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**PRELIMINARY DRAFT INTERNATIONAL CONVENTION
FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE
AND REPORT BY THE DIRECTOR-GENERAL
ON THE SITUATION CALLING FOR STANDARD-SETTING AND
ON THE POSSIBLE SCOPE OF SUCH STANDARD-SETTING**

OUTLINE

Source: 31 C/Resolution 30 and 164 EX/Decision 3.5.2.

Background: Following the examination by the General Conference at its 31st session of the question of the elaboration of a new international standard-setting instrument for the safeguarding of the intangible cultural heritage, and pursuant to 164 EX/Decision 3.5.2, three meetings of governmental experts were held, in September 2002, February-March 2003 and June 2003 at UNESCO Headquarters, with a mandate “to define the scope and to take forward the work on the preliminary draft of an international convention”.

In pursuance of 164 EX/Decision 3.5.2, the Director-General will report to the Executive Board at its 167th session (September 2003) on the progress of work on this matter. The decision adopted by the Executive Board on this item will be the subject of an addendum to this document.

Purpose: Pursuant to 31 C/Resolution 30, the Director-General hereby submits to the General Conference a report outlining the principal stages of the work accomplished since the 31st session of the General Conference, and the debates and recommendations of the intergovernmental meetings of experts on this matter, together with a preliminary draft convention. This preliminary draft was adopted by consensus by the governmental experts at the Third Intergovernmental Meeting in June 2003.

1. The overall safeguarding of traditional culture and folklore is part of UNESCO's mandate. Accordingly, in 1989, UNESCO adopted the Recommendation on the Safeguarding of Traditional Culture and Folklore, which was aimed at encouraging the identification, conservation, preservation, dissemination and protection of the intangible cultural heritage and ensuring international cooperation in that regard. Although the Recommendation is the only multilateral international standard-setting instrument in force in this field, the fact that it is not binding has meant that it has not had the expected impact with regard to the safeguarding of the intangible cultural heritage.

2. In consequence, and in pursuance of 161 EX/Decision 3.4.4, the Director-General submitted to the General Conference at its 31st session document 31 C/43 containing a report by the Director-General on a preliminary study on the advisability of regulating internationally, through a new standard-setting instrument, the protection of the intangible cultural heritage, together with the decisions and observations of the Executive Board at its 161st session. In 31 C/Resolution 30 (Annex I), the General Conference stated that it was mindful of the importance of and urgent need for proper protection of the intangible cultural heritage, and stressed that UNESCO was the only organization whose mandate referred expressly to the safeguarding of all aspects of the heritage. It thus decided that the most appropriate legal instrument for the attainment of that goal was an international convention along the lines of the 1972 Convention. It invited the Director-General to submit to it at its 32nd session a report on the situation calling for standard-setting and on the possible scope of such standard-setting, together with a preliminary draft international convention (31 C/Resolution 30).

3. In order to implement that General Conference resolution, the Director-General, in response to an invitation from the Brazilian authorities, convened in Rio de Janeiro, Brazil, from 22 to 24 January 2002, a meeting of some 20 experts, who were invited in a personal capacity to reflect on the priority fields to be included in an international convention on that topic. The participants in the meeting considered a number of examples of the impact of the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity and of best practices with regard to the safeguarding and protection of such heritage. At the end of their work, the experts confirmed the relevance of the definition of the intangible cultural heritage established by the International Round Table on "Intangible Cultural Heritage – Working Definitions" (Turin, Italy, March 2001), and recommended that consultations be held concerning terminology.

4. In accordance with the timetable proposed in the Rio recommendations, the Director-General convened a small drafting group which met at UNESCO Headquarters from 20 to 22 March 2002 and again from 13 to 15 June; it was composed mainly of legal experts, and was open to observers from Member States. The remit of the group was to draft the outline of the first version of a preliminary draft international convention. From 10 to 12 June 2002, another small meeting of terminological experts was held with the specific task of drawing up a glossary of useful terms relating to the intangible cultural heritage.

5. The Director-General then submitted a progress report on the matter to the Executive Board at its 164th session (May 2002). In 164 EX/Decision 3.5.2 (Annex II), the Executive Board invited him "to convene one or more category II intergovernmental meetings of experts, the first of which could take place in September 2002, to define the scope and to take forward the work on the preliminary draft of an international convention". At the first such meeting, held from 23 to 27 September at UNESCO Headquarters, at which H.E. Mr Mohammed Bedjaoui was elected Chairperson, the experts laid particular stress on the need to acknowledge (i) the interaction between the tangible and intangible cultural heritage, (ii) the living, evolving and border-straddling nature of the intangible cultural heritage, (iii) the urgency of measures for its safeguarding, (iv) the

need for flexibility in the negotiating process, and (v) the importance of safeguarding the intangible cultural heritage at the local, national and international levels.

6. Following the Director-General's dispatch of a preliminary report together with a first preliminary draft convention (CL/3629 of 29 July 2002), nearly 60 Member States, Associate Members and Observers sent replies to the Secretariat, thus enabling it to compile two documents containing, respectively, general observations and proposed amendments to the first preliminary draft convention. These compilations, together with further amendments proposed by participants in September, served as preliminary working documents for the Second Intergovernmental Meeting of Experts held from 24 February to 1 March 2003.

7. The discussions at the second meeting helped to shape a consensus regarding the purposes of the convention, the definition of the "intangible cultural heritage" and the term "safeguarding", the fields to be covered by the convention, the role of States, and the establishment of national inventories for the purpose of identifying such heritage. The principle of a list or register of intangible cultural heritage at risk was also accepted. At the end of the second meeting, given that a large number of articles still remained to be examined, the governmental experts accepted the Chairperson's proposal to introduce an intersessional mechanism in the form of a working group of 18 governmental experts to be designated by the various electoral groups.

8. From 22 to 31 April 2003, the 18 experts and a large number of observers from other Member States, intergovernmental organizations and non-governmental organizations attended the meetings of the working group. Attention was focused on the drafting of articles concerning the nature, composition and functions of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, the List of the Intangible Cultural Heritage in Need of Urgent Safeguarding, and the list of the treasures of the intangible cultural heritage of humanity, the creation and financing of a fund, the nature and content of international assistance, and, finally, the general provisions of the convention. In accordance with its mandate, the working group prepared, by consensus, a consolidated document containing most of the articles of the preliminary draft convention to serve as a basis for discussions at the Third Intergovernmental Meeting of Experts in June 2003.

9. From 2 to 14 June, UNESCO Headquarters hosted the Third Intergovernmental Meeting of Experts, which had the task of examining, on the one hand, the 26 articles elaborated by the intersessional group and, on the other, the articles that the working group had not been able to examine (11(d), 13, 14, 14 bis, 30-38, the preamble and the annex).

10. The meeting still being chaired by Mr Mohammed Bedjaoui, the experts worked during the first week on all the articles that had not yet been considered in plenary. The discussions were organized under six main headings: (i) general provisions (not yet examined in plenary at previous meetings), (ii) organs of the convention, (iii) safeguarding of the intangible cultural heritage at the national level, (iv) safeguarding of the intangible cultural heritage at the international level, (v) international cooperation and assistance, and (vi) the Intangible Cultural Heritage Fund. In view of the magnitude of the task at hand, the experts decided to set up four ad hoc groups to consider, respectively, the final clauses, the preamble and the annexes, the recommendations and the transitional provisions and, finally, the structure of the preliminary draft convention.

11. A consensus was reached on the main points of the preliminary draft convention, in particular the pre-eminent role of States Parties in actions for the safeguarding of the intangible cultural heritage, the strengthening of the principle of international cooperation and solidarity, the establishment of a flexible and effective international safeguarding mechanism, together with the setting up of a Committee to be subordinate to the General Assembly of States Parties, and the

establishment of a Fund. The question of financing was the subject of sharp debate among the experts; the principle of funding on the basis of contributions by States Parties to be determined by the General Assembly was accepted. In order to ensure safeguarding at the national level, the States are called upon to compile national inventories and to strengthen safeguarding measures in the fields of education and training. At the international level, the experts considered it necessary to establish a List of the Intangible Cultural Heritage in Need of Urgent Safeguarding, a Representative List of the Intangible Cultural Heritage of Humanity which would help to ensure the visibility of the intangible cultural heritage and promote the objectives of the convention, and to provide support for the execution of national and regional projects aimed at safeguarding such heritage. A transitional clause was adopted for the incorporation in the future convention of the masterpieces of the oral and intangible cultural heritage of humanity already proclaimed by UNESCO under the Proclamation of the Masterpieces of the Oral and Intangible Cultural Heritage of Humanity. The experts also defined the objectives of, and practical arrangements for, international assistance to be granted to States Parties under the convention. An article stipulating the relationship of the future convention to other international instruments was also drafted in order to avoid overlap with existing instruments in the field of intellectual property or the use of biological and environmental resources. Finally, the preamble, the final clauses and the transitional clause were adopted on second reading in the plenary meeting, which thus completed its examination of all the provisions submitted to it for consideration. Although several States expressed certain reservations concerning Article 26 regarding funding, the entire text of the preliminary draft convention was adopted by consensus by all the experts.

12. After two weeks of intensive work, the Third Intergovernmental Meeting of Experts, noting that it had fulfilled its mandate, which was, according to 164 EX/Decision 3.5.2, “to define the scope and to take forward the work on the preliminary draft of an international convention”, unanimously adopted a recommendation expressing its satisfaction with the results achieved thanks to the detailed discussions that had been held in an atmosphere of consensus and solidarity. Recalling all the meetings of experts held earlier for the purpose of preparing the preliminary draft, and also the Istanbul Declaration of the Third Round Table of Ministers of Culture (September 2002) and the Cusco Consensus of the Seventeenth Summit of the Rio Group (May 2003), the meeting informed the Director-General that the text of the preliminary draft convention had been adopted on second reading by consensus. The meeting recalled that UNESCO is the only international organization whose mandate expressly refers to the safeguarding of all aspects of the heritage, including the most vulnerable aspect, namely, that of the intangible heritage, whose urgent need for safeguarding calls for a new convention that would thus close a loophole in international law. The meeting was also at pains to recall that the intangible cultural heritage is a source of the identity, creativity and cultural diversity of communities, and constitutes a wealth that is common to all humanity, thus contributing to humanity’s sustainable development.

13. Forwarding the text of the preliminary draft convention to the Director-General, the experts underscored the importance of UNESCO programmes in the field of the intangible cultural heritage, in particular the programme relating to the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity at the local, national and international levels, and specifically drew the Director-General’s attention to the relevant transitional measures to be adopted in connection with that programme. The plenary meeting further encouraged the Director-General to prepare, under UNESCO’s regular programme, a handbook designed to help Member States to safeguard the intangible cultural heritage. That handbook would contain a glossary of terms and a non-exhaustive list of examples of the intangible cultural heritage. Finally, the meeting recommended that the Director-General take all necessary measures to ensure the harmonization of the six language versions of the preliminary draft before submitting it to the General Conference at its 32nd session.

14. In pursuance of 164 EX/Decision 3.5.2, paragraph 7, the Director-General will report to the Executive Board at its 167th session (September 2003) on the progress of work in this connection. The decision adopted by the Executive Board on this item will be the subject of an addendum to this document.

15. The Director-General submits to the General Conference for its consideration the text reproduced in Annex III, which was adopted by the Intergovernmental Meeting of Experts as the preliminary draft international convention.

ANNEX I

31 C/Resolution 30

30 Preparation of a new international standard-setting instrument for the safeguarding of the intangible cultural heritage¹

The General Conference,

Having examined document 31 C/43 comprising the report on the preliminary study on the advisability of regulating internationally, through a new standard-setting instrument, the protection of traditional culture and folklore, together with the corresponding decisions and observations of the Executive Board at its 161st session,

Mindful of the importance of the intangible cultural heritage, the urgent need to protect it and the fact that UNESCO is the only organization whose mandate refers expressly to the safeguarding of this aspect of the cultural heritage,

1. *Thanks* the Director-General for his report on the said study;
2. *Decides* that this question should be regulated by means of an international convention;
3. *Invites* the Director-General to submit to it at its 32nd session a report on the situation calling for standard-setting and on the possible scope of such standard-setting, together with a preliminary draft international convention.

¹ Resolution adopted on the report of Commission IV at the 20th plenary meeting, on 2 November 2001.

ANNEX II

164 EX/Decision 3.5.2

3.5.2 Progress report on the preparation of an international convention for the safeguarding of the intangible cultural heritage (164 EX/19 and Add. and 164 EX/51)

I

Convening intergovernmental meetings of experts

The Executive Board,

1. Recalling 31 C/Resolution 30,
2. Having examined document 164 EX/19,
3. Having taken note of the recommendations of the meeting of experts on the “Intangible Cultural Heritage: Priority Domains for an International Convention”, held in Rio de Janeiro from 22 to 24 January 2002, and being aware of the ongoing work of the select drafting group which met at Headquarters from 20 to 22 March 2002 with a view to gathering material for a preliminary draft international convention on the intangible cultural heritage,
4. Invites the Director-General to convene one or more category II intergovernmental meetings of experts, the first of which could take place in September 2002, to define the scope and to take forward the work on the preliminary draft of an international convention, participation in such meetings to be in accordance with Article 21 of the Regulations for the general classification of the various categories of meetings convened by UNESCO;
5. Takes note of the timetable proposed in document 164 EX/19 as modified by the Director-General in his reply to the debate on items 3.1.1 and 3.1.2 of the Executive Board at its 164th session (164 EX/SR.5);
6. Encourages Member States to adopt or develop policies relating to the protection of the intangible cultural heritage;
7. Requests the Director-General to report to it on progress in the preparation of the report on the situation calling for standard-setting and on the possible scope of such standard-setting, to be submitted to the General Conference at its 32nd session together with a preliminary draft international convention.

II

Invitations to intergovernmental meetings of experts

The Executive Board,

1. Bearing in mind the above decision to convene one or more intergovernmental meetings of experts (category II) to define the scope and to take forward the work on the preliminary draft of an international convention for the safeguarding of the intangible cultural heritage,

2. Having examined the Director-General's proposal concerning invitations to intergovernmental meetings of experts (164 EX/19 Add.),
3. Decides that:
 - (a) invitations to participate in the intergovernmental meetings of experts with the right to vote will be sent to all Member States and Associate Members of UNESCO;
 - (b) invitations to send observers to the intergovernmental meetings of experts will be sent as indicated in paragraph 7 of document 164 EX/19 Add.;
 - (c) invitations to send representatives to the intergovernmental meetings of experts will be sent to the organizations of the United Nations system referred to in paragraph 9 of document 164 EX/19 Add.;
 - (d) invitations to send observers to the intergovernmental meetings of experts will be sent to the international governmental and non-governmental organizations listed in paragraph 10 of document 164 EX/19 Add.;
4. Authorizes the Director-General to issue any other invitations he may deem conducive to the work of the intergovernmental meetings of experts, and to notify it thereof.

(164 EX/SR.9)

ANNEX III

PRELIMINARY DRAFT CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization hereinafter referred to as UNESCO, meeting in Paris, from 29 September to 17 October 2003, at its 32nd session,

Referring to existing international human rights instruments, in particular to the Universal Declaration on Human rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, and the International Covenant on Civil and Political Rights of 1966,

Considering the importance of the intangible cultural heritage as a mainspring of cultural diversity and a guarantee of sustainable development, as underscored in the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989, in the UNESCO Universal Declaration on Cultural Diversity of 2001, and in the Istanbul Declaration of 2002,

Considering the deep-seated interdependence between the intangible cultural heritage and the tangible cultural and natural heritage,

Recognizing that the processes of globalization and social transformation, alongside the conditions they create for renewed dialogue among communities, also give rise, as does the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage, in particular owing to a lack of resources for safeguarding such heritage,

Being aware of the universal will and the common concern to safeguard the intangible cultural heritage of humanity,

Recognizing that communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and recreation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity,

Noting the far-reaching impact of the activities of UNESCO in establishing normative instruments for the protection of the cultural heritage, in particular the Convention for the Protection of the World Cultural and Natural Heritage of 1972,

Noting further that no binding multilateral instrument as yet exists for the safeguarding of the intangible cultural heritage,

Considering that existing international agreements, recommendations and resolutions concerning the cultural and natural heritage need to be effectively enriched and supplemented by means of new provisions relating to the intangible cultural heritage,

Considering the need to build greater awareness, especially among the younger generations, of the importance of the intangible cultural heritage and of its safeguarding,

Considering that the international community should contribute, together with the States Parties, to the safeguarding of such heritage in a spirit of cooperation and mutual assistance,

Recalling UNESCO's programmes relating to the intangible cultural heritage, in particular the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity,

Considering the invaluable role of the intangible cultural heritage as a factor in bringing human beings closer together and ensuring exchange and understanding among them,

Adopts this Convention on this day of 200X.

I. General provisions

Article 1 – Purposes of the Convention

The purposes of this Convention are:

- (a) to safeguard the intangible cultural heritage;
- (b) to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned;
- (c) to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof;
- (d) to provide for international cooperation and assistance.

Article 2 – Definitions

For the purposes of this Convention,

1. The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, with the requirement of mutual respect among communities, groups and individuals, and with sustainable development.

2. The “intangible cultural heritage”, as defined in paragraph 1 above, is manifested *inter alia* in the following domains:

- (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- (b) the performing arts;
- (c) social practices, rituals and festive events;
- (d) knowledge and practices concerning nature and the universe;
- (e) traditional craftsmanship.

3. “Safeguarding” means measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion,

enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage.

4. “States Parties” means States which are bound by this Convention and among which this Convention is in force.

5. This Convention applies *mutatis mutandis* to the territories referred to in Article 33 which become Parties to this Convention in accordance with the conditions set out in that Article. To that extent the expression “States Parties” also refers to such territories.

Article 3 – Relationship to other international instruments

Nothing in this Convention may be interpreted as:

- (a) altering the status or diminishing the level of protection under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage of World Heritage properties with which an item of the intangible cultural heritage is directly associated; or
- (b) affecting the rights and obligations of States Parties deriving from any international instrument to which they are parties relating to intellectual property rights or to the use of biological and ecological resources.

II. Organs of the Convention

Article 4 – General Assembly of the States Parties

1. A General Assembly of the States Parties is hereby established, hereinafter referred to as “the General Assembly”. The General Assembly is the sovereign body of this Convention.

2. The General Assembly shall meet in ordinary session every two years. It may meet in extraordinary session if it so decides or at the request either of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage or of at least one-third of the States Parties.

3. The General Assembly shall adopt its own Rules of Procedure.

Article 5 – Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage

1. An Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, hereinafter referred to as “the Committee”, is hereby established within UNESCO. It shall be composed of representatives of 18 States Parties, elected by the States Parties meeting in General Assembly, once this Convention enters into force in accordance with Article 34.

2. The number of States Members of the Committee shall be increased to 24 once the number of the States Parties to the Convention reaches 50.

Article 6 – Election and terms of office of States Members of the Committee

1. The election of States Members of the Committee shall obey the principles of equitable geographical representation and rotation.

2. States Members of the Committee shall be elected for a term of four years by States Parties to the Convention meeting in General Assembly.

3. However, the term of office of half of the States Members of the Committee elected at the first election is limited to two years. These States shall be chosen by lot at the first election.
4. Every two years, the General Assembly shall renew half of the States Members of the Committee.
5. It shall also elect as many States Members of the Committee as required to fill vacancies.
6. A State Member of the Committee may not be elected for two consecutive terms.
7. States Members of the Committee shall choose as their representatives persons who are qualified in the various fields of the intangible cultural heritage.

Article 7 – Functions of the Committee

Without prejudice to other prerogatives granted to it by this Convention, the functions of the Committee shall be to:

- (a) promote the objectives of the Convention, and to encourage and monitor the implementation thereof;
- (b) provide guidance on best practices and make recommendations on measures for the safeguarding of the intangible cultural heritage;
- (c) prepare and submit to the General Assembly for approval a draft plan for the use of the resources of the Fund, in accordance with Article 25;
- (d) seek means of increasing its resources, and to take the necessary measures to this end, in accordance with Article 25;
- (e) prepare and submit to the General Assembly for approval operational directives for the implementation of this Convention;
- (f) examine, in accordance with Article 29, the reports submitted by States Parties, and to summarize them for the General Assembly;
- (g) examine requests submitted by States Parties, and to decide thereon, in accordance with objective selection criteria to be established by the Committee and approved by the General Assembly for:
 - (i) inscription on the lists and proposals mentioned under Articles 16, 17 and 18;
 - (ii) the granting of international assistance in accordance with Article 22.

Article 8 – Working methods of the Committee

1. The Committee shall be answerable to the General Assembly. It shall report to it on all its activities and decisions.
2. The Committee shall adopt its own Rules of Procedure by a two-thirds majority of its Members.
3. The Committee may establish, on a temporary basis, whatever ad hoc consultative bodies it deems necessary to carry out its task.

4. The Committee may invite to its meetings any public or private bodies, as well as private persons, with demonstrated competence in the various fields of the intangible cultural heritage, in order to consult them on specific matters.

Article 9 – Accreditation of advisory organizations

1. The Committee shall propose to the General Assembly the accreditation of non-governmental organizations with recognized competence in the field of the intangible cultural heritage to act in an advisory capacity to the Committee.

2. The Committee shall also propose to the General Assembly the criteria for and modalities of such accreditation.

Article 10 – The Secretariat

1. The Committee shall be assisted by the UNESCO Secretariat.

2. The Secretariat shall prepare the documentation of the General Assembly and of the Committee, as well as the draft agenda of their meetings, and shall ensure the implementation of their decisions.

III. Safeguarding of the intangible cultural heritage at the national level

Article 11 – Role of States Parties

Each State Party shall:

- (a) take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory;
- (b) among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations.

Article 12 – Inventories

1. To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly updated.

2. When each State Party periodically submits its report to the Committee, in accordance with Article 29, it shall provide relevant information on such inventories.

Article 13 – Other measures for safeguarding

To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to:

- (a) adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into planning programmes;

- (b) designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory;
- (c) foster scientific, technical and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage, in particular the intangible cultural heritage in danger;
- (d) adopt appropriate legal, technical, administrative and financial measures aimed at:
 - (i) fostering the creation or strengthening of institutions for training in the management of the intangible cultural heritage and the transmission of such heritage through forums and spaces intended for the performance or expression thereof;
 - (ii) providing access to the intangible cultural heritage while respecting customary practices governing access to specific aspects of such heritage;
 - (iii) establishing documentation institutions for the intangible cultural heritage and facilitating access to them.

Article 14 – Education, awareness-raising and capacity-building

Each State Party shall endeavour, by all appropriate means, to:

- (a) ensure recognition of, respect for, and enhancement of the intangible cultural heritage in society, in particular through:
 - (i) educational, awareness-raising and information programmes, aimed at the general public, in particular young people;
 - (ii) specific educational and training programmes within the communities and groups concerned;
 - (iii) capacity-building activities for the safeguarding of the intangible cultural heritage, in particular management and scientific research; and
 - (iv) non-formal means of transmitting knowledge;
- (b) keep the public informed of the dangers threatening such heritage, and of the activities carried out in pursuance of this Convention;
- (c) promote education for the protection of natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage.

Article 15 – Participation of communities, groups and individuals

Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, in some cases, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.

IV. Safeguarding of the intangible cultural heritage at the international level

Article 16 – Representative List of the Intangible Cultural Heritage of Humanity

1. In order to ensure better visibility of the intangible cultural heritage and awareness of its significance, and to encourage dialogue which respects cultural diversity, the Committee, upon the proposal of the States Parties concerned, shall establish, keep up to date and publish a Representative List of the Intangible Cultural Heritage of Humanity.
2. The Committee shall draw up, and the General Assembly shall approve, the criteria for the establishment, updating and publication of this Representative List.

Article 17 – List of Intangible Cultural Heritage in Need of Urgent Safeguarding

1. With a view to taking appropriate safeguarding measures, the Committee shall establish, keep up to date and publish a List of the Intangible Cultural Heritage in Need of Urgent Safeguarding, and shall inscribe such heritage on the List at the request of the State Party concerned.
2. The Committee shall draw up, and the General Assembly shall approve, the criteria for the establishment, updating and publication of this List.
3. In cases of extreme urgency - the objective criteria of which shall be approved by the General Assembly upon the proposal of the Committee - the Committee may inscribe an item of the heritage concerned on the List mentioned in paragraph 1, in consultation with the State Party concerned.

Article 18 – Programmes, projects and activities for the safeguarding of intangible cultural heritage

1. On the basis of proposals submitted by States Parties, and in accordance with criteria to be defined by it and approved by the General Assembly, the Committee shall periodically select and promote national, subregional and regional programmes, projects and activities for the safeguarding of the heritage which it considers best reflect the principles and objectives of this Convention, taking into account the special needs of developing countries.
2. To this end, it shall receive, examine and approve requests for international assistance from States Parties for the preparation of such proposals.
3. The Committee shall accompany the implementation of such projects, programmes and activities by disseminating best practices using means to be determined by it.

V. International cooperation and assistance

Article 19 – Cooperation

1. For the purposes of this Convention, international cooperation includes, *inter alia*, the exchange of information and experience, joint initiatives, and the establishment of a mechanism of assistance to States Parties in their efforts to safeguard the intangible cultural heritage.
2. Without prejudice to the provisions of their national legislation and customary law and practices, the States Parties recognize that the safeguarding of intangible cultural heritage is of general interest to humanity, and to that end undertake to cooperate at the bilateral, subregional, regional and international levels.

Article 20 – Purposes of international assistance

International assistance may be granted for the following purposes:

- (a) the safeguarding of the heritage inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding;
- (b) the preparation of inventories in the sense of Articles 11 and 12;
- (c) support for programmes, projects and activities carried out at the national, subregional and regional levels aimed at the safeguarding of intangible cultural heritage;
- (d) any other purpose the Committee may deem necessary.

Article 21 – Forms of international assistance

The assistance granted by the Committee to a State Party shall be governed by the operational directives prepared pursuant to Article 7 and by the agreement referred to in Article 24, and may take the following forms:

- (a) studies concerning various aspects of safeguarding;
- (b) the provision of experts and practitioners;
- (c) the training of all necessary staff;
- (d) the elaboration of standard-setting and other measures;
- (e) the creation and operation of infrastructures;
- (f) the supply of equipment and know-how;
- (g) other forms of financial and technical assistance, including, in certain circumstances, the granting of low-interest loans and donations.

Article 22 – Conditions governing international assistance

1. The Committee shall establish the procedure for examining requests for international assistance, and shall specify what information shall be included in the requests, such as the measures envisaged and the interventions required, together with an assessment of their cost.
2. In emergencies, requests for assistance shall be examined by the Committee as a matter of priority.
3. In order to reach a decision, the Committee shall undertake such studies and consultations as it deems necessary.

Article 23 – Requesting international assistance

1. Each State Party may submit to the Committee a request for international assistance for the safeguarding of the intangible cultural heritage present in its territory.
2. Such a request may also be jointly submitted by two or more States Parties.

3. The request shall include the information stipulated in Article 22, paragraph 1, together with the necessary documentation.

Article 24 – Role of beneficiary States Parties

1. In conformity with the provisions of this Convention, the international assistance granted shall be regulated by means of an agreement between the beneficiary State Party and the Committee.

2. As a general rule, the beneficiary State Party shall, within the limits of its resources, share the cost of the safeguarding measures for which international assistance is provided.

3. The beneficiary State Party shall submit to the Committee a report on the use made of the assistance provided for the safeguarding of the intangible cultural heritage.

VI. Intangible Cultural Heritage Fund

Article 25 – Nature and resources of the Fund

1. A “Fund for the Safeguarding of the Intangible Cultural Heritage”, hereinafter referred to as “the Fund”, is hereby established.

2. The Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO.

3. The resources of the Fund shall consist of:

- (a) contributions made by States Parties;
- (b) funds appropriated for this purpose by the General Conference of UNESCO;
- (c) contributions, gifts or bequests which may be made by:
 - (i) other States;
 - (ii) organizations and programmes of the United Nations system, particularly the United Nations Development Programme, as well as other international organizations;
 - (iii) public or private bodies or individuals;
- (d) any interest due on the resources of the Fund;
- (e) funds raised through collections, and receipts from events organized for the benefit of the Fund;
- (f) any other resources authorized by the Fund’s regulations, to be drawn up by the Committee.

4. The use of resources by the Committee shall be decided on the basis of guidelines laid down by the General Assembly.

5. The Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that those projects have been approved by the Committee.

6. No political, economic or other conditions which are incompatible with the objectives of this Convention may be attached to contributions made to the Fund.

Article 26 – Contributions of States Parties to the Fund

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay into the Fund, at least every two years, a contribution, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly. This decision of the General Assembly shall be taken by a 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 contribution of the State Party exceed 1% of its contribution to the regular budget of UNESCO.

2. However, each State referred to in Article 32 or in Article 33 of this Convention may declare, at the time of the deposit of its instruments of ratification, acceptance, approval or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.

3. A State Party to this Convention which has made the declaration referred to in paragraph 2 of this Article shall endeavour to withdraw the said declaration by notifying the Director-General of UNESCO. However, the withdrawal of the declaration shall not take effect in regard to the contribution due by the State until the date of the subsequent General Assembly.

4. In order to enable the Committee 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 be as close as possible to the contributions they would have owed if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to this 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 Committee; this provision shall not apply to the first election. The term of office of any such State which is already a Member of the Committee shall come to an end at the time of the elections provided for in Article 6 of this Convention.

Article 27 – Voluntary supplementary contributions to the Fund

States Parties wishing to provide voluntary contributions in addition to those foreseen under Article 26 shall inform the Committee, as soon as possible, so as to enable it to plan its operations accordingly.

Article 28 – International fund-raising campaigns

The States Parties shall, insofar as is possible, lend their support to international fund-raising campaigns organized for the benefit of the Fund under the auspices of UNESCO.

VII. Reports

Article 29 – Reports by the States Parties

The States Parties shall submit to the Committee, observing the forms and periodicity to be defined by the Committee, reports on the legislative, regulatory and other measures taken for the implementation of this Convention.

Article 30 – Reports by the Committee

1. On the basis of its activities and the reports by States Parties referred to in Article 29, the Committee shall submit a report to the General Assembly at each of its sessions.
2. The report shall be brought to the attention of the General Conference of UNESCO.

VIII. Transitional clause

Article 31 – Relationship to the Proclamation of Masterpieces of the Oral and Intangible Cultural Heritage of Humanity

1. The Committee shall incorporate in the Representative List of the Intangible Cultural Heritage of Humanity the items proclaimed “Masterpieces of the Oral and Intangible Cultural Heritage of Humanity” before the entry into force of this Convention.
2. The incorporation of these items in the Representative List of Intangible Cultural Heritage of Humanity shall in no way prejudice the criteria for future inscriptions to be established by the Committee in accordance with Article 16, paragraph 2.
3. No further proclamation will be made after the entry into force of this Convention.

IX. Final clauses

Article 32 – Ratification, acceptance or approval

1. This Convention shall be subject to ratification, acceptance or approval by States Members of UNESCO in accordance with their respective constitutional procedures.
2. The instruments of ratification, acceptance or approval shall be deposited with the Director-General of UNESCO.

Article 33 – Accession

1. This Convention shall be open to accession by all States not Members of UNESCO that are invited by the General Conference of UNESCO to accede to it.
2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.
3. The instrument of accession shall be deposited with the Director-General of UNESCO.

Article 34 – Entry into force

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

Article 35 – Federal or non-unitary constitutional systems

The following provisions shall apply to States Parties 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 jurisdiction of individual constituent States, countries, provinces or cantons which 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 36 – Denunciation

1. Each State Party may denounce this Convention.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of UNESCO.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the denouncing State Party until the date on which the withdrawal takes effect.

Article 37 – Depositary functions

The Director-General of UNESCO, as the Depositary of this Convention, shall inform the States Members of the Organization, the States not Members of the Organization referred to in Article 33, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 32 and 33, and of the denunciations provided for in Article 36.

Article 38 – Amendments

1. A State Party may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Director-General shall present such proposal to the next General Assembly for discussion and possible adoption.
2. Amendments shall be adopted by a two-thirds majority of States Parties present and voting.

3. Once adopted, amendments to this Convention shall be submitted for ratification, acceptance, approval or accession to the States Parties.
4. Amendments shall enter into force, but solely with respect to the States Parties that have ratified, accepted, approved or acceded to them, three months after the deposit of the instruments referred to in paragraph 3 of this Article by two-thirds of the States Parties. Thereafter, for each State Party that ratifies, accepts, approves or accedes to it, the amendment shall enter into force three months after the date of deposit by that State Party of its instrument of ratification, acceptance, approval or accession.
5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to Article 5 concerning the number of States Members of the Committee. These amendments shall enter into force at the time they are adopted.
6. A State which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered:
 - (a) as a Party to this Convention as so amended; and
 - (b) as a Party to the unamended Convention in relation to any State Party not bound by the amendments.

Article 39 – Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

Article 40 – Registration

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 UNESCO.

DONE at Paris, this day of, in two authentic copies bearing the signature of the President of the General Conference, at its session, and of the Director-General of UNESCO. These two copies shall be deposited in the archives of UNESCO. Certified true copies shall be delivered to all the States referred to in Articles 32 and 33 as well as to the United Nations.

The above text is the authentic text of the Convention hereby duly adopted by the General Conference of UNESCO at its session, held in Paris and declared closed on

IN WITNESS WHEREOF the undersigned have signed this Convention this day of

President of the General Conference

Director-General



32 C/26 Add.
30 September 2003
Original: French

Item 8.4 of the provisional agenda

**PRELIMINARY DRAFT INTERNATIONAL CONVENTION
FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE
AND REPORT BY THE DIRECTOR-GENERAL
ON THE SITUATION CALLING FOR STANDARD-SETTING AND
ON THE POSSIBLE SCOPE OF SUCH STANDARD-SETTING**

OUTLINE

Source: Document 32 C/26 and 167 EX/Decision 5.7.

Background: The Director-General reported to the Executive Board at its 167th session on the progress of work on the question of the elaboration of a new international standard-setting instrument for the safeguarding of the intangible cultural heritage (167 EX/22). After examining the draft decisions submitted on this item, the Executive Board adopted by consensus and without amendment draft decision 167 EX/PX/DR.1 submitted by 44 Member States.

Purpose: Pursuant to 167 EX/Decision 5.7 which the Executive Board adopted on this item, the addendum sets out that decision as a supplement to document 32 C/26.

167 EX/Decision 5.7

The Executive Board,

1. Having in mind 31 C/Resolution 30,
2. Recalling 164 EX/Decision 3.5.2,
3. Having examined document 167EX/22,
4. Stressing that the governmental experts have fulfilled their mandate, namely “to define the scope and to take forward the work” on the text, pursuant to 164 EX/Decision 3.5.2,
5. Takes note with satisfaction of the text of the preliminary draft adopted by consensus at the third session of the Intergovernmental Meeting of Experts held at Headquarters from 2 to 14 June 2003;
6. Recommends that the General Conference at its 32nd session consider the said preliminary draft as a draft convention and adopt it as a UNESCO convention.