritage". Under the subprogramme on intangible cultural heritage the priority is to encourage ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage, raise awareness among Member States of the importance and urgency of safeguarding this heritage, and strengthen their capacity in that respect.

4. Confirming its commitment to safeguarding the intangible cultural heritage, whose wealth and diversity are recognized both regionally and internationally, the Government of the Republic of Peru launched the process culminating in ratification of the Convention for the Safeguarding of the Intangible Cultural Heritage. On 2 June 2005 the Peruvian National Assembly approved the Convention and the Republic of Peru will deposit the instrument of ratification and become one of the first States Parties to the Convention for South America.

5. In January 2003, the Peruvian authorities expressed the desire to establish a regional centre for the safeguarding of the intangible cultural heritage and, in September 2003, submitted to the Director-General of UNESCO a document outlining the proposed regional centre.

6. Within UNESCO, during the general policy debate at the 32nd session of the General Conference (October 2003), the Representative of Peru mentioned his country's proposal to establish the creation of a regional centre for the safeguarding of the intangible cultural heritage. The Director-General, in his response to the debate, expressed his appreciation of the initiative of Peru.

7. Regionally, during the 13th Ibero-American Summit (Bolivia, November 2003), the Ibero-American Heads of State and Government supported the initiative of Peru to establish a regional centre in Cuzco for the safeguarding of the intangible cultural heritage under the auspices of UNESCO.

8. In order to enlarge upon ideas seeking a specific proposal to establish such a centre, the Peruvian National Commission for UNESCO organized a national seminar in February 2005 attended by representatives from Peruvian agencies specialized in the field of intangible cultural heritage. Following the meeting, a detailed draft proposal to establish the centre was drawn up and transmitted to UNESCO.

9. This draft proposal prompted intense negotiations between the Peruvian authorities and UNESCO, notably on the occasion of a Secretariat mission to Peru in March 2005.

CONSIDERATION OF THE FEASIBILITY OF THE PROPOSED CENTRE

10. The proposal is in line with the requirements specified in document 21 C/36, “Principles and guidelines for the establishment and operation of international and regional centres under UNESCO’s auspices” and in document 171 EX/18 containing the criteria (section III, paragraphs 55 and 56) and guidelines for the establishment of category II institutes and centres (Annex I).

The main characteristics of the proposed Centre are as follows:

- (a) **Purposes:** (i) to promote the safeguarding of the intangible cultural heritage regionally through awareness-raising and the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage, (ii) to reinforce cooperation between the countries of the region, and (iii) consolidate national capacity in this field.
- (b) **Functions:** The main functions of the Centre will be coordination, cooperation, and information exchange between the countries of the region to promote safeguarding activities for their intangible cultural heritage. The Centre will make use of the existing capacities in universities, research centres and other governmental and non-governmental organizations in the region. More specifically, the following activities are planned: (i) gathering information and setting up a data bank; (ii) establishing information exchange networks; (iii) promoting cooperation between agencies; (iv) maintaining a link with the future intergovernmental committee for the safeguarding of the intangible cultural heritage; (v) harmonizing identification and documentation methods; (vi) coordinating training and teaching; (vii) coordinating promotion of the intangible cultural heritage through the media; (viii) encouraging the involvement of communities and groups that are custodians of intangible cultural heritage when it comes to defining, listing and safeguarding their heritage.
- (c) **Legal status:** The regional centre shall be established on the basis of an agreement between UNESCO and the Government of Peru, in consonance with documents 21 C/36 and 171 EX/18 Annex II. The Centre shall be an autonomous institution at the service of those Member States of the Organization which, on account of geographical proximity, and the similarity of the problems involved in safeguarding their intangible cultural heritage, wish to cooperate with the Centre through their National Commissions or their national agencies specializing in that field. The conditions of participation for the States of the region wishing to become members of the Centre would be defined by the agreement annexed hereto.

The future Centre will be linked to the National Institute of Culture in Peru and its headquarters will be in Cuzco (Peru). The Centre shall enjoy, in the territory of the Republic of Peru, the personality and legal capacity necessary for the exercise of its functions.

- (d) The **structure**, which would be defined by the agreement annexed hereto, would involve:
- (i) A **Governing Board** (“Conseil”) comprising a representative of the government of each Member State, a civil society representative of each country and a UNESCO representative. The form of civil society engagement will be decided by each State. The main duty of the Governing Board will be to approve strategies, the programme, the budget and activity reports and to appoint the Director of the Centre. It will also be in charge of electing Executive Committee members and convening the regular and extraordinary sessions.
 - (ii) An **Executive Committee** (“Comité”) composed of representatives from Member States of the Centre, a representative of the Director-General of UNESCO and the Director of the Centre, who shall have no voting rights. Civil society representatives and local communities may be invited to participate in the sessions. The Committee will be chiefly responsible for supervising the programmes and activities of the Centre. It will meet at least twice a year. It will in particular examine the programme and budget for approval by the Governing Board, ensure that approved programmes are monitored, and submit candidatures for the post of Director of the Centre to the Governing Board. Its membership and responsibilities will be consonant with 21 C/Resolution 40 and the guidelines in document 171 EX/18.
 - (iii) A **Secretariat** responsible for carrying out the activities of the Centre, under the authority of the Director appointed by the Governing Board in consultation with the Director-General of UNESCO. It will be composed of professional, technical and general service personnel.
- (e) **Financial matters:** The Government of the Republic of Peru will meet the staff costs and the costs of running and maintaining the Centre. An annual budget will be allocated to the Centre by the Peruvian Government via the National Institute of Culture of Cuzco (INC-Cuzco). The annual budget allocated as of 2006 by the Peruvian Government will be US \$250,000. This amount will cover the administrative costs of running the Centre, the organizational expenses of the Governing Board and Executive Committee and the costs of organizing particular activities. Interested States may, however, cooperate technically with specific Centre projects and programmes, or finance them. In addition, national and international donor organizations may make financial contributions. To this same end, international cooperation entities and national and regional civil society associations may work in partnership. UNESCO could decide to finance one-off Centre activities provided they are deemed in keeping with the priorities of the Organization’s programme. Furthermore, UNESCO could help the Government of the Republic of Peru in its negotiations with regional governments, international and regional organizations, non-governmental organizations, private sector stakeholders and foundations to win financial and technical support for the Centre’s activities.

In the period 2006-2011, the Government of the Republic of Peru will meet all the running costs of the Centre and every year will examine the use of these resources. This commitment will be renewed after an assessment of the relevance and results of the activities of the regional centre for the safeguarding of the intangible cultural heritage and as provided for in the criteria adopted by the Executive Board (171 EX/Decision 23).

- (f) **Areas of cooperation with UNESCO:** The proposal indicates the types of assistance required:
- (i) support for the implementation of relevant activities provided for in document C/5 for the region of South America, in particular the promotion and implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage and the strengthening of national and local capacities for the safeguarding of this heritage;
 - (ii) making available to UNESCO information gathered through regional networks and the databank to be set up within the Centre.

11. Relationship between the activities of the Centre and UNESCO's objectives and programmes:

- (a) In Article I of the UNESCO Constitution it is stated that the Organization will “maintain, increase and diffuse knowledge; By assuring the conservation and protection of the world's inheritance ... and recommending to the nations concerned the necessary international conventions; By encouraging cooperation among the nations in all branches of intellectual activity, including the international exchange of persons active in ... culture and the exchange of publications ... and other materials of information”.
- (b) At its 31st session, the General Conference adopted the Medium-Term Strategy for 2002-2007 (31 C/4). For the culture programme, three strategic objectives were selected. The first concerns “the drafting and implementation of standard-setting instruments in the cultural field in which UNESCO has an important comparative advantage, particularly as regards the protection of cultural heritage” (31 C/4, para. 125). In this regard, the Strategy provided for the preparation of a new instrument in the field of the intangible cultural heritage (31 C/4, paras. 131 and 132). The Convention for the Safeguarding of the Intangible Cultural Heritage was adopted in 2003; its promotion with a view to its entry into force is one of the main objectives of the culture programme.
- (c) For the final instalment (2006-2007) of document 31 C/4, as mentioned in paragraph 3 of this document, at its 171st session the Executive Board proposed that the promotion of cultural diversity and of the tangible and intangible heritage should be the principal priority of the culture programme for 2006-2007 (draft 33 C/5). With respect to the intangible cultural heritage subprogramme, the Executive Board proposes to the General Conference that it give priority to actions to promote the entry into force of the Convention for the Safeguarding of the Intangible Cultural Heritage and strengthen the capacities to safeguard that heritage.

The establishment in the Republic of Peru of a regional centre specifically devoted to safeguarding the intangible cultural heritage of South America meets the objectives set and the programmes planned by UNESCO in the area of intangible cultural heritage for the next biennium and in the medium term.

12. Regional or international impact of the Centre:

- (a) **Coverage:** Geographically, the Centre is ready to welcome countries of the South American continent initially. The subsequent extension of its activities to other Latin American and North American countries with considerable experience in safeguarding the intangible cultural heritage will help to strengthen cooperation between countries of both continents in this field.

- (b) **Potential regional or international impact:** At present, there is no regional body with responsibility for centralizing information to do with safeguarding the intangible cultural heritage. The impact of the Centre on disseminating information, coordinating activities and ensuring cooperation through its regional networks will undoubtedly be extremely useful regionally. Moreover, the Cuzco Centre being the first instance of a regional centre for the safeguarding of the intangible cultural heritage under the auspices of UNESCO, its activities could provide a pioneering experience for other regions of the world.
- (c) **Technical cooperation:** Other regional and international agencies and non-governmental organizations could be linked through UNESCO. The Centre could assist in establishing similar centres elsewhere in the world.

13. **Results expected from UNESCO's contribution:**

(a) **Role of the Centre in executing the Organization's programme:**

As indicated in paragraphs 3 and 13 of this document, establishment of the Centre is in keeping with UNESCO's objectives, in particular with its intangible cultural heritage programme. UNESCO could therefore offer technical assistance in view of its experience in promoting the Convention for the Safeguarding of the Intangible Cultural Heritage. The Republic of Peru currently has the relevant expertise in this field, in particular through the activities of the National Institute of Culture (INC). The INC has established a new Directorate responsible for producing national registers of intangible heritage in Peru. The Institute has also introduced a mechanism for granting a national distinction, "National Intangible Heritage", to selected cultural expressions. The Peruvian Government has also demonstrated its firm commitment to the project. Taken together, these facts fully justify the decision to locate the Centre in Peru, in the confident expectation that the activities assigned to it will be carried out successfully.

(b) **Potential impact of UNESCO's contribution on the Centre's activities:**

- (i) UNESCO should act as a catalyst in the early period of the Centre by lending its technical and organizational expertise.
- (ii) UNESCO's role as a bridge to countries in other regions, international organizations, non-governmental organizations, and international experts specializing in safeguarding the intangible cultural heritage is essential for favourable international exposure of the Centre.

(c) **Impact of the Centre on UNESCO:**

The Centre's establishment would enable UNESCO to increase its visibility in the region, to gain access to information and to receive significant support for promoting and implementing the Convention for the Safeguarding of the Intangible Cultural Heritage.

14. **Summary evaluation of the proposal submitted:**

- (a) From the previous paragraphs it is clear that the establishment of the Centre is fully in line with the objectives and programmes of UNESCO and that the Centre would contribute to the execution of the Organization's programme with respect to safeguarding the intangible cultural heritage. Moreover, UNESCO's auspices are essential to the Centre's regional standing and development.

- (b) The strong support shown by the Peruvian Government for establishing the Centre is a favourable precondition, as is the Government's undertaking to meet the running and staffing costs, the organizational costs of the Board and Committee, and the costs of organizing particular activities.
- (c) Safeguarding the intangible cultural heritage is one of the Organization's priorities and, at its 171st session, the Executive Board recommended that it should be one of the main priorities of the culture programme in the draft of document 33 C/5.
- (d) The proposed institutional structure of the Centre is compatible with the guidelines presented in document 21 C/36, particularly on the composition and functions of the Governing Board and the Secretariat. Its capacity as a coordinating body and for disseminating information through its networks will enable it to use the technical resources available in Peru and to ensure that the other States in the region have the benefit of them.
- (e) As soon as the Centre has been set up, UNESCO could involve it in implementing some of the activities of its programme relating to the intangible cultural heritage for the region of South America, in particular raising the awareness of the region's Member States of the Convention for the Safeguarding of the Intangible Cultural Heritage, to urge them to ratify the Convention and to implement its provisions in close cooperation with the future Intergovernmental Committee for the safeguarding of the intangible cultural heritage.
- (f) The risks to UNESCO in the establishment of the Centre would be small, owing primarily to the strong support of the Peruvian Government. Like other regional centres, in accordance with the criteria adopted at the 171st session of the Executive Board on classifying the Centre in category II, the Centre would be examined every five or six years in the context of the preparation of a new Medium-Term Strategy for the Organization (C/4 document), in order to ensure that the focus and coverage of the activities are in line with the strategic objectives of UNESCO and that the support of the Peruvian Government is ensured as planned.

The points cited above indicate that the viability of the proposed regional centre for the safeguarding of the intangible cultural heritage to be established in Cuzco (Republic of Peru), under the auspices of UNESCO, is high and that UNESCO's governing bodies give it due consideration.

15. With regard to all legal, managerial and administrative aspects of the proposed Centre, a draft agreement is attached (Annex) that addresses these issues. This draft agreement on the proposed regional centre for the safeguarding of the intangible cultural heritage is the outcome of a process of consultation between the Peruvian authorities and the Secretariat.

16. The Director-General welcomes the proposed establishment of a regional centre for the safeguarding of the intangible cultural heritage. He considers that the establishment of a regional centre under the auspices of UNESCO could but benefit the Member States, UNESCO and the Republic of Peru. He believes that this effort to consolidate links could even set an example for the future. He is fully aware of the advantages that lie in this proposal for Member States.

17. The Director-General invites the Executive Board to examine the proposal and the attached documents in order to give Member States the benefit of an innovative partnership for safeguarding the intangible cultural heritage.

18. In the light of the above report, the Executive Board may wish to consider the following draft decision:

The Executive Board,

1. Recalling the principles and objectives of the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted by the General Conference at its 32nd session in October 2003,
2. Recalling 21 C/Resolution 40 and 171 EX/Decision 23,
3. Having examined document 172 EX/53,
4. Welcoming the proposal of the Government of the Republic of Peru, which is in line with the existing principles and guidelines (21 C/36) and with the proposed guidelines regarding the establishment and operation of category II institutes and centres (171 EX/18), and appreciating the results of the discussions held so far between the Secretariat and the Peruvian authorities,
5. Recommends to the General Conference that it approve, at its 33rd session, the establishment of a regional centre for the safeguarding of the intangible cultural heritage in Cuzco (Peru), under the auspices of UNESCO, and that it authorize the Director-General to sign the Agreement annexed to document 172 EX/53.

ANNEX

**DRAFT AGREEMENT
BETWEEN THE GOVERNMENT OF THE REPUBLIC OF PERU**

AND THE

**UNITED NATIONS EDUCATIONAL,
SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO)**

**ON THE ESTABLISHMENT AND OPERATION OF THE REGIONAL
CENTRE FOR THE SAFEGUARDING OF THE INTANGIBLE
CULTURAL HERITAGE IN CUZCO (PERU)**

The Government of the Republic of Peru on the one hand, and

The Director-General of the United Nations Educational, Scientific and Cultural Organization on the other hand,

Having regard to 33 C/Resolution ... whereby the UNESCO General Conference seeks to favour international cooperation in respect of the safeguarding of the intangible cultural heritage,

Considering that the Director-General has been authorized by the General Conference (33 C/Resolution ... to conclude with the Government of the Republic of Peru an agreement in conformity with the draft which was submitted to the General Conference,

Desirous of defining the terms and conditions governing the contribution that shall be granted to the regional centre for the safeguarding of the intangible cultural heritage in Cuzco in this Agreement,

Have agreed as follows:

**Article I
Interpretation**

1. In this Agreement, unless the context requires a different meaning, "UNESCO" refers to the United Nations Educational, Scientific and Cultural Organization.
2. "The Centre" means the regional centre for the safeguarding of the intangible cultural heritage in Cuzco, Peru.
3. "The Government" means the Government of the Republic of Peru.
4. "The Convention" means the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted by the General Conference of UNESCO in October 2003.
5. "The Intergovernmental Committee" means the body provided for in Article 5 of the Convention.
6. "The States Parties" means the States signatories to the agreement establishing the Centre.

Article II Establishment

The Government agrees to take any measures that may be required for the setting up, in Peru, of a regional centre for the safeguarding of the intangible cultural heritage – Cuzco, as provided for under this Agreement.

Article III Participation

1. The Centre shall be an autonomous institution at the service of Member States of the Organization that, by their common interest in the objectives of the Centre, desire to cooperate with the Centre. Geographically, the Centre is ready to welcome the countries of the South American continent initially. The subsequent extension of its activities to the countries of Latin America and North America, which have extensive experience in the safeguarding of the intangible cultural heritage, will help strengthen cooperation among the countries of both continents in this field.

2. Member States of the region (South America) wishing to participate in the Centre's activities, as provided for under this Agreement, shall send the Director-General of UNESCO notification to this effect, as well as the designation of a national institution in charge of the safeguarding of the intangible cultural heritage. The Director-General shall inform the Centre and the Member States mentioned above of the receipt of such notifications.

Article IV Purpose of the Agreement

The purpose of this Agreement is to define the terms and conditions governing collaboration between UNESCO and the Government of the Republic of Peru and also the rights and obligations deriving therefrom for the parties.

Article V Legal Personality

The Centre shall enjoy, in the territory of the Republic of Peru the personality and legal capacity necessary for the exercise of its functions, in particular the capacity:

- to contract;
- to institute legal proceedings;
- to acquire and dispose of movable and immovable property.

Article VI Constitution

The Constitution of the Centre must include the following provisions:

- (a) a legal status granting to the Centre, under national legislation, the autonomous legal capacity necessary to exercise its functions and to receive subventions, obtain payments for services rendered and carry out the acquisition of all means required;
- (b) a governing structure for the Centre allowing UNESCO representation within its governing bodies.

Article VII Functions/Objectives

1. The objectives of the Centre shall be to:

- (i) promote the safeguarding of the intangible cultural heritage at regional level by raising awareness and implementing the Convention for the Safeguarding of the Intangible Cultural Heritage ;
- (ii) strengthen cooperation among countries of the region; and
- (iii) consolidate national capacity in this field.

2. The functions of the Centre shall be to:

- (i) coordinate cooperation and information exchange among countries in the region in order to promote activities to safeguard their intangible cultural heritage;
- (ii) gather information and set up a databank;
- (iii) establish networks for the exchange of information;
- (iv) foster cooperation among institutions;
- (v) liaise with the Intergovernmental Committee;
- (vi) harmonize identification and documentation methods;
- (vii) coordinate training and education activities;
- (viii) coordinate activities for promoting the intangible cultural heritage through the media;
- (ix) encourage the involvement of communities and groups which are bearers of intangible cultural heritage in identifying, inventorying and safeguarding their heritage.

Article VIII Governing Board

1. The Centre shall be guided by a Governing Board renewed every four years and composed of:

- (a) a representative of the Government or his/her appointed representative;
- (b) a civil society representative appointed by the Government;
- (c) a representative of the Government and a civil society representative of each of the other Member States which will have sent to the Director-General of UNESCO a notification, in accordance with the stipulations of Article III, paragraph 2, above;
- (d) a representative of the Director-General of UNESCO.

2. The Governing Board shall:
 - (a) approve the long-term and medium-term programmes of the Centre;
 - (b) approve the annual work plan and budget of the Centre, including the staffing table;
 - (c) examine the annual reports submitted by the Director of the Centre;
 - (d) issue the rules and regulations and determine the procedures for the financial, administrative and personnel management of the Centre;
 - (e) decide on the participation of regional intergovernmental organizations and international organizations in the work of the Centre.
3. The Governing Board shall meet in ordinary session at regular intervals, at least once every calendar year; it shall meet in extraordinary session if summoned by the Chairperson, either on his/her own initiative or at the request of the Director-General of UNESCO or of a two-thirds majority of its members.
4. The Board shall adopt its own rules of procedure. For its first meeting the procedure shall be established by the Government and UNESCO.

Article IX Executive Committee

1. In order to ensure the effective running of the Centre, an Executive Committee composed of five members elected by the Governing Board shall be established. The Committee shall meet at least twice a year and shall:
 - (a) supervise the Centre's programmes;
 - (b) ensure the monitoring of the Centre's activities approved by the Governing Board;
 - (c) examine the programme and budget and submit its recommendations to the Governing Board;
 - (d) propose the candidature of the Executive Director of the Centre to the Governing Board.
2. The Executive Committee shall adopt its own rules of procedure.

Article X Secretariat

1. The Centre's Secretariat shall consist of a Director and such staff as is necessary for the proper functioning of the Centre.
2. The Director shall be appointed by the Chairperson of the Board of Governors in consultation with the Director-General of UNESCO, for a term of four years and shall be university-trained and have recognized professional experience in one of the fields of the intangible cultural heritage.
3. The other members of the Secretariat may comprise:
 - (a) any person appointed by the Director, in accordance with the procedures laid down by the Board of Governors;

- (b) any officials made available to the Centre by the Government, in accordance with national regulations.

Article XI Duties of the Director

The Director shall discharge the following duties:

- (a) direct the work of the Centre in conformity with the programmes and directives established by the Governing Board and the Executive Committee;
- (b) propose the draft plan and budget to be submitted to the Governing Board for approval;
- (c) prepare the provisional agenda for the sessions of the Board of Governors and the Committee and submit to it any proposals that he/she may deem useful for the administration of the Centre;
- (d) prepare and submit reports on the activities of the Centre to the Board;
- (e) represent the Centre in law and in all civil acts;
- (f) appoint staff members in accordance with the staff regulations approved by the Governing Board.

Article XII Contribution of UNESCO

1. UNESCO shall provide assistance in the form of technical and administrative assistance for the establishment and operation of the Centre. The General Conference of UNESCO may decide to finance specific Centre activities provided that they are considered to be in accordance with the strategic goals and objectives of the Organization.
2. The Organization will involve the Centre in the execution of activities relating to the safeguarding of the intangible cultural heritage of the region and the strengthening of national and local capacities to safeguard that heritage.
3. UNESCO shall agree to:
 - provide the assistance of its experts in the fields of the safeguarding of the intangible cultural heritage;
 - include the Centre in various programmes which it implements and in which the participation of the latter seems necessary to it.
4. It will encourage the international governmental and non-governmental financial entities, as well as Member States of UNESCO, to provide financial and technical assistance and to propose applicable projects to the Centre, and will facilitate contacts with any other international organizations interested in the safeguarding of the intangible cultural heritage.
5. In all the cases listed above, this contribution shall be provided for in UNESCO's Programme and Budget.

Article XIII **Contribution of the Government**

The Government will agree to provide all the resources, either financial or in kind, needed for the administration and proper functioning of the Centre:

- The Government shall make available to the Centre the headquarters premises of the Centre in the city of Cuzco.
- The Government shall entirely assume during the period 2006-2011 the operating and maintenance costs of the Centre and shall examine the use of these resources annually.
- An annual budget of \$250,000 shall be allocated to the Centre by the Peruvian Government via the National Institute of Culture of Cuzco (INC-Cuzco). This amount shall cover the administrative costs of running the Centre, the organizational expenses of the Board and Committee and the costs of organizing particular activities.
- The Government shall make available to the Centre the administrative staff necessary for the performance of its functions and shall cover the corresponding expenses.

Article XIV **Privileges and Immunities**

1. The Government shall apply to the Organization and its officials and experts, and to the representatives of Member States and Associate Members attending the sessions of the governing bodies, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies.
2. The Government shall authorize the entry, free of visa charges, the sojourn in its territory and the exit of any person invited to attend the sessions of the Board of Governors and the Executive Committee or proceeding to the Centre on official business.
3. The goods, assets and income of the Centre shall be exempt from all direct taxes. Further, the Centre shall be exempt from the payment of any fees or taxes with respect to equipment, supplies and material imported or exported for its official use.
4. The Centre may have accounts in any currency, hold funds and foreign exchange of any kind and transfer them freely.
5. The Government shall be responsible for dealing with any claims which may be brought by third persons against the Organization, against members of its staff or against other persons employed by the Centre and shall hold the Organization and the above-mentioned persons harmless from any claims or liabilities resulting from operations of the Centre under this Agreement, except where it is agreed by the Organization and the Government that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

Article XV **Responsibility**

As the Centre is legally separate from UNESCO, the latter shall not be legally responsible for it and shall bear no liabilities of any kind, be they financial or otherwise, with the exception of the provisions expressly laid down in this Agreement.

Article XVI Evaluation

1. UNESCO may, at any time, carry out an evaluation of the activities of the Centre in order to check:
 - whether the Centre makes an important contribution to the strategic goals of UNESCO;
 - whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.
2. UNESCO shall agree to submit to the Government, at the earliest opportunity, a report on any evaluation.
3. UNESCO shall reserve the option to denounce this Agreement or amend its contents, following the results of an evaluation.

Article XVII Use of UNESCO Name and Logo

1. The Centre may mention its affiliation with UNESCO. It may therefore use after its title the mention “under the auspices of UNESCO”.
2. The Centre is authorized to use the UNESCO logo or a version thereof on its letter-headed paper and documents.

Article XVIII Duration of the Organization’s Assistance

UNESCO’s assistance under this Agreement is fixed for a period of six years as from its entry into force and may be renewed by mutual agreement.

Article XIX Entry into Force

This Agreement shall enter into force upon meeting the formalities required to that effect by the domestic law of the Republic of Peru and by UNESCO’s internal regulations.

Article XX Denunciation

1. Failure to observe one or more of the obligations contained in the present Agreement by one of the parties shall entitle the other to denounce unilaterally the Agreement.
2. The denunciation shall take effect within six days following receipt of the notification sent by one of the contracting parties to the other.

Article XXI Revision

The present Agreement may be revised by consent between the Government and UNESCO.

Article XXII
Settlement of Disputes

1. Any dispute between UNESCO and the Government concerning the interpretation or application of this Agreement, if it is not settled by negotiation or any other appropriate method agreed to by the parties, shall be submitted for final decision to an arbitration tribunal composed of three members; one shall be appointed by the Government of Peru, another by the Director-General of UNESCO, and the third, who shall preside over the tribunal, chosen by these two. If the two arbitrators cannot agree on the choice of the third, the appointment shall be made by the President of the International Court of Justice.

2. The tribunal's decision shall be final.

IN WITNESS WHEREOF, the undersigned have signed this Agreement.

Done in two copies, in the French and Spanish languages, on

.....
For the United Nations Educational,
Scientific and Cultural Organization

.....
For the Government

Hundred and seventy-second session

172 EX/53 Add.
PARIS, 22 September 2005
Original: French

Item 60 of the provisional agenda

**PROPOSAL FOR THE ESTABLISHMENT OF A REGIONAL CENTRE
FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL
HERITAGE (CUZCO, REPUBLIC OF PERU),
UNDER THE AUSPICES OF UNESCO**

ADDENDUM

SUMMARY

This addendum supplements the report by the Director-General (172 EX/53) on the proposal by the Republic of Peru for the establishment of a regional centre for the safeguarding of the intangible cultural heritage in Cuzco, taking account of the recommendations of the meeting in Yucay (Peru) held on 22 and 23 August 2005.

1. The representatives of 10 States of South America (Argentina, Bolivia, Brazil, Colombia, Chile, Ecuador, Paraguay, Peru, Uruguay and Venezuela) met in the district of Yucay, Peru, on 22 and 23 August 2005 for the first meeting on the proposal by the Peruvian authorities that a regional centre for safeguarding the intangible cultural heritage in Latin America be established under the auspices of UNESCO (category II), with headquarters in the city of Cuzco. The participants in this meeting expressed their strong and unanimous support for this proposal.
2. The participants recommended that the geographical scope of the activities of the centre for South America¹ should be extended to cover Latin America.² In response to this recommendation, the Government of Peru announced its intention to double its annual contribution for the operation of the centre from \$250,000 to \$500,000.

¹ Argentina, Bolivia, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay, Venezuela and Brazil.

² Argentina, Bolivia, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay, Venezuela, Brazil and Haiti.

3. In addition, some improvements were proposed to the objectives and the functions of the centre. In view of the Government of Peru's acceptance of these modifications, the following paragraphs of document 172 EX/53 and its annex should be modified as follows:

(i) In document 172 EX/53

Paragraphs 10(a) and (b) concerning the purposes and functions of the centre should read as follows:

(a) **Purposes:**

(i) to coordinate, exchange and disseminate activities safeguarding the intangible cultural heritage of the region; (ii) to promote the implementation and follow-up of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and other international legal instruments in force in this field; (iii) to promote and reinforce cooperation between the countries of the region and support national capacities in this field; (iv) to raise awareness in the participating States in order to involve the communities in activities to safeguard their intangible cultural heritage.

(b) **Functions:**

(i) to establish forums for discussion and exchange; (ii) to gather, organize and disseminate information regarding the intangible cultural heritage; (iii) to establish networks for the exchange of information, specialists and cultural workers; (iv) to promote cooperation between institutions; (v) to maintain a link with the intergovernmental committee; (vi) to promote regional training and capacity-building at the request of participating States; (vii) to promote regional activities to raise awareness concerning enhancement of the intangible cultural heritage through the media.

The sum mentioned in paragraph 10(e) should be US \$500,000 instead of US \$250,000.

“South America” should be replaced by “Latin America” in paragraphs 10(f), 11(c), 12(a) and 14(e).

(ii) The corresponding articles of Annex I to document 172 EX/53 containing the draft bilateral agreement between UNESCO and the Republic of Peru should be modified as follows:

Draft agreement between the Government of the Republic of Peru and the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the establishment and operation of the Regional Centre for the Safeguarding of the Intangible Cultural Heritage of Latin America (CRESPIAL) in Cuzco, Peru.

Considerandum: After the second *considerandum*:

Taking into consideration the Final Declaration of the thirteenth Ibero-American Summit of Heads of State and Government, Santa Cruz de la Sierra, Bolivia, November 2003,

Article I
Interpretation

2. “The Centre” means the regional centre for the safeguarding of the intangible cultural heritage of Latin America (CRESPIAL) in Cuzco, Peru.

3, 4 and 5 remain unchanged.

6. “The participating States” means the States which have sent the Director-General of UNESCO a notification in conformity with the provisions of Article III.2.

Article II Establishment

The Government agrees to take any measures that may be required for the setting up and operation, in Peru, in accordance with the provisions of this agreement, of a regional centre for the safeguarding of the intangible cultural heritage, which would have its headquarters in the city of Cuzco (Peru).

Article III Participation

1. The Centre shall be an autonomous international institution at the service of the Member States of the Organization in order to support activities safeguarding the intangible cultural heritage of the countries of Latin America wishing to cooperate with it.

2. Replace “South America” by “Latin America”

(Former Article VI to be deleted and the following articles to be renumbered accordingly.)

Article VI Functions/Purposes

1. The purposes of the Centre shall be:

- (i) to link, exchange and disseminate activities safeguarding the intangible cultural heritage of the participating States;
- (ii) to promote the implementation and follow-up of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and other international legal instruments in force in this field;
- (iii) to promote and strengthen cooperation between the countries of the region and support national capacities in this field;
- (iv) to raise awareness in the participating States in order to involve the communities in activities to safeguard their intangible cultural heritage.

2. The functions of the Centre shall be:

- (i) to create forums for discussion and exchange;
- (ii) to gather, organize and disseminate information in the field of the intangible cultural heritage;
- (iii) to establish networks for the exchange of information, specialists and cultural workers;
- (iv) to foster cooperation among institutions;
- (v) to maintain a link with the Intergovernmental Committee;

- (vi) to promote regional training and capacity-building activities at the request of the participating States;
- (vii) to promote regional activities to raise awareness concerning enhancement of the intangible cultural heritage through the media.

Article VII
Governing Board

1. The Centre shall be guided by a Governing Board renewed every two years and composed of:
 - (a) a representative of the government concerned;
 - (b) (unchanged);
 - (c) a representative of the Government and a civil society representative of each of the other participating States;
 - (d) (unchanged).

Each participating State shall determine the mechanism for selecting the civil society representative;

2. The Governing Board shall:
 - (a), (b), (c), (d) and (e) remain unchanged.
 - (f) approve the financial reports submitted by the Director.

(3 and 4 unchanged).

All the other articles remain unchanged.