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AÑO DE LAS NACIONES UNIDAS DEL PATRIMONIO CULTURAL  
سنة الأمم المتحدة للتراث الثقافي  
ГОД КУЛЬТУРНОГО НАСЛЕДИЯ ОРГАНИЗАЦИИ ОБЪЕДИНЕННЫХ НАЦИЙ  
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## **FIRST PRELIMINARY DRAFT OF AN INTERNATIONAL CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE**

### **[PREAMBLE]**

The General Conference of the United Nations Educational, Scientific and Cultural Organization [hereinafter referred to as UNESCO], meeting in Paris from .... to ....., at its....session,

*Recalling* the Universal Declaration of Human Rights of 1948, the UNESCO Convention for the Protection of the World Cultural and Natural Heritage of 1972, the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989, and the UNESCO Universal Declaration on Cultural Diversity of 2001,

*Noting [Aware of]* the general interest in and common concern for [the importance of] the safeguarding of the intangible cultural heritage of humanity,

*Noting [Considering]* that the intangible cultural heritage is fundamentally safeguarded through the continued creativity of and enactment [performance] by agents [representatives] of the communities that produce, maintain and transform [adapt] it,

*Noting* the far-reaching work of UNESCO in establishing normative instruments for the protection of cultural heritage, namely the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict of 1954 and its two Protocols, the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970, and the Convention on the Protection of the Underwater Cultural Heritage of 2001, as well as the cooperation between UNESCO and UNIDROIT, which resulted in the UNIDROIT Convention on Stolen or Illegally Exported Cultural Objects of 1995,

*Noting further* that no binding multilateral instrument exists to date for the safeguarding of the intangible cultural heritage,

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

*Considering [Acknowledging]* the need to raise awareness of the importance of the intangible cultural heritage, especially among the younger generations,

~~*Reaffirming*~~ *[Recognizing]* the threats of deterioration, disappearance and destruction facing the intangible cultural heritage [owing to] the lack of resources for safeguarding such heritage, and the accelerating process of globalization and [social] transformation,

*Considering* that the international community should contribute, together with the States Parties 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 the Oral and Intangible Heritage of Humanity of 2001,

[Adopts this Convention on this ..... day of 200X.]

## **I. PURPOSES AND PRINCIPLES**

### *Article 1*

1. In order to ensure that effective measures are taken notably for the purposes of safeguarding [and performing] the intangible cultural heritage [connected with its territory or with territory under its jurisdiction], each State Party to this Convention shall endeavour, insofar as is possible and appropriate for it, to achieve the main purposes of this Convention, in particular:

- (a) to promote awareness and recognition by States of the significance of safeguarding the intangible cultural heritage, which is often in danger of disappearing [or deteriorating];
- (b) to encourage States Parties to take the necessary measures to safeguard such heritage and ensure that such measures are implemented;
- (c) to mobilize the solidarity of the international community;
- (d) to encourage cooperation between States Parties and the international community and within and among groups;
- (e) to provide in its territory, where such services do not exist, one or more services [as well as] the minimum procedures necessary for the safeguarding and presentation of the intangible cultural heritage without prejudice to the right of a State Party to adopt additional procedures consistent with its local [own] needs and requirements, and to this end to set minimum standards for the safeguarding of the intangible cultural heritage, as part of a code of conduct to be elaborated for States Parties to observe in their endeavour to attain the objectives and purposes of this Convention;
- (f) to strengthen the process of identifying [items of the] intangible cultural heritage;
- (g) to provide [ensure the] historical continuity of the intangible cultural heritage;
- (h) to enhance the creative diversity of humanity; and
- (i) to foster enjoyment of the intangible cultural heritage.

2. In compliance with the basic principles of this Convention, each State Party undertakes to adopt all possible measures which may be necessary to ensure:

- (a) that the intangible cultural heritage connected with its territory or with territory under its jurisdiction is fundamentally safeguarded through [the] creativity [of] and enactment [performance] by agents [representatives] of the communities that produce and maintain it;
- (b) that loss of the intangible cultural heritage is prevented by ensuring that the meanings, enabling conditions and skills involved in its creation, enactment [performance] and transmission may be reproduced;

- (c) that any instrument [mechanism] dealing with the intangible cultural heritage facilitates, encourages and protects the [right and] capacity of the State to continue to promote such heritage by developing specific approaches aimed at managing and sustaining it [for its management and sustainment]; and
- (d) that sharing one's culture and having a cultural dialogue fosters greater overall creativity as long as mutual recognition of cultural diversity and equitable exchanges are ensured.

[that greater overall creativity is fostered through the sharing of cultures and engagement in cultural dialogue, provided that there is mutual recognition of cultural diversity and that such exchanges are equitable.]

## II. GENERAL PROVISIONS

### *Article 2 – [Use of Terms]*

1. For the purposes of this Convention, the “intangible cultural heritage” means the practices and representations – together with their necessary knowledge, skills, instruments, objects, artefacts and places – that are recognized by communities and individuals as their intangible cultural heritage, and are consistent with universally accepted principles of human rights, equity, sustainability, and mutual respect between cultural communities. This intangible cultural heritage is constantly recreated by communities in response to their environment and historical conditions of existence, and provides them with a sense of continuity and identity, thus promoting cultural diversity and human creativity [the cultural diversity and creativity of humanity].

2. The “intangible cultural heritage”, as defined in paragraph (1) above, covers the following (see the Annex):

- (a) [forms of] oral expression;
- (b) the performing arts;
- (c) social practices, rituals, festive events; and
- (d) knowledge and practices about nature.

3. “Safeguarding” means adopting measures to ensure the viability of the intangible cultural heritage, including the identification, documentation, protection, promotion, transmission and revitalization of aspects of such heritage.

### *Article 3 – [Prerogatives of the States Parties]*

(a) It is for each State Party to identify and define [with the participation of the cultural communities], in each case, the various forms [expressions] [elements] [items] of its intangible cultural heritage [of the intangible cultural heritage present in its territory].

(variant)

(b) It is for each State Party to ensure the substantial and active participation of the practising [practitioner] communities concerned, including interested [the relevant] NGOs, to determine, in accordance with criteria it deems appropriate, the domains that are worthy, in its view, of safeguarding, on the understanding that it shall be free to review such domains periodically.

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

Each State Party recognizes the duty of ensuring the safeguarding [and transformation] [adaptation] of the intangible cultural heritage developed and [/or] practised by the cultural communities, including its national community, in its territory. To this end, each State Party shall [do its utmost to] accomplish this duty, using its own resources and, where [available and] appropriate, with any international assistance and cooperation, in particular, financial, artistic, scientific and technical.

*Article 5 – [National safeguarding of the intangible cultural heritage]*

To ensure that effective and active measures are taken for the safeguarding and presentation of the intangible cultural heritage present in its territory, each State Party shall endeavour [insofar as possible], and as appropriate for each country [and in consultation with the cultural communities concerned]:

- (a) to adopt a general policy which is aimed at giving the intangible cultural heritage a function in the life of the community and at integrating the safeguarding of that heritage into comprehensive planning programmes;
- (b) to set up within its territories, where such services do not exist, one or more services [for the intangible cultural heritage] with an appropriate staff and possessing the means to discharge their functions [including the establishment of a national entity entrusted with measuring [gauging / assessing] the implementation of the provisions of this Convention in consultation with the people [cultural communities] concerned with reference to the intangible cultural heritage in question];
- (c) to develop scientific and technical studies [and research] and to devise [such] operating methods which may make the State capable of counteracting [may enable the State to counteract] the dangers that threaten the intangible cultural heritage in its territory;
- (d) to take, with the active participation of the relevant cultural communities [the cultural communities concerned], the appropriate legal, technical, administrative and financial measures necessary for the [identification,] safeguarding and presentation of such heritage; these measures should include: [be aimed at: -ing, -ing, ing, etc.]
  - (i) measures aimed at fostering [continued] transmission of the intangible [cultural] heritage through the provision of forums and spaces for traditional enactment of [items of the] intangible [cultural] heritage and other forms of support to cultural communities;
  - (ii) [measures which guarantee cultural communities access to their intangible [cultural] heritage, while respecting customary rules which restrict or deny access to outsiders];
  - (iii) the establishment or designation of competent national authorities to oversee the management and safeguarding of the intangible [cultural] heritage, where this is consistent with national law;
  - (iv) the establishment of national documentation centres for the intangible heritage;
  - (v) measures aimed at establishing educational programmes to impart to future generations an [a deep] understanding of the importance of the intangible cultural heritage;

- (vi) support for the development of specific educational programmes within local [cultural] communities to facilitate the continued transmission to the youth in society [to young people] of the intangible cultural heritage;
  - (vii) support and assistance to cultural communities for the development of their material culture and practices;
  - (viii) protection of significant material culture and spaces central to the transmission of the intangible heritage;
  - (ix) measures aimed at ensuring that the fullest possible protection is extended to the intangible cultural heritage through intellectual property law, both national and international;
  - (x) enactment of legislation aimed at safeguarding the intangible cultural heritage [as] related to the use of biological and ecological resources;
- (e) to foster the establishment or development of national or regional institutions and centres for training in the management of the intangible cultural heritage, and [to] encourage scientific research [on the intangible cultural heritage].

*Article 6 – [National safeguarding and international cooperation]*

1. While respecting the sovereignty of the States Parties where [in which items of] the intangible cultural heritage exists [exist], and without prejudice to the provisions of national legislation or customary law, the States Parties recognize that such heritage is of general interest to humanity, and undertake to cooperate in their bilateral relations and at the multilateral level [at the bilateral and multilateral levels] for its safeguarding.

2. The States Parties undertake, in accordance with the provisions of this Convention, to assist in the [identification and] safeguarding of the heritage referred to in paragraphs 2 and 4 of Article 11 if the State Party concerned so requests.

3. Each State Party undertakes to identify a competent national authority or, wherever necessary, to establish a suitable body in order to fulfill its duty to safeguard the intangible cultural heritage present in its territory, in conformity with the provisions of this Convention. That body should carry out its work with the widest participation of the relevant cultural communities [cultural communities concerned] [and, as appropriate, with the fullest consultation of civil society].

4. UNESCO offers [shall provide], [within its budgetary resources], the necessary assistance to States Parties with regard to the creation of national bodies and/or services entrusted with the safeguarding of the intangible cultural heritage. [or in Article 13?]

5. [It is desirable that an effort be made] to achieve interaction and cooperation between the various agents and services involved in various aspects of the intangible cultural heritage. [or in Article 13?]

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

[Variant: Each State Party shall determine the procedures and mechanisms that may ensure the widest possible participation of [national cultural agents] in decision-making relating to the safeguarding of the intangible cultural heritage.]

*Article 7 – [International safeguarding of the intangible cultural heritage]*

For the purposes of this Convention, international safeguarding of the intangible cultural heritage shall be understood to mean the establishment of a system of international cooperation and assistance designed to aid States Parties in their efforts to identify, conserve [preserve] [safeguard] and document such heritage, which [often] transcends national boundaries.

### **III. COMMITTEE(S) [AND LISTS]**

*Article 8 – [Composition of the Intangible Cultural Heritage Committee]*

1. An [international] committee [council] for the safeguarding of the intangible cultural heritage, to be known as the Intangible Cultural Heritage Committee, is hereby established within UNESCO. It shall be composed of representatives nominated by 12 States Parties elected by the States Parties meeting in general assembly during the ordinary session of the General Conference of UNESCO. The number of States Members of the Committee shall be increased to 18 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 20 [40] States.

2. Election of members of the Intangible Cultural Heritage Committee shall ensure equitable representation of the various regions and cultures of the world.

3. Representatives of international non-governmental organizations with scientific and technical competence in the various domains of the intangible cultural heritage, to whom may be added, at the request of the States Parties meeting in general assembly during the ordinary session of the General Conference of UNESCO, representatives of other organizations with similar objectives, to be determined in each case by the Intangible Cultural Heritage Committee, may attend the meetings of the Intangible Cultural Heritage Committee in an advisory capacity.

[Different wording: At the request of the States Parties meeting in general assembly during the ordinary session of the General Conference of UNESCO, representatives of international non-governmental organizations with scientific and technical competence in the various domains of the intangible cultural heritage, and representatives of other organizations with similar objectives, to be determined in each case by the Intangible Cultural Heritage Committee, may attend the meetings of this Committee in an advisory capacity.]

4. (Chairman's first proposal) A Joint Committee is hereby established:

- (a) to study the lists [inventories] proposed by each State;
- (b) to establish and keep up to date the Intangible Cultural Heritage List [to be consistent with Article 11, para. 2];
- (c) to propose to the Jury candidatures within the framework of the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity.

The Joint Committee shall be composed of X representatives of Member States [States Parties] and X experts designated by the Executive Board of UNESCO, on the proposal of the Director-General of UNESCO, all serving a term of Y years, and taking into consideration the need to ensure equitable representation of the various regions and cultures of the world.

*Article 9 – [Membership of the Intangible Cultural Heritage Committee]*

1. The term of office of States Members of the Intangible Cultural Heritage Committee shall extend from the end of the ordinary session of the General Conference at 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 UNESCO after the first election.
3. States Members of the Intangible Cultural Heritage Committee shall choose as their representatives persons [who are well] qualified in the diverse fields of the intangible cultural heritage.

*Article 10*

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

*Article 10 bis (or new article) – [The Scientific Committee [Committee of Experts]]*

The Scientific Committee [Committee of Experts] for the Safeguarding of the Intangible Cultural Heritage is hereby established within [UNESCO]. It shall be composed of X members selected for their scientific and technical expertise in the field of safeguarding the intangible cultural heritage [and also X members who are practitioners and custodians and who are competent professionally or otherwise to represent the interests of cultural communities] and shall meet [in general assembly] in conjunction with [as appropriate] the meetings of the Intangible Cultural Heritage Committee. The Scientific Committee [Committee of Experts] shall act as a consultative body to the Intangible Cultural Heritage Committee and provide advice on the scientific and technical aspects of its deliberations.

*Article 11 – [Lists of [items of the] intangible cultural heritage]*

1. Each State Party shall, insofar as possible, submit to the Intangible Cultural Heritage Committee a list [an inventory] of items of the intangible cultural heritage present in its territory which would be suitable for inclusion in the List provided for in paragraph 2 of this Article. This list [inventory], which shall be considered non-exhaustive and be open to updating and amendment, shall include documentation concerning the item in question and its significance. Technical [and financial] assistance for preparing this list [inventory] shall be made available by [UNESCO] to those States Parties that submit a request for such assistance.
2. On the basis of the inventories submitted by States Parties in accordance with paragraph 1, the Intangible Cultural Heritage Committee shall establish, keep up to date and publish, under the title of the Intangible Cultural Heritage List, a list of items which are considered as having outstanding specific value under criteria established by the Intangible Cultural Heritage Committee. An updated List shall be distributed at least every two years. [to be updated with the definition of outstanding]
3. The inclusion of an item in the Intangible Cultural Heritage List shall be done on the basis of candidatures submitted by a State Party in which the intangible cultural heritage is developed

[present]. The inclusion of an item [present in a territory] over which sovereignty or jurisdiction is claimed by more than one State Party shall in no way prejudice the rights of the States Parties and of the communities concerned.

4. The Intangible Cultural Heritage Committee shall establish, keep up to date and publish, whenever circumstances so require, under the title of the List of [Items of the] Intangible Cultural Heritage in Need of Urgent Safeguarding, a list of the items appearing in the Intangible Cultural Heritage List for which conservation, revitalization or other remedial measures are necessary. This List shall contain, where appropriate, an estimate of the cost of such measures. This List may include only such intangible cultural heritage as is threatened by serious and specific dangers, such as those caused by armed conflicts, distortion causing [inappropriate use leading to] trivialization of the relevant heritage, oppression, erosion due to ageing or disappearance of the traditional cultural communities, natural disaster, poverty, migration, and/or changes affecting places and/or natural resources important for the enactment or performance of the intangible cultural heritage. The Intangible Cultural Heritage Committee may at any time, in case of urgent need, make a new entry in the List of [Items of the] Intangible Cultural Heritage in Need of Urgent Safeguarding, and publicize such entry immediately.

5. Identification of items [of the intangible cultural heritage] for inclusion in the List of [Items of the] Intangible Cultural Heritage in Need of Urgent Safeguarding shall be conducted in consultation with the Scientific Committee [Committee of Experts] [and the permanent secretariat] established under this Convention.

6. Urgent safeguarding measures may include:

- (a) campaigns of public support;
- (b) replacement [recovery and/or substitution] of lost objects [connected to the intangible cultural heritage];
- (c) assistance with the restoration or rehabilitation of places and/or natural resources important for the enactment or performance of [items of the] intangible cultural heritage;
- (d) positive action, in cooperation with the States Parties concerned, to protect the moral rights and [legal entitlements] of the relevant communities; and
- (e) legal measures aimed at ensuring compliance with universally recognized standards of human rights.

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

The fact that an item [of the intangible cultural heritage] has not been included in either of the two lists mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed [as meaning] / [taken] to mean that it does not have an outstanding value for purposes other than those resulting from inclusion in these lists, nor does it in any way detract from the obligation of the State Party concerned to safeguard its intangible cultural heritage.

*Article 13 – [Assistance – Article to be coordinated with Articles 19-26]*

1. The Intangible Cultural Heritage Committee shall receive and study requests for international assistance formulated by States Parties with respect to [items of the] intangible cultural heritage developed [present] in their territories, and included or potentially suitable for inclusion in the lists mentioned in paragraphs 2 and 4 of Article 11. The purpose of these requests may be to safeguard or promote the heritage in question.



2. Requests for international assistance under paragraph 1 of this Article may also be concerned with the identification of [items of the] intangible cultural heritage, when preliminary investigations have shown that further inquiries would be justified.

3. The Intangible Cultural Heritage Committee shall, after consultation with the Scientific Committee [Committee of Experts], decide on the action to be taken with regard to such 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 Intangible Cultural Heritage Committee shall, after consultation with the Scientific Committee [Committee of Experts], determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance, for the [items of the] intangible cultural heritage requiring protection, of the need to give international assistance for the item 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 Parties [State Party] in whose territory the threatened item is developed [present], and in particular the extent to which they are [it is] able to safeguard such heritage by their [its] own means.

5. The Intangible Cultural Heritage Committee shall, after consultation with the Scientific Committee [Committee of Experts], draw up, keep up to date and publicize a list of items for which international assistance has been granted.

6. The Intangible Cultural Heritage 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 Intangible Cultural Heritage Committee shall cooperate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention as determined by the Intangible Cultural Heritage Committee. For the implementation of its programmes and projects, the Intangible Cultural Heritage Committee may call on such organizations, as well as on public and private bodies and individuals.

8. Decisions of the Intangible Cultural Heritage Committee shall be taken by a majority of two thirds of its members present and voting. A majority of the members of the Intangible Cultural Heritage Committee shall constitute a quorum.

#### *Article 14 – [UNESCO]*

1. The Intangible Cultural Heritage Committee shall be assisted by a secretariat appointed by the Director-General of UNESCO.

2. The Director-General of UNESCO, utilizing to the fullest extent possible the services [of the Committee] mentioned in Article 8 above, in their [its] respective areas of competence and capability, shall prepare the Intangible Cultural Heritage Committee's documentation and the agenda of its meetings, and shall have responsibility for the implementation of [be responsible for implementing] its decisions.

#### *Article 14 bis*

The Intangible Cultural Heritage Committee shall work in cooperation with UNESCO and the Scientific Committee [Committee of Experts] with the aim of fostering the development of one or more international non-governmental organizations that have sufficient scientific and technical expertise to act in an advisory capacity to the Intangible Cultural Heritage Committee in its deliberations.

#### **IV. INTANGIBLE CULTURAL HERITAGE FUND**

##### *Article 15 – [Nature and resources of the Intangible Cultural Heritage Fund]*

1. A fund for the safeguarding of the intangible cultural heritage of outstanding value, to be known as the Intangible Cultural Heritage Fund [hereinafter referred to as the Fund], is hereby established.
2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of UNESCO.
3. The resources of the Fund shall consist of:
  - (a) compulsory and voluntary contributions made by States Parties;
  - (b) contributions, gifts or bequests which may be made by:
    - (i) other States;
    - (ii) UNESCO, other organizations of the United Nations system, particularly the United Nations Development Programme, and other international organizations;
    - (iii) public or private bodies or individuals;
  - (c) any interest due on the resources of the Fund;
  - (d) funds raised by collections and receipts from events organized for the benefit of the Fund; and
  - (e) all other resources authorized by the Fund's regulations, as drawn up by the Intangible Cultural Heritage Committee.
4. Contributions to the Fund and other forms of assistance made available to the Intangible Cultural Heritage Committee may be used only for such purposes as the Intangible Cultural Heritage Committee shall define. The Committee may accept contributions to be used only for a certain programme or project, only to the extent [provided] that the Intangible Cultural Heritage Committee has agreed to implement such programme or project. No political, economic or other conditions may be attached to contributions made to the Fund.

##### *Article 16 – [Contributions to the Intangible Cultural Heritage Fund]*

1. Without prejudice to any supplementary voluntary contribution, the States Parties 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 Parties, shall be determined by the General Assembly of the States Parties meeting during the sessions of the General Conference of UNESCO. This determination by the General Assembly shall require 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 compulsory contribution of States Parties exceed 1% of the contribution to the regular budget of UNESCO.
2. However, each State Party 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.

[Chairman's second proposal: "Nonetheless, each State Party concerned with Article 31 or Article 32 of this Convention may, at the time of the deposit of its instrument of ratification, acceptance or accession, declare that it will contribute to the Fund established by this Convention to the extent of the amount it is capable of contributing."]

3. A State Party 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 UNESCO. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State Party until the date of the subsequent General Assembly of the States Parties.

4. In order that the Intangible Cultural Heritage Committee may be able to plan [its operations] the adoption of its measures effectively, the contributions of States Parties 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 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 Intangible Cultural Heritage Committee, although this provision shall not apply to the first election. The mandate of a State Party which is already a Member of the Intangible Cultural Heritage Committee will end at the moment of any election foreseen in Article 8, paragraph 1, of this Convention.

#### *Article 17 – [Other fund-raising methods]*

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

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

#### *Article 18 – [or added to Article 17]*

The States Parties shall lend their support to international fund-raising campaigns organized for the benefit of the intangible cultural heritage under the auspices of UNESCO. They shall facilitate fundraising undertaken for this purpose by the bodies mentioned in paragraph 3 of Article 15.

### **V. CONDITIONS AND ARRANGEMENTS FOR INTERNATIONAL ASSISTANCE** [to be coordinated with Article 13]

#### *Article 19 – [Requesting international assistance]*

Any State Party may request international assistance for [items of the] intangible cultural heritage of outstanding specific value developed [present] in its territory. It shall submit with its request such information and documentation provided for in Article 21 as it has in its possession and as may enable the Intangible Cultural Heritage Committee to come to a decision.

*Article 20 – [Granting international assistance]*

Subject to the provisions of paragraph 2 of Article 13, paragraph (c) of Article 22, and Article 23, international assistance provided for by this Convention may be granted only to [items of the] intangible cultural heritage which the Intangible Cultural Heritage Committee has decided, or may decide, to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 11. Assistance may also be granted for preparing candidature files [or for items for [to be included in] the List of [Items of the] Intangible Cultural Heritage in Need of Urgent Safeguarding].

*Article 21 – [Requirements for international assistance]*

1. The Intangible Cultural Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered, and shall specify the content of requests, including the measures contemplated, the work that is necessary, the expected cost thereof (where appropriate), the degree of urgency, and the reasons why the resources of the State Party requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts' reports wherever possible.

2. In view of the urgent work that it may be necessary to undertake immediately, certain instances may be given immediate priority consideration by the Intangible Cultural Heritage Committee, which should have a reserve fund at its disposal for such contingencies.

3. Before coming to a decision, the Intangible Cultural Heritage Committee shall carry out such studies and consultations as it deems necessary.

*Article 22 – [Forms of international assistance]*

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

- (a) studies concerning the 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 11 of this Convention;
- (b) provision of experts, technicians and skilled labour to ensure that the approved work is carried out correctly;
- (c) training of staff and specialists at all levels in the field of the [identification,] safeguarding [and promotion] of the intangible cultural heritage;
- (d) supply of equipment which the State Party 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 23 – [Title to be defined]*

The Intangible Cultural Heritage 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 the [identification,] safeguarding [and promotion] of the intangible cultural heritage.

*Article 24 – [Title to be defined]*

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 safeguarding

[and promotion] of the intangible cultural heritage, and shall be consistent with the objectives of this Convention. The studies shall also seek means [ways] of making [seek to make] rational use of the resources available in the State Party concerned.

*Article 25 – [Title to be defined]*

As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State Party 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 26 – [Title to be defined]*

The Intangible Cultural Heritage Committee and the recipient State Party shall define in the agreement they conclude the conditions under 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 Party receiving such international assistance to continue to safeguard and promote the items of the intangible cultural heritage covered by the assistance, in observance of the conditions laid down by the agreement.

## **VI. EDUCATIONAL AND AWARENESS-RAISING PROGRAMMES**

*Article 27 – [Title to be defined]*

1. The States Parties shall endeavour 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 as defined in Article 1 of this Convention.

2. The States Parties shall undertake to strengthen awareness-raising programmes, and to keep the public broadly informed of the dangers threatening such heritage and of the activities carried out in pursuance of this Convention.

*Article 28 – [Title to be defined]*

The States Parties which receive international assistance under the Convention shall take appropriate measures to make known the importance of the [items of the] [intangible cultural] heritage for which assistance has been received, and the role played by such assistance.

*Article 28 bis – [Add an article referring to “means of transmission and youth education”].*

## **VII. REPORTS**

*Article 29*

1. The States Parties shall, in the reports which they submit to the [Intangible Cultural Heritage] Committee, 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 General Conference of UNESCO.

3. The Intangible Cultural Heritage Committee shall also submit a report on its activities at each of the ordinary sessions of the General Conference of UNESCO.

## VIII. FINAL CLAUSES

### *Article 30 – [Official languages]*

This Convention is drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authentic.

### *Article 31 – [Ratification and acceptance]*

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

### *Article 32 – [Accession]*

1. This Convention shall be open to accession by all States not members of UNESCO that 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 UNESCO.

### *Article 33 – [Entry into force]*

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States that 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 Party three months after the deposit of its instrument of ratification, acceptance or accession.

### *Article 34 – [Federal or non-unitary constitutional systems]*

The following provisions shall apply to those States Parties that 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 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.

Alternative: Limitations to geographical scope:

[When ratifying, accepting, approving or acceding to this Convention, a State [or territory] may make a declaration to the Depositary that this Convention shall not be applicable to specific parts of its territory, and shall identify therein the reasons for such declaration. Such State Party shall, to the extent practicable and as quickly as possible, promote conditions under which this Convention may apply [enabling this Convention to apply] to the areas specified in its declaration, and to that end shall also withdraw its declaration in whole or in part as soon as this has been done [that has been achieved]].

*Article 35 – [Denunciation]*

1. Each State Party may denounce the 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 not affect the financial obligations of the denouncing State Party until the date on which the withdrawal takes effect.

*Article 36 – [Information on deposit]*

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 which are referred to in Article 32, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, or accession provided for in Articles 31 and 32, and of the denunciations provided for in Article 35.

*Article 37 – [Revisions]*

1. This Convention may be revised by the General Conference of UNESCO. Any such revision shall, however, bind only those States that become Parties to the revised Convention.
2. If the General Conference of UNESCO should adopt a new convention revising this Convention in whole or in part, and 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 revised convention enters into force.

*Article 38*

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 ..... session of the General Conference and of the Director-General of UNESCO, which shall be deposited in the archives of UNESCO, and certified true copies of which shall be delivered to all the States referred to in Articles 31 and 32 as well as to the United Nations.

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

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

*(Signed)*

*(Signed)*

President of the General Conference of UNESCO

Director-General of UNESCO



## ANNEX

To assist in the interpretation of the categories identified in Article 2, paragraphs 2 (a), (b), (c) and (d), the following list of examples may form part of one or more of the categories:

1. *[Forms of] oral expression:*

Performances and public expressions of poetry, history, myths, legends, and other kinds of narrative of significance for cultural communities.

2. *The performing arts:*

Performing arts in festive or ceremonial events of cultural communities involving, among other forms of expression, body language, music, drama, puppetry, songs, dances.

3. *Social practices, rituals and festive events:*

Life-cycle rituals – birth; rites of passage; wedding, divorce and funerary rituals; games and sports; kinship and ritual kinship ceremonies; settlement patterns; culinary arts; designation of status and prestige ceremonies; seasonal ceremonies; gender-specific social practices; practices relating to hunting, fishing and gathering; geonymic and patronymic nomenclature; silk culture and crafts (production [fabrication], sewing, dyeing, cloth designs); wood carving; textiles; body-art (tattooing, piercing, painting).

4. *Knowledge and practices about nature:*

Conceptions relating to the natural environment, such as temporal and spatial frameworks; agricultural activities and knowledge; ecological knowledge and practices; medical pharmacopea and therapeutic practices; cosmologies; navigational knowledge; prophecies and oracles; magical, spiritual, prophetic, cosmological and religious beliefs and practices relating to nature, oceanography, volcanology, environmental conservation [and] practices, astronomy and meteorology; metallurgical knowledge; numeral and counting systems; animal husbandry; aquaculture; food preservation, preparation, processing and fermentation; floral arts; and textile knowledge and arts.