

**UNESCO**

**Preparation of a preliminary draft  
International Convention  
on the Intangible Cultural Heritage**

**Meeting of the “Restricted Drafting Group” (RDG)  
20-22 March 2002  
UNESCO, Paris**

**Outline work plan**

## Presentation

- I. Introduction
- II. Basic objectives and principles of a future Convention
- III. Possible title of the future Convention
- IV. The preamble to the Convention
- V. Identification of the Intangible Cultural Heritage
- VI. National and international safeguarding
- VII. Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage (?)
- VIII. Fund for the protection of the intangible heritage (?)
- IX. Conditions and modalities of international assistance
- X. Educational programmes (?)
- XI. Reports
- XII. Final clauses

## Discussion Unit No. 1

### I. Introduction

1. At the end of the “International Expert Meeting” held in Rio de Janeiro from 22 to 24 January 2002, certain “recommendations” were adopted and transmitted to the Director-General of UNESCO (RIO/ITH/2002/WD/10). One of these recommendations asks UNESCO to:

“convene, in compliance with the adopted timetable, a *restricted drafting group*, consisting mainly of legal experts, to draft a general framework and possible scope for the future convention, together with a preliminary draft which will be submitted to the General Conference at its 32nd session (October-November 2003). Members of the drafting group are identified by the Director-General in consultation with the Chairman of the present expert meeting in order to ensure the continuity of the reflection engaged” (paragraph L).

2. The above recommendation having been approved by the Director-General and the members of the “Restricted Drafting Group” (hereafter referred to as the “Group” or the “RDG”) having been appointed in accordance with the arranged procedure, the said Group is holding its first meeting with the specific terms of reference referred to above.

3. The Group will take an “open door” approach to its work: its meetings will be public and open in particular to all Permanent Delegations wishing to follow the discussions.

Only members of the Group will be entitled to vote.

Decisions by the Group will be taken by a majority of its members present.

4. It should be recalled that, on 3 August 2001, the Director-General communicated to Member States a report on the preliminary study on the advisability of regulating “the protection of traditional culture and folklore”. Following the decision taken by the Executive Board at its 161st session, in the light of observations made by Member States and after the adoption in November 2001 of a resolution on the matter by the General Conference, it was apparent that a consensus had emerged in favour of preparing a new standard-setting instrument.

5. In accordance with the wish expressed and reiterated both by the General Conference and the Executive Board and by various expert meetings, a preliminary draft of the Convention should be sketched out, modelled on the 1972 Convention for the Protection of the World Cultural and Natural Heritage.

In this respect, the recent seminar in Rio, while acknowledging that wish, stated that it duly took into account:

“(i) the views expressed by a large majority of Member States at the 31st session of the General Conference of UNESCO on the necessity to elaborate an international standard-setting instrument enabling the safeguarding of intangible cultural heritage, inspired by the 1972 Convention [for] the Protection of the World Cultural and Natural Heritage”,

but it noted “with the same utmost attention” that:

“(ii) the specific nature and needs of intangible cultural heritage differ significantly from the elements of heritage covered by the 1972 Convention;

“(iii) consequently, the useful model offered by the Convention requires certain adaptations”.

The Rio de Janeiro seminar made a point of adding elsewhere in its text that it would be advisable to:

“D... (v) consider the relationship between the development of an international convention on intangible cultural heritage and the programme of the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity *in the light of the evaluation of the functioning and effects of the 1972 Convention [for] the Protection of the World Cultural and Natural Heritage on the occasion of its thirtieth anniversary*”.

6. At the same time, the Rio de Janeiro meeting, which had expressed its satisfaction at the unanimous adoption of the *UNESCO Universal Declaration on Cultural Diversity*, also stated that the latter constituted a reference to be taken into consideration and that “the provisions of this Declaration are relevant to the elaboration of the future [C]onvention” on the preservation of intangible cultural heritage “as testimony of the cultural diversity of humanity”.

The same meeting in Rio reiterated the conviction of its participants that “the future convention should be considered an important element in the implementation of the *UNESCO Universal Declaration on Cultural Diversity*”.

7. Lastly, the Rio meeting considered that the future convention should take into account:

“international efforts aiming at the preservation of intangible cultural heritage and based on universally recognized human rights, principles of equity and sustainability, and on respect for all cultures that equally respect other cultures”.

8. The members of the Group were presented with *an outline work plan in the form of discussion units* concerning each of the parts or sections that might be

contained in a preliminary draft of an international convention for the safeguarding of the intangible cultural heritage.

9. This presentation in the form of discussion units should make it possible to examine, for each theme discussed, the suitability of the model convention, how much it needs to be adapted to cope with the field of the intangible heritage and specific ways and means of regulating the matter correctly and to the best possible effect.

10. The practical advantage of the method of proceeding by discussion units as advocated here is that it effectively "situates" each problem by briefly recalling any previous discussions to which it had given rise and any decisions taken on the subject.

This should enable the Group to engage in a positive interactive discussion of each subject and to finalize clear proposals for the Director-General.

## Discussion Unit No. 2

### II. Basic objectives and principles of a future Convention

11. It is generally agreed that the primary objective of the future Convention is:
  - (i) to promote awareness of the significance of safeguarding the intangible cultural heritage, which is often in danger of dying out;
  - (ii) to encourage Member States to take the necessary measures or ensure that such measures are taken to safeguard this heritage;
  - (iii) to mobilize the solidarity of the international community.
12. The Group must now open a debate to study this primary objective in depth and to clarify in detail its various aspects.
13. The Group might wish to identify clearly and concretely the target groups for whom the future regulations are intended.

Through the intermediary of States, the Convention must apply to creators, communities and officials concerned at the national, regional and international levels.

14. The Group will certainly wish to base the Convention on certain basic principles contained in particular in:
  - (a) the Universal Declaration of Human Rights;
  - (b) the UNESCO Universal Declaration on Cultural Diversity:
    - (i) to lay emphasis on the basic principle of respect for all cultures;

- (ii) to highlight the value, the importance and the significance of the intangible cultural heritage as a fundamental factor in maintaining cultural diversity world-wide;
  - (iii) to show that the future Convention is in itself and through its content an important element in the implementation of the UNESCO Declaration on Cultural Diversity;
  - (iv) to enhance the link between cultural diversity and the maintenance of biological diversity, with reference to the Convention on Biological Diversity; and
- (c) the reference, right at the beginning of the Convention, to the UNESCO Constitution with a view to indicating clearly UNESCO's specific vocation in the field of safeguarding the intangible cultural heritage.



## Discussion Unit No. 3

### III. Possible title of the future Convention

15. The Group should endeavour to give the future Convention the most appropriate title.

16. It is suggested that this matter should not be dealt with immediately but that the title should be chosen practically *at the end of the discussions*, when all the definitions have been finalized and the content of the Convention has been sufficiently well defined. The title chosen could thus faithfully reflect the content of the Convention.

17. The Group should however note that preference has already been given, in the deliberations to date, to the expression “*safeguarding*” instead of “protection”, which was used in the title of the 1972 Convention.

#### Discussion

18. The Group should perhaps decide on the word “Convention” as of now, bearing in mind that the objective is an international standard-setting instrument that must be as flexible as possible in terms of its binding effects so as to avoid placing unacceptable constraints on the States.

#### Discussion

19. The Group might also wish to accept, at least provisionally, the expression “intangible cultural heritage”, which seems to have obtained the near-total approval of the numerous parties consulted.

#### Discussion

20. The expression “universal value” contained in the Convention for the Protection of the World Cultural and Natural Heritage seems unacceptable in the

context of the intangible heritage because of the very nature and the specificity of this form of heritage.

### Discussion

21. To sum up, the choice of the title is to be left until the end of the Group's work, it being understood that the terms and expressions that it may adopt at present have been chosen on a provisional basis.

## Discussion Unit No. 4

### IV. The preamble to the Convention

22. Discussion on the need for a preamble.
23. If the response is positive, discussion of the desirability of referring to or mentioning in the preamble previously adopted instruments or texts, such as:
- the 1972 Convention;
  - the 1989 Recommendation;
  - the Universal Declaration on Cultural Diversity of 2 November 2001;
  - the Proclamation of Masterpieces of Oral and Intangible Heritage of Humanity.

#### Discussion

24. Would it be useful and judicious to refer also to the following texts
- the 1954 Convention;
  - the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property?

#### Discussion

25. Some points that should be raised:
- (a) substantive reference to the decisions taken by the General Conference, at the session held from 15 October to 3 November 2001, relating to the future Convention;

- (b) reference to the 1972 Convention, since the future Convention must be regarded as a complement to the 1972 Convention;
- (c) reference to the Universal Declaration on Cultural Diversity, the common heritage of humanity, of 2 November 2001;
- (d) mention of the fact that existing international conventions, recommendations and resolutions on the immovable and natural heritage would gain by being enriched and complemented by new provisions relating to the intangible heritage;
- (e) reference to the existence of threats of disappearance, degradation, destruction or gradual extinction of elements of the intangible heritage due to insufficient safeguarding resources, rapid societal change, globalization or any other factor;
- (f) reference to the international community's obligation to assist States, which desire such assistance, in their efforts to safeguard their intangible heritage;
- (g) a brief analysis of the impact of the UNESCO Proclamation of Masterpieces of Oral and Intangible Heritage of Humanity.

#### Discussion

#### 26. Reminder for the purposes of the debate of the preamble to the 1972 Convention

*“The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session,*

*Noting that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,*

*Considering that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,*

*Considering that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific and technical resources of the country where the property to be protected is situated,*

*Recalling that the Constitution of the Organization provides that it will maintain, increase and diffuse knowledge, by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary international conventions,*

*Considering that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong,*

*Considering that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,*

*Considering that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not*

*taking the place of action by the State concerned, will serve as an effective complement thereto,*

*Considering that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value, organized on a permanent basis and in accordance with modern scientific methods,*

*Having decided, at its sixteenth session, that this question should be made the subject of an international convention,*

*Adopts this sixteenth day of November 1972 this Convention.”*

27. Text of the preamble proposed for discussion

“The General Conference, meeting in Paris from ..... to .....,

*Recalling the UNESCO Universal Declaration on Cultural Diversity, the common heritage of humanity of 2 November 2001,*

*Considering that existing international conventions, recommendations and resolutions concerning the immovable and natural heritage require to be enriched and complemented effectively by new provisions relating to the intangible cultural heritage,*

*Considering the threats of deterioration, disappearance and destruction facing such heritage owing to the lack of resources for safeguarding or to the process of globalization and rapid change,*

*Considering that the international community should contribute, together with the States concerned, to the safeguarding of such heritage by granting technical and financial assistance,*

*Taking into account* the impact of the UNESCO Proclamation of Masterpieces of Oral and Intangible Heritage of Humanity,

Adopts this ..... this Convention.”

## Discussion Unit No. 5

### V. Identification of the Intangible Cultural Heritage

28. Reminder of the relevant provisions of the 1972 Convention

#### Article 1

*For the purposes of this Convention, the following shall be considered as “cultural heritage”:*

*Monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;*

*Groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;*

*Sites: works of man or the combined works of nature and of man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological points of view.*

#### Article 2

*For the purposes of this Convention, the following shall be considered as “natural heritage”:*

*Natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;*



*Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;*

*Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.*

29. Complexity of the terminological questions

Discussion

30. Three difficulties:

- (a) a category that is too broad,
- (b) a list that is too specific and likely to become too restrictive,
- (c) harmonization of the different views of each State or each cultural area.

Discussion

31. Three needs:

- (a) The need for a flexible approach by UNESCO enabling it to remain at all times attentive to the views expressed by the majority of the Member States,
- (b) The need to ensure that Member States can accept a definition that is broad enough to cover the different approaches, without duplicating or appropriating the specific responsibilities of other specialized agencies such as the World Intellectual Property Organization (WIPO) or international organizations such as the World Trade Organization (WTO).

- (c) The need to respond, as far as possible, to the scientific concerns of experts on the intangible heritage for the adoption of technically irreproachable definitions fully compatible with the needs of States and the requirements of the legal codification of this cultural sector.

#### Discussion

32. A problem of greater conceptual exactitude in certain specific domains, such as:

- (a) the oral cultural heritage;
- (b) languages;
- (c) the performing arts and festive events;
- (d) social rituals and practices;
- (e) cosmologies and knowledge systems;
- (f) beliefs and practices relating to Nature.

#### Discussion

33. Two problems of timing:

- (a) In one of its recommendations the Rio de Janeiro meeting of 20-22 January 2002 suggested that a final meeting on definitions and other terminological questions be held prior to the present session of the Restricted Drafting Group.

This idea was accepted, but problems of timetabling, availability of persons and consultations with certain scientific institutions made it impossible to hold this terminology meeting before the present session.

The Director-General rightly considers that it will still be possible to hold this final consultation of terminology experts *after* this session, i.e. in April or in May.

(b) Given this situation, another problem of timing arises:

The writer suggests that a brief, *but not conclusive*, discussion take place, while awaiting the final clarification that might be provided by the next terminology meeting.

This proposal to “leave a gap” in our draft or leave aside for the moment any decision by the RDG on questions of definition fortunately links up with a drafting problem: it is in fact advisable, for technical reasons, to postpone to the end of the Group’s work, or at least to a more advanced stage in these proceedings, any decision on problems of definition and terminology.

It is therefore suggested here that a gap be left for the moment in the draft.

#### Discussion

34. However, with a view to focusing ideas and providing a useful reminder, the members of the RDG should bear in mind that, following the suggestions arising from:

- the 1999 Washington Conference,
- the Turin International Round Table in March 2001,
- the Rio de Janeiro expert meeting in January 2002

it was proposed that the “*intangible cultural heritage*” (the term retained) be defined as follows:

*“peoples’ learned processes along with the knowledge, skills and creativity that inform and are developed by them, the products they create, and the resources, spaces and other aspects of social and natural context necessary to their sustainability; these processes provide living communities with a sense of continuity with previous generations and are important to cultural identity, as well as to the safeguarding of cultural diversity and creativity of humanity”.*

## Discussion Unit No. 6

### Article 2. Prerogatives of the State

35. Reminder of Article 3 of the 1972 Convention, corresponding to Article 2 of the present preliminary draft:

“Article 3

*It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.”*

36. It is suggested that the Group make the following changes:

The term “properties” to be replaced by “different elements of its intangible cultural heritage referred to in Article 1”.

37. The relevance of the article is evident:

- (a) To ensure respect for the sovereignty and national policies of States Parties to the Convention;
- (b) To take account at the same time of distinctive local and national elements;
- (c) To involve the responsibility of the States Parties to the Convention.

38. Texts proposed:

(a) Article 2:

*“It is for each State Party to this Convention to identify and stipulate, in its particular case, the different elements mentioned in Article 1”*

(b) *or a variant* chosen at the international meeting in Rio de Janeiro in January 2002:

*“It is for each State, in consultation with its national associations, NGOs and communities concerned, to determine, in accordance with criteria it deems appropriate, the domains worthy in its view of active protection, on the understanding that it shall be free to review such domains periodically”.*

### Discussion

## Discussion Unit No. 7

### Article 3 of the future Convention

#### VI. National and international safeguarding of the intangible cultural heritage:

39. Reminder of Article 4 of the 1972 Convention concerning one duty of the State:

“Article 4

*Each State Party to this Convention recognizes that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and cooperation, in particular, financial, artistic, scientific and technical, which it may be able to obtain”.*

40. It is proposed that this text be incorporated into the future Convention after adaptation:

“Article 3

*Each State Party to this Convention recognizes that the duty of ensuring the identification, safeguarding, presentation and transmission to future generations of the intangible cultural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and cooperation, in particular, financial, artistic, scientific and technical, which it may be able to obtain”.*

## Discussion



## Discussion Unit No. 8

### Article 4 of the future Convention: National safeguarding and presentation policies

#### 41. Reminder of the equivalent Article 5 in the 1972 Convention:

##### “Article 5

*To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavour, insofar as possible, and as appropriate for each country:*

- (a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;*
- (b) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;*
- (c) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;*
- (d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and*

- (e) *to foster the establishment or development of national or regional centres for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.*”

42. It is proposed to keep the essence of this Article for the future Convention:

“Article 4

*To ensure that effective and active measures are taken for the safeguarding and presentation of the intangible heritage situated on its territory, each State Party to this Convention shall endeavour, insofar as possible, and as appropriate for each country:*

- (a) *to adopt a general policy which aims to give the intangible cultural heritage a function in the life of the community and to integrate the safeguarding of that heritage into comprehensive planning programmes;*
- (b) *for this purpose, to set up within its territories, where such services do not exist, one or more services with an appropriate staff and possessing the means to discharge their functions;*
- (c) *to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its intangible cultural heritage;*
- (d) *to take the appropriate legal, technical, administrative and financial measures necessary for the identification, safeguarding and presentation of this heritage; and*

(e) *to foster the establishment or development of national or regional institutions and centres for training in this field and to encourage scientific research.”*

## Discussion

## Discussion Unit No. 9

### Article 5 of the future Convention:

#### 43. Reminder of the equivalent Article 6 of the 1972 Convention:

##### “Article 6:

1. *Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to cooperate.*
2. *The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and preservation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.*
3. *Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention”.*

#### 44. Should the notion of “world” heritage be removed or maintained?

##### Discussion

Would it not be worthwhile formulating this notion differently by introducing the modern concept of “common heritage of humanity”?

##### Discussion

We shall return to this problem in Article 11 of the 1972 Convention to take the necessary position.

45. Text suggested:

“Article 5:

1. *While fully respecting the sovereignty of the States on whose territory the heritage mentioned in Article 1 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage [“common heritage of humanity”?] for whose safeguarding it is the duty of the international community as a whole to cooperate.*
2. *The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, safeguarding and presentation of the heritage referred to in paragraphs 2 and 4 of Article 10 if the State concerned so requests.*
3. *Each State Party to this Convention undertakes not to take any deliberate measures which might harm directly or indirectly the heritage referred to in Article 1.”*

## Discussion Unit No. 10

### Article 6 of the future Convention:

46. Reminder of the equivalent Article 7 of the 1972 Convention:

“Article 7

*For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international cooperation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.”*

47. The text proposed contains two minor changes: “safeguarding” instead of “protection” and “aid” instead of “support”.

“Article 6

*For the purpose of this Convention, international safeguarding of the [world cultural and natural] heritage shall be understood to mean the establishment of a system of international cooperation and assistance designed to aid States Parties to the Convention in their efforts to conserve and identify that heritage.”*

Discussion

## Discussion Unit No. 11

### Article 7 of the future Convention

#### VII. Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage (?)

48. The question mark following this title taken from the 1972 Convention raises the question as to whether it would be appropriate for the future Convention too to include a Committee of the same kind.

#### Discussion

49. There are two arguments in favour of setting up such a committee in the context of the preliminary draft:

- (i) The advantage of involving States Parties to the future Convention in the decision-making process concerning the identification and safeguarding of the intangible heritage;
- (ii) The advantage of drawing on a mechanism which was developed in the 1972 Convention and which has proved successful.

#### Discussion

50. If the idea of setting up a similar committee is accepted, it is worth recalling the terms of Article 8 of the 1972 Convention, which reads as follows:

#### “Article 8

1. *An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called the “World Heritage Committee”, is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, elected by States Parties to the*

*Convention meeting in general assembly during the ordinary session of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.*

2. *Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.*
3. *A representative of the International Centre for the Study of the Preservation and Restoration of Cultural Property (Rome Centre), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other intergovernmental or non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.”*

#### Discussion

51. Text proposed:

- (a) The text proposed simplifies the title of the committee so as to bring out the distinction between the “*World Committee*” referred to in the 1972 Convention and the proposed committee, which could be called the “*Intergovernmental Committee*”.



[The problem as to whether, from an administrative point of view, the present World Heritage Centre should monitor the work of both the “World” Committee and the “Intergovernmental” Committee does not come within the terms of reference of our Group.]

- (b) At the same time, it might be advisable to increase the number of representatives of intergovernmental and non-governmental organizations as well as the number of representatives and experts from the professional field or speciality concerned.

Discussion

- (c) On the other hand, the requirement of 40 States could be reduced to 30 or 35.

Discussion

- (d) The final specific references, such as that to the Rome Centre, could perhaps be deleted without harm (in order to avoid favouring from the outset one institution more than any other).

Discussion

52. This would result in the following new text:

“Article 7

1. *An Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, called the “Intergovernmental Committee”, is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, meeting in general assembly during the ordinary session of the General Conference of UNESCO. The number of States members of the Committee*

*shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention by at least 40 States. [?]. [30 States?; 35 States?].*

2. *Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.*
3. *A representative of the International Music Centre and representatives of the theatre, the arts and popular traditions, linguists, ethnologists and anthropologists, to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the UNESCO, representatives of other intergovernmental and non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.”*

## Discussion Unit No. 12

### Article 8 of the future Convention

53. Reminder of the text of the corresponding Article 9 of the 1972 Convention:

“Article 9

1. *The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.*
2. *The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.*
3. *States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.”*

54. This text should be incorporated into the future Convention but with:
- (a) the term “World Heritage Committee” being replaced by “Intergovernmental Committee”,

- (b) the words “cultural and natural heritage” being replaced by “intangible cultural heritage”.

Discussion

## Discussion Unit No. 13

### Article 9 of the future Convention

55. Reminder of Article 10 of the 1972 Convention:

“Article 10

1. *The World Heritage Committee shall adopt its Rules of Procedure.*
2. *The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.*
3. *The Committee may create such consultative bodies as it deems necessary for the performance of its functions.”*

56. An article of this nature could well be included in the future Convention, as Article 9, with the term “World Heritage Committee” replaced by “Intergovernmental Committee”.

### Discussion

## Discussion Unit No. 14

### Article 10 of the future Convention:

57. Reminder of the text of the corresponding Article 11 of the 1972 Convention

#### “Article 11

1. *Every State Party to this Convention shall, insofar as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.*
2. *On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of World Heritage List, a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.*
3. *The inclusion of such a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.*
4. *The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of List of World Heritage in*

*Danger, a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods, and tidal waves. The Committee may at any time, in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately.*

5. *The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this article.*
6. *Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.*
7. *The Committee shall, with the agreement of the States concerned, coordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraphs 2 and 4 of this article.”*

58. The adaptation of Article 11 of the 1972 Convention reveals several problems that the Group would need to study before incorporating this article, with amendments, into the future Convention.

59. The Article 11 in question requires, in fact, a detailed analysis, at least from the terminological point of view, particularly with regard to the following concepts:

(a) *“heritage list”*;

(b) *“universal value”*;

(c) *“inventory of properties”*.

#### Discussion

##### 60. The question of the “heritage list”

The Group may perhaps find it useful to initiate a debate on the advisability of drawing up a “heritage list” for intangible property along the same lines as the mechanism envisaged for the heritage covered by the 1972 Convention.

Some participants feared having to include on this list an excessively large number of items or objects, on account of the sheer size of the field covered by the intangible heritage. However, according to the experts at the various meetings that have already been held, this risk could easily be avoided by making a selection of the items of the intangible heritage on the basis of certain criteria.

#### Discussion

##### 61. The question of “universal value”



The recourse to such criteria leads to a second difficulty: is the concept of “*outstanding universal value*” contained in the 1972 Convention applicable in the future Convention on the intangible heritage? Any choice made within the huge cultural diversity of the world would be unjust or arbitrary, or quite simply impossible, despite all efforts to clarify the criteria, since only comparable things should be compared. In fact, the extraordinary variety of the intangible heritage presents an almost impossible challenge to making any comparison between two “objects” of this heritage from different places in the world.

62. A consensus finally emerged, following the various consultations, that it would be impossible to establish a scale of value which would be truly “universal”. It is for this reason that it was agreed to delete the word “universal” in the expression “outstanding universal value”. The term “outstanding specific value” might be used.

#### Discussion

63. The question of the inventory of “properties”:

Article 11 of the 1972 Convention refers to an “inventory of property”. An attempt should be made to avoid confusion between the term “list” on the one hand and “inventory” on the other.

It is suggested that the Group should choose, in the text proposed for Article 10 of the future Convention, the expression “*national inventory*”.

#### Discussion

64. Finally, paragraph 5 mentions the sensitive problem of the “criteria on the basis of which a property ... may be included” in the lists mentioned in paragraphs 2 and 4 of Article 11 of the 1972 Convention.

The Group may perhaps find it useful to retain this formula, with a view to discussing this question more fully during the meetings of the Committee of Experts.

The Group might also find it advantageous to make some reference to the criteria for selecting the Jury for the Proclamation of the Masterpieces of Humanity.

#### Discussion

65. In paragraph 4, it is proposed that the list of cataclysms and natural phenomena should be simplified and shortened; they are important for the world cultural and natural heritage, but have a very limited impact on the intangible heritage.

#### Discussion

66. Text proposed for Article 10 of the future Convention:

#### “Article 10

1. *Every State Party to this Convention shall, insofar as possible, submit to the Intergovernmental Committee an inventory of the items of this heritage suitable for inclusion in the list provided for in paragraph 2 of this article. This inventory, which shall not be considered exhaustive, shall include documentation about the property in question and its significance.*
2. *On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of Intangible Cultural Heritage List, a list of items, as defined in Article 1 of this Convention, which are considered as having outstanding specific value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.*

3. *The inclusion of a property in the Intangible Heritage List requires the consent of the State concerned. The inclusion of an item over which sovereignty or jurisdiction is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.*
4. *The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of List of Intangible Heritage in Danger, a list of the properties appearing in the Intangible Heritage List for the safeguarding of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the intangible cultural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities, etc. The Committee may at any time, in case of urgent need, make a new entry in the List of Intangible Heritage in Danger and publicize such entry immediately.*
5. *The Committee shall define the criteria on the basis of which a property belonging to the intangible cultural heritage may be included in the lists mentioned in paragraphs 2 and 4 of this article.*
6. *Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party concerned.*

7. *The Committee shall, with the agreement of the States concerned, coordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraphs 2 and 4 of this article.”*

#### Discussion

## Discussion Unit n° 15

### Articles 11, 12 and 13 of the future Convention :

67. These articles relate to articles 12,13 and 14 of the 1972 Convention.

68. Under reserve of new directions that the group might want to take, it is suggested that articles 11,12, and 13 of the future Convention be based on articles 12, 13 and 14 of the 1972 Convention, taking into account the necessary adaptations.

69. We would therefore have the following text :

« Article 11 :

*The fact that a property (or : an 'element') has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 10 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.*

« Article 12 :

1. *The intergovernmental committee shall receive and study requests for international assistance formulated by States Parties to this convention with respect to intangible cultural heritage situated in their territories, and included or potentially suitable for inclusion in the lists mentioned in paragraphs 2 and 4 of article 10. The purpose of these requests may be to safeguard or promote the concerned heritage.*
  
2. *Requests for international assistance under paragraph 1 of this article may also be concerned with identification of intangible cultural heritage defined in Article 1, when preliminary investigations have shown that further inquiries would be justified.*
  
3. *The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.*
  
4. *The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the intangible cultural heritage requiring protection, the need to give international assistance to the property most representative of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to*

*which they are able to safeguard such property by their own means.*

- 5. The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted.*
- 6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.*
- 7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may call on such organizations, as well as on public and private bodies and individuals.*
- 8. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.*

« Article 13 :

- 1. The inter-governmental Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization.*

2. *The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services mentioned in article 7 below, in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions. »*

### Discussion

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## Discussion Unit n° 16

### Articles 14, 15, 16 and 17 of the future Convention :

#### V. Fund for the protection of the intangible cultural heritage ( ?)

70. The group could no doubt explore the opportunity, or even the necessity, to create a fund in the model of that which exists within the framework of the 1972 Convention.

71. If the group concludes its debate by recommending the creation of a Fund of this kind, it would be appropriate to regulate this kind of Fund by the articles 14, 15, 16 and 17 drawn directly from the corresponding articles 15, 16, 17 and 18 of the 1972 Convention, taking into account 'cosmetic' and appropriate changes of form.

72. We would therefore have the following texts :

« Article 14 :

*1. A Fund for the Protection of the Intangible Cultural Heritage of Outstanding Universal Value, called "the Intangible Cultural Heritage Fund", is hereby established.*

2. *The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.*
3. *The resources of the Fund shall consist of:*
  - a. *compulsory and voluntary contributions made by States Parties to this Convention,*
  - b. *Contributions, gifts or bequests which may be made by:*
    - i. *other States;*
    - ii. *the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other intergovernmental organizations;*
    - iii. *public or private bodies or individuals;*
  - c. *any interest due on the resources of the Fund;*
  - d. *funds raised by collections and receipts from events organized for the benefit of the fund; and*
  - e. *all other resources authorized by the Fund's regulations, as drawn up by the Intergovernmental Committee.*
4. *Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain programme or*

*project, provided that the Committee shall have decided on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.*

« Article 15 :

1. *Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the regular budget of the United Nations Educational, Scientific and Cultural Organization.*
  
2. *However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of the deposit of its instrument of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.*

3. *A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States parties to the Convention.*
  
4. *In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article, shall be paid on a regular basis, at least every two years, and should not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.*
  
5. *Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the Intergovernmental Committee, although this provision shall not apply to the first election. The mandate of a State which is already a member of the committee will end at the moment of any election foreseen in Article 8, paragraph 1, of the present Convention.*

« Article 16 :

*The States parties to this Convention foresee or encourage the creation of national public and private foundations or associations aiming to encourage measures for the safeguarding of the intangible cultural heritage as defined under Article 1 of the present convention »*

« Article 17 :

*The States parties to this Convention will lend their support to international fund-raising campaigns organized for the benefit of intangible cultural heritage under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate fundraisings made for this purpose by the bodies mentioned in paragraph 3, article 14. »*

## Discussion Unit n° 17

### Articles 18 to 25 of the future Convention :

#### VI. Conditions and modalities of international assistance.

73. Articles 18 to 25, which cover the range of conditions and modalities for international assistance are directly inspired from articles 19 to 26 of the 1972 Convention.

74. It seems that there is no other option but to adopt the dispositions set out in the 1972 Convention to meet the needs for the safeguarding of the intangible cultural heritage.

#### Discussion

75. The following formulations are proposed :

« Article 18 :

*Any State Party to this Convention may request international assistance for property forming part of the intangible cultural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 20 as it has in its possession and as will enable the Committee to come to a decision. »*

« Article 19 :

*Subject to the provisions of paragraph 2 of Article 12, subparagraph (c) of Article 21 and Article 22 international assistance provided for by this Convention may be granted only to intangible cultural heritage which the Intergovernmental Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 10. »*

« Article 20 :

- 1. The Inter-governmental Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request, which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts' reports whenever possible.*
- 2. By reasons of the urgent work which may be necessary to undertake immediately, certain instances can be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal for such contingencies.*
- 3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary».*

« Article 21 :

*Assistance granted by the Committee may take the following forms:*

- a. studies concerning the artistic, scientific and technical problems raised by the safeguarding, promotion and revitalization of the intangible cultural heritage, as defined in paragraphs 2 and 4 of Article 10 of this Convention;*
- b. provisions of experts, technicians and skilled labor to ensure that the approved work is correctly carried out;*
- c. training of staff and specialists at all levels in the field of identification, safeguard and promotion of the intangible cultural heritage;*
- d. supply of equipment which the State concerned does not possess or is not in a position to acquire;*
- e. low-interest or interest-free loans which might be repayable on a long-term basis;*
- f. the granting, in exceptional cases and for special reasons, of non-repayable subsidies».*

« Article 22 :

*The Committee may also provide international assistance to national or regional centres for the training of staff and specialists*



*at all levels in the field of identification, safeguard and promotion of the intangible cultural heritage».*

« Article 23 :

*International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the safeguard and promotion of the intangible cultural heritage and shall be consistent with the objectives of this Convention. The studies shall also seek means of making rational use of the resources available in the State concerned ».*

« Article 24 :

*As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each programme or project, unless its resources do not permit this ».*

« Article 25 :

*The Committee and the recipient State shall define in the agreement they conclude the conditions in which a programme or project for which international assistance under the terms of this Convention is provided shall be carried out. It shall be the responsibility of the State receiving such international assistance to continue to*

*safeguard and promote the elements of intangible cultural heritage covered by the assistance, in observance of the conditions laid down by the agreement ».*

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## Discussion Unit n° 18

### Articles 26 and 27 of the future Convention

#### VII. Educational programmes ( ?)

76. the group must first make a statement on the opportunity, or necessity, to foresee educational programmes, based on the models that exist in the 1972 Convention in articles 27 and 28.

#### Discussion

77. In the fortunate case where the group would recommend educational programmes, it would suffice to take up articles 27 and 28 of the 1972 Convention with the necessary modifications of form and numbers.

« Article 26 :

- 1. The States Parties to this Convention shall endeavor by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect by their peoples of the intangible cultural heritage defined in Article 1 of the Convention.*

2. *They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of the activities carried on in pursuance of this Convention ».*

« Article 27 :

*States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the heritage for which assistance has been received and the role played by such assistance ».*

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## Discussion Unit n° 19

### Article 28

#### VIII. Reports ( ?)

78. The R.D.G shall make a statement on the usefulness of reports.

#### Discussion

79. If the group concludes that reports are useful, it will suffice to take up the text, as modified below, of article 29 of the Convention, which becomes article 28 in our project

« Article 28 :

*1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.*

2. *These reports shall be brought to the attention of the Inter-governmental Committee.*

3. *The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization ».*

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## Discussion Unit n° 20

### Articles 29 to 37 of the future Convention :

#### IX. Final Clauses.

80. The Final Clauses of the 1972 Convention are classical and it would be appropriate to reproduce them in the future Convention

#### Discussion

#### 81. Proposed texts :

« Final Clauses »

#### « Article 29 :

*This Convention is drawn up in English, Arabic, Spanish, French, Russian and [Chinese ?], the five [six] texts being equally authoritative».*

#### « Article 30 :

- 1. This Convention shall be subject to ratification or acceptance by States members of the United*

*Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.*

2. *The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization ».*

« Article 31 :

1. *This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the Organization to accede to it.*

2. *Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization. »*

« Article 32 :

*This Convention shall enter into force three months after the date of the deposit of the twentieth [fifteenth?] instrument of ratification,*



*acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession ».*

« Article 33 :

*The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:*

- a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States parties which are not federal States;*
- b) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption ».*

« Article 34 :

- a) *Each State Party to this Convention may denounce the Convention.*
- b) *The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.*
- c) *The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.*

« Article 35 :

*The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 31, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 30 and 31, and of the denunciations provided for in Article 34.*

« Article 36 :

1. *This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.*

2. *If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force. »*

« Article 37 :

*In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.*

*Done in Paris, this ..... day of ....., in two authentic copies bearing the signature of the President of the Thirty-second session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 30 and 31 as well as to the United Nations. »*

*The above text is the authentic text of the Convention hereby adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty- second session, held in Paris and declared closed on ..... 2003.*

*EN FOI DE QUOI ont opposé leurs signatures, ce jour de .....  
..... 2003. (check formal Protocol here)*

*President of the General Conference,*

*Director General*

## Final Discussion Unit

### - draft conclusion -

#### Relating to the necessity of a new Convention of the kind proposed.

82. During this time, and for the first but by no means the last, working session, the Group charged with drafting will have noticed that many of the proposals made here have only reproduced the stipulations of the 1972 Convention, whilst adapting the forms. This remark, as unquestionable as it is, does not however justify a feeling that in order to make a 'new' Convention on intangible heritage, we could think of no other solution but to lazily 'paste' the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. Such a reproach cannot be justified, either in terms of legal technicalities for drafting international instruments, or as pertains to the substance of the subject.

83. In her outstanding study, entitled « Developing a New Standard-setting Instrument for the Safeguarding of Intangible Cultural Heritage – Elements for consideration », Mrs. Janet Blake refers to four possible approaches :

- 1) An additional Protocol to or revision of the 1972 Convention.

- 2) Development of a new Recommendation that 'plugs the gaps' of the 1989 text, possibly using that text as a basis.
- 3) Development of a Convention using a *sui generis* system derived from adapted IP rules.
- 4) A Convention that takes as its model the 1972 Convention.
- 5) A general cultural heritage Convention that employs a mixture of 'traditional' and *sui generis* approaches to protection

In actual fact, the possible choices are reduced to two.

84. We need to go back to the reminder the Director General recently made that Intangible Cultural Heritage has been the neglected area of heritage in terms of the codification of an international instrument. From this uncontested point, there were only two practical solutions for the Executive Board and the General Conference :

- (i) either to conserve the 1972 Convention, but by extending it and its field of application to Intangible Cultural Heritage ;
- (ii) or to elaborate a new convention specific to Intangible Cultural Heritage.

85. The first possibility is completely impractical, both in general terms and in more specific legal technicalities.

It became clear that it would be absolutely wrong to try and extend the 1972 Convention to a broad field of cultural heritage, by specifically including intangible heritage, as this would compromise the clarity, precision and efficiency of the stipulations as they relate to each of the two separate domains, despite their commonalities.

Moreover, it is a common legal practice to elaborate an international normative instrument by basing it on a 'mother-Convention' in order to draft a different Convention that covers a domain that is closely related to the first- and this rather than by attempting to extend the 'model-Convention' to cover this neighboring domain. (One has only to look at the Work of the United Nations Commission for International Law, which has created several 'satellite' Conventions based on a 'mother-Convention'. (one can point to the codifications relating to State inheritance (succession) , in terms of treaties as well as in terms of goods, debts and archives ; the work done that covers the relations between States and International Organizations, or between International Organizations, as well as the specific Conventions, which are very closely related to each other, concerning diplomatic status, or the status of consuls or agents on 'special mission' etc...).

86. The second possibility was the elaboration of a new Convention specific to Intangible Cultural Heritage. As soon as the need to protect this neglected area of heritage became strongly felt, and that it was clear that we could not limit ourselves to extending the 1972 Convention to cover the field of Intangible Heritage, the importance and inevitability of launching into the drafting of a new Convention became apparent.

87. Given the procedural similarities that were needed for these two related domains of natural and cultural heritage, and intangible cultural heritage, the new Convention needed to draw on the 1972 Convention. This conclusion was arrived at by several International Expert Meetings, as well as the UNESCO Executive Board and General Conference.

The inevitable similarity in many of the articles in each of the Conventions is not surprising given that the two fields are closely related and that this in itself justifies that similar measures be undertaken by States and the International Community. This quasi-similitude is even further welcome since the longer experience of the 1972 Convention has shown it to be satisfactory.

88. In order to draw up a Convention that would be totally different, in its general ....., from that of 1972, it would have required that the different expert meetings that have been held, as well as the decision-making bodies of UNESCO, explore a totally new way of safeguarding intangible cultural heritage. This would also involve new mechanisms for intervention, and systems of protection and control that would be quite different from the mechanisms and systems that have been successfully tried and tested by the 1972 Convention. So this was not a viable option, given the connections that exist between these two types of heritage.

89. There are some areas where the new Convention has to distance itself from the 1972 Convention, and these are in :



- a) the definitions, terminology and glossary specific to intangible cultural heritage
- b) the field of application and the notion of universality
- c) the criteria concerning safeguarding.

90. These are distinctive aspects that allow for the specificity of intangible cultural heritage, in tandem with the similarities that exist with the natural and cultural heritage Convention of 1972.

### Discussion

91. If we had to demarcate the new Convention from that of 1972, and in truth it is hard to see either the necessity or the usefulness of doing so, the Restricted Drafting Group would need to imagine new structures, as well as new ways of, and bodies for, safeguarding intangible heritage. But this in no way touches on the mandate of the Group. It cannot envisage new systems, either national or international, for safeguarding intangible heritage, when neither the Experts, nor the Executive Board, nor the General Conference, have asked it to do so. The mandate of the Group is limited to providing a 'customized' legal document to what has been recommended by the Experts, the Executive Board and the General Conference.

### Discussion

92. However there is a remaining problem that has not been properly addressed by the legal rules appropriate to the new Convention. And the Group is invited to open debate and reflect on

this specific point. A commitment has been made, and renewed several times, to involve the 'creators', local communities etc... in the task of codification at hand.

The Group is kindly requested to make any and all useful recommendations on this point to the Director-General.

### Discussion

93. In this respect, it would perhaps be appropriate to clarify the meaning ( and to ensure its translation into legal terms) of the notion of 'creator' in relation to the notion of 'someone transmitting intangible cultural heritage to future generations'. These are two distinct aims, each worthy of encouragement, but clearly within different legal frameworks. In this regard, it is worth noting the Arabic tradition which relies on the famous 'chain of transmission' made up of a long series of reporters and informants.

### Discussion

94. There is also the potentially explosive question of so called '*indigenous*' intangible cultural heritage. It does not seem to be the mandate of the Restricted Drafting Group to concern itself directly with this issue. At the most, it could make a recommendation that the Working Group on Terminology reflect on the question and specify, if possible, the specificities of this heritage, its vulnerability and the extent of its safeguard.

## Discussion

95. Finally, it is important to note that the present Outline work plan has left aside the important problems of '*languages*' and various '*oral expressions*' throughout the world. This delicate issue, which is beyond the competence of the author of this Outline work plan, should be the subject of thorough discussion, and more at the level of Expert bodies than the R.D.G itself.

The R.D.G is there to provide a corresponding legal translation of the directions given by the Expert bodies

That will be the task for the next Second Session of the RDG. It is safe to expect several meetings of the Group before hoping for a definitive and final Draft International Convention.

## Discussion

**General recapitulation of the proposed text for the preliminary draft**  
**Convention for the protection of intangible cultural heritage**

**Preamble:**

“The General Conference, meeting in Paris from ..... to .....,

*Recalling* the UNESCO Universal Declaration on Cultural Diversity, the common heritage of humanity of 2 November 2001,

*Considering* that existing international conventions, recommendations and resolutions concerning the immovable and natural heritage require to be enriched and complemented effectively by new provisions relating to the intangible cultural heritage,

*Considering* the threats of deterioration, disappearance and destruction facing such heritage owing to the lack of resources for safeguarding or to the process of globalization and rapid change,

*Considering* that the international community should contribute, together with the States concerned, to the safeguarding of such heritage by granting technical and financial assistance,

*Taking into account* the impact of the UNESCO Proclamation of Masterpieces of Oral and Intangible Heritage of Humanity,

Adopts this ..... this Convention.”

## **I. Identification of the Intangible Cultural Heritage**

### **Article 1**

*For the purposes of this Convention, the following shall be considered as “intangible cultural heritage”:*

*peoples’ learned processes along with the knowledge, skills and creativity that inform and are developed by them, the products they create, and the resources, spaces and other aspects of social and natural context necessary to their sustainability; these processes provide living communities with a sense of continuity with previous generations and are important to cultural identity, as well as to the safeguarding of cultural diversity and creativity of humanity.*

### **Article 2**

*It is for each State Party to this Convention to identify and stipulate, in its particular case, the different elements mentioned in Article 1*

or the following variant :

*It is for each State, in consultation with its national associations, NGOs and communities concerned, to determine, in accordance with criteria it deems appropriate, the domains worthy in its view of active protection, on the understanding that it shall be free to review such domains periodically”.*

## **II. National and international safeguarding of the intangible cultural heritage :**

### Article 3

*Each State Party to this Convention recognizes that the duty of ensuring the identification, safeguarding, presentation and transmission to future generations of the intangible cultural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and, where appropriate, with any international assistance and cooperation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.*

### Article 4

*To ensure that effective and active measures are taken for the safeguarding and presentation of the intangible heritage situated on its territory, each State Party to this Convention shall endeavour, insofar as possible, and as appropriate for each country:*

- (a) to adopt a general policy which aims to give the intangible cultural heritage a function in the life of the community and to integrate the safeguarding of that heritage into comprehensive planning programmes;*
- (b) for this purpose, to set up within its territories, where such services do not exist, one or more services with an appropriate staff and possessing the means to discharge their functions;*
- (c) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its intangible cultural heritage;*

- (d) *to take the appropriate legal, technical, administrative and financial measures necessary for the identification, safeguarding and presentation of this heritage; and*
- (e) *to foster the establishment or development of national or regional institutions and centres for training in this field and to encourage scientific research.”*

#### Article 5:

1. *While fully respecting the sovereignty of the States on whose territory the heritage mentioned in Article 1 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage [“common heritage of humanity”?] for whose safeguarding it is the duty of the international community as a whole to cooperate.*
2. *The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, safeguarding and presentation of the heritage referred to in paragraphs 2 and 4 of Article 10 if the State concerned so requests.*
3. *Each State Party to this Convention undertakes not to take any deliberate measures which might harm directly or indirectly the heritage referred to in Article 1.”*

#### Article 6

*For the purpose of this Convention, international safeguarding of the [world cultural and natural] heritage shall be understood to mean the establishment of a system of international cooperation and assistance*

*designed to aid States Parties to the Convention in their efforts to conserve and identify that heritage.”*

### **III. Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage (?)**

#### **Article 7**

1. *An Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, called the “Intergovernmental Committee”, is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, meeting in general assembly during the ordinary session of the General Conference of UNESCO. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention by at least 40 States. [?]. [30 States?; 35 States?].*
2. *Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.*
3. *A representative of the International Music Centre and representatives of the theatre, the arts and popular traditions, linguists, ethnologists and anthropologists, to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the UNESCO, representatives of other intergovernmental and non-governmental organizations, with similar objectives, may attend the meetings of the Committee in an advisory capacity.”*

#### **Article 8**



1. *The term of office of States members of the Intergovernmental Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.*
2. *The term of office of one-third of the members designated at the time of the first election shall, however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.*
3. *States members of the Committee shall choose as their representatives persons qualified in the field of intangible cultural heritage.*

#### Article 9

1. *The Intergovernmental Committee shall adopt its Rules of Procedure.*
2. *The Committee may at any time invite public or private organizations or individuals to participate in its meetings for consultation on particular problems.*
3. *The Committee may create such consultative bodies as it deems necessary for the performance of its functions.”*

#### Article 10

1. *Every State Party to this Convention shall, insofar as possible, submit to the Intergovernmental Committee an inventory of the items of this heritage*

*suitable for inclusion in the list provided for in paragraph 2 of this article. This inventory, which shall not be considered exhaustive, shall include documentation about the property in question and its significance.*

- 2. On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of Intangible Cultural Heritage List, a list of items, as defined in Article 1 of this Convention, which are considered as having outstanding specific value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.*
- 3. The inclusion of a property in the Intangible Heritage List requires the consent of the State concerned. The inclusion of an item over which sovereignty or jurisdiction is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.*
- 4. The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of List of Intangible Heritage in Danger, a list of the properties appearing in the Intangible Heritage List for the safeguarding of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the intangible cultural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities, etc. The Committee*

*may at any time, in case of urgent need, make a new entry in the List of Intangible Heritage in Danger and publicize such entry immediately.*

5. *The Committee shall define the criteria on the basis of which a property belonging to the intangible cultural heritage may be included in the lists mentioned in paragraphs 2 and 4 of this article.*
6. *Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party concerned.*
7. *The Committee shall, with the agreement of the States concerned, coordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraphs 2 and 4 of this article.”*

#### Article 11 :

*The fact that a property (or : an ‘element’) has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 10 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.*

#### Article 12 :

*The intergovernmental committee shall receive and study requests for international assistance formulated by States Parties to this convention with respect to intangible cultural heritage situated in their territories, and included or potentially suitable for inclusion in the lists mentioned in paragraphs 2 and 4 of article 10. The purpose of these requests may be to safeguard or promote the concerned heritage.*

*Requests for international assistance under paragraph 1 of this article may also be concerned with identification of intangible cultural heritage defined in Article 1, when preliminary investigations have shown that further inquiries would be justified.*

*The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.*

*The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the intangible cultural heritage requiring protection, the need to give international assistance to the property most representative of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.*

*The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted.*

*The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.*

*The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and*

*projects, the Committee may call on such organizations, as well as on public and private bodies and individuals.*

*Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.*

Article 13 :

*The inter-governmental Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational, Scientific and Cultural Organization.*

*The Director-General of the United Nations Educational, Scientific and Cultural Organization, utilizing to the fullest extent possible the services mentioned in the above article 7, in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions. »*

**IV. Fund for the protection of the intangible cultural heritage ( ?)**

Article 14 :

1. *Fund for the Protection of the Intangible Cultural Heritage of Outstanding Universal Value, called "the Intangible Cultural Heritage Fund", is hereby established.*

2. *The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.*
3. *The resources of the Fund shall consist of:*
  - a) *compulsory and voluntary contributions made by States Parties to this Convention,*
  - b) *Contributions, gifts or bequests which may be made by:*
    - (i) *other States;*
    - (ii) *the United Nations Educational, Scientific and Cultural Organization, other organizations of the United Nations system, particularly the United Nations Development Programme or other intergovernmental organizations;*
    - (iii) *public or private bodies or individuals;*
  - c) *any interest due on the resources of the Fund;*
  - d) *funds raised by collections and receipts from events organized for the benefit of the fund; and*
  - e) *all other resources authorized by the Fund's regulations, as drawn up by the Intergovernmental Committee.*
4. *Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.*

Article 15 :

1. *Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the Fund, contributions, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the regular budget of the United Nations Educational, Scientific and Cultural Organization.*
2. *However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of the deposit of its instrument of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.*
3. *A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States parties to the Convention.*
4. *In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article, shall be paid on a regular basis, at least every two years, and should*

*not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.*

5. *Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this provision shall not apply to the first election. The mandate of a State which is already a member of the committee will end at the moment of any election foreseen in Article 8, paragraph 1, of the present Convention.*

#### Article 16 :

*The States parties to this Convention foresee or encourage the creation of national public and private foundations or associations aiming to encourage measures for the safeguarding of the intangible cultural heritage as defined under Article 1 of the present convention »*

#### Article 17 :

*The States parties to this Convention will lend their support to international fund-raising campaigns organized for the benefit of intangible cultural heritage under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate fundraisings made for this purpose by the bodies mentioned in paragraph 3, article 14.*

### **VI. Conditions and modalities for international assistance.**



Article 18 :

*Any State Party to this Convention may request international assistance for property forming part of the intangible cultural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 20 as it has in its possession and as will enable the Committee to come to a decision.*

Article 19 :

*Subject to the provisions of paragraph 2 of Article 12, subparagraph (c) of Article 21 and Article 22 international assistance provided for by this Convention may be granted only to intangible cultural heritage which the Intergovernmental Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 10.*

Article 20 :

- 1. The Inter-governmental Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request, which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the State requesting assistance*

*do not allow it to meet all the expenses. Such requests must be supported by experts' reports whenever possible.*

- 2. By reasons of the urgent work which may be necessary to undertake immediately, certain instances can be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal for such contingencies.*
- 3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary».*

#### Article 21 :

*Assistance granted by the Committee may take the following forms:*

- a) studies concerning the artistic, scientific and technical problems raised by the safeguarding, promotion and revitalization of the intangible cultural heritage, as defined in paragraphs 2 and 4 of Article 10 of this Convention;*
- b) provisions of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;*
- c) training of staff and specialists at all levels in the field of identification, safeguard and promotion of the intangible cultural heritage;*
- d) supply of equipment which the State concerned does not possess or is not in a position to acquire;*
- e) low-interest or interest-free loans which might be repayable on a long-term basis;*
- f) the granting, in exceptional cases and for special reasons, of non-repayable subsidies.*

Article 22 :

*The Committee may also provide international assistance to national or regional centres for the training of staff and specialists at all levels in the field of identification, safeguard and promotion of the intangible cultural heritage».*

Article 23 :

*International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the safeguard and promotion of the intangible cultural heritage and shall be consistent with the objectives of this Convention. The studies shall also seek means of making rational use of the resources available in the State concerned ».*

Article 24 :

*As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each programme or project, unless its resources do not permit this ».*

Article 25 :

*The Committee and the recipient State shall define in the agreement they conclude the conditions in which a programme or project for which international assistance under the terms of this Convention is provided shall be carried out. It shall be the responsibility of the State receiving such international assistance to continue to safeguard and promote the elements of intangible cultural heritage covered by the assistance, in observance of the conditions laid down by the agreement ».*

## **VI. Educational programmes ( ?)**

### Article 26 :

- 1. The States Parties to this Convention shall endeavor by all appropriate means, and in particular by educational and information programmes, to strengthen appreciation and respect by their peoples of the intangible cultural heritage defined in Article 1 of the Convention.*
- 2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of the activities carried on in pursuance of this Convention.*

### Article 27 :

*States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to*

*make known the importance of the heritage for which assistance has been received and the role played by such assistance.*

## **VII. Reports ( ?)**

### **Article 28 :**

- 1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.*
- 2. These reports shall be brought to the attention of the Intergovernmental Committee.*
- 3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization ».*

## **IX. Final Clauses.**

### **Article 29 :**

*This Convention is drawn up in English, Arabic, Spanish, French, Russian and [Chinese?], the five [six] texts being equally authoritative».*

Article 30 :

- 1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.*
- 2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization ».*

Article 31 :

- 1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the Organization to accede to it.*
- 2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization. »*

Article 32 :

*This Convention shall enter into force three months after the date of the deposit of the twentieth [fifteenth?] instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession ».*

Article 33 :

*The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system:*

- c) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States parties which are not federal States;*
- d) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States,*

*countries, provinces or cantons of the said provisions, with its recommendation for their adoption ».*

Article 34 :

- 1. Each State Party to this Convention may denounce the Convention.*
- 2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.*
- 3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.*

Article 35 :

*The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 31, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 30 and 31, and of the denunciations provided for in Article 34.*

Article 36 :

- 3. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such*



*revision shall, however, bind only the States which shall become Parties to the revising convention.*

4. *If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force. »*

Article 37 :

*In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.*

*Done in Paris, this ..... day of ....., in two authentic copies bearing the signature of the President of the Thirty-second session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 30 and 31 as well as to the United Nations. »*

*The above text is the authentic text of the Convention hereby adopted by the General Conference of the United Nations Educational, Scientific and*

*Cultural Organization at its thirty- second session, held in Paris and  
declared closed on ..... 2003.*

*In witness whereof the undersigned, being duly authorized to that  
effect, have signed the present Convention.*

*Done at .....,  
this .....day of .....*

*President of the General Conference,*

*Director-General,*