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**ITH/08/3.COM/CONF.203/5
Paris, 9 July 2008
Original: English/French**

**UNITED NATIONS
EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION**

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

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

**Third Session
Istanbul, Turkey, 4 to 8 November 2008**

Item 5 of the Provisional Agenda: Adoption of the draft Summary Records of the second and third extraordinary sessions of the Committee

1. This document contains the draft summary records of the second extraordinary session (Sofia, Bulgaria, 18-22 February 2008) and the third extraordinary session (Paris, 16 June 2008) of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage.

2. The Committee may wish to adopt the following decision:

DRAFT DECISION 3.COM 5

The Committee,

1. Having examined document ITH/08/3.COM/CONF.203/5;
2. Adopts the summary records of the second extraordinary session and the third extraordinary session included in this document.

Summary record of the second extraordinary session of the Committee

1. The second extraordinary session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage was held at the invitation of the Bulgarian authorities and under the high patronage of the President of the Republic of Bulgaria from 18 to 22 February 2008 at the National Palace of Culture in Sofia. UNESCO thanked the authorities of the host country, the President of the Republic of Bulgaria H.E. Mr Gueorgui Pärvanov, the Ministry of Culture of Bulgaria, the Ministry of Foreign Affairs of Bulgaria and the Permanent Delegation of Bulgaria to UNESCO.

2. Delegations from 23 member states of the Intergovernmental Committee attended the meeting: Algeria, Belarus, Belgium, Bolivia, Brazil, Bulgaria, China, Estonia, France, Gabon, Hungary, India, Japan, Mali, Mexico, Nigeria, Peru, Romania, Senegal, Syrian Arab Republic, Turkey, United Arab Emirates, Viet Nam.

3. The following attended as observers:

- (a) Delegations from 27 States Parties non-members of the Committee: Albania, Azerbaijan, Cambodia, Cyprus, Croatia, Cuba, Egypt, Former Yugoslav Republic of Macedonia, Greece, Indonesia, Iran (Islamic Republic of), Italy, Kenya, Latvia, Lithuania, Luxembourg, Madagascar, Morocco, Monaco, Mongolia, Namibia, Oman, Republic of Korea, Slovakia, Tunisia, Uruguay.
- (b) Delegations from 24 States non-parties to the Convention but members of UNESCO: Andorra, Angola, Austria, Benin, Bosnia and Herzegovina, Canada, Chile, Denmark, Haiti, Kuwait, Malaysia, Montenegro, Nepal, Poland, Portugal, Russian Federation, Spain, Sudan, Sweden, Switzerland, Thailand, the United States of America.
- (c) Three intergovernmental organizations: World Bank, United Nations High Commissioner for Refugees, World Intellectual Property Organization.
- (d) 21 non-governmental organizations: Association de Nasreddin Hodja et du Tourisme, Daniel Rubin Centro de la Borbolla A.C., Centro de Estudios Borjanos, Centre UNESCO de Catalunya, Chinese Academy of Arts, Comité Colbert, International Council of Organizations for Folklore Festivals and Folk Art, Conservatorio del Patrimonio de México SC, Instituto Cultural Flavio Gutierrez, Institute of Folk Arts (Bharatiya Lok Kala Mandal), Institute of Folklore, International Council for Traditional Music, La Enciclopedia del Patrimonio Cultural Inmaterial, A.C., Maison des Cultures du Monde, Mediterranean Diet Foundation, National Endowment Fund "13 Centuries of Bulgaria", SAT Cultural Organisation, Tertulia Cultural "El Garrapiellu", Traditions pour Demain, Universidad de Vigo, World Martial Union.

4. The session was held in four languages: English and French, being the two working languages of the Committee, plus Spanish (supported by the Government of Spain) and Bulgarian (supported by the Government of Bulgaria).

5. The Intangible Cultural Heritage Section of UNESCO provided the secretariat for the meeting.

6. Members of the Bureau of the second extraordinary session of the Committee:

Chairperson: H.E. Ms Irina BOKOVA (Bulgaria)

Vice-Chairs: India, Mexico, Turkey and United Arab Emirates

Rapporteur: Ms Hortense NGUEMA OKOME (Gabon)

Abbreviations:

Committee:	Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage	Comité :	Comité intergouvernemental de sauvegarde du patrimoine culturel immatériel
GA:	General Assembly of the States Parties to the Convention for the Safeguarding of the Intangible Cultural Heritage	AG :	Assemblée générale des États parties à la Convention pour la sauvegarde du patrimoine culturel immatériel
ICH:	Intangible Cultural Heritage	PCI :	Patrimoine culturel immatériel
USL:	Urgent Safeguarding List	LSU:	Liste de sauvegarde urgente
RL:	Representative List	LR:	Liste représentative
NGO:	Non Governmental Organization	ONG:	Organisation non gouvernementale
IGO:	Intergovernmental Organization	OIG:	Organisation intergouvernementale

[Monday 18 February 2008, 10 a.m.]

ITEM 1 OF THE DRAFT AGENDA: OPENING OF THE SESSION

[Official opening ceremony]

7. The second extraordinary session opened with a ceremony presided over by H.E. Mr Georgi Pärvanov, President of the Republic of Bulgaria and Ms Françoise Rivière, Assistant Director-General for Culture, representative of the Director-General of UNESCO. Also in attendance were H.E. Professor Stefan Danaïlov, Minister of Culture of Bulgaria, Mr Todor Tchurov, Deputy Minister of Foreign Affairs, President of the Bulgarian National Commission for UNESCO, Academician Nicola Sabotinov, Vice-President of the Bulgarian Academy of Sciences, H.E. Mr Mohammed Bedjaoui, President of the General Assembly of States Parties to the 2003 Convention and H.E. Mr Olabiyi Babalola Joseph Yai, President of the Executive Board of UNESCO.

8. In his video welcome message, the Director-General of UNESCO, **Mr Koichiro Matsuura**, paid tribute to the Republic of Bulgaria for hosting the session and wished to thank the Bulgarian authorities for their warm welcome and their generous hospitality. Welcoming the efforts made by the Bulgarians – both at governmental level by the people themselves – to preserve their rich cultural heritage, he recalled that the proclamation in 2005 of Babi Bistritsa as a Masterpiece of Oral and Intangible Heritage of Humanity was a particularly timely mark of international recognition. He ended his message by wishing every success for the extraordinary session, after recalling that it was decisive in as much as it was the final stage before the second session of the General Assembly of States Parties to the Convention.

9. In his opening speech, the **President of the Republic of Bulgaria, H.E. Mr Georgi Pärvanov**, warmly welcomed the participants and representatives of different cultures from around the world to Bulgaria, a country of traditions and intercultural dialogue, in the heart of the Balkans and a natural crossroads and spiritual and geographical bridge between East and West. He was very pleased that the ICH was no longer seen as secondary and peripheral, and that the world had become aware of the riches that ancient cultures, without leaving written traces, had left in terms of their wealth, their spiritual development and cultural exchanges. He was convinced that memory was a common identity and that when a community was deprived of its beliefs and traditions it was doomed to extinction. This was why Bulgaria could see the importance of the 2003 Convention. It was essential to focus the attention of the international community on the importance of culture as part of development, the preservation of diversity and the need to transmit to future generations the wealth of heritage that had accumulated over the centuries. He believed that the Convention's most important message to the modern world was that a personality or a society that cannot be represented to others is like someone living in a house with no mirrors: they cannot see their own reflection, and are incapable of self-knowledge. And if you cannot get to know yourself, you cannot open up to others, or engage in meaningful dialogue with them. He recalled that globalization was a challenge for every nation but that it also made it possible to take the right decisions thanks to cultural exchange. He concluded by informing participants of Bulgaria's wish to establish, under the auspices of UNESCO, a Centre for the Preservation of ICH. The Centre would bring together the countries of the Black Sea, the Mediterranean and South-East Europe.

10. In his opening address, **Academician Mr Nicola Sabotinov, Vice-President of the Bulgarian Academy of Sciences**, said that he was very pleased to be taking part in the opening of the Committee's second extraordinary session and paid tribute to UNESCO for its efforts, not least in the field of culture. Recalling the tireless work of the Bulgarian Academy of Sciences in the field of intangible cultural heritage, he pointed out that a Bulgarian National Register of Intangible Cultural Heritage had been established jointly with the Ministry of Culture of Bulgaria, and that the "Living Human Treasures – Bulgaria" programme had also been launched. He paid tribute to Bulgarian researchers, who were extremely active in the areas of intangible cultural heritage in Bulgaria and in the work of UNESCO. He informed participants of the Bulgaria's intention to create

a Regional Centre for the Safeguarding of the Intangible Cultural Heritage, under the auspices of UNESCO. He concluded by wishing the Committee every success in its work.

11. **Ms Françoise Rivière, Assistant Director-General for Culture and representative of the Director-General of UNESCO**, wished to thank the Bulgarian authorities for their warm welcome, and the President of Bulgaria, H.E. Mr Georgi Pärvanov, whose presence at the opening session of the Committee was a great honour and privilege for the Committee and UNESCO. She was delighted that the session was being held in Bulgaria, which not only had long shown great interest in intangible cultural heritage, but which had also hosted the last session away from Headquarters of the General Conference of UNESCO in 1985. She then recalled the major milestones achieved since the entry into force of the Convention, focusing on the important tasks facing the Committee during this crucial session. She concluded by expressing her confidence in the commitment and competence of the Committee, which would make it possible to submit operational directives to the second session of the General Assembly in June 2008. Once these were adopted, the Convention would at last be able to come into full effect.

12. **H.E. Mr Olabiyi Babalola Joseph Yai, President of the Executive Board of UNESCO**, thanked the Bulgarian Government for the warm welcome it had given the Committee and reiterated the Executive Board's commitment safeguarding the intangible cultural heritage by following the Committee's work closely. Recalling that he had attended the first three sessions as an observer, he commended the Committee on its achievements thus far and said that they could be proud of them. He expressed his belief that intangible cultural heritage often preceded States – particularly nation-states – and outlasted them, thus obliging them to go beyond national approaches. He concluded by expressing his confidence that the provisions and operational directives that the Committee was to submit to the General Assembly at its second session would go in the right direction, and wished participants every success for the session.

13. **H.E. Mr Stefan Danailov, Minister of Culture of the Republic of Bulgaria**, warmly welcomed the participants in Sofia and was grateful to the Committee for choosing Bulgaria for the meeting, in an implicit acknowledgment of the efforts made by his country in the field of intangible heritage. He believed that the barometer of a nation's civilization was not its material wealth or the size of its cities, but the intellectual capacity of its citizens, the depth of its cultural roots and sense of cultural continuity. He concluded by saying he was convinced that the second extraordinary session would be a success.

14. **H.E. Mr Mohammed Bedjaoui, President of the First General Assembly of States Parties to the Convention**, expressed his appreciation to the Government of Bulgaria for hosting the second extraordinary session, which was particularly important in terms of finalizing the operational directives. He was also delighted to be in Bulgaria which provided an eminently suitable setting that was an expression of the commitment of its people to ancestral traditions. After giving a broad outline of Bulgaria's wealth of culture and heritage, including its intangible heritage, he said that he believed the Committee would do well to bear in mind the thirty years of experience of implementing the 1972 Convention, particularly since one could not entirely disregard the clear link between the two kinds of heritage, which were both of the same stamp, fruit of the creative genius of humankind in its desire for continuity. He concluded by quoting Ambassador Irina Bokova, who said that "peace is built through human intelligence", since it was people who created and continued to hand down humankind's cultural heritage.

[Monday 18 February 2008, 11.30 a.m.]

ITEM 2 OF THE DRAFT AGENDA: ELECTION OF THE MEMBERS OF THE BUREAU OF THE SECOND EXTRAORDINARY SESSION OF THE COMMITTEE

Document ITH/08/2.EXT.COM/CONF.201/2

Draft decision 2.EXT.COM 2

15. The **representative of the Director-General** said that Turkey was currently Chair of the Bureau, with Hungary, Mexico, India and the United Arab Emirates as Vice-Chairs and Gabon as rapporteur. She also said that the rules stated that in case of an extraordinary session, the Committee should elect a new Bureau but that there was nothing to prevent the new Bureau from being partly or wholly composed of serving Bureau members.

16. The delegation of Hungary, supported by the delegation of **Turkey**, proposed to appoint H.E. Ambassador Irina Bokova, Ambassador of Bulgaria to France and Permanent Delegate to UNESCO, as Chair of the extraordinary session. The Chairperson was elected by acclamation.

17. The delegation of **Hungary** then proposed to withdraw from the vice-presidency, being in the same electoral group as Bulgaria, in order to be replaced by Turkey.

18. The **representative of the Director-General** said that the elected rapporteur was not a member of the Gabonese delegation to the extraordinary session and that a new proposal was therefore necessary.

19. The delegation of **Gabon** nominated Ms Hortense Okome Nguema (Gabon) to serve as rapporteur for the session.

20. The Committee thus elected, unanimously and by acclamation, the Bureau of its second extraordinary session and appointed H.E. Ambassador Irina Bokova (Bulgaria, Group II) Chairperson, and Ms Hortense Okome Nguema (Gabon, Group V (a)) Rapporteur. The United Arab Emirates (Group V (b)), India (Group IV), Mexico (Group III) and Turkey (Group I) were elected and confirmed as Vice-Chairs.

21. The **Chairperson**, after thanking Committee members, in particular the delegations of Hungary and Turkey, for electing her, reiterated the importance of the extraordinary session, which would be the Committee's last session before the second session of the General Assembly of States Parties to the Convention in June 2008. She called on the Committee to finalize the operational directives needed for the Convention to come into effect after the next General Assembly.

ITEM 3 OF THE PROVISIONAL AGENDA: ADOPTION OF THE AGENDA

Document ITH/08/2.EXT.COM/CONF.201/3

Draft decision 2.EXT.COM 3

22. In view of the very ambitious agenda, the delegation of **Brazil**, supported by the delegations of **India** and **Japan**, said that priority should be given to finalizing the draft decisions for the General Assembly in accordance with the mandate of the extraordinary session as defined in Tokyo, and asked for items 10, 12 and 13 to be deferred until the next session of the Committee.

23. The delegations of **France, Algeria, Belgium, Romania, Nigeria** and **China** proposed to place these items at the end of the agenda and to discuss them if time allowed, but stressed that the Committee did not have sufficient information for a proper discussion of those items on the day of the extraordinary session.

24. The delegation of **Brazil** agreed to support the proposal and stressed once again that the Committee was meeting in extraordinary session and that the decision on its agenda and items for discussion had been taken at an ordinary session.

25. The **representative of the Director-General** noted that there was unanimity with regard to placing items 10, 12 and 13 at the end of the agenda. She agreed that the purpose of this extraordinary session was to finalize the operational directives for submission to the next General Assembly. She also pointed out that at the ordinary session in Tokyo the Committee had given a very vague mandate for the extraordinary session. Nevertheless, the Committee had been tasked with choosing an emblem at its second session. It was, however, one thing to select an emblem, quite another to have rules for its use. Since only the General Assembly could decide the rules for using it, draft operational directives would have to be submitted for this purpose. If the General Assembly, at its June 2008 session, did not decide on the rules for using the emblem, it could not be used until 2010, even if the emblem had been chosen. This was the reasoning that had been followed when setting the agenda.

26. The **Chairperson** declared the agenda adopted as amended, with items 10, 12 and 13 placed at the end.

ITEM 4 OF THE AGENDA: ADOPTION OF THE DRAFT SUMMARY RECORD OF THE SECOND SESSION OF THE COMMITTEE

Document ITH/08/2.EXT.COM/CONF.201/4
Draft decision 2.EXT.COM 4

27. The summary record of the second session in Tokyo was adopted as it stood. The errors indicated would be corrected by the Secretariat.

ITEM 5 OF THE AGENDA: ADMISSION OF OBSERVERS

Document ITH/08/2.EXT.COM/CONF.201/5 Rev
Draft decision 2.EXT.COM 5

28. The **Chairperson** said that the document dealt with the admission of observers to this extraordinary session, in accordance with Decision 2.COM 4, adopted in Tokyo. The issue of admission of observers at future sessions would be addressed under item 15 of the agenda.

29. The **Secretary of the Convention, Mr Rieks Smeets**, explained that following the instructions that the Committee had given at its second session in Tokyo, the Secretariat had invited the United Nations secretariat and the organizations of the United Nations system to attend the extraordinary session. Two organizations had responded favourably. Invitations had also been sent to all States Parties to the Convention. All UNESCO Member States had been informed of the meeting. He then reminded the Committee that its Tokyo decision had called on States Parties to the Convention to provide the Secretariat with the names of NGOs and non-profit institutions that might wish to attend the extraordinary session as observers. The names had been compiled and the list was available under ITH/08/2.EXT.COM/CONF.201/INF.3 Rev. He told the Committee that the Turkish Chairperson had authorized the Director-General to invite all those organizations.

30. The delegation of **India**, supported by the delegations of **Hungary, China, Nigeria and Algeria**, said it was very pleased that, thanks to the efforts made by the Committee in the past, there were more NGOs in developing countries. However, the list showed that the situation was still unsatisfactory, given the absence of NGOs from Africa and Arab countries and the gross under-representation of NGOs from Latin America and Asia.

31. The delegation of **Bolivia** stressed the need for communities to be able to participate with some accepted degree of influence. It said that Bolivia could not send a list of NGOs if it did not know how communities could be involved in decision-making. It was important to establish mechanisms to engage communities in the decision-making process.

32. The delegation of **India**, supported by the delegations of **Algeria, Gabon and Mexico** had the impression that it was not possible to recommend NGOs from other countries. It stressed that

the Tokyo decision was very clear and that, given this transitional phase, it had been decided that the States Parties would provide the names of their own NGOs and that once they had been invited by the Director-General those NGOs would be asked to respond in writing. It insisted that there had never been any question of a State Party recommending an NGO located on the territory of another state and it asked for its statement to be recorded in the summary record.

33. The **Secretary of the Convention** said that the Secretariat had noted all the proposals received from the States Parties and that in two cases it had received proposals for NGOs that were based in a different country from the one that was recommending them. He informed the Committee that the Committee's decision said nothing about these cases but that the Secretariat had remembered a discussion held in Chengdu, which provided for such a possibility.

34. In application of paragraphs 3, 4 and 5 of Decision 2.COM 4, two organizations of the United Nations system attended the session as observers. Also admitted as observers were 26 States non parties to the Convention but Member States of UNESCO or of the United Nations, two intergovernmental organizations and 25 non-governmental organizations and non-profit-making institutions active in the fields covered by the Convention, as set out in Decision 2.EXT.COM 5.

[Monday 18 February 2008, 3 p.m.]

ITEM 6 OF THE AGENDA: DRAFT OPERATIONAL DIRECTIVES ON THE INVOLVEMENT OF COMMUNITIES AND THEIR REPRESENTATIVES, EXPERTS, CENTRES OF EXPERTISE AND RESEARCH INSTITUTES IN THE IMPLEMENTATION OF THE CONVENTION

Document ITH/08/2.EXT.COM/CONF.201/6
ITH/08/2.EXT.COM/CONF.201/INF. 4
Draft decision 2.EXT.COM 6

35. The **representative of the Director-General** recalled that at its second ordinary session in Tokyo, the Committee had decided, in Decision 2.COM 8, to set up a subsidiary body to prepare a document for its second extraordinary session on the possible modalities for the participation of communities or their representatives, practitioners, experts, centres of expertise and research institutes in the implementation of the Convention, on the basis of comments provided by States Parties. She informed the Committee that 16 States Parties had sent their comments to the Secretariat, which had been made available on the website of the Convention in their original languages and formats. The subsidiary body, composed of the delegations of Algeria, Belgium, Japan, Peru, Romania and Senegal, had met three times. After a first meeting on 7 November 2007 at UNESCO Headquarters in Paris, France, for the election of its Bureau, the subsidiary body had held its first substantive meeting in Bucharest, Romania, on 15 December 2007, at the kind invitation of the Government of Romania, and a second meeting in Vitré, France, on 28-30 January 2008, generously supported by the Government of France. That meeting had received the support of an expert meeting (28-29 January 2008) also held in Vitré, France, and also supported by the Government of France. The Operational Directives were presented in an annex to Decision 2.EXT.COM 6, as they had been drawn up by the subsidiary body, not by the Secretariat. She further recalled that document INF.4 included the reports of the sessions of the subsidiary body held in Romania and in France. That document should be read together with document ITH/08/2.EXT.COM/CONF.201/6. She also drew attention to the draft operational directives and a preamble reproduced in the report of the meeting held in Vitré (in document INF.4). She indicated that some of the delegations had wished the preamble not only to appear in the report of the Rapporteur, but also in the Operational Directives. That decision, including whether the preamble should appear at the beginning of the Operational Directives or at the beginning of the part of the Operational Directives dealing with that subject, needed to be taken by the Committee.

36. The **Chairman of the subsidiary body** explained that the nature, status and role of communities, research institutes and centres of expertise had been clarified. The subsidiary body was able to involve local, national and international contributions and had also considered the

contribution of the researchers present at Vitré. That made it possible to identify the principles for involvement both of communities and of institutions, as well as the mechanisms and approaches for such involvement. He concluded by expressing his gratitude to Romania and France for their efforts, and to the members of the body, the UNESCO Secretariat, the research institutes and centres of expertise, as well as the States Parties that had not been present, for their written comments on the subject.

37. The delegation of **Estonia** commended the subsidiary body for its serious and efficient work discussing the issue of communities, supported by the countries that had submitted their written comments. The draft operational directives offered a very clear direction indicating how research institutes would carry out their work, and how they would work in line with the Convention as intermediaries between communities and the States Parties. It regretted, however, that the role and the participation of communities was missing.

38. The **Chairman of the subsidiary body** confirmed that communities were at the heart of the Convention, and noted that they were taken into account as far as possible in the draft operational directives, recalling that a global vision needed to be borne in mind. In the rest of the operational directives, the involvement of communities in the shared heritage, and the responsibility of States Parties to involve communities in all stages of implementation and decision-making would appear clearly.

39. The delegation of **Brazil** strongly supported the delegation of **Estonia**, noting that in the document that had been sent to the Secretariat, the ambiguity of the term community was stressed. It was of vital importance that communities truly participate in the implementation of the Convention, and the definition of that actor in the process presented the greatest challenge, as the diversity of such actors entailed a corresponding diversity of solutions. It should be reflected in the document that States Parties had a big responsibility in making the means available to communities to be able to participate in dialogue and communication between them and public authorities, scientific communities, centres of expertise and international bodies. Countries should familiarize themselves with the experiences of other countries as regards inventories, lists, programmes, projects and activities.

40. The delegation of **Romania** stressed that the subsidiary body took into account the involvement of communities, referring to Annex II adopted in Bucharest containing one and a half pages of proposals about the involvement of communities, representatives and practitioners.

41. The delegation of **Bulgaria** recalled that half of the paragraphs of the draft operational directives dealt directly with the need for the involvement of groups, communities and individuals, where applicable, in the implementation of the Convention. It also recalled that the different points under paragraph 2 referred to the participation of different actors. It further suggested that the proposal made by the delegation of Brazil could be a second step in the procedure to involve communities in the implementation of the Convention, and that a list of best practices could be distributed in future.

42. The delegation of **Belarus** stressed the need to define more closely the responsibility of States Parties to facilitate the involvement of communities, groups and, if applicable, individuals in the process of safeguarding their intangible cultural heritage. It proposed to replace the words States Parties “are encouraged to create” with States Parties “should create”, in conformity with the language of the Convention. It further requested the subsidiary body to define more clearly the role of centres of expertise and research institutes.

43. The delegation of **Algeria** emphasized that the position taken in Vitré by the subsidiary body as regards the involvement of communities, research institutes and centres of expertise was carefully balanced, the proposals and comments of States Parties had been taken on board, and the thinking in Vitré had been restated in the preamble, reflecting the importance of the communities that created intangible heritage.

44. The delegations of **China** and **Turkey** proposed replacing in the title the word “involvement” with “participation”, and in paragraph 1 “allow” with “facilitate”, in order to respect the language of the Convention.

45. The delegations of **India** and **Mali** recalled that the intangible heritage was very different in different parts of the world, and that it was difficult to find a common denominator. It therefore proposed using “shall” instead of “encourages” in paragraph 1. It also requested an explanation from the drafters on the meaning of “elements” in paragraph 2.

46. The delegation of **Peru** observed that the present document was an accurate reflection of what had been said by Member States, especially about the involvement of communities in the implementation of the Convention. It also recalled that during the Vitré meeting it had been suggested to put in place an advisory body to work with communities and research centres, as specified under Article 9 of the Convention. That suggestion had not been retained in the document, as it would have constituted a “rewriting of the Convention” according to the Legal Adviser of UNESCO. Therefore, in paragraph 5, reference was made to “forums for encounter”. It proposed moreover that the preamble should be incorporated in the operational directives, and stressed the importance of continuing reflection.

47. The delegation of **Viet Nam** remarked that the first paragraph of the Annex indicated a strategic direction as well as a requirement for States Parties to implement the Convention. Referring to paragraph 1, it insisted that it was the responsibility of States Parties to enable the involvement of communities and intergovernmental bodies to make appropriate policies and measures to ensure the involvement of the above-mentioned actors in the implementation of the Convention. As far as paragraph 2 was concerned, it proposed the establishment of one or more multi-party advisory bodies as a focal point responsible for activities. Its composition would be flexible, depending on the domains and lists. International experts of States Parties could also be invited for their advice.

48. The delegation of **Estonia** expressed its appreciation of the work of the subsidiary body, but called for some improvements without changing the whole document. It also supported the delegation of China’s proposal to replace “involvement” with “participation” in the title and in paragraph 1. As far as communities were concerned, they should not be placed under a single heading, and different approaches should be taken.

49. The delegation of **Luxembourg (Observer)** indicated that the tasks listed in paragraph 2 for consultative bodies fell within the remit of National Commissions; if not there would be a duplication of tasks or even a transfer of their competence. It therefore proposed an amendment, adding “in cooperation with National Commissions”.

50. The delegation of **Italy (Observer)**, while thanking the subsidiary body for its work, supported the suggesting of the delegation of Estonia that the reference to the involvement of communities could be improved in the draft operational directives, and that the preamble should be placed at the beginning of the operational directives. It further proposed to delete the last two paragraphs of the preamble.

51. The **Chairperson** acknowledged the general consensus on the need for a more explicit reference to the involvement of communities, practitioners, etc. She considered that the Committee would gain some experience in this area, as could also be seen in the experience of the 1972 Convention, which was still subject to improvement. The most important task was now to make the Convention operational. She suggested proceeding by including the preamble in the operational directives and working paragraph by paragraph. **The representative of the Director-General** suggested taking out the last paragraph, of a more technical nature. The delegation of India concurred with that proposal, and also proposed deleting the penultimate paragraph of the preamble.

[Preamble]

52. The delegation of **Brazil** said that it did not understand how intangible cultural heritage reflected biodiversity, and requested an explanation on the intention in that connection. Biodiversity might have an effect on the intangible cultural heritage, but the delegation did not see the direct link, and wondered whether it was the environment as a whole that influenced the formation of intangible cultural heritage. The delegation of **Senegal** replied by explaining that the main concern was the involvement of communities, going beyond the environment, as the matter also involved the mineral world, the plant world, the spiritual world, etc. It was a matter of appreciation: if some people felt that the notion of cultural diversity alone ought to be a priority with regard to research that was not a problem. The notion of diversity reflected in the intangible cultural heritage was a reality.

53. The delegation of **Peru** disagreed on withdrawing the penultimate paragraph of the preamble, as suggested by the representative of the Director-General and supported by the delegation of India, as it should be clear that reflection would be continued even if there was a recommendation. As far as biodiversity or biological diversity was concerned, the intention was to indicate that intangible cultural heritage and cultural diversity were closely interlinked with the environment and with biological diversity. It therefore urged that the initial wording be retained, supporting the suggestion of the delegation of Senegal that there was no intangible cultural heritage if there was no biodiversity. In that regard, the **Chairperson** proposed changing “biodiversity” to “biological diversity”.

54. The delegation of **Brazil** said that it had no doubt that cultural diversity was reflected in the intangible cultural heritage, but wondered whether the environment and biodiversity were reflected as such in the intangible cultural heritage, and reiterated that it did not see a direct linkage.

55. The **Chairperson** asked the delegation of Senegal if it agreed to take out the notion of biodiversity in paragraph 1, if acceptable to the Committee. The delegation of China, supported by the delegation of **Belgium**, proposed to put paragraph 1 in the chapeau of the compilation of operational directives, as it referred to a broader context. The delegation of **India** proposed instead to put in paragraph 1 the words “reflects the cultural diversity of humanity, and is *interlinked* with the biodiversity of the planet” reflecting the way the delegation of Senegal had explained the link. The delegation of **France** proposed the words “pays witness to” instead of “reflects” in paragraph 1.

56. The delegation of **Brazil** recognized that the intervention of the delegation of India was positive, distinguishing the nature of the relationship between cultural diversity and biodiversity. It also welcomed the suggestions made by the delegation of France to improve the text. The **Chairperson** suggested adopting paragraph 1 with the proposals of the delegation of France and the delegation of India.

57. The delegation of **Estonia** endorsed the suggestions made by the delegation of Peru to keep paragraph 5 and supported the amendment to paragraph 1. The **Chairperson** said that paragraph 5 had still not been discussed, and proposed to adopt paragraph 1. The delegation of **Senegal** agreed with the delegations of India and France that the intangible cultural heritage bearing witness to biodiversity was in harmony with the thinking of the subsidiary body, and therefore deemed it necessary to retain the reference to biodiversity. The **Chairperson** said that the paragraph underscored that communities, groups and individuals were at the heart of the Convention.

58. The delegation of **India** said that “biodiversity” was the correct word to be used in paragraph 1 and not “biological diversity”. The delegation of **Brazil**, supported by the delegation of Gabon, agreed to use “biodiversity”, but said that the correct word was “biological diversity”. It recalled that the name was the “Convention on Biological Diversity”, which reflected the right word to be used.

59. The **Legal Adviser** confirmed that the Convention was called “the Convention on Biological Diversity”. In the context of the Convention, there were a large number of non-binding ethical principles; the essence was the link between the intangible cultural heritage and biodiversity. He agreed with what had been suggested by the delegation of India. The **Chairperson** proposed to keep “biodiversity” and to go on to paragraph 2.

60. The delegation of **Bulgaria** supported the delegation of Brazil as far as paragraph 2 was concerned, and recalled that “create, maintain and transmit” were already in the draft.

61. The delegation of **Algeria** supported the delegation of Bulgaria, and indicated that promotion, safeguarding and transmission were at the core of the intangible cultural heritage, but that the use of those terms was not needed. It suggested retaining the draft as it stood, speaking only about the “intangible cultural heritage”, as that also covered the issues of safeguarding, transmission and promotion. Using only safeguarding could be quite limiting.

62. The **Chairperson** declared paragraph 2 adopted as amended.

63. The delegation of **Brazil** requested some explanations regarding paragraph 3, and more specifically on the meaning of the phrases “creations of the spirit” and “indispensable to their comprehension, intelligence and empathy”. It suggested redrafting paragraph 3, as it was formulated in a more Western way of speaking; there was much symbolism in other cultures, and in order to show that the paragraph should be entirely reworded.

64. The delegation of **Senegal** said that all of those concepts referred back to the communities that produced that heritage. It deemed that study and research for an appropriate understanding of the intangible cultural heritage were needed, and proposed replacing the words “creations of the spirit” with “intellectual works”.

65. The delegation of **Algeria** said that “creations of the spirit” were subject to study, and that scientific research would be carried out on expressions and manifestations of the intangible cultural heritage.

66. The delegation of **India** suggested a new drafting of the paragraph, replacing “creations of the spirit” with “intellectual creations”. That proposal was supported by the delegations of **Algeria** and **France**, who said that knowledge could not be the work of the spirit, but only that of the mind.

67. The delegation of **India** said that it was difficult to keep the last sentence of the paragraph because it had implications that could only be considered in a holistic manner in the operational directives. If the sentence was not deleted, the delegation of India preferred the whole paragraph to be deleted. The delegation of **Senegal** recognized the progressive thinking of the delegation of India, and suggested the following wording: “Considering that knowledge relating to expressions, practices and manifestations of the intangible cultural heritage are intellectual creations indispensable for their comprehension, intelligence and empathy, the study and scientific research ...”, retaining the rest of the sentence. The delegation of **France** supported the proposal of the delegation of **Senegal**, but proposed to add “and that” before “scientific research”, etc. The delegation of Senegal accepted that amendment.

68. The delegation of **Gabon** thanked the delegation of Algeria for its clarifications, and suggested using the words “*émanation de l'esprit*.” It did not support the proposal made by the delegation of India to have “intellectual creations” instead of “the creation of knowledge”, and proposed deleting “intelligence and empathy”, or only “intelligence” if “empathy” was needed. The **Chairperson** said that part of the problem was that “creations” in English and “*créations*” in French did not have the same meaning.

69. The delegation of **Brazil** did not understand the words “indispensable to their comprehension, intelligence and empathy”, and asked from whose perspective that was produced.

The problem was that of a wider understanding of those that were not the bearers and producers, looking at the society as a whole and going beyond the community. After “comprehension, intelligence and empathy”, who was the subject? The **Chairperson** recognized that it was a difficult paragraph, and proposed that the subsidiary body should consult the delegations to come up with a revised text. The delegation of France said that there was almost a solution taking into account the proposal of the delegation of Brazil, “empathy for the public at large”.

70. The delegation of **India** understood that the word “interculturality” had a lot of significance in Latin America, and recalled that a huge debate had taken place during the negotiations on the cultural diversity convention, as English-speaking people did not understand what the context was and how it was relevant for cultural diversity. In the context of the intangible cultural heritage, the word had never been used. In the context of cultural diversity, it was about the diversity of the flow in the mingling of the people in Latin America at a particular time in colonial history, but the delegation did not understand how it applied in the preamble to the operational directives.

71. The delegation of **Hungary** endorsed the amendments proposed, but asked not to use the word “understanding” twice in the same paragraph, and supported the amendment proposed by the delegation of France “between peoples”.

72. The **Chairperson** said that the idea of interculturality was that of intercultural exchange and understanding among peoples, and proposed replacing “interculturality” with “cultural exchange”. The delegation of **Senegal**, in response to that of India, indicated that “interculturalité” in French meant encounters and exchanges among cultures. The delegation of **Hungary** proposed replacing “understanding” by “harmony”. The delegation of **Algeria** concurred with the delegations of Senegal and Hungary to use “cultural exchange”, and “harmony” instead of “understanding”.

73. The **Chairperson** declared paragraphs 3 and 4 adopted as amended.

74. The delegation of **India** requested clarification of the meaning of “socialization”. The delegation of **Senegal** replied that there was a great diversity of intangible cultural heritage in countries which felt the need to share best practices as broadly as possible within society. The delegation of **India** proposed replacing “socialization” with “sharing”. The **Chairperson** endorsed that proposal. The delegation of **Bolivia** stressed that knowledge and dialogue were key in policies in Bolivia, and supported the delegation of Peru on the importance of continuing reflection. It therefore proposed using in paragraph 4 of the preamble the words “considering that knowledge, dialogue and dissemination are a bridge which enables cultural exchange”. The **Chairperson** said that paragraph 4 had already been adopted. The delegation of Estonia stressed that the word “socialization” existed in English, and should be kept. The **Chairperson** asked the delegation of **Estonia** if “socialization” could be replaced by “sharing” as there was a strong objection from India on keeping it. The delegation of **Estonia** recalled that “sharing” and “socialization” had different meanings. The delegation of **France** supported the delegation of Estonia, but recalled that the delegation of Hungary had pointed out that “people” appeared twice, and proposed to replace it the second time by “human beings”.

75. The delegation of **China** suggested using “for harmony and peace among human beings” instead of “the establishment of peace” among peoples. The **Chairperson** agreed with the delegation of China. The delegation of **Hungary** supported the suggestion of the delegation of China, while the delegation of **Peru** endorsed the position of the delegations of France and Estonia, underlining that socialization had a fuller and more complex meaning than sharing, and should be retained. Concerning paragraph 2, it thought that the majority opinion was to retain the “question” of the intangible cultural heritage, covering all the aspects of the Convention, whereas “safeguarding” was more limiting.

76. The **Chairperson** remarked that there still existed a misunderstanding of the word “socialization” between the scientific group among the delegations who would like to keep the word and the other delegates who think that the word is not easily understood for the general public. The

delegation of **Algeria** agreed that the word "socialization" has a very specific meaning as the delegation of **Senegal** and the delegation of **Estonia** explained. It supported the view of the delegation of **Peru** as regards paragraph 2 to keep the word "question". The delegation of **India** said that it was not aware of the existence of the word "socialization", and insisted that there was a need for a broader understanding. It therefore suggested using for example "intra community dialogue" or "dialogue within communities." The delegation of **Hungary** suggested that the delegations of Estonia and India find a solution by the next morning. The **Chairperson** suggested keeping "dialogue between communities". The delegation of **Estonia** noted that "sharing" would be closer to "socialization" than "dialogue" would be, and proposed using "sharing" in English and "partager" in French.

77. The **Chairperson** declared paragraph 5 adopted as amended.

[Tuesday 19 February 2008, 10.13 a.m.]

ITEM 6 OF THE AGENDA (cont.): DRAFT OPERATIONAL DIRECTIVES ON THE INVOLVEMENT OF COMMUNITIES AND THEIR REPRESENTATIVES, EXPERTS, CENTRES OF EXPERTISE AND RESEARCH INSTITUTES IN THE IMPLEMENTATION OF THE CONVENTION

Document ITH/08/2.EXT.COM/CONF.201/6

Draft decision 2.EXT.COM 6

[Operational directives]

Paragraph 1

78. Adopted as it stood.

Paragraph 2

79. The delegation of **Mexico**, supported by the delegations of **Senegal, Gabon, Belarus, Estonia, Romania, Bulgaria, Algeria, Belgium** and **Brazil**, wanted to stay as close as possible to the Convention. It felt that it was important that the third bullet point should not just mention the process of developing programmes, projects and activities, but also their implementation. The entire process would thus be covered.

80. Referring to the first bullet point and the term "elements", the delegation of India said that a State Party, individually, could work on a wide range of elements on its territory. However, since it was much more difficult to find a common denominator for the "elements" of tangible and intangible heritage, it called for "element" to be replaced with a term that was easier to understand.

81. The **President** said that the terms "éléments" and "items" had already been the subject of lengthy debate when drafting the Convention. The Secretary of the Convention pointed out that the Convention used the term "items" in English and "éléments" in French. In French, there was only one word: "éléments". Thus far, the term "elements" had been used in the operational directives. Some States used "properties" ("biens" in French) but "practices" and "expressions" were often used, too.

82. The delegation of **Belgium** preferred to keep the term "elements", following the terminology of the Convention. The delegation of France referred to paragraph 108 of the minutes from Tokyo, which stated that the Intergovernmental Committee had already wasted a lot of time debating the issue of "elements" and that it was not a good idea to continue to pursue the matter. Believing that they would be unable to find a better term, it suggested leaving it at that and continuing with the discussion of the operational directives.

83. The delegation of **Brazil**, supported by that of **Estonia**, requested that the term “definition of the different elements of intangible cultural heritage” be replaced in paragraph 2 with “documentation of the different elements of intangible cultural heritage.” This suggestion did not meet with the agreement of the delegation of Gabon, which felt that “definition” had a much more specific connotation, or of Belgium, which pointed out that section 11 (b) of the Convention referred to identification and definition, and advised staying as close as possible to the text of the Convention.

84. The delegation of **Belarus** preferred to speak of identifying the individual elements of intangible cultural heritage, arguing that a more general expression was more appropriate. It also stressed the responsibility that States Parties had to establish a system or a coordination mechanism for safeguarding intangible cultural heritage and preferred to use the word SHALL in English, which it felt was more forceful.

85. The delegation of **India**, supported by the delegations of **Algeria** and **Belgium**, did not agree with this proposal as they felt that “shall” was too much of an imperative and that a sovereign state could not accept such an imposition for the creation of bodies of that type. It was therefore necessary to stick to a term that encouraged rather than imposed.

86. The delegation of **Bulgaria**, supported by the delegation of **Algeria**, wondered whether “documentation” was relevant in a paragraph dealing with coordination mechanisms at national level. It felt that at that stage documentation remained the prerogative of research centres. The communities were therefore more an object of documentation than a partner in it. Consequently, it was against changing the term “definition” in order to avoid changing the whole meaning of the bullet point.

87. The delegation of **Brazil** expressed its disagreement with an expression that implied that communities, groups and, in some cases, individuals were OBJECTS. It believed that communities were SUBJECTS. The term “definition” was therefore not appropriate in the point, but it did have to admit that it was used in the Convention. The definition was made by the communities and it was they who defined intangible cultural heritage. The delegation did, however, join the consensus that the text should be left as framed by the Convention. The delegation of Estonia supported that of Brazil, stressing the need to keep communities at the heart of what was understood by safeguarding.

88. The **Chairperson** then declared paragraph 2 adopted as amended.

Paragraph 3

89. The delegation of **Kenya (observer)** was not in favour of giving States and other authorities the leading role as it believed that communities had a history in terms of ICH and that it was therefore appropriate to work with them. The delegation regretted the tendency of development agencies to give instructions to communities rather than listen to them. Recalling that some cultural expressions were intrinsic to communities and that those communities were strongly attached to them, it suggested creating a climate in which communities could take a leading role in sharing information with others.

[The Chairperson handed over to the Vice-Chair, Mexico]

90. The delegation of **Peru**, supported by the delegation of **France**, considered it was especially important to raise the awareness of those communities that did not fully realize the importance and value of their ICH.

91. The delegation of **Syria**, supported by the delegations of **France** and **Algeria**, said it was uncomfortable with the wording of the paragraph and proposed a wording calling on States Parties

to take the measures needed to raise the awareness of the communities etc. of the importance and value of their ICH

92. Noting the general agreement on the proposal, the **Chairperson** proceeded with the adoption of paragraph 3 as amended.

Paragraph 4

93. The delegation of **Brazil** questioned the usefulness of this paragraph, as it merely reiterated the Convention. It felt that a specific proposal should be added to give practical effect to the provisions of the Convention.

94. The delegation of **Algeria**, supported by the delegation of **Madagascar (observer)** pointed out that it reaffirmed the general principle contained in the Convention. It was convinced that communities needed the State for funding, organization, information, dissemination of information and as a facilitator for meetings etc. To achieve this, the wording of the paragraph needed to be very general, giving each State the freedom it needed to organize its own arrangements

95. Paragraph 4 was adopted as it stood.

Paragraph 5

96. The delegation of **India** pointed out that when the Indian legal authorities had examined the operational directives, they had found that paragraphs 5 and 11 in particular referred to international cooperation and should therefore be merged. Replying to the delegation of **Mexico**, which, supported by that of **Peru**, had wanted to clarify the national, regional and international nature of such forums, the delegation of India was unable to support the proposal, arguing that the establishment of an international forum was the prerogative of States Parties.

97. The delegation of **Brazil**, supported by the delegation of **China**, said that when reading the paragraph as drafted it had the impression that those invited to the sessions of the Intergovernmental Committee would be able to discuss non-agenda matters with the Committee. In other words, during Committee sessions, space would be set aside for dialogue with guests. Consequently, in order to avoid any misinterpretation, particularly with regard to Article 8.4 of the Convention, it called for the paragraph referring to creating forums for encounters to be deleted because those invited would attend the Committee's sessions and, where appropriate, take part in the discussions if requested to do so.

98. The **Chairperson**, recognizing a disagreement of substance on this paragraph, recalled the importance of giving the Committee the opportunity to invite players to discuss a particular issue that did not necessarily fall within the scope of implementation of Article 8.4 of the Convention.

99. The delegation of **India** said that there had already been a discussion of this item and that it had been stated clearly that the aim was to create an interactive dialogue with genuine practitioners so that they could be consulted, as appropriate, when the Committee needed their input on important issues. It agreed with Brazil that the Intergovernmental Committee needed to give practical significance to the Convention in order to make it effective, exploit it to the full and involve practitioners so that advice would not always come from the same quarters, as was the case with other Conventions. It suggested that the Intergovernmental Committee should invite them to engage in an interactive dialogue, where appropriate, and that the dialogue could take place within the Committee, at national level, or within the communities.

100. The delegation of **Belgium** said that the proposal was based on best practice at WIPO, which had set up forums alongside official meetings, thereby creating a mechanism for involving communities in the sessions and giving them the opportunity to speak between meetings and on the sidelines of meetings so that they could air their views.

101. The delegation of **Algeria** said that the subsidiary body's aim was to bring certain provisions of the Convention into operation whilst ensuring that they were still consistent with it. It was thus a practical arrangement for implementing Article 8.4. The idea behind the provision was to create meetings between the players, enabling stakeholders and the Committee to engage and establish interactive dialogue.

102. The delegation of **Brazil** noted that the Intergovernmental Committee was able to organise forums for encounters without any need for explanation. The Committee could also follow the example of other IGOs such as WIPO, as mentioned by **Belgium**. It preferred, however, for the paragraph to confine itself to encouraging or promoting participation.

103. The delegation of **Japan** then proposed to draft paragraph 5 as follows: "Within the limit of available resources, the Committee is encouraged to create an interactive dialogue when inviting communities, groups and, where applicable, individuals in order to consult them in conformity with Article 8.4 of the Convention." This was so that it would be quite clear that the Committee had wanted to specify Article 8.4.

104. The delegation of **India** expressed its disagreement with the Japanese proposal, which it believed contained two major changes that involved substantial amendment to the provision of Article 8.4. Recalling that, since the Committee's session in Tokyo, the emphasis had been on the need for the Intergovernmental Committee to promote intercultural dialogue, the time had come to provide the means for that dialogue to take place, and asked Japan to withdraw its proposal.

105. The delegation of **Peru** supported the Indian proposal and voted against the proposal from Japan. It was best to keep the idea that the Committee invited players to its sessions and it was important to specify the forum to which communities and research centres would be invited. It expressed its support for the original wording.

106. Believing that consultation could take various forms, including dialogue, the delegation of **China** suggested the following wording: "Within the limit of available resources, the Committee may invite communities, groups and, where applicable, individuals, as well as experts, centres of expertise and research institutes, to its sessions in order to maintain an interactive dialogue and to consult them on any specific matter, in conformity with Article 8.4 of the Convention." The delegations of Brazil and India said that they agreed with that wording, as did the delegation of Peru, despite the fact that it would have preferred to keep the imperative mood.

107. The **Legal Adviser** considered that the word "may" was consistent with the text of the Convention. That did not mean that the Committee was under no obligation to fulfil the objectives of the Convention. In order to avoid any conflict with other texts of the Convention, and especially since there was a general consensus on the issue, it was best not to insert sentences that might undermine the autonomy of the Committee in the text of the directives. A wording that gave the Intergovernmental Committee the opportunity to invite other players was consistent with the spirit of its rules and its prerogatives.

108. Having heard the legal advice and wishing to advance the proceedings, the delegation of **Peru** withdrew its proposal.

109. The delegation of **Gabon** was not against the Chinese proposal, but it had a problem with the inversion, as it highlighted interactive dialogue instead of consultation, which was at the heart of Article 8.4. In addition, it considered that the limitation implied by "available resources" was essentially a problem for the countries of the south. It asked the Legal Adviser whether this provision betrayed the spirit of Article 8.4.

110. The **Chairperson** said that there was no conflict because it was stated clearly that the interactive dialogue was to take place in the context of Article 8.4. Consequently, in order to make the whole process clear, he asked for the minutes of the meeting to spell out the Committee's

reasoning. He then asked Gabon to join the consensus in order to move forward. He noted that there was no opposition to the adoption of the proposal of the delegations of China, Brazil and India, or to that of Japan, which had asked to replace "sessions" with "meetings".

111. The **Chairperson** then proceeded with the adoption of paragraph 5 as amended.

[H.E. Ms Bokova returned to chair the session]

Paragraph 6

112. Adopted as it stood.

Paragraph 7

113. The delegation of **Estonia**, supported by the delegations of **Brazil, Hungary** and **Peru**, wished to add networking among communities, groups and, where appropriate, individuals to exchange experiences in this field.

114. The delegation of **Bulgaria** wondered how, on a practical level, networks of communities could be created. The delegation of **France** raised questions about networks of individuals. The delegation of **Peru** considered that communities included groups and individuals. Nevertheless, the Committee was also referring to individuals in the networks of centres of expertise and research institutes. It was flexible with regard to the issue of keeping the reference to groups and individuals.

115. The **Legal Adviser** recalled that paragraph 7 was a recommendation to the States in the spirit of Vitré. The question being asked was how experts and practitioners could network. He stressed that the terminology had been left deliberately vague so that the States Parties would have the flexibility they needed to implement it, since the concept of communities varied greatly from one country to another.

116. The delegation of **Estonia** insisted that the paragraph should include practitioners who brought the intangible cultural heritage to life. Otherwise, the provision would only focus on centres and experts. It also supported the Peruvian proposal to add communities, groups and, where appropriate, individuals, in order to follow the terminology of the Convention.

117. When the **Chairperson** asked if there was any opposition to the proposal, the delegation of **France** felt that it was not logical to maintain the reference to individuals. It was enough to mention communities, which included groups and individuals; it said it agreed with the legal adviser that it should be left to the States Parties to interpret the meaning of communities

118. The **Chairperson** then proceeded with the adoption of paragraph 7, as amended.

[Tuesday 19 February 2008, 3.20 p.m.]

ITEM 6 OF THE AGENDA (continuation and conclusion): DRAFT OPERATIONAL DIRECTIVES ON THE INVOLVEMENT OF COMMUNITIES AND THEIR REPRESENTATIVES, EXPERTS, CENTRES OF EXPERTISE AND RESEARCH INSTITUTES IN THE IMPLEMENTATION OF THE CONVENTION

Document ITH/08/2.EXT.COM/CONF.201/6
Draft decision 2.EXT.COM 6

Paragraphs 8 and 9

119. Paragraphs 8 and 9 were adopted as they stood.

Paragraph 10

120. The delegation of **Brazil** suggested a more affirmative wording for paragraph 10 replacing “encourage” with “endeavour to facilitate access”, as that indicated an action that must be undertaken by the States Parties. The delegations of **Estonia, Gabon, India, Bulgaria, Algeria, Mali,** and **Mexico** concurred with that proposal.

121. The **Chairperson** proceeded with the adoption of paragraph 10 as amended.

Paragraph 11

122. The delegation of **France**, supported by the delegations of **Brazil, Belgium** and **Estonia**, suggested adding to the first sentence “activities in the context of international cooperation including those pertaining to Category II Centres for Intangible Cultural Heritage.”

123. The delegation of **Estonia** proposed replacing “involvement” with “participation” in line with the earlier changes in the title of the Annex and the second paragraph. The **Chairperson**, recalling that the proposal of the delegation of **Estonia** was in line with the same amendment proposed earlier, and should not create any problems, proceeded with the adoption of paragraph 11 as amended.

124. The **Chairperson** gave the floor to some observer delegations. The delegation of **Cuba (Observer)** noted that in Cuba communities were involved in the recognition, awareness and protection of their heritage through a network of national museums created thanks to Law 23. The delegation of the **Republic of Korea (Observer)** said that the Republic of Korea was actively engaged in safeguarding intangible cultural heritage, especially in the living human treasures programme, and in the promotion of international cooperation for the development of new methods and strategies for safeguarding intangible heritage in the region. The Republic of Korea had made a formal proposal to the Executive Board at its forthcoming session to establish a category 2 centre, and stressed its willingness to cooperate with countries in the region for the establishment of the centre.

125. The **Chairperson** declared 2. EXT.COM 6 adopted with the preamble and the Operational Directives as amended.

ITEM 7 OF THE AGENDA: FORMAL AND PROCEDURAL CONDITIONS CONCERNING THE INCORPORATION OF ITEMS PROCLAIMED “MASTERPIECES OF THE ORAL AND INTANGIBLE HERITAGE OF HUMANITY” IN THE REPRESENTATIVE LIST, NOTABLY THE MASTERPIECES PRESENT IN THE TERRITORIES OF STATES NON PARTY TO THE CONVENTION

Document *ITH/08/2.EXT.COM/CONF.201/7 (+ Corrigendum for the English version)*

Draft decision *2.EXT.COM 7*

126. The **Secretary of the Convention** said that the corrigendum concerned only the English text of paragraph 2 of the Annex to the decision contained in document 2 EXT COM 7, as it had been translated from French. It should read “this incorporation is enforceable against all States” instead of “this incorporation is binding on all States”.

127. The **Chairperson** gave the floor to the **Legal Adviser** to introduce the draft.

Presentation by the Office of the Legal Adviser on the formal and procedural conditions for the Incorporation of the items proclaimed Masterpieces of the Oral and Intangible Heritage of Humanity into the Representative List
(Available at <http://www.unesco.org/culture/ich/en/2GA>)

Introduction of agenda item 7 of the Second Extraordinary Session of the Intergovernmental Committee by the Office of the Legal Adviser (19 February 2008, Sofia, Bulgaria)

Formal and procedural conditions for the Incorporation of the items proclaimed “Masterpieces of the Oral and Intangible Heritage of Humanity” into the Representative List

Thank you, Madam Chairperson,

Following the explanation by the Assistant Director-General for Culture, representing the Director-General, I would like to get straight to the point, i.e. the first operative part of the decision which proposes: “to adopt the formal and procedural conditions contained in the Annex” (page 3 of document ITH/08/2.EXT.COM/CONF.201/7 of 11 February 2008). The Office assumes sole responsibility for the legal drafting of these conditions which make up the Director-General’s final proposal, in fulfilment of the mandate conferred upon him under paragraph 5 of the Tokyo decision.

Allow me, then, to elucidate – as briefly as possible – this proposed inclusion in the operational directives, in termination of the transitional period announced in Article 31 of the Convention. I will do this by condensing the **nine paragraphs** of these formal conditions into **three main points**:

1. **automatic incorporation** of Masterpieces present on the territories of States non party to the Convention;
2. **notification of the indivisible offer of rights and obligations** resulting from the General Assembly’s intention to place the incorporated Masterpieces of States non party on an equal footing with elements inscribed in the future under Article 16.2 (paragraphs 2, 3 and 4);
3. the **consequences** for the States non party of accepting or refusing the offer (paragraphs 5, 6 and 7).

I. Automatic incorporation of the Masterpieces

With reference to the **first point, (the subject of paragraph 1 of the formal conditions listed on page 3 of the Annex to the document which has been distributed)**, it complies with paragraph 3 of the Tokyo decision, and I would ask you, Madam Chairperson, to encourage members to refrain from re-opening the debate on this matter.

Paragraph 2, which states that “This incorporation is enforceable against all States ...”, has been corrected in the English version since the French term “*opposable*” should have been translated as “enforceable against all States” instead of by the term “binding”. Hence the need to explain **the foundation for enforceability** of incorporation of Masterpieces **against all States**, both pursuant to Article 31 of the Convention for the Safeguarding of the Intangible Cultural Heritage, and to the **Vienna Convention** on the Law of Treaties, which was indeed **the criterion referred to in your Tokyo decision (See Annex 1 of the Present Document)**.

To this end, I wish to draw your attention to Article 5 of the Vienna Convention, which clarifies that it applies “to any treaty adopted within an international organization, without prejudice to any relevant rules of the organization”. This makes clear that it applies in an auxiliary capacity when the rules of the organization or indeed of the ICH Convention are silent, despite the fact that Article 31 of the

Convention is unequivocal.

Let us suppose that Article 31 includes a provision in favour of a third party; this “third party” would, in fact, be UNESCO, either as a grouping of States or, more specifically, as a legal entity that owns the three proclamation lists to be transferred to the Convention bodies so that they can manage them in accordance with the Convention once the above programme has been repealed.

Would we then be required, **for the purposes of repealing the programme or incorporating the Masterpieces**, to obtain the **consent of UNESCO as a third party** and of each of its Member States for the transfer of lists and the repeal of the programme provided for under Article 31 to be valid?

As I already stated in Chengdu when presenting the legal opinion of the Office, **a State non party does not have the authority** to transfer the three UNESCO proclamation lists in Annex 2 to the Representative List, **nor does the transfer give such a State any right of ownership of the list.**

The act pursuant to which the Committee incorporates the lists is already protected by the General Conference resolution adopting the Convention for all UNESCO Member States by the two-thirds majority procedure and which requires UNESCO to repeal its programme for the proclamation of Masterpieces and to transfer the proclamation lists already compiled by the jury to the Representative List under Article 16, as required under Article 31 of the Convention.

The UNESCO Member States which were – rightly or wrongly – deemed to be totally extraneous third parties to the Convention adoption procedure, **have already voted for these resolutions which are enforceable against UNESCO** in an attempt to give international status to a **list of universal interest** by incorporating the old UNESCO lists so that they are **enforceable against all its Member States, particularly given that under Article 31, incorporation of the Masterpieces is not subordinate to the wishes of a State non party.** Otherwise this would be tantamount to giving a State non-party a **right of veto, in violation of the principle of the relative effect of treaties.**

As I explained when presenting the legal opinion (**See Annex 2 of the Present Document**), automatic incorporation pursuant to the clear terms of Article 31.1 is not at odds with the Vienna Convention, **nor does it establish any automatic rights and obligations for third States which are not owners of the UNESCO lists.**

However, when the Committee was given responsibility for the old lists as part of the transitional arrangements provided for under Article 31, the intention was not to **prolong the transitional period**, since the article **avoided pre-empting the future management system for the lists in accordance with Article 16 of the Convention.**

Hence the need to explain the second point regarding **notification of the offer of rights and obligations.**

II. Notification of the indivisible offer of rights and obligations

The objective of this notification (which was the focus of the Office’s legal opinion in Chengdu) is to inform the States non party that the list ensuing from Articles 16 and 31 and their implementation arrangements under the operational directives only allow incorporated Masterpieces to be managed **by a single legal regime that places incorporation on a par with inscription and provides the opportunity to**

avail of the rights provided for under the Convention as long as the relevant obligations are fulfilled.

This point emerges very clearly in **Decision 2.COM 14**, which you **adopted in Tokyo**, and whose main achievement was the establishment of the indivisible nature of the States' rights and obligations.

In other words, what you are saying to the States non party is this: Do not assume that the list contained in Article 16 of the Convention is merely some free, profile-raising publicity exercise governed by soft law; on the contrary, it is a list that will put your incorporated Masterpieces on an equal footing with items inscribed on the Representative List in the future.

This is precisely the point made in paragraphs 2 and 3 of the formal and procedural conditions proposed by the Office. These paragraphs are essential to the legal certainty of the offer, as is confirmed by the willingness of all the States Parties to incorporate them into the operational directives which aim precisely to make the case for a **single legal regime** for the lists. This procedure is compliant with the Vienna Convention, more specifically Articles 35 and 36, which refer to cases where the parties to the treaty intend to accord rights or establish obligations. In this respect, the intention of the members of the Committee is not enough to express the intention of all the States Parties; hence the need for the General Assembly of the States Parties to intervene.

III. The consequences for the States non party of accepting or refusing the offer

Finally, **allow me to explain the consequences** for the States non-party of accepting or refusing the offer (paragraphs 5, 6 and 7 of the formal conditions).

Paragraph 5 outlines the procedure to be followed by a State non-party when notifying its acceptance to the Director-General acting in his capacity as Depositary of the Convention. The other paragraphs focus on the notion of a reasonable deadline which, in the legal opinion of the Office, should be set by the Committee, being the appropriate body to propose this to the General Assembly of the States Parties. The **notification** is of prime importance both in order to obtain the written consent of the State non party (as in paragraph 5 of the conditions) or a refusal, as proposed in paragraph 6, amended as follows following consultation with the Committee members' legal experts:

*In the case that a State non party to the Convention **refuses** before the final deadline to provide written consent to accept the rights and assume the obligations under the Convention concerning items present on its territory and inscribed on the Representative List, the Committee **shall have the right to withdraw from the List the element or elements concerned.***

Are these consequences compliant with the principles of the Vienna Convention?

Yes: see Article 36.2, which states that "A State exercising a **right** in accordance with paragraph 1 **shall comply with the conditions for its exercise provided for in the treaty** or established in conformity with the treaty".

The "conditions ... provided for in the treaty" are: the **provisions of Article 16** and those "established in conformity with the treaty" are **the points already adopted in**

Tokyo for managing the lists, transfers from one list to another and withdrawal for objective reasons.

If there are any problems with the States non party as a result of the implementation of paragraphs 6, 7 and 8 of the formal conditions, the Committee will need to deal with them carefully, and try – where necessary – to secure a decision thereon from the General Assembly of the States Parties. **This is the implication of final paragraph 9 of the formal conditions.**

Following the timetable for the Director-General's final proposal (which complies with Articles 31 and 16 of the Convention, the principles of the Vienna Convention on the Law of Treaties and the other provisions of the operational directives for managing and updating the lists), the General Assembly must adopt your proposals. Although I did not have the privilege of attending the Tokyo session, I take the view – after following your discussions and their follow-up in Vitré and at Headquarters – that the draft operational directives referred to in this agenda item **warrant adoption by consensus.**

(Sofia, 18 February 2008)

Souheil El Zein,
Senior Legal Officer

128. The **Chairperson** thanked the Legal Adviser, and recalled the debates concerning that issue in Chengdu and Tokyo.

129. The delegation of **Japan** expressed appreciation for the explanation of the Legal Adviser, and indicated that the general line was in conformity with the decision taken in Tokyo. The delegation of **Mexico** congratulated the Legal Adviser for the clear presentation, and suggested that the document should be analysed as a whole. It therefore proposed that the document should be approved taking into account the new drafting in paragraph 6, where it was specified that States non-Parties to the Convention could decline in writing to accept the rights and assume the obligations.

130. The delegation of **Senegal** supported the proposal to adopt the text as a whole, and indicated that in paragraph 3 in the French version, the drafting was slightly inappropriate where it talked about the States Parties being notified. More orthodox terminology should be used, and the drafting should be revised in French “Il sera notifié à tous les États parties” by changing the order of words.

131. The delegation of **Brazil** congratulated the Legal Adviser on the presentation of the document and thanked the Director-General for presenting this proposal. It supported the suggestion of the delegation of Mexico to adopt the document as a whole, as that reflected the spirit of the discussions in both Chengdu and Tokyo. It proposed substituting “States where these items occur” for “present on their territories”, to avoid mentioning physical presence and territories, as it believed that intangible cultural heritage pertained to the national identity of the people, which was more than physical presence in a territory.

132. The delegation of **India** recalled that through the process of internal consultations, a happy solution had been found which reaffirmed the position of the Committee. It wished to clarify that the Committee had never doubted whether Article 31 should be implemented, as it was fully aware that Article 31 was a provisional one by which all masterpieces should be inscribed on the List. It further agreed with the delegations of Mexico and Brazil and others that the document should be seen as a whole. It reiterated that the document arose from the fact that States non-parties to a convention could enjoy rights, but that they could not have obligations imposed upon them. Therefore the

entire exercise in phase two of the transitional agreement was important because in phase one the situation might arise that States non-Parties to the Convention which did not wish to agree in writing to accept the obligations, might have a masterpiece in danger of disappearance. It considered that the Annex gave a very good response to questions such as what needed to be done when an element was put on the Urgent Safeguarding List. It added that two questions needed to be addressed: in number 4 it should be specified what a reasonable deadline was, and in 6.2 it should be the same deadline. As far as number 2 was concerned, it asked if it should be “enforceable against” or “upon” all States. The delegation of India expressed its satisfaction with the text, which was in conformity with international law and the Vienna Convention.

133. The delegation of **Turkey** expressed serious concerns about certain items. The first concerned paragraph 6. It indicated that transitional Article 31 of the Convention had never envisaged a situation where the Committee would have to incorporate Masterpieces of Member States of UNESCO which were not Parties to the Convention. It stressed that in paragraph 6 “shall withdraw an item from the list”, was neither legal nor explainable. The delegation indicated that it had tried to rectify a legal deficiency that was in the Convention. Bearing in mind that a country that had a Masterpiece was concerned with its prestige, it was not acceptable for the Committee to have the discretion to decide whether or not to remove an item from that list from a country that had not provided its consent in writing to enjoy the rights and assume the obligations. It was not acceptable that a country should have Masterpieces on the list without enjoying rights and assuming obligations. The wording “the Committee shall have the right” meant that the Committee could decide to remove or not to remove an element from the list. The delegation asked on what grounds the Committee should do that, and insisted that there was a need for more precise legal language such as “the Committee shall withdraw”. It further indicated that in the last sentence of paragraph 8, the language could not be used for a country that was not a Party to the Convention, and proposed to replace “harm” by “respect the integrity of the item proclaimed”.

134. The delegation of **France** supported adopting the text as it was, with the amendment of the delegation of Mexico, that of Senegal for the French wording, and that of India to specify the deadline as mentioned in paragraph 4. As regards the comment of the delegation of Brazil, it recalled that the expression “elements present on their territories” was language used everywhere in the Convention. The delegation of Gabon subscribed to the proposal put forward by the delegation of Mexico, and to the proposal made by the Legal Adviser, and that of the delegation of Senegal for the corrections made in French in paragraph 3. It further asked whether an exact deadline should be set immediately. The delegation of **Algeria** thanked the Legal Adviser, and also requested his introduction to the document in writing, indicating that if those comments had been seen first, less time would have been spent on the document. The delegation supported the proposal of the delegation of Mexico to adopt the text as it stood.

135. The delegation of **Japan** supported the proposal of the delegation of **Mexico**, and that of the delegation of **France** to keep “present on their territories” as mentioned in Articles 11, 13 of the Convention. As regards the deadline mentioned in paragraph 4, it proposed that one year would be a reasonable deadline, as it would be adopted in June by the General Assembly, and the first inscriptions would take place in September. It also supported the change proposed by the Legal Adviser in paragraph 6, originally proposed by the delegation of Japan, that States non-Parties to the Convention could “decline in writing” to enjoy the rights and assume the obligations. According to the Vienna Convention, if a State non-Party to the Convention wished to enjoy rights and assume obligations, first the Member States of the treaty needed to invite the State non-Party and then the State non-Party needed to agree in writing.

136. The delegation of **Brazil** noted that Article 11 and Article 13 referred to intangible cultural heritage in general “present in its territory”, but that in the present case it referred to specific manifestations. It withdrew its proposal, going along with the original text. It supported the proposal of the delegation of Japan to be consistent and to address the States non-Parties to the Convention through the Director General. It also supported the proposal of the Legal Adviser in

paragraph 6 to use “decline in writing” to enjoy rights and assume the obligations”, and requested a written copy of the statement by the Legal Adviser.

137. The delegation of **India** supported the delegation of Japan regarding the deadline of one year mentioned in paragraph 4, and stated that in paragraph 3 the notification should be done by the Director-General, and had perhaps been left out inadvertently by the Office of Legal Affairs. The delegation of Gabon concurred with the delegation of India as regards paragraph 3, and as far as the deadline in paragraph 4 was concerned, it thought that six months would perhaps be better, while remaining open to the proposal of one year.

138. The delegation of **Japan** wished to have the opinion of the Legal Adviser as to whether different subjects could notify or invite States non-Parties to the Convention, and whether the Committee could invite in case there was intangible cultural heritage on two territories where one of the countries was not a Party.

139. The **Legal Adviser** welcomed the proposal that the invitation and notification should be done by the Director-General, as he was entrusted as a depositary of the Convention. Thus in paragraph 3, the words “notified by the Director General” should be added, and in paragraph 4 “invited by the Director-General”. In paragraph 8, “invited by the Director-General” should be understood as “under his mandate in terms of reference of the Committee” to avoid the Director-General having a controversial rapport with the States. As far as the comment of the delegation of Turkey with regard to paragraph 8 was concerned, the term was already used in the preamble of the Convention and in the Recommendation of 1989, requesting other States to refrain from taking any act. He also noted that it was better to keep soft law, since the State that was not a Party to the Convention could be morally influenced by the Recommendation. He agreed with the delegation of India regarding “enforceable upon all States” instead of “against all States” in paragraph 2. As far as the deadline referred to in paragraph 4 was concerned, six months would not be enough, as some States would have some difficulties in how to apply, and they could consult their Ministry of Culture or their Ministry of Foreign Affairs to understand how to assume an obligation without being a Party to the Convention, while having cultural, legal, or other advice and assistance.

140. The delegation of **Algeria** said that the one year deadline should be specified in the Operational Directives, and not only in the summary record. The delegation of Gabon withdrew its earlier proposal of six months, and mentioned that even one year would not be enough for some countries. It supported the proposal of the delegation of Algeria, but was more inclined to keep the original drafting as it stood rather than having it inserted in a separate decision.

141. The delegation of **Italy (Observer)** stated that from a legal point of view, the annex to item 7 was in full conformity with the Vienna Convention and the decision already taken in Tokyo. It also proposed to solve the question about the duration of the “reasonable deadline” in paragraph 4 in order to avoid having it reopened at the coming session in Turkey.

142. The delegation of **Lithuania (Observer)** asked that one month before the deadline a letter be sent by the Secretariat to remind States non-Parties of the deadline.

143. The delegation of the **United States of America (Observer)** took up the point raised by the delegation of India regarding paragraph 2 that “enforceable against” sounded compulsory, and asked the Legal Adviser whether the right term was “incorporation shall have legal effect with respect to”, as “enforceable upon all States” was almost a State-to-State opposing situation. It also proposed adding “incorporation is enforceable with respect to all States and territories”, as the Palestinian Territories would thus also be taken into account. It supported the proposal of the delegation of Turkey to have “shall withdraw” in paragraph 6, and in paragraph 8 it proposed to have “the Committee shall recommend” instead of “the Committee shall have the right to recommend”.

144. The delegation of **Indonesia (Observer)** asked for clarification concerning a situation where a State Party and a State non-Party had an element of intangible cultural heritage on their territory which had been proclaimed a Masterpiece while there had not been a joint candidature. It further asked whether there were any Operational Directives for that, and whether it would be addressed in future.

145. The **Legal Adviser** replied that that was covered in paragraph 8 concerning the protection of Masterpieces in the event that a Masterpiece was present in several States, but it was not certain that a specific case fell into that category. He noted that all the States non-Parties would be notified on the same terms and conditions, with the Annex of the 90 Masterpieces attached, and that the Committee had a mandate in that case. The terms “shall have the right” etc., had been drafted deliberately, referring to Article 7 of the Convention, which specifically set out the jurisdictions and competence of the Committee. Given that there was a small risk that the Committee might go beyond its powers under Article 7, it needed to receive delegated powers from the General Assembly. The Committee’s competencies needed to be exercised by authorization and by delegation from the General Assembly, otherwise the drafting could have been simplified by “shall recommend”. The origin of a recommendation to a State that was not a Party, was not based on the Vienna Convention, but on the 1989 Recommendation mentioned in the Preamble of the Convention. The text had a meaning regarding States non-Parties to the Convention because they were still Member States of UNESCO. It meant that they should refrain from any act to harm or affect the integrity of a Masterpiece. The idea was to raise awareness and to inform States non-Parties to the Convention in case of a conflict between a Masterpiece protected by the Convention and the law of that State. The Committee had no power beyond that recommendation to the State non-Party to the Convention. As far as “enforceable upon” was concerned, it should be retained, as proposed by the delegation of India. As for the Palestinian Territories, he noted that they could not become a State Party to the Convention, but that that would be discussed later by the Committee. Finally, he recalled that those Masterpieces were being managed under a unified regime under the framework of the Convention.

146. The **Chairperson** recommended the adoption of the operational directives under item 7 in their entirety. She further asked if the delegation of Turkey agreed to withdraw its proposals, and hoped that the other delegations were reassured by the explanations provided by the Legal Adviser.

147. The delegation of **Turkey** replied that the wording used in paragraph 8 had never been seen except in wartime conditions and peace negotiations, as it implied accusations against the Member States of UNESCO. In no context within the intangible cultural heritage, could it have been used to characterize an act by a Member State of UNESCO. The delegation further stated that the proposed wording was against all diplomatic language and protocol in any international negotiation. It noted that the word was incorrect and wrong, and it had never been used in relation to a Member State, and could not be used in an international document. The point mentioned in paragraph 6 was quite risky and not legal. It queried on what grounds the Committee could withdraw an item from the list. But it agreed that if the Committee was content with the language used, Turkey would join the consensus.

148. The **Chairperson** mentioned with regard to paragraph 2, that there had been a proposal to have “enforceable upon” rather than “enforceable against”, and that in paragraph 3 there was a proposal to add “shall be notified by the Director General”, and to replace “items” with “elements”. In paragraph 4 there was a proposal to substitute “Director-General” for “Secretariat”. Finally, in paragraph 6, it was proposed to use “shall refuse” instead of “shall not confirm”.

149. The delegation of **India** returned to paragraph 3, and noted that within a listing, “items” should be used rather than “elements”, and it also asked to change paragraph 3 to use “items”.

150. The delegation of **Turkey** said that that it had not withdrawn its proposal. In reply to the question of the Chairperson, it said that if the majority of the Committee Members opposed its

proposals, it was ready to join the consensus. It was its legal and diplomatic opinion that the language used in paragraph 6 was legally problematic and wrong, as the Committee did not have a legal justification or grounds to discriminate between items on the territory of States Parties to the Convention and others. Legally speaking, it was against the spirit of the Convention and membership in UNESCO. The delegation requested the Legal Adviser to reconsider his opinion on that matter. It also commented that in paragraph 8 “act that might harm” was legally and diplomatically not correct to attribute presumed acts of harm to a Member State. It recommended using a neutral and more diplomatic word which was common to international documents, such as “respect.”

151. The delegation of **India** said that the matter had already been discussed at previous meetings, and that the Committee had the right to remove a Masterpiece if the State non-Party, owner of the Masterpiece, did not indicate in writing that it was willing to accept the obligations. It further explained that the document had been written by a panel of legal experts, and that it was in conformity with the Vienna Convention. Regarding paragraph 8, it noted that the issue at stake was that there might be a Masterpiece that was in danger of extinction, and that strong language was used to try to persuade the State non-Party either to accept the obligations or to become a State Party. Such language was not undiplomatic; sometimes strong language was good to convince the State non-Party that it might be better to accept the obligations or to become State Party to the Convention.

152. Summing up, the **Chairperson** said that in paragraph 7, “the reasonable timeframe” should be substituted by “one year”, and that in paragraph 8, “shall be invited by the Director-General as mandated by the Committee” was the language proposed. All delegations agreed on that. Paragraph 9 did not give rise to any objections.

153. The delegation of **China** wished to make a comment on Article 5 of the decision, as the language was not appropriate either legally or politically: it proposed to replace “launches an appeal” with “appeals to”. It further recalled, supported by the delegations of Algeria and Mexico, that the decision whether or not to ratify a Convention was the sovereign right of every State, and the Committee had no right to call on a State to ratify something without delay.

154. Concerning paragraph 5 of the decision, the **Secretariat** indicated that it applied to States non-Parties to the Convention which had had one or more items proclaimed Masterpieces on their territory. If the Committee wished to launch an appeal to the Palestinian Territories, then the word territories should be so included. The delegation of **Japan** asked if the Palestinian Authority was entitled to ratify the Convention.

155. The delegation of **Turkey** asked the Legal Adviser whether “ratification” was the appropriate terminology in the paragraph. The **Legal Adviser** suggested that it would be better not to add “territory” in the draft decision encouraging States to ratify the Convention. It was possible to conclude from Article 33 of the Convention that there was a possibility that an entity that did not have the status of a State under international law might wish to ratify the Convention. That required further study and consideration as there was a reference to internal autonomy, which was recognized as such by the United Nations and therefore fell under the resolutions of the General Assembly. As the issue had already been raised for other conventions, there were references on the matter in the archives and files.

156. The delegation of **India** thought that there was a difficulty because the word “concerned” was in the wrong place in paragraph 5. It proposed to say “Appeals to the concerned States non-Parties to the Convention to consider the ratification of the Convention at their earliest convenience” and proposed to delete the rest. It agreed with the Legal Adviser referring to the joint property of Tajikistan and Uzbekistan and the issue about the Palestinian Territories. The delegation of **Brazil** supported the proposal of the delegation of India, and further suggested that the paragraph might be ended with “in accordance with Articles 32 and 33 of the Convention”.

157. The delegation of the **Republic of Korea (Observer)** reported that it had established and sponsored since 1999 the “Arirang Prize”, awarded annually by UNESCO to selected Masterpieces. The prize, which helped to raise the visibility of the Masterpieces was currently being reconfigured, in consultation with the Secretariat, to reflect the decision made by the Executive Board concerning UNESCO prizes and the direction of the Convention, and to make an even greater contribution to the safeguarding of the intangible cultural heritage.

158. The delegation of **Angola (Observer)** said that it was participating for the first time, and indicated that procedural problems of a bureaucratic nature made it not yet feasible to ratify the Convention, but its presence in Bulgaria demonstrated the commitment of the country to ratify the Convention.

159. The Chairperson declared decision 2.EXT.COM 7 adopted as amended.

ITEM 8 OF THE AGENDA: ACCREDITATION OF NON-GOVERNMENTAL ORGANIZATIONS AND TRANSITIONAL PROVISIONS FOR THEIR INVOLVEMENT IN EXAMINATIONS AT THE REQUEST OF THE COMMITTEE

Document ITH/08/2.EXT.COM/CONF.201/8

Draft decision 2.EXT.COM 8Rev

160. The **Secretary of the Convention** recalled that Article 9.1 of the Convention required the Committee to propose to the General Assembly the accreditation of non-governmental organizations (NGOs) with recognized competence in the field of the intangible cultural heritage to act in an advisory capacity to the Committee. The Committee also needed to propose “the criteria for and modalities of such accreditation”, in conformity with Article 9.2. He recalled that in Chengdu and Tokyo, the Committee had already amply discussed the requests made under Article 9.2, and decided to submit to the General Assembly a set of operational directives for the accreditation of NGOs, including, *inter alia*, the criteria and modalities called for in Article 9.2. Those modalities and criteria were proposed in the document entitled “Compilation of the Operational Directives” under the provisional paragraphs 74 to 81. He informed the Committee that the document under discussion proposed to the Committee a procedure to be followed for the accreditation of NGOs. It was proposed that immediately after the General Assembly had approved the criteria and modalities for the accreditation of NGOs, the Director-General might announce that the invited NGOs (more specifically the 241 NGOs on the provisional list) might request accreditation, as foreseen under Article 9 of the Convention. He further suggested that the Committee might make a first selection of NGOs in Istanbul in November 2008, and another selection at its fourth ordinary session in late 2009 for accreditation of NGOs that had been forwarded to it by the Secretariat for possible recommendation to the General Assembly.

161. Given the fact that the Committee had already adopted an exceptional time schedule and procedure regarding the first inscriptions on the Urgent Safeguarding List (USL), it was foreseen that in April 2009 the Committee would have to select one or more advisory organizations to examine specifically proposals for inscription on the USL. There would also be requests for international assistance that needed to be examined by organizations in accordance with paragraph 13 of the Operational Directives. In April 2009 the Committee would have to select examiners for such submissions, but the General Assembly would not yet have accredited any NGOs. A temporary solution to that situation was thus proposed in the document under examination.

162. In order to regulate the question of the first accreditations, a solution was proposed in the document whereby the Committee requested the General Assembly to decide that prior to the General Assembly’s third session in June 2010, and on an exceptional basis, the Committee might call upon the services of any of the NGOs that it had recommended for accreditation as meeting the criteria for accreditation as approved by the General Assembly at its second session. He stressed that the document under consideration was about both a regular procedure and an

exceptional procedure. A meeting of the Committee's Bureau, or an extraordinary session of the Committee itself, should be foreseen for April 2009 in order to select the organizations or experts that might evaluate the nomination files for the USL, he concluded, referring to Decision 2 COM 6 for the nomination procedures and to Decision 2 COM 11 for international assistance requests.

163. The delegation of **Brazil** said that it preferred to submit to the General-Assembly a text for examination by all the States Parties and not only the members of the Committee, and proposed to redraft the decision to be submitted as a draft resolution to the General Assembly.

164. The delegation of **Senegal** shared the concern expressed by the delegation of Brazil. It further questioned the distribution of roles between the Secretariat and the Director-General for urgent measures, as it seemed now to have two different approaches that were not consistent; the delegation requested explanations.

165. The **representative of the Director-General** responded to the request of the delegation of Senegal, explaining that the criteria and modalities had been examined and approved by the Committee to be submitted to the General Assembly. A list needed to be drawn up to be accredited by the General Assembly. Currently, there was a list of NGOs in the INF document, which was still not adequate. With the present document, the Secretariat, rather than waiting for another two years, wished to request the General Assembly to approve the criteria and modalities in June 2008. Between 2008 and 2010 there would be an initial Urgent Safeguarding List drawn up. In order to do so, the Committee would call on accredited NGOs by the General Assembly in accordance with the Convention, or would call on centres of expertise or research centres or individuals which needed no accreditation. In the meantime, there was a transitional measure foreseen to the effect that the General Assembly had not yet approved a list of NGOs, but would eventually like to delegate provisionally to the Committee for a two-year period the authority to call upon NGOs, taking into account the fact that the criteria would be approved by the General Assembly. She added that that was not part of the Operational Directives, and agreed with the delegation of Brazil that that ought to be reformulated as a draft decision saying that the Committee had decided to submit that resolution to the General Assembly.

166. The delegation of **India** regretted that there were few NGOs from developing countries, underlining that developing States would like NGOs of their region to be accredited to act in an advisory capacity. It refused to accept a "fait accompli" under those circumstances. It also remarked that paragraph 5 was in contradiction with paragraph 4, and with the procedure and the spirit of the Committee, which had rejected the idea of an umbrella organization in favour of a more democratic procedure. It interpreted paragraph 5 as having a list of NGOs to whom the criteria had not been applied, as it had not been finalized and approved by the General Assembly. Finally, it agreed with the delegation of Brazil that the decision needed to be substantially redrafted, and queried the need for paragraph 5 in the draft decision.

(Evening session: 18:45)

167. The **Chairperson** announced that Draft Decision 2.EXT.COM 8 had been redrafted, and recalled that there were proposals from various delegations to ensure that the decision was in line with the traditions of the Committee. A new text, 2.EXT.COM 8Rev, divided into two parts had been prepared with the assistance of the representative of the Director-General. One part was the draft decision that might be adopted by the Committee proposing a draft resolution for the General Assembly.

168. The delegation of **Algeria** noted that consultative functions were discussed by the Convention in Article 8.4 and in Article 9. Therefore, the States Parties were right to send a list containing NGOs, but also public establishments. In the list prepared by the Secretariat, there were not only NGOs, but also public agencies, administrative bodies, etc. That list of NGOs was highly unbalanced, which was why the Secretariat might ask States to send lists of those bodies that they would like to present as consultative bodies (Article 8.4 and 9.1).

169. The delegation of **Brazil**, with regard to the measures to be taken by the Director-General to inform NGOs that they were entitled to request accreditation according to certain directives that had not yet been adopted, believed that it would be more appropriate to recommend that the General Assembly address such a request to the Director-General. The Chairperson asked the delegation of Brazil if the addition of the words “the relevant criteria upon their approval” would resolve the problem. The delegation of Brazil replied that that was a question of timing: if the adoption of certain criteria and directives were proposed to the General Assembly, it would also propose that the Director-General be requested to take such a measure.

170. The delegation of **Senegal** endorsed the proposal of the delegation of Brazil and concurred with the comments by the delegation of Algeria. Regarding consultative functions, it noted that according to the documents that had thus far been adopted, those functions could be carried out either by NGOs, or by research institutes or centres of expertise, and it therefore wondered why a specific function needed to be assigned to NGOs in the draft decision. It failed to understand the urgency associated with NGOs as against the other bodies mentioned.

171. The **representative of the Director-General** recalled that the evaluation could be entrusted by the Committee either to NGOs or research centres or experts, but only NGOs needed to be accredited. Without an exceptional procedure to accredit NGOs, the Committee, over the next two years, could call only on centres of expertise and research institutes, but not on NGOs. That was proscribed by the Convention, and the Secretariat had drawn attention to that obstacle at previous meetings.

172. The delegation of **Gabon** expressed its concern to link together Articles 8.4 and 9.1, in line with the proposal made by the delegation of Senegal. Recalling that the participation of NGOs was very important for Gabon, it noted that not all countries had yet submitted their suggestions as far as NGOs were concerned.

173. The delegation of **China**, supported by the delegation of the United Arab Emirates, expressed the view that the wider role of NGOs, centres of expertise, research institutions, etc., was vital for the Convention. It thanked the Secretariat for the efforts to enlist NGOs of several States Parties, and suggested continuing that work, especially with regard to developing countries. It therefore requested the assistance of the Secretariat to help the developing countries to come up with a list of suitable NGOs. It further suggested that the list should be kept provisional without setting deadlines for inscription in order to give more time to certain countries. It concluded by suggesting that the text “to recall the previous decisions of this issue” be revised, as in Algeria there had already been a clear decision on that.

[End of the evening session: 19h25]

[Wednesday 20 February 2008, 9.40 a.m.]

ITEM 8 OF THE AGENDA [continuation and conclusion]: ACCREDITATION OF NON-GOVERNMENTAL ORGANIZATIONS AND TRANSITIONAL PROVISIONS FOR THEIR INVOLVEMENT IN EXAMINATIONS AT THE REQUEST OF THE COMMITTEE

Document ITH/08/2.EXT.COM/CONF.201/8

Draft decision 2.EXT.COM 8Rev

[Draft decision 2.EXT.COM 8 Rev]

Paragraphs 1 and 2

174. Adopted as they stood.

Paragraph 3

175. The delegation of **Syria** asked the Secretariat what was meant by “advisory services of diverse entities” and called for the reference to be deleted.

176. The delegation of **China**, supported by the delegations of **Senegal** and **Algeria**, noted that experts should also be included in this paragraph.

177. The delegation of **Algeria** wished to include the regional centres that were mentioned in the directives. The delegation of Senegal also asked for "practitioners" to be added, particularly with regard to the files that would be submitted for inclusion on the lists. The delegations of France, Brazil and Belgium said that it was best not to go into too much detail; the text of article 8, paragraph 4 of the Convention was more than adequate.

178. While the delegations of **Algeria** and **Hungary** did not oppose the French proposal, they believed that paragraph 3 had been included in the draft decision precisely because all entities were important and should be highlighted. The delegation of Belarus was strongly in favour of the French proposal but nevertheless wanted an explicit reference to practitioners and experts.

179. The delegation of **Mali** recalled that the reason that the Committee had postponed the adoption of this draft decision was precisely so that it would be able to include previous decisions, not least those of the Committee session in Chengdu. If, once again, the Committee's decision restricted itself to NGOs alone, then Mali's concerns would not be taken into account. It was therefore necessary to include a reference to experts, centres of expertise and other research centres. Any restriction to Article 8.4, i.e. to partners with recognized competence, would mean that the Committee was restricting itself to NGOs.

180. The delegation of **India** felt that it was clear that the Committee wanted a little more detail than contained in Article 8.4 and welcomed the contribution of African countries in the discussion. It referred to the decisions adopted by the Committee on this subject at its first session in Algiers and called for the entities mentioned in the Algiers decisions to be included. The delegation of Brazil asked for the corresponding Algiers decision to be read and stressed that if the regional centres were not included, the Committee might wish to reopen the discussion on the Algiers decision.

181. The delegation of **Bulgaria** reminded the Committee that the reason Decision 8 had been drafted was precisely to secure a better balance between the various entities and NGOs. It praised the Secretariat for this new document and saw no problem in including experts, along with regional centres, in order to highlight the importance of these structures as centres of expertise and coordination of ICH activities.

182. The delegation of **India**, supported by **Senegal**, pointed out that practitioners were included in the decisions that had just been read, whereas they were not in the draft decision, at least in the English version. It asked for the term to be restored to the text. Although it was not included in the Algiers decisions, the delegation of Peru wished to add regional centres; at the Algiers session, the only existing experience with regional centres was with CRESPIAL in Latin America, but at the Committee session in Sofia, other countries had shown a growing interest in regional centres.

183. The delegation of **Brazil** said that it was not opposed to regional centres but, since they were not mentioned in the earlier decisions, it suggested including them in the draft resolution for submission to the GA, instead.

184. The **Chairperson** then declared paragraph 3 adopted as amended.

Paragraph 4

185. Adopted as it stood.

Paragraph 5

186. Adopted as it stood (moved to paragraph 7).

New paragraph 6 proposed by India

187. Stressing the need for a fair geographical distribution of NGOs wishing to participate in the Committee's work, the delegations of **Brazil, Senegal, Mali, Mexico, China** and **France** endorsed this proposal.

188. Adopted (moved to paragraph 5).

New paragraph 7 proposed by India

189. The delegation of **Turkey** felt that India's proposal that States Parties should be required to actively promote the participation of NGOs in the process was acceptable, but it should only appear at the end of the decision, since it was the only operational paragraph.

190. Adopted (moved to paragraph 6).

Paragraph 8

191. The delegation of **China** felt that it would be more prudent to recommend rather than ask the GA to consider the draft resolution prepared for adoption.

192. Adopted as amended.

[Draft resolution 2.GA.XX]

Paragraph 1

193. Adopted as it stood.

Paragraph 2

194. Adopted as amended by the delegation of China, with the addition of the accreditation procedures.

Paragraph 3

195. Adopted as it stood.

Paragraph 4

196. In response to questions raised by the delegation of India on this paragraph, the delegation of **Mexico** considered that the article implied that it was the duty of the Secretariat to disseminate the necessary information concerning the criteria, modalities and procedures for the accreditation of NGOs. The delegation of **India** said that the Director-General had always been asked to intervene, and suggested "to take the necessary measures to widely disseminate the information" regarding the accreditation procedures for NGOs. The delegation of Mexico withdrew its amendment.

197. The paragraph was adopted as amended.

Paragraph 5

198. The delegation of **Hungary** proposed to replace "fulfil the procedures" with "satisfy the criteria", a proposal supported by the delegation of **France**.

199. Adopted as amended.

Paragraph 6 moved to paragraph 7 in the final version

200. The delegation of **India** felt that the wording of this paragraph was slightly unbalanced, particularly with regard to developing countries, and called for the paragraph to be deleted or rebalanced by adding references to the roles of experts, individuals, etc. The delegation of **Senegal**, supported by the delegation of **Mexico** shared the concern expressed by the delegation of India and requested that, during this transitional period in particular, it should include the experts, practitioners, etc., which the Committee had identified in paragraph 3 of draft Decision 2.EXT.COM 8 Rev.

201. The delegation of **Gabon** asked for clarification of why it was necessary to call upon the services of NGOs between the two sessions of the GA, when some countries were still experiencing organizational and financial problems. The delegation of Japan said that in Tokyo the Committee had agreed exceptional measures to enable the first registrations to be made in September 2009. The text would thus enable the Committee to call upon the skills of NGOs for a transitional period before the third session of the GA.

202. The **representative of the Director-General**, echoing the delegation of Japan, said that the paragraph referred to a special authorization that the GA would give to the Committee so that it could implement the fast-track procedure adopted at the Tokyo session. This would make it possible to proceed with the first registrations on the two lists of the Convention by September 2009. If there were no such exceptional measures and if paragraph 6 were deleted, then the whole agenda item and the document would be deleted. The sole purpose was to ask the GA for an exceptional measure that would enable the Committee to request assistance from NGOs that were not yet accredited but which it felt deserved to be so. She pointed out once again that research institutes, centres of expertise and experts did not need to be authorized or accredited by the GA; the Committee was fully entitled to call on them for advice as it saw fit. If the Committee deleted the paragraph in question, it would be denying itself the full range of resources that would enable it to perform the duties it had asked to be entrusted with when it adopted, in Tokyo, the operational directives for the fast-track procedure for registration on the lists of the Convention.

203. The delegation of **Algeria** considered that, since this was an exceptional act, it was good that the Committee was able to benefit from all the advisory services allowed under the Convention and to clearly mention in this paragraph. It also asked for paragraphs 6 and 7 to be inverted, as it considered paragraph 6 to be authorizing action while paragraph 7 was repeating an invitation to the States Parties to submit the names of NGOs and expert institutions.

204. The delegation of **India** said that when the Committee had taken its decision in Japan it had been hoping to achieve a better geographical balance. It then proposed an amendment to the Senegalese proposal, stressing the need for the entities proposed by Senegal to be able to participate fully. While it understood and shared the concern expressed with regard to geographical imbalance, the delegation of **France** pointed out that it was because the majority of States Parties to the Convention had not submitted lists of NGOs and the priority was to encourage these countries to do so. The solution proposed by Algeria was a wise one.

205. The delegation of **Hungary** fully supported the proposal of the delegation of France. As Chair of the NGO Committee, it stressed that it was essential to invite Third World NGOs because it reflected the development of civil society.

206. The delegation of **Brazil** said that "will be involved" meant the same as the first part of the paragraph, i.e. "to call upon", whereas "ensuring the full participation" did not ensure those entities would have the same roles that would be granted to NGOs. It therefore proposed that the Committee should follow the suggestion from India and replace "at the same time" with "while underlining that public bodies, etc.". It also pointed out that it was governed by Article 9 of the Convention, and preferred to add the qualifier "advisory" to the services to be provided by the NGOs recommended for accreditation by the Committee. The delegation of **Senegal** fully endorsed the argument put forward by Brazil.

207. The delegation of **Turkey** drew the attention of the Committee to the title of that agenda item, which was accreditation, which was regulated in Article 9 of the Convention. It was not talking about Article 8, which dealt with the working methods of the Committee or, in particular, with the consultation of public or private bodies as well as private persons with recognized competence. It recalled the Committee's discussion the preceding day that it might, when it deemed it necessary, invite any public or private bodies as well as private persons to its meetings for consultation on specific and particular agenda items. The item under consideration concerned accreditation of NGOs, but not private bodies or public bodies, for consultation. The delegation expressed its concern of doing a disservice to the Convention by conflating Article 8 with Article 9, which had totally different concepts, topics and purposes, and expressed its strong reservations about introducing private or public bodies in a paragraph relating to Article 9 of the Convention. He called upon the Committee to respect the legally binding instrument, which was the Convention. He concluded by recalling the three kinds of non governmental participations foreseen: observers, who were not regulated in the Convention, but in the Rules of Procedure, to follow the sessions of the Committee, to contribute if possible and to have an intellectual dialogue with the members. Certain public and private bodies and practitioners and centres, etc. might be invited by the Committee for consultation on specific agenda items. And finally there were accredited NGOs, which might be enlisted to provide their advisory opinion in finalizing the lists of the Convention.

208. The **Chairperson** told the delegation of Turkey that it was right that the point dealt with the accreditation of NGOs. She pointed out, however, that at previous Committee sessions some delegations had felt that the participation of other players would provide a better balance without undermining the accreditation of NGOs.

209. The delegation of **Senegal** was concerned that the French amendment might lead to confusion in two areas. Calling on a party to give advice at meetings where the aim was to give opinions was very different from the advisory role entrusted by the Committee. It proposed to revert to the original text as reworded by Brazil, which was more appropriate.

210. The delegation of **China** said that two things were being authorized in the paragraph: the advisory services of NGOs and the services of everyone else. It asked for that to be made clear.

211. The delegation of **India** supported Senegal and said that the term "consultation" or "service" would make it possible to distinguish between the advisory services that the Committee wanted from NGOs and other services from other categories. Consequently, the Committee should adopt the Brazilian amendment which was supported by Senegal. The delegation of **Japan** expressed its disagreement with the delegation of China and supported the proposal of the delegation of Brazil.

212. The **Chairperson** said that she did not have the impression that either the delegation of China or the delegation of Turkey were opposed to the Brazilian proposal. China was simply trying to find a solution and Turkey simply expressing what it felt was important. She then proceeded with the adoption of the paragraph as amended by Brazil.

Paragraph 7, moved to paragraph 6 in the final version

213. The delegation of **Hungary**, supported by the delegation of **Belgium**, proposed to split the paragraph into two parts. The first should invite the States Parties that had not yet done so to

submit a list of NGOs, while the second should encourage States Parties to submit a list of other entities to the Secretariat. The delegation of Mali, supported by China, India and the United Arab Emirates did not agree on inviting only those States Parties which had not yet done so. The field should be left open to all States Parties. Neither did it agree that the paragraph should be split.

214. The delegation of **Brazil**, supported by that of **Bolivia**, wished to change the end of the text by adding regional centres, even though it believed that they were already covered by other centres or research institutes.

215. The **Chairperson** pointed out that the Committee had agreed on the objective of the paragraph and on a balanced representation of NGOs. It was therefore preferable for all States Parties to continue to submit lists, especially those that had not yet done so.

216. The delegation of **Hungary** agreed that the problem was the lack of balance in the lists and was afraid that if the States Parties that had already submitted the names of NGOs went on to submit other names, the imbalance would be worse still. Consequently only States Parties that had not yet done so should submit lists. The delegation of **Turkey**, supported by **Belarus**, said that the Committee should stick to the original text, which was open, clear and almost perfect.

217. The delegation of **Mexico** was in favour of the proposal from the delegation of Mali. With regard to regional centres, it considered that they were included in the centres of expertise, which allowed for wide coverage. The delegation of France shared the view of the delegation of Hungary, and did not want to add regional centres. The delegation of **Japan**, supported by the delegations of **Algeria**, **Estonia** and **Gabon**, fully understood the concern of the delegation of Hungary, and proposed to invite States Parties, especially those which had not yet done so, to submit names of bodies, etc.

218. The **Chairperson** proceeded with the adoption of the paragraph by consensus, as amended and including the regional centres. She also asked for it to be recorded in the minutes that the list was an open list.

219. Decision 2.EXT.COM 8 Rev was adopted as amended.

220. The NGO “**Traditions pour demain**” (**observer**) spoke on behalf of 9 of the NGOs in attendance (Association de Nasreddin Hodja et du Tourisme, International Council for Traditional Music, International Council of Organizations for Folklore Festivals and Folk Art, Maison des Cultures du Monde, Tertulia Cultural « El Garrapiellu », Traditions pour demain, Centre UNESCO de Catalogne, World Martial Arts Union). Having thanked Bulgaria for its hospitality, it said that it was very happy with the transitional arrangement that had been adopted in Tokyo on the participation of NGOs as observers; it had been a success. It hoped that the definitive arrangement would confirm the current trend towards ensuring broad, productive cooperation between civil society and States Parties for the implementation of the Convention. It appealed to the Committee to ensure that accredited NGOs would in future have direct access to the sessions. It called on the Committee to decide that NGOs that were currently going through the accreditation process but which were, on the one hand, on a provisional list and, on the other, maintained official relations with UNESCO, would also have direct access to Committee sessions. Like the States Parties, NGOs were very much in favour of a balanced geographical representation. However, financial constraints were the main obstacle for local or national NGOs in the least developed countries. It therefore called on the Committee to earmark a share of the ICH Fund to enable NGOs from the least developed countries to be represented at Committee sessions, and to establish a voluntary fund to enable those NGOs to attend as observers. The latter solution had been adopted for the NGO Committee of UNESCO's Executive Board and had also been successfully implemented at WIPO and other United Nations bodies. It also felt that, in the interests of cooperation between States Parties and civil society, the Committee should be able to rely on the largest possible number of experienced organizations working in the areas covered by the Convention. Finally, it assured the Committee, once again, of the NGOs' commitment to safeguarding ICH and confirmed

that they were more than ready to make a productive contribution to the Committee's discussions with their unique input as NGOs.

221. The delegation of **Indonesia (observer)** said that the operational directives would impact on the decisions taken by countries when implementing the guidelines. It therefore suggested that the States Parties should only propose for accreditation those NGOs: that met the operational directives' criteria; had consultative experience; were able to consider applications and requests for international assistance; and were able to maintain ongoing communication with UNESCO. It concluded by asking for these remarks to be included in the minutes of the session.

[Tuesday 20 February 2008, 3.15 p.m.]

ITEM 9 OF THE AGENDA: DRAFT PROPOSAL FOR THE USE OF THE RESOURCES OF THE INTANGIBLE HERITAGE FUND

Document *ITH/08/2.EXT.COM/CONF.201/9*
Draft decision *2.EXT.COM 9*

222. The **Secretary of the Convention** recalled the history of the Committee decisions relating to the Fund. In Chengdu, the Committee had adopted Decision 1 EXT.COM 9 whereby the financial regulations were created for the Intangible Heritage Special Account. Those regulations stated that the financial period should correspond to that of UNESCO. In the same decision, it was decided by the Committee that there would be a Reserve Fund within the Special Account to meet future requests for emergency assistance, as foreseen in Article 22.2 of the Convention. He recalled that the Committee had requested the Secretariat to prepare a budget proposal for the second session of the General Assembly, to be structured according to the plan for the use of the resources of the Fund established in Tokyo. The Committee had also indicated that it was to be understood that the figures were indicative, and might be revised if required at a later stage by the Committee. At present, at least 70% had been allocated for international assistance.

223. The **Secretary** said that Annex 1 of the document offered a proposal for a draft budget for the use of the resources of the Fund from July 2008 to December 2009, proposing to use US \$1,924,854. Annex 2 was for the same purpose, but for the period January 2010 to June 2010. The amount proposed there was \$641,000, which was 1/3 of the amount figuring in Annex 1. The Committee had already decided that 70% was to be allotted for international assistance, equally divided over items a, b, c and d presented in the document. The Reserve Fund mentioned in paragraph 8 had also been predetermined to be 5%, or \$96,000. The four paragraphs running from 4 to 7 in the document had already been specified by the Committee. The Secretariat had assigned percentages to them, adding the figures in dollars. The choices had been made following the experience of the Secretariat. It was for the Committee to decide whether it wished other percentages, and in what way that distribution could be improved. Paragraph 2 concerned emergency assistance for safeguarding, which was intended mainly for emergencies foreseen under Article 22.2 of the Convention. The Reserve Fund was for all the various types of emergency assistance that might be necessary. He concluded by explaining that within paragraph 3, other functions of the Committee could be found, such as the costs of the emblem.

224. The delegation of **China** supported the document as a whole, as it was in line with the decision taken in Tokyo and based on experience in the past. It noted that the percentage allocated to the preparation of inventories and preparatory assistance was altogether 35% of the total, too much in its view. It commented that in the long run, more funds should be devoted to safeguarding and assistance especially in developing countries. The delegations of France and Estonia supported the proposal of China and shared the same concerns. The delegation of China specified that it had offered a comment and was not making a proposal.

225. The **Secretariat** explained that the percentages were there at the decision of the Committee. The Secretariat has already received over 20 requests through field offices, mainly from States

Parties to the Convention, for assistance with elaborating inventories. If it was proposed to change the percentages, the efforts of the States Parties to elaborate inventories would not be harmed in a significant way, because \$300,000 would be decentralized by UNESCO from the regular budget for that purpose. The idea was to try to encourage specific centres to provide training for inventory making. CRESPIAL had already elaborated an online tool to assist States Parties and Member States in the region to set up such inventories. If there was a proposal to halve the amount for the preparation of inventories and transfer that to safeguarding, the Secretariat would concur.

226. The delegation of **France** proposed, for the second period (January 2010 to June 2010), to have only 15.5% for inventory preparation to show that the inventory period was over and that there was a need to focus on safeguarding. The delegation of **Belgium** concurred with that proposal, but the delegation of **Mexico** requested guidance on the decision that had been taken in Tokyo on that issue.

227. The **Secretary of the Convention** said that in Tokyo the Committee had already adopted a plan for the use of the resources of the fund, indicating the percentages for specific items in the budget presentation, but at that time the precise size of the budget that would be available had not been known. That was why the Committee had requested the Secretariat to prepare a budget proposal for the second session of the General Assembly. The Committee had requested the Secretariat to structure the proposal according to the plan for the use of the resources of the Fund that had been decided in Tokyo.

228. The delegation of **Estonia** supported the French proposal concerning inventory preparation, and suggested, for the period from January to June 2010 to move 2% from preparatory assistance (1d, 15,5%) to emergency assistance (2, 12%) for safeguarding. The delegation of **Brazil** wondered what was meant by emergency assistance for safeguarding, and whether that was to be executed by organizations that had been accredited and nominated.

229. The **Secretary of the Convention** said that requests were submitted by States Parties and prepared with possible assistance from the budget. Such preparatory assistance was to a large extent meant to assist developing States Parties to elaborate proposals for the lists and for the selection of best practices for projects and activities under Article 18 of the Convention.

230. The delegation of **Belarus** supported the position of the Secretariat for the elaboration of inventories and moved to keep 17.5%. The delegation of **Turkey** reminded the Committee that it needed to help countries to draw up one or several inventories, and it therefore estimated that 17,5% for the preparation for inventories would not be enough. As far as safeguarding elements on the USL was concerned, the delegation did not understand why 17,5% would be allocated between July 2008 and December 2009, as at that time there would be no items inscribed on the USL. In that regard the delegation of **Bulgaria**, bearing in mind the preparation of inventories, stressed that inventories were increasingly being developed now in different countries, and that following that would be good to see an end to that stage.

231. The delegation of **Mexico** referred to Decision 2.COM 10 taken in Tokyo, in which the Committee had requested the Secretariat to prepare a draft budget in which at least 70% would be allocated to international assistance, to be distributed in equal parts between subparagraphs 1a, b, c and d. Having listened to the modification of that budget, it wondered if that altered the decision already taken in Tokyo. In Tokyo the decision had been taken that at least 70% of the budget would be allocated to international assistance. The delegation was afraid that the incorporation of new percentages would change the total on which the Committee had agreed.

232. The **Secretary of the Convention** said that the delegation of Mexico was right that in Tokyo it had been decided that 70% was to be divided in four equal parts over the items mentioned under 8 as presented in the current proposal, but it had also been said that the figures were indicative, and that the Committee might change the figures. He asked the Legal Adviser whether it was possible at the present stage to change the figures or not.

233. The delegation of **India** felt that it was a question of setting priorities in finding funds for appropriate activities. The question was whether the preparation of inventories should not be more significant than emergency assistance, which was naturally very important. The delegation preferred to maintain 17.5% for the preparation of inventories, but to reduce preparatory assistance by 2%. The delegation of Turkey remarked that two days previously it had been said that Bulgaria was the first country to present an inventory, while many countries had still not made an inventory, for which they might request help. Turkey therefore insisted on increasing the figures for inventories to 25%.

234. The **Legal Adviser** said that there was a problem of understanding. According to the decision taken in Tokyo, 70% of the available resources would be used. First it was necessary to see how “available resources” was interpreted. The Secretariat had tried to comply with the decision taken in Tokyo, which is why between a, b, c and d there were equal shares of the available resources. In the draft project to be approved by the General Assembly, an amount had been proposed. If the Committee wished to change the French or Estonian amendment or the second budget period for instance, that was a matter of priorities. The Committee had decided in Tokyo to share the budget available equally between a, b, c and d, and if that was changed, the Committee would be moving away from the decision adopted in Tokyo.

235. The **Chairperson** said that the problem is not in the equal shares, but in the percentages, and that the correlation needed to be seen between the amounts allocated and the different activities.

236. The delegation of **Bolivia** agreed with the view of the delegation of Turkey concerning countries that had not done the inventories, and support would therefore be needed. It also agreed that no inscription in the USL would now take place, and proposed 15% for emergency assistance and 20% for the preparation of inventories. The delegation of Mexico preferred to avoid restarting the same debate, and reaffirmed the decision taken in Tokyo that 70% should be shared out, and that adjustments could be made for “at least 70%”.

237. The **Legal Adviser** preferred that the Committee should avoid revisiting its own decisions. If something needed to be changed in a decision, a two-thirds majority was needed. The Committee could thus change the decision taken in Tokyo, but he asked whether the Committee really wished to do so, it did not concern a legal matter, but rather a policy issue.

238. The delegation of **Nigeria** stressed the importance of abiding by the Tokyo decision. The delegation of **France** withdrew its proposal and reaffirmed the decision taken in Tokyo. The delegation of **Romania** understood the concern of the delegation of Turkey, but endorsed the document of the Secretariat. The delegation of **Belarus** wished to keep 17,5% for inventories. The delegation of **Estonia** withdrew its proposal, but maintained its reservation about safeguarding for the future. The delegation of Bulgaria supported the initial proposal of the delegation of France, adding that the figures could be readjusted in the light of experience, and suggested keeping the proposal of the Secretariat. The delegation of **China** recalled the decision taken in Tokyo, stressed the need to keep the 70%, and endorsed the first budget. Concerning the second budget, the delegation thought it might be revised after an initial experience.

239. The **Chairperson** confirmed that it would be approved by the General Assembly, the next one being in 2010, and thus a decision needed to be taken at the current session. If, after initial experience, the Committee was not satisfied with the distribution, it could be changed in future.

240. The delegation of **India** withdrew its proposals concerning preparatory assistance and emergency assistance for safeguarding, adding that the figures were indicative, but the percentages were not necessarily indicative, as the delegations of Mexico and China had pointed out. The delegations of Hungary and Belgium proposed adopting the Annex as presented, and added that in future, changes could be made after initial experience had been gained. The delegations of Turkey and Bolivia, in a spirit of consensus, also withdraw their proposals. The

delegation of Algeria supported the 70% for international assistance, stressing that experience would show if changes needed to be made in future.

241. The **Chairperson** expressed appreciation for the spirit of cooperation, and declared Decision 2. EXT. COM 9 adopted.

ITEM 11 OF THE AGENDA: DRAFT OPERATIONAL DIRECTIVES ON REPORTING TO THE COMMITTEE BY THE STATES PARTIES

Document ITH/08/2.EXT.COM/CONF.201/11

Draft decision 2.EXT.COM 11

242. The **Secretary of the Convention** presented the document and referred to Article 29 of the Convention which stipulated that States Parties should submit to the Committee, observing the form defined by the Committee, reports on the various arrangements for implementation of the Convention.

243. The **Chairperson** invited the Committee to consider the document paragraph by paragraph:

[Reports by States Parties on the implementation of the Convention]

Paragraph 1

244. Adopted as it stood.

Paragraph 2

245. The delegation of **India** asked whether the Secretariat had inquired in advance about the reports to the World Heritage Committee, which had decided, after a period of 6 years, to pause to assess and revise the evaluation system. It called on the Committee to follow suit. The delegation of **Mexico** considered that the scheduled deadline for submitting the reports (31 December) was not very practical, for Latin America at least, and suggested it be brought forward to 15 December.

246. Replying to the delegation of India, the **Secretary of the Convention** said that the Secretariat had indeed consulted colleagues at the World Heritage Centre, but their situation was different in that the reports were organized on a regional level, which was possible with a Convention which had achieved an almost perfect regional balance. In the case of the Committee for the 2003 Convention, the first assessments would take place in 5 years' time, following which the Committee would be able to draw the necessary conclusions. With regard to the late December deadline, he stressed that what mattered was to receive the reports before the ordinary session of the Committee, which would be held as normal in the second half of the year.

247. The delegation of **India** considered that the regional reports prepared for the WHC were very useful because they enabled regions to assess the whole situation from a particular point of view; this could prove even more useful for intangible heritage such as African oral traditions. While it was true that the 2003 Convention was not yet universal, the delegation pointed out the speed with which it had been ratified. It suggested considering a similar system of regional reports, but said it would go with the consensus if the Committee wished to keep to the Secretariat's proposal. Finally, it pointed out that this issue had already been discussed at length by the World Heritage Committee, and stressed that such reports should not become a burden for States Parties or a cause of concern for States non-party that wished to ratify the Convention.

248. The **Chairperson** asked for this very important point to be included in the minutes.

249. The delegation of **China**, supported by the delegation of **Gabon**, said it fully agreed with India, and referred to its difficult experience on a United Nations commission. It hoped that the reporting requirements for the Committee would be simple and that countries would be able to

comply with them without too much difficulty. The delegation asked the Secretariat to prepare clear, consistent guidance using common guidelines so that the reports would not become an extra burden, especially for developing countries. The delegation of **Algeria** asked for the reports to be presented in a simplified, standard format, so that the task would be easier for States Parties.

250. The paragraph was adopted as amended.

Paragraph 3

251. The delegations of **Estonia, Algeria and India** wondered about the arrangements for ensuring access to intangible heritage, given that, in many parts of the world, such access was sacred. The delegation of **Peru** asked for the sub-paragraph to be deleted. The delegation of **Brazil**, supported by the delegations of **Algeria, India and Estonia** also considered that a State could not guarantee access to intangible heritage; access depended on a range of circumstances and even on the will of the people and communities that produced it. It would be preferable to ensure or facilitate access to information about intangible heritage while respecting confidentiality rules.

252. The **Secretary for the Convention** said that the language used had been taken word for word from Article 13(d) of the Convention, and that in many expert meetings that point had been appreciated and stressed while ensuring the visibility of intangible cultural heritage. There were many expressions and customary practices that were secret, and that was why there was an appeal in the Convention for those that deal with intangible heritage to respect those secret practices. He also mentioned that a simple format would be provided.

253. The delegation of **France** did not agree with the explanation and pointed out that the context of Article 13 (d) of the Convention was different in that it required appropriate legal, technical, administrative and financial measures to be adopted to facilitate and ensure access. With regard to legal technical measures, access could be virtual, and in any case, different from physical access. It shared the concerns of those delegations who could see problems in ensuring access to intangible heritage. It agreed with the two proposed solutions: that of Peru to delete the paragraph; and that of Brazil to ensure access to information about ICH. It also stressed that it was not just a matter of the ICH that was registered on the lists of the Convention, but of ICH in general, including that which might be secret in a given society.

254. The **Chairperson** said that the Brazilian proposal offered a good solution which had also met with some support and suggested following this line.

255. The delegation of **Nigeria** was convinced that the paragraph should be kept because it covered a certain reality on the ground where there were circuits, groups or even songs that were quite exclusive. The delegation of **Kenya (observer)** said that the cultural content of ICH was transmitted from generation to generation, thus ensuring its sustainability. It was pleased that the Secretariat had referred to the Convention and pointed out that Article 13 had given rise to much discussion when the Convention was being drafted. If ICH were not passed on to the younger generations, it would be in danger. Some generations, especially young people, were sometimes denied access to certain aspects of ICH and were therefore unable to experience it. Consequently the delegation was in favour of reports by States Parties and of paragraph 3) (b) (iii)), which would make it possible to check that the State concerned had adopted useful, necessary measures to safeguard ICH.

256. Paragraph 3 was adopted as amended.

Paragraphs 4, 5 and 6

257. Adopted as they stood.

Paragraph 7

258. The delegation of the **United Arab Emirates** referred to the lengthy discussion that had taken place that morning on the involvement of NGOs, experts, research institutes and others agencies, and felt that the NGOs should also be involved in drafting the reports. The delegation of **India** said that the role of NGOs and of community and other groups was different and that NGOs should not be added at this juncture. In addition, the delegation wished to use the word "may" with reference to involving communities, groups and individuals in preparing the reports; sometimes it was appropriate to involve them, and sometimes it was not.

259. The delegation of **Estonia**, supported by the delegation of **Belgium**, on the other hand, wanted to keep the wording used in the document, as it was a question of inclusion in the representative list of ICH practices of the communities and, where appropriate, individuals concerned, and their contribution to the reports was essential.

260. The delegation of **Algeria**, supported by the delegation of **Senegal**, said that that raised a very important issue which impacted directly on what was an almost exclusive prerogative of a State Party. Using the term "are to" was tantamount to dictating to a State Party. It suggested being a little more flexible and using the word "may" instead, bearing in mind that the report was primarily the responsibility of the State Party.

261. The delegation of **Brazil**, supported by the delegations of **France, Bulgaria, Mexico, Belarus** and **Mali**, expressed its support for the delegation of Estonia. Just as with the inventories, the Committee had considered it essential to involve communities, groups, etc., as producers of ICH. It told the delegation of the United Arab Emirates that their views were addressed in the following paragraph, which referred to state agencies and communities, whereas paragraph 7 should only cover those specifically involved in the management and production of ICH. The delegation of **Peru** said that a mention of any financial support for ICH should also be included in paragraph 7.

262. The delegation of **India**, taking note of everything that had been said, referred to Article 15 of the Convention which required each State Party to try to ensure the widest possible participation of communities. It stressed that it was not possible to force a State Party to follow something that would perhaps not apply in that State. Using such strong vocabulary was very forceful because it meant that, from a legal point of view, if a State did not involve all those agencies in preparing the reports, it would be in violation of the Convention and the report would have to be declared null and void. The Convention never used such vocabulary, particularly given that for a number of States Parties it would be virtually impossible to ensure the effective involvement of a community. Citing the example of India, where it would take years to compile the ICH inventory, it would not be able to make a serious commitment to an operational directive, particularly paragraph 7, that it was not sure it could comply with and implement.

263. Although it understood the concern of the delegation of India, the delegation of **Estonia** maintained that one of the requirements for the representative list was in fact the involvement of the communities or individuals concerned.

264. The delegation of **India** said that it was only an issue in the preparation of reports; never with regard to the management and safeguarding of ICH. The delegation of **Brazil** referred to article 15 of the Convention, which required "the widest possible participation of communities", to remind States Parties that communities should help to produce information for inclusion in the States' reports. Consequently, communities and other agencies should not be involved directly in the reports but should provide the necessary information, as well as their point of view, which would provide input for the reports. In the case in point, States could not shirk their responsibilities. The delegation of **France** supported the Brazilian proposal and suggested the wording "shall ensure" participation.

265. The **Legal Adviser** said that it was a delicate issue and that the concerns were understood, but that there was an obligation with respect to the results and the related process to involve the communities in the preparation of the report, but not in the technical preparation of the States Parties. He therefore suggested putting that States Parties should endeavour “to ensure the participation of the communities, groups and, where applicable, individuals concerned during the process of preparation of such reports”.

266. Noting that the Committee was in agreement on this proposal, the **Chairperson** declared paragraph 7 adopted as amended.

Paragraph 8

267. With reference to the delegation of Peru’s suggestion that the reports should also include a section on any financial support received for safeguarding intangible cultural heritage, the delegation of **Mexico** said it would be very complicated to administer in Mexico as it was not always easy to quantify the benefits received for specific projects. The delegation of **Algeria** fully agreed with this remark and said that in Algeria it was not easy to quantify the amount of financial support for a specific activity that was part of the State’s general efforts to promote and safeguard heritage. It was not always easy to separate out such financial support, especially as the support could come in different forms.

268. The **representative of the Director-General** said that the information to be provided in paragraph 8 only concerned items inscribed on the representative list and not the ICH of a country in general.

269. The delegation of the **United Arab Emirates** asked what type of financial support was being referred to: that received by the State or by the community. NGOs and other groups devoted a lot of financial and other effort to certain communities without it ever appearing on the balance sheet of the State Party.

270. The paragraph was adopted as amended, with the deletion of the reference to financial assistance received or used for the safeguarding of ICH.

Paragraph 9

271. Adopted as it stood.

[Reports by States Parties on elements inscribed on the Urgent Safeguarding List]

Paragraph 10

272. The delegation of **India** called for the same procedure to be used for this paragraph as that proposed by the Legal Adviser, namely involvement of the communities, groups and, where appropriate, individuals concerned in preparing the reports.

273. The paragraph was adopted as amended.

Paragraph 11

274. The delegation of **India** was astonished by the paragraph, which seemed to have been copied word for word from the reports on the conservation of world heritage sites. This would be a problem in terms of how to present the reports on ICH and the vast array of elements that existed. It was concerned that the Committee might eventually be faced with an enormous workload and suggested a trial run, after which the details could be spelt out later, drawing on the results.

275. The delegation of **Gabon**, after consulting the delegation of **Algeria**, proposed that the reports be submitted to the Committee using common guidelines and a simplified format prepared by the Secretariat and adopted by the Committee. This wording was also used in paragraph 2.

276. The Committee having agreed to the proposal, the **Chairperson** declared paragraph 11 adopted as amended and re-adopted paragraph 2 with the same amendment.

[Thursday 21 February 2008, 9.45 a.m.]

ITEM 11 OF THE AGENDA [continuation and conclusion]: DRAFT OPERATIONAL DIRECTIVES ON REPORTING TO THE COMMITTEE BY THE STATES PARTIES

Document ITH/08/2.EXT.COM/CONF.201/11

Draft decision 2.EXT.COM 11

Paragraphs 12 and 14

277. Adopted as they stood.

Paragraph 13

278. Adopted as amended by deleting the reference to financial support.

[Receipt and processing of Reports]

Paragraph 15

279. Adopted as it stood.

Paragraphs 16 and 17

280. The two paragraphs were adopted as amended at the request of the delegation of China, which preferred that the reports should be made available to States Parties (paragraph 16) and to the public (paragraph 17) for information rather than for consultation.

[Reports by States non-party to the Convention on elements inscribed on the Representative List]

Paragraph 18

281. Adopted as it stood.

Paragraph 19

282. Adopted as amended, setting the date for submitting the reports at 15 December.

283. Decision 2.EXT.COM 11 was adopted as amended.

ITEM 14 OF THE AGENDA: AMENDMENT TO THE RULES OF PROCEDURE REGARDING THE FUNCTIONS OF THE BUREAU

Document ITH/08/2.EXT.COM/CONF.201/14

Draft decision 2.EXT.COM 14

284. The **Secretary of the Convention** explained that at its second session in Tokyo the Committee had decided that the Bureau should be given the authority to receive and evaluate requests for international assistance of less than 25 000 USD. The Legal Adviser had pointed out that it was not possible under the existing Rules of Procedure. It was therefore decided to amend the RP accordingly. The new Rule 12.1 proposed an addition stating that the Bureau was to exercise any other duty entrusted to it by the Committee. The new Rule 12.2 proposed that the Bureau, when convened by its Chairperson, could meet as frequently as it deemed necessary. A new Rule 12.3 proposed that these meetings should take place in public, unless the Bureau decided otherwise, and that only States Parties could address the Bureau, with the prior consent of the Chairperson.

285. The delegation of **India**, supported by the delegations of **Japan** and **China**, considered these proposals most useful. However, recalling the problems that the Bureau had had with the term "public" in Rule 12.3 at that morning's meeting, it had been specified that the Bureau meetings would be open to observers, i.e. members of the Committee and States Parties to the Convention. The delegation of **Mexico**, while agreeing with the proposal from the delegation of India, wondered whether it was necessary to retain "observers". The delegation of Brazil suggested, for reasons of greater clarity, specifying that Bureau meetings would be open to members of the Committee and States Parties to the Convention as observers.

286. The delegation of **Gabon** wanted to split Rule 12.1 into two separate rules: one setting out the membership of the Bureau and the other defining its remit.

287. The **Chairperson** then proceeded with the adoption of the 4 paragraphs as amended of Rule 12 of the Rules of Procedure.

288. Decision 2.EXT.COM 14 was adopted as it stood.

ITEM 15 OF THE AGENDA: EXAMINATION OF THE ISSUE OF ADMISSION OF NGOs AND NON-PROFIT-MAKING ORGANIZATIONS AS OBSERVERS

Document ITH/08/2.EXT.COM/CONF.201/15

Draft decision 2.EXT.COM 15

289. The **Secretary of the Convention** said that admission of observers had been addressed under two separate agenda items: admission of observers to the current session and admission of NGOs and non-profit institutions to future sessions of the Committee. With regard to future meetings, the Secretariat had suggested using for its next session, i.e. the third ordinary session of the Committee, to be held in Istanbul, the same procedure as that used for its Sofia session, and to continue the discussion in order to find a lasting solution. It had also been proposed to set up a subsidiary body, in view of the heavy agenda for the session. The Chairperson said that the Bureau had recommended not creating such a body, and keeping instead to the existing procedure, i.e. that adopted in Tokyo.

290. Several delegations, including **India**, **Brazil**, **China** and **Mexico**, also spoke against creating such a subsidiary body, particularly in view of the renewal of half of the Committee at the second General Assembly in June 2008. The delegation of India said that the Bureau had also recommended confirming Decision 2.COM 4 adopted in Tokyo, bearing in mind that the issue would be settled once and for all in Istanbul. Wishing to avoid any misinterpretation, it confirmed that the Bureau was not substituting the Committee in any way, but that it had to make recommendations which the Committee could either accept or reject.

291. The delegation of **Turkey** wanted to begin discussing the document as presented by the Secretariat and did not want to defer the matter until the third session.

292. The delegation of **Brazil**, supported by the delegations of **France, Belgium and Bulgaria**, said it agreed with extending the Tokyo decision until the following session and hoped that a final decision would be taken on the matter at the Istanbul session.

293. A draft decision was subsequently proposed by the delegation of **Japan**, which wanted to keep the first three points of the draft decision, replace the rest with paragraph 10 of the Tokyo Decision 2.COM 4 and add "with a view to taking a decision on this matter". The proposal was supported by the delegations of Estonia and India, which suggested adding that the Committee confirmed the decision taken in Tokyo.

294. The **Chairperson** then asked the delegation of Turkey, which had already been elected to chair the third session in Istanbul, whether it would agree not to discuss the matter issue at the current session in Sofia but to deal with it at the Istanbul session instead.

295. The delegation of **Turkey** stressed that the issue of observers was a sensitive, fundamental question, and said that its position was very similar to those expressed by other delegations. However, it wished to clarify that since Tokyo, Turkey had been expecting a decision to be taken at the current session, including the creation of a subsidiary body, as it believed that the important thing was to ensure the continuity of the Committee as an institution. Consequently, it seemed easier to take that decision, which was entirely objective and uncontroversial. Nevertheless, the delegation was fully prepared to take into account the forthcoming elections and the fact that new members might also wish to sit on the subsidiary body. Referring to its great responsibility as host of the next session, it had wanted to facilitate the work of the extraordinary session as much as possible, even if it disagreed fundamentally on certain sensitive issues. It was ready to accept the Committee's decision to defer the matter to the third session, if such was its wish.

296. The **Chairperson** thanked the delegation of Turkey for its approach; it was greatly appreciated. She said that Turkey would indeed have a great responsibility in hosting the session immediately after the session of the GA, when operational work would begin with the transfer of Masterpieces to the Representative List.

297. The **Chairperson** then proceeded with the adoption of Decision 2.EXT.COM 15 as amended.

ITEM 13 OF THE AGENDA: DRAFT OPERATIONAL DIRECTIVES ON THE PRINCIPLES GOVERNING THE USE OF THE EMBLEM OF THE CONVENTION

Document *ITH/08/2.EXT.COM/CONF.201/13*

Draft decision -----

298. The **Chairperson** said that, when adopting the agenda, the Committee had decided to defer the item until the end of the session so that, if time allowed, a general discussion could be held without taking any decision on the operational directives.

299. The **Chairperson of the subsidiary body, Mr Chérif Khaznadar**, informed the Committee that since the launch of the competition at the end of the Tokyo session in September 2007, the Secretariat had received no fewer than 900 entries from all over the world. The subsidiary body was, however, disappointed to see that very few of these were from groups V (a) and V (b), which accounted for only 1% or 2% of the total. The next stage was set for 1 April 2008 with the pre-selection, following which a second selection would be made in Paris in mid-June in order to come up with a shortlist. The selections would then be revised by graphic designers and submitted to the Committee at its meeting in Istanbul. He was pleased that they would be able to meet the 13 June deadline, by which time the subsidiary body would have completed its work, having selected a limited number of entries for submission to the Committee, and would then disband. He regretted, however, that while an emblem would definitely be selected in Istanbul, it could not be used for two

years because there were no operational directives governing its use. He suggested that the GA should adopt a resolution on restricted use of the emblem and postpone other uses until 2010.

300. The delegation of **Algeria** thanked Mr Khaznadar and agreed that it was important to discuss and adopt the operational directives. An emblem would raise the profile of the Convention, making it easier to find resources. If such a discussion were to prove difficult, it was in favour of considering a two-stage decision, as proposed by the Chairperson of the subsidiary body.

301. Several delegations, including **Brazil, Gabon, China, Mexico, India** and **Hungary**, felt that it was for all States Parties to the Convention to decide on the proposals and not just the 24 Members of the Committee. It was absolutely fundamental for each country and a decision on the operational directives could not be taken at the extraordinary session. They needed to take time to examine the question, reflect and consult a lawyer, particularly on the issue of intellectual property. The delegation of Gabon was concerned about the geographical imbalance of the entries and wanted to know what steps had been taken to remedy this imbalance.

[Coffee break: 50 minutes]

302. The delegation of **Mexico** felt that it was important first of all to establish responsibilities for using the emblem: that of UNESCO, that of the States, and responsibility for its commercial use. It was important not to give the impression that it was the Committee that was going to choose a logo, but to submit a range of proposals to the GA so that it could choose the best one. It was against choosing an emblem that identified with a name or a region. The proposals should be anonymous and their origin kept secret in order to avoid any political issues. It referred to the difficult, laborious experience of selecting the World Heritage emblem, which was limited to cultural and natural sites. The scope was much broader with the ICH, more diffuse and complex and time would be needed for a thorough discussion on the use of such an emblem for the ICH, particularly in commercial and legal terms.

303. The delegation of **Nigeria**, speaking on behalf of Group V (a), called for the deadline for submitting logo entries to be extended so that more proposals could be received from different geographical areas, thus providing a more balanced representation. The delegation of **Mali** asked whether the GA would have to adopt the operational directives proposed by the subsidiary body at its next session, or whether the Committee still had a say.

304. The **representative of the Director-General** confirmed that this item was not on the agenda and it had never been intended to submit the emblem at the next session of the GA. Furthermore, the subsidiary body would meet again in Sofia in order to take account of the Committee's comments, including the extended deadline for submitting entries.

305. The delegation of **Japan** questioned the applicability of the operational directive. It pointed out that the draft referred to the resolution adopted at the last General Conference of UNESCO; given that that resolution applied to certain situations, the draft operational directives did not apply to use of the emblem of the Convention. According to the resolution of the General Conference, the emblem could be used by the General Conference, the Executive Council, the Secretariat and National Commissions, but its use did not extend to the Committee. It therefore called on the Committee to review the applicability of the draft operational directives, stressing that the Committee needed to have the authority to review the National Commissions' right or otherwise to use the emblem. Finally, it asked the Secretariat to revise the text by the following session.

306. The **Legal Adviser** thanked the delegation of Japan and confirmed that it was indeed the crux of the matter. In order to avoid the problems experienced with the World Heritage emblem, paragraph 1 of the directives provided that when the emblem of the Convention was used alone, the Committee's own conditions would apply. The problem raised by the delegation of Japan focused on use of the UNESCO emblem and the Convention logo together. It was not actually possible to circumvent or avoid implementing the resolution adopted by the General Conference on

the UNESCO emblem. Regarding world heritage, the WHC Committee had decided that the logo was to be used alone; consequently, it was proposed to do the same for the 2003 Convention. If in future the Committee wished to use the emblem of the Convention with that of UNESCO, two regulations and two sets of rules would apply. He called on the Committee to exercise caution when adopting the operational directives, especially with regard to using the emblem at the same time as that of UNESCO, in order to avoid any conflict. He informed the Committee that the Secretariat was ready to assist in this considerable task, but that to do so it needed a clear policy statement from both the Committee and the GA. That was why it would be wise for the GA to adopt the operational directives, as a principle for establishing the conditions that would make the Committee and the GA the only authorized users.

307. The delegation of **India** stressed that if the two rules were to be combined harmoniously, a precise definition of the applicable rule and the circumstances for use would be needed. Similarly, when using the emblem of the Convention on its own, the specifics for its commercial use would have to be very clear. Moreover, the problem of intellectual property would also arise for States Parties that wanted to use the logo without owning it. The document stipulated that the State Party would be held responsible for any consequences arising from the use of the emblem. This was a very important, thorny issue that needed further discussion, both by States Parties and the Secretariat, in order to assess the scope.

308. The delegation of **Mexico** also felt that the Secretariat's proposal should be aligned with the directives adopted by the General Conference, as paragraph 1 of the directives on use of the Convention emblem stated that it would normally have to be accompanied by that of UNESCO. Consequently, the matter should be handled with extreme caution and be subject to a wide-ranging, thorough debate.

309. The delegation of **Brazil** also urged members not to be too hasty with such a complex issue, which should be examined with caution. It therefore welcomed the general debate and asked the Secretariat to revise the text that had been submitted to the Committee session, in order to gather as much information as possible.

310. The delegation of **China** noted that the document on the operational directives was a compilation of the Secretariat's wealth of experience with other entities and logos. The 2003 Convention, however, differed in many respects from the World Heritage Convention, because the great monuments of world heritage could be counted on the fingers of one hand while there were countless intangible assets. How could an emblem reflect this diversity and, more importantly, how should it be used? Could all those groups, individuals and other communities in the far-flung corners of the planet really be held responsible for the consequences of using the emblem? The experience of other treaties was certainly important, but in the case currently facing the Committee some very specific circumstances applied; they should be taken into account when drawing up the directives. Leaving aside the divergent views of the Member States, the delegation commended the Secretariat on its remarkable achievement in compiling the document, and asked for it to be revised accordingly.

311. The delegation of **France** shared the views of all the States that had spoken, stressing that the text was important and needed to be looked at in depth by legal experts. It suggested that a request be made to all States Parties to submit written comments for the following meeting. That could facilitate the discussion and enable everyone to have sight of the different legal positions.

312. The **Secretary of the Convention** confirmed that a letter would be sent to States Parties asking them to submit their comments, which could facilitate the discussion at the following session of the Committee.

313. The **representative of the Director-General** added that paragraph 1 was already in itself a crucial point and it would be a good idea to send all States Parties, for information, a short text on the conditions attached to Resolution 34 C/86 on the use of the UNESCO name and logo.

314. The delegation of **Japan** supported the idea but also asked the Committee Secretariat to highlight the most relevant provisions of the General Conference's Resolution so that the Committee could compare the text proposed by the Secretariat with that of the General Conference.

315. The **Chairperson** concluded by reminding members that it had been decided that States Parties would send their comments to the Secretariat so that the latter could gain a better understanding of the various implications, thus enabling it to amend the operational directives in accordance with the views expressed, and to present a revised version in Istanbul. She then closed the discussion of the item and deferred the matter to the third session of the Committee.

[No session in the afternoon, thus enabling the Secretariat to finalize the chapters of the operational directives]

[Friday 22 February 2008, 9.45 a.m.]

ITEM 16 OF THE AGENDA: COMPILATION OF THE OPERATING DIRECTIVES

Document ITH/08/2.EXT.COM/CONF.201/16 Rev

Draft decision 2.EXT.COM 16

Chapter 1: Introduction

316. The delegation of Japan expressed its appreciation of the good work done by the Secretariat, but asked if an introduction was necessary, and suggested leaving it out as the text of the Convention did not have one either. Instead, it suggested asking the Director-General to write a general introduction. The **Chairperson** shared the concern of the delegation of Japan and asked if an introduction was really necessary. The delegation of **Brazil** indicated that after a first reading of the introduction, it had had the same reaction as the delegation of Japan, and agreed with its suggestion to ask the Director-General to produce an introduction for the basic texts on the Convention.

317. The delegation of **India** congratulated the Secretariat on the excellent document, and supported the proposal of the delegation of Japan. The delegation of China, commenting on the proposal of the delegation of Japan, proposed to keep the introduction, but to delete paragraph 6. The delegation of **Algeria** had initially favoured the proposal of the delegation of Japan, but having read the entire text, thought it useful to retain it, possibly deleting paragraph 6, as the wording could cause difficulties. The delegation of **Estonia** also proposed keeping the introduction, and instead of just deleting paragraph 6, attempting to deal with some of those issues, which seemed to be important for the delegation. The **Chairperson** indicated that the introduction contained important elements, and some delegations were proposing to keep it, but at the same time others recognized that there were some difficult paragraphs, and there were some suggestions to delete them. It suggested, if the delegations of China and Algeria did not insist, the Committee should drop the introduction of the document and ask the Director-General to prepare a document for the General Assembly which contained some of the elements that were in the present text.

318. The delegation of **China** regretted that there would not be an introduction to the document, but agreed to withdraw its proposal, stressing that an introduction written by the Director-General would be different from one drafted by the Committee itself. The delegation of **Brazil** agreed with the delegation of China, that if the Director-General subscribed to such an introduction, it would not have the same legal weight as a text by the Committee itself.

319. The **Chairperson** agreed with the analysis of the delegation of Brazil and suggested, as the delegation of Japan proposed, to leave it to the Director-General to draft the introduction to the basic texts volume to be prepared by the Secretariat. It was then decided to delete chapter I.

Chapter 2 (new chapter 1)

320. The delegations of **Senegal** and **Brazil** were of the opinion that the distinction between national and international safeguarding was artificial and that the title should not include such a distinction. The **Chairperson** proposed to strike out “at the international level” in the title. The delegation of **Gabon** supported that change.

321. The **Chairperson** went to 2.1 and called attention to new paragraph 13a. The delegation of **China** expressed its gratitude to the Secretariat and endorsed the paragraph, as it deemed it absolutely necessary.

322. With regard to the incorporation of items proclaimed “Masterpieces of the Oral and Intangible Heritage of Humanity” in the Representative List, the delegation of Japan proposed setting a period of one year for States non-Parties to express their explicit consent in writing to accept the rights and assume the obligations contained in the Convention in accordance with the modalities foreseen.

323. The delegation of **India** welcomed that decision and felt it would perhaps be appropriate to attach the introduction made by the Legal Adviser for the information of Committee members. The delegation of **Brazil** supported the suggestion of the delegation of India, but added that it should not be published once the Operational Directives were published. The **Chairperson** proposed adding the comments made by the Legal Adviser at the General Assembly, not as an annex to the official document, but as an information document.

324. The **Legal Adviser** said that the introduction was a legal opinion which had already been conveyed to the Committee in Chengdu and followed by a subsequent debate in Tokyo. The topic was complex from a legal point of view, but should not be placed on an equal footing with procedural or regulatory texts. He undertook to work closely together with the Secretariat to ensure that the entire process would be clear to those States that had not taken part in this discussion, and expressed his preference that the text should not be annexed formally to the document.

325. The delegations of **Brazil** and **Mexico** noted that it would be good to have an information document containing the legal document of the Legal Adviser and reflections on what had been debated in Sofia. The delegation of **Algeria** underscored the need to make the legal information available for the forthcoming General Assembly, as that would avert unnecessary discussions in the future. The delegation of **Hungary** supported the proposal to submit the information to the next General Assembly, and suggested organizing an information meeting thereon, in late May, for Member States that would be attending the General Assembly, but had not been present in Sofia in order to avert unnecessary debates. The delegation of China proposed that the Secretariat should make available the legal introduction at the General Assembly of the State Parties and that the Committee should not ask the Director-General to include it in his introduction.

326. With regard to the promotion and dissemination of best practices (Article 18 of the Convention), the delegation of **China** proposed the deletion of paragraphs 51 to 55, considering paragraph 50 as a summary of the others. The delegations of **India**, **Mexico** and **Gabon** did not agree to the deletion of those paragraphs, recalling the long discussions of the Committee about the importance of best practices, in particular among the African countries.

327. The **Chairperson** asked if there was any objection to keeping all the paragraphs. The delegation of **China** said that nobody wished to delete paragraphs 51-55, but that only one delegate wished to have a synoptic paragraph. The Chairperson retained the paragraphs and adopted them.

Chapter 3 (new chapter 2)

328. The delegation of **India** remarked that the reference to a Special Account had been deleted. It wished to inform the Members of the Committee that a Special Account was normally set up to encourage donors to provide funds that were then regulated according to UNESCO's regulations through a group consisting of representatives of donors, recipients and the UNESCO Secretariat. The delegation asked if additional funds for donors would be set up, and wondered if a separate account would be set up, referring to the reserve fund. If a strategy was set up to encourage funds, it wondered where the money would go, and whether a separate account would be set up. It asked if the discussion has been postponed until Istanbul, and requested the Legal Adviser to make some comments.

329. The **Secretariat** reported that in Chengdu the Committee had already adopted the financial regulations of the Fund and decided to manage it as a Special Account. The delegation of India indicated that if the terminology was already confusing to the Committee, it would certainly be more so to the General Assembly, and requested the preparation of a background paper. The **Chairperson** suggested that a footnote was perhaps needed.

330. The delegation of **Hungary** suggested including that item in the information document it was requesting the Secretariat to prepare, recalling at the same time the history of the Fund. The delegation of **France**, supported by the delegations of the **United Arab Emirates** and the **Syrian Arab Republic**, proposed indicating clearly in the paragraphs concerned of the relevant chapter that the Fund was managed as a Special Account in conformity with Article 1.1 of its Financial Regulations. The delegation of the **Syrian Arab Republic** considered a footnote inadequate.

Chapter 4 (new chapter 3)

331. The delegation of **Belgium** wished to comment on paragraph 4.1 as a member of the subsidiary body. The preamble had already been discussed at some length and, while it did not wish to reopen the debate, it suggested that the preamble should appear in some sort of background document rather than in the middle of a compilation of operational directives. It was understandable that at its meeting in Vitré the subsidiary body had wanted to introduce the operational directives on the participation of communities, groups, etc., with an explanatory text, but the delegation felt that the compilation should confine itself to the operational directives.

332. During the discussion of the preamble, the delegation of **Peru** said that the preamble was there to introduce the operational directives. The text was needed because it expressed the thinking behind the operational directives, and as a member of the subsidiary body, it hoped that the preamble would stay where it was.

333. The delegation of **India** supported the delegation of Peru, adding that the preamble had been substantially amended to provide a correct document for introducing the Operational Directives. The delegation of **Mali** supported the delegation of India, stressing that there had been heated discussions on the preamble. The delegation of **Mexico** considered that the preamble was very useful and should be retained, but asked why it had been put in the middle of the Operational Directives instead of at the beginning.

334. The **Chairperson** asked the **Committee** whether the preamble should be put at the beginning of the Operational Directives.

335. The delegation of **Senegal** said that the Committee had already decided that the preamble was related to chapter 4 (new chapter 3) of the Operational Directives, and doubted whether it could serve as a general introduction to the Operational Directives. In discussing the table of contents, the Secretariat was endeavouring to present the text at a national and an international level, which is why it, supported by the delegation of **Mali**, proposed to abolish the separate levels. It also remarked that paragraph 8, relating to public and private bodies called upon for consultative

functions, should not be only at a national level, and proposed not to separate the text into two levels, and stressed that if the split was retained, paragraphs 6 and 8 did not properly belong under the national level.

336. The **Chairperson** summarized the proposal of the delegation of **Belgium** to delete the preamble and to put it in an information document, that of the delegation of **Mexico** to have it at the beginning of the Operational Directives, and that of the delegations of **Peru** and **Senegal** that wished the preamble to be retained where it is, preceding only those operational directives related to the participation of communities.

337. The delegation of **China** was of the opinion that it was too late to change and to remove it as a chapeau from the Operational Directives, as the decision was to leave it in front of the Operational Directives on the participation of communities. The delegation of **Brazil** agreed to retain the preamble, and not to discuss at length where it should go. The delegation of **India** recalled that the Committee had decided to keep the preamble where it currently was, not at the beginning of the Operational Directives, and remarked that the Committee had never asked for any headings to be inserted. It proposed to remove the heading, and asked to regroup paragraphs 8, 9 and 10. The **Chairperson** said that when discussing the preamble, some delegations had wished to move it to the beginning, but that no discussion had been held on that, and noted that the predominant view was to keep it as it was.

338. The delegation of **Mexico** pointed out that the preamble in the middle created a break in the reading of the Operational Directives. The Committee should be aware that the General Assembly might ask why it appeared before Chapter 4. The delegation of **Belgium** supported the view of the delegation of Mexico that there could be problems at the General Assembly, but agreed to join the consensus. The Chairperson proposed to retain the preamble, and regarding the proposal of the delegation of Senegal, the delegation of **Bulgaria** agreed with the proposal not to separate the text into national and international levels.

Chapter 5 (new 4)

339. The **Chairperson** recalled the debate on the Operational Directives the preceding day under item 11 of the agenda.

340. The Chairperson declared Decision 2.EXT.COM 16 and the Operational Directives adopted as amended.

ITEM 17 OF THE AGENDA: REPORT ON THE ACTIVITIES OF THE COMMITTEE

Document *ITH/08/2.EXT.COM/CONF.201/17 Rev*

Draft decision *2.EXT.COM 17*

341. The **Secretary of the Convention** reminded the Committee that Article 30 of the Convention stipulated that the Committee must submit, on the basis of its activities, a report to each session of the General Assembly. A draft report had therefore been drawn up for the Committee to submit at the next session of the General Assembly in June. A first draft had already been sent out to the States, but the Secretariat had worked through the night to prepare a revised version, dated February 22 and based on the Sofia discussions; the document had just been distributed.

342. The delegation of **Mexico** welcomed the very accurate document prepared by the Secretariat. The delegation of **Turkey** reiterated its pleasure at hosting the third session in Istanbul and asked for the dates of the session, i.e. 4 to 8 November 2008, to be clearly indicated in the report, as they had been mutually agreed between Turkey and the UNESCO Secretariat. The delegation of **Estonia** reiterated the invitation it had made to the Committee in Tokyo to hold the fourth ordinary session in Estonia; the invitation had been confirmed by letter to the Director-General of UNESCO in October 2007.

343. The delegation of **Brazil** asked for a deadline to be set for States Parties to submit written comments on the draft operational directives on the use of the emblem of the Convention. A deadline of 1 June 2008 was set.

344. Decision 2.EXT.COM 17 was adopted as it stood.

ITEM 18 OF THE AGENDA: CLOSING OF THE SESSION

Oral report of the rapporteur

Adoption of the list of decisions

345. The summary of the second extraordinary session was presented by the rapporteur, Ms Hortense Okome Nguema.

346. The delegation of **Turkey**, speaking as representative of the host country for the third session, wished to thank the Chairperson for the enormous patience she had shown in conducting the proceedings. It also thanked, through the President, the people and government of Bulgaria for their warm welcome. Special thanks were due to Ms Rivière and Mr Smeets and all his team for their excellent work; and to the Legal Adviser, Committee members and observers for their commitment, which it hoped would be repeated in Istanbul. Thanks were also expressed to the interpreters for their excellent work; this was a fundamental part of the ICH. Recalling that the Committee's next session would be held in Istanbul from 4 to 8 November 2008, it hoped to see all those who had been at the Sofia session, and to see more NGOs attending the Istanbul session.

347. The delegation of **Japan** thanked the rapporteur for her excellent report, which was both accurate and comprehensive. It thanked the Chairperson for her excellent stewardship of the Committee, which meant that the operational directives could be submitted at the second session of the General Assembly in June. It called on all participants to maintain its commitment and to reach out to other States Parties and help them understand the scope of the operational directives. It thanked the Chairperson for building on the achievements of Algiers, Chengdu and Tokyo and translating the Confucian and Japanese spirit into concrete action; it was to be hoped that the Committee would continue to work along those lines. Finally, the delegation expressed its heartfelt thanks to the Bulgarian authorities and people for their hospitality, and to the Secretariat for its excellent work, as always.

348. The delegation of **Bolivia** congratulated the Chairperson and the Government of Bulgaria on facilitating the discussions of both the Bureau and the Committee. It praised all Committee members for their wise remarks and expressed its appreciation to the Government of Spain for providing the Committee with interpreting into Spanish; this demonstrated the consideration and solidarity that existed between all Spanish-speaking countries; it was to be hoped that Spanish would soon be officially recognized as a working language of the Committee.

349. The delegation of **Belgium** echoed the previous speakers in congratulating the Chairperson on the quality of her stewardship, which had enabled the proceedings to progress to a successful conclusion. As Belgium was leaving the Committee at the end of the second session of the General Assembly, it welcomed the achievements made during the four successive meetings of the Committee. It assured members that Belgium would continue, as an observer, to follow the Committee's work very closely, because Belgium was convinced of its importance for ICH. Finally, it thanked Bulgaria for the very warm reception, which had been both friendly and rich in cultural information. Thanks were also due to the UNESCO Secretariat, once again, for its outstanding work.

350. The delegation of **Mexico** told the Chairperson it was profoundly grateful that the proceedings had been of such high quality, thanks to her professionalism in leading the discussions; this was a reflection of her great human qualities. It thanked the UNESCO Secretariat

for its excellent preparation of the documents, for its unwavering commitment and faultless organization. It was a great pleasure to see that language was an intangible asset par excellence, enabling the transmission of the ideas, knowledge and practices that were the very subject of the Convention. Consequently, it wished to thank Spain warmly for its contribution, which had meant that Spanish speakers could benefit from interpreting into Spanish. The interpreters were crucial to helping the Committee achieve its objectives and it thanked them for their support. Finally, it thanked all the people of Bulgaria for their warm welcome and hospitality, which was the hallmark of the people of the Balkans.

351. The delegation of the **United Arab Emirates** wished to add its voice to all the previous speakers from the delegations and expressed its gratitude to the Chairperson for her wise stewardship of the Committee's proceedings. It also thanked Bulgaria for its very generous hospitality. It expressed its gratitude to the rapporteur, the Secretariat and the States Parties for the quality of their work. The delegation recalled that during the session in Tokyo, the United Arab Emirates had offered to host the ordinary session following the Tokyo session. It had noted the invitation from Estonia and assured the Committee that it would not be competing with Tallinn; the two delegations would consult each other.

352. The delegation of **Romania** wished to thank the Chairperson for her commitment and for the elegance with which she had conducted the Committee proceedings. Romania, which was also leaving the Committee at the next session of the General Assembly, wished to thank members for their efforts and wisdom in finding compromise solutions in the interests of their own country and of the Convention. Finally, it wished the Committee every success for its future work.

353. The delegation of **France** wished to echo all the expressions of thanks and congratulations addressed to the Chairperson, the Secretariat and the host country, Bulgaria, which had welcomed all participants so warmly. As an outgoing member of the Committee it was fully confident that the remaining members of the Committee would be able to pass on to the new members the spirit that had been created from Algiers to Sofia, and which had ensured that the Committee's efforts could bring the Convention into effect.

354. The delegation of **Algeria** also wished to express its appreciation for the Committee's achievements. It thanked the Chairperson and the entire Bulgarian delegation to UNESCO and the Bulgarian authorities for their generous reception, for organizing the proceedings efficiently and for enabling the Committee to discover Bulgaria's rich intangible heritage. It added its voice to those of other delegations that were also leaving the Committee, affirming its willingness to continue to work for the implementation of the Convention, and to help safeguard the ICH.

355. The delegation of **Nigeria** congratulated the Chairperson on her professional stewardship of the Committee and praised her for her flexibility when proposing sometimes difficult decisions, always with the same readiness to smooth the way and work towards a consensus. It also welcomed the work done by the Secretariat and the spirit that had animated the proceedings from Chengdu through Tokyo and Sofia. Finally, it wished the Committee every success in the continuation of its work.

356. The delegation of **Belarus** expressed its heartfelt thanks to all the organizers of the meeting and to the Bulgarian Government and ministries. It congratulated the Chairperson on her professional stewardship of the proceedings. It also thanked the Secretariat for the excellent way in which the session had been prepared and organized. The delegation also thanked all its colleagues from all around the world and congratulated them on the excellent cooperation that had been shown.

357. The delegate of **Hungary** said that he had begun his diplomatic career in Sofia. On behalf of his delegation, he thanked the Chairperson for the support she had given to the Committee's proceedings, which she had conducted with such elegance. He expressed his satisfaction with the

session, which the President of Bulgaria had honoured by his presence, and was very pleased with results achieved by the Committee in Sofia.

358. The delegation of **China** said that traditionally only the vice-chairpersons spoke, on behalf of the regional groups. It congratulated the Chairperson, who had presided over the proceedings with the beauty and elegance of a Bulgarian rose.

359. The delegation of **Brazil**, which was also leaving the Committee, could not but agree with the previous comments and said it was pleased to have been able to take part in all the Committee meetings. Brazil was leaving the Committee but not its work; it remained available to the Committee and hoped to continue to contribute as much as possible to ICH.

360. The delegation of **Peru** also echoed the previous speakers regarding the way in which the proceedings had been conducted by the Chairperson. It thanked Bulgaria and the Secretariat for their excellent organization of the session and praised the welcome the Bulgarian authorities had given to participants. Finally, it had great hopes for the General Assembly in June 2008.

361. Speaking on behalf of the Director-General and of the entire Secretariat, the **representative of the Director-General** wished to add her voice to all the thanks that had been expressed to the Bulgarian authorities and to the President of the Republic. This was the first time that the Committee had been honoured by the presence of a Head of State. She expressed her gratitude to the Bulgarian authorities, including the Ministry of Culture, the Bulgarian National Commission and the Permanent Delegation of Bulgaria. She stressed in particular that the entertainment provided for participants had been excellent. She wished to thank members, especially those who were leaving the Committee but also those who remained; all participants and all her colleagues in the Secretariat; the Intangible Heritage Section, whose Chief, Mr Smeets, and his colleagues had worked with great dedication; the Legal Adviser and the interpreters. She thanked the Chairperson warmly, echoing the remarks made about her qualities and the way she had guided the discussions patiently and diplomatically. It had been a crucial session, tasked with finalizing the operational directives, and the mission had been accomplished successfully. If they were adopted by the General Assembly, the Convention would finally be operational. Managing to forge ahead and achieve that in just two years was a first in the history of UNESCO and the United Nations, and the spirit of solidarity which had developed along the way had a lot to with it. It was nevertheless an enormous challenge to get the general public to experience and understand the importance of intangible heritage, although in a country like Bulgaria, it was there for all to see.

362. The **Chairperson** thanked everyone for their kind remarks about Bulgaria and about herself, and which had shown such commitment to safeguarding intangible cultural heritage. The cooperation and contributions from all parties had made it possible to complete a highly important task which the General Assembly had entrusted to the Committee. The Committee could be proud of its work, not just in Sofia but also in Algiers, Chengdu and Tokyo. It was the last session before the General Assembly of States Parties in June 2008. The sense of responsibility of Committee members, who had worked tirelessly for two years, had enabled important decisions to be taken at the end of discussions that had sometimes been long and exhausting, but always in good faith. It was now the Committee's task to defend the decisions and compromises before the General Assembly and to involve UNESCO Member States in the continuing quest for better safeguarding of ICH. It had been a great honour and a great privilege to chair the second extraordinary session and a great honour for Bulgaria to host the session. At the opening ceremony, the President of Bulgaria had said that "a personality or a society that cannot be represented to others is like someone living in a house with no mirrors: they cannot see their own reflection, and are incapable of self-knowledge. And if you cannot get to know yourself, you cannot open up to others". We must therefore open up to the world, its traditions and cultures. She ended with a Japanese proverb: "beginning is easy; continuing is hard", and wished the Turkish authorities every success in organizing the next session of the Committee, promising the full support of her delegation. Finally, she expressed her grateful thanks to the Secretariat, Ms Françoise Rivière and her team, the Legal Adviser and all the interpreters.

363. At 2 p.m., quoting A. Hampaté Ba: "when an old man dies, it's a library burning" the **Chairperson** declared the second extraordinary session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage closed.

Summary record of the third extraordinary session of the Committee

1. The third extraordinary session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage was held on 16 June 2008 during the second session of the General Assembly of States Parties to the Convention, and addressed a single specific item: selection of an emblem for the Convention.
2. Delegations from 24 Member States of the Intergovernmental Committee attended the meeting: Algeria, Belarus, Belgium, Bolivia, Brazil, Bulgaria, China, Estonia, France, Gabon, Hungary, India, Japan, Mali, Mexico, Nigeria, Peru, Romania, Senegal, the Syrian Arab Republic, Turkey, United Arab Emirates, and Vietnam.
3. The Intangible Cultural Heritage Section of UNESCO provided the secretariat for the meeting.
4. Members of the Bureau of the third extraordinary session of the Committee:

Chairperson: H.E. Mr Faruk Loğoğlu (Turkey);

Vice-Chairs: Hungary, India, Mexico and the United Arab Emirates

Rapporteur* : Ms Claudine-Augée Angoué (Gabon)

* In the absence of the elected rapporteur, and in accordance with Article 16 of the Rules of Procedure, the Mexican Vice-Chair, Mr Francisco Javier López Morales, acted as rapporteur.

Abbreviations:

Committee:	Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage	Comité:	Comité intergouvernemental de sauvegarde du patrimoine culturel immatériel
Convention:	Convention for the Safeguarding of the Intangible Cultural Heritage	Convention:	Convention pour la sauvegarde du patrimoine culturel immatériel
General Assembly:	General Assembly of the States Parties to the Convention for the Safeguarding of the Intangible Cultural Heritage	Assemblée générale:	Assemblée générale des États parties à la Convention pour la sauvegarde du patrimoine culturel immatériel

[Monday 16 June 2008, 5.50 p.m.]

ITEM 1 OF THE PROVISIONAL AGENDA: OPENING OF THE SESSION

1. Having found that there was a quorum of Committee Member States, the **Chairperson** declared the third extraordinary session open. He informed the Committee that, following consultation, all Committee members had agreed to hold the extraordinary session during the second session of the General Assembly.

ITEM 2 OF THE PROVISIONAL AGENDA: ELECTION OF THE MEMBERS OF THE BUREAU OF THE THIRD EXTRAORDINARY SESSION OF THE COMMITTEE

Document ITH/08/3.EXT.COM/CONF.206/2

Decision 3.EXT.COM 2

2. The delegation of **Japan** proposed that the Bureau members that had been elected at the previous (ordinary) session of the Committee should remain in office for the extraordinary session. The proposal was endorsed by the delegations of **China, Belgium, Algeria, Estonia, Peru and Brazil**.

3. The Committee thus elected the Bureau members of its third ordinary session and appointed H.E. Faruk Loğoğlu (Group I) as Chairperson and Ms Claudine-Augée Angoua (Group V (a)) as Rapporteur. Hungary (Group II), Mexico (Group III), India (Group IV) and the United Arab Emirates (Group V (b)) were appointed Vice-Chairs.

4. In the absence of the elected rapporteur and following a proposal from the delegation of **Brazil**, the Mexican Vice-Chair, Mr Francisco Javier López Morales, acted as rapporteur for the third extraordinary session.

ITEM 3 OF THE PROVISIONAL AGENDA: ADOPTION OF THE AGENDA

Document ITH/08/3.EXT.COM/CONF.206/3

Decision 3.EXT.COM 3

5. The agenda was adopted as it stood.

ITEM 4 OF THE AGENDA: SELECTION OF AN EMBLEM FOR THE CONVENTION

Documents ITH/08/3.EXT.COM/CONF.206/4 and ITH/08/3.EXT.COM/CONF.206/INF.1

Draft decision 3.EXT.COM 4

6. The **Chairperson**, after recalling that the selection of the emblem of the Convention was the main item on the agenda of the third extraordinary session, asked the rapporteur (Mr Antonio Ricarte, Brazil) of the subsidiary body set up by the Committee to deal with the question of the emblem, to report on the results of its work.

7. The **Rapporteur of the subsidiary body** informed the Committee that the subsidiary body had taken up its responsibilities in a very constructive spirit, overseeing an open international competition for proposals for an emblem for the Convention. Approximately 1,300 proposals had been received from more than 100 Member States. The Rapporteur recalled that by the first deadline of 15 February 2008, 926 proposals had been submitted, but they did not reflect the principle of equitable geographic representation. The subsidiary body had therefore decided to extend for four weeks the deadline for submitting proposals, until 17 March 2008. By that time, 1,297 proposals had been received. Of those, 37.8% came from countries of electoral Group I, 29% from countries of Group II, 14.4% from countries of Group III, 13.6% from countries of Group IV, 5.4% from countries of Group V(a) and 1.6% from countries of Group V(b). All the proposals were of excellent quality, and the subsidiary body had had a very difficult time in deciding which it would present to the Committee. The subsidiary body had come to the conclusion that seven of the proposals submitted would be presented to the Committee. With those seven proposals being projected to the Committee on-screen (see document ITH/08/3.EXT.COM/CONF.206/INF.1), the Rapporteur explained that they could be categorized into four groups: one design that stood by itself (proposal No. 2072) and was not closely related to the others, three proposals (Nos. 1837, 1850 and 1904) inspired by the shape of a spiral, one that had a geometric form (No. 1908), and two that were simple gestures (Nos. 1104 and 1962). The proposed emblems were shown without the text “intangible cultural heritage”. Originally the artists had been invited to submit the proposals with the text, either in English or in French. As some proposals had come with the text in both

English and French, and in order for the Committee to examine the proposals without the distraction of the text, it had been deleted from the original proposals. However it was envisaged that the Secretariat would consult with the creators of the emblems in order to determine how best to fit the “intangible cultural heritage” text in different languages. In particular if that symbol was to be used together with the UNESCO emblem, the artist needed to be consulted on how best to integrate the two. The Secretariat might thus need to come back to the artist and work out how to add that text. Some legal issues also needed to be cleared with the Legal Adviser and the creator of the proposal. In addition, a contract needed to be signed in order to make it possible for the Convention to use the proposal that would be chosen. The Rapporteur concluded that the subsidiary body, after extensive discussions, had come up with seven choices which had been forwarded to the Committee, and were good examples of the wide array of proposals received.

8. After thanking the Rapporteur for his clear presentation, the **Chairperson** opened the debate on the issue, asking the Committee to keep its interventions as brief as possible and preferably on the following points: whether the Committee was going to present only one proposal of an emblem to the General Assembly or more than one emblem, and, whatever that decision was, which selection/voting method should be applied. After giving the floor to members of the Committee, he proposed ask the Legal Adviser whether the Committee was entitled to decide on the emblem or whether it was for the General Assembly to take that decision.

9. The delegation of **Bulgaria** expressed its appreciation to the Rapporteur for his exhaustive report, and wondered whether the UNESCO emblem could be presented alongside the various emblems proposed in order to see how they went together, as this would be an important aspect for the choice to be made by the Committee.

10. The delegation of **France**, as Chair of the subsidiary body, confirmed that none of the submissions showed the two emblems side by side, but that the subsidiary body had taken account of that aspect during the selection process. That was why many of the proposed emblems that were copies or reproductions of the UNESCO logo, or that were clearly incompatible with it, had been excluded. It stressed that the chosen emblem needed to be reasonably compatible with the UNESCO emblem. Replying to the Chairperson’s question, the delegation felt that if the Committee did not select an emblem that day, it would be best to reduce the number of emblems so that the General Assembly could make a choice, as the six members of the subsidiary body had found it difficult to choose between them. The task would be much more difficult for a General Assembly comprising 95 States Parties. It therefore proposed that the Committee should reduce the number of proposed emblems for submission to the General Assembly so that it could make its choice and adopt the emblem without too much time being spent on the matter.

11. The delegation of **Algeria**, also a member of the subsidiary body, added that the latter had tried to be as objective as possible. Recalling that the purpose of the emblem was to raise the profile of intangible cultural heritage, of the Convention, the Committee and UNESCO, it hoped that the Committee would decide fairly quickly and submit at least a limited selection of no more than two or three emblems to the Assembly so that the emblem that was finally selected could be used at the third session in Istanbul. The delegation was convinced that the emblem would raise the profile of ICH, making it easier to source funding for the implementation of the Convention.

12. The delegation of **China** thanked the subsidiary body for its selection, but thought it unwise to decide immediately on two or three proposals, as the Committee would need more time to study them. It suggested the possibility postponing the issue until the Istanbul meeting, but said that it would join the consensus if the Committee preferred the current General Assembly to take a decision on the matter.

13. The delegation of **Brazil** was of the firm belief that was not for the Committee to take a decision, as the Committee was composed of only 24 members out of the 95 States Parties to the Convention. It would usurp the power of the General Assembly if the Committee were to decide. The seven proposals that had been put forward by the subsidiary body should be endorsed by this

Committee, and submitted to the General Assembly for its decision. The General Assembly could then take up the process of decision-making in several rounds of voting. A first vote would perhaps choose three among the seven. A second round of voting would perhaps choose the finalist among the three finalists. The process of elimination would be taken up in stages, rather than at once, and perhaps there would be a realignment of preferences among the States Parties of the General Assembly. If the Committee decided to keep the issue within its mandate for further consideration, it would be necessary to postpone the decision on the emblem until the General Assembly in 2010. The delegation was opposed to the idea that a decision might be taken by the Committee's limited number of members.

14. The delegations of **Peru** and of the **Central African Republic** endorsed the comments made by the delegations of China and Brazil, preferring that the seven proposed emblems should be submitted to the General Assembly. The delegation of **Hungary**, after having thanked the subsidiary body for its work, stated not to have any particular preference on whether the Committee should select one or two proposals or present all seven to the General Assembly, but preferred the Assembly to take a decision during its current session so that the emblem could already be used during the Istanbul session of the Committee. The delegation of **Turkey** recalled that this matter was to have been decided in Istanbul but joined the general desire to take this issue up during this session of the General Assembly. It concurred with the delegation of **Brazil** to present all seven proposals to the General Assembly for adoption of one emblem.

15. The delegation of **India**, thanking the Rapporteur for his report and taking note of the four categories of emblems mentioned by him, suggested choosing one emblem per category in order to submit a reduced number of proposals to the General Assembly. The delegation of **Estonia** suggested that the Committee should help the Assembly by reducing the number of proposals submitted to the General Assembly. The delegation suggested convening again on the next day, to give time to the members of the Committee to make up their minds about their preference and making a choice, since it would be difficult for the General Assembly to reach agreement easily on all seven choices. All artistic juries were small juries and not large bodies because of the difficulty of coming to an agreement when there was a range of choices and a diversity of opinions.

16. The delegation of **Belgium**, after thanking the subsidiary body for its excellent choice, said that there was nothing to prevent the General Assembly from taking a decision on the seven proposals, even if several rounds of voting were needed. The delegation of **Syria** was also in favour of this solution, which would allow all States Parties to decide on an emblem that would be used forever. The delegation of **France** said that it was not a question of the Committee replacing the General Assembly, but of assisting it in its work. It would therefore be a good idea to meet again the following day in order to reduce the number of proposals for submission to the General Assembly. Three or four proposals seemed a reasonable number. It called for the emblems to be presented together, so as to get a better idea of how the two emblems – the UNESCO emblem and the future emblem of the Convention – would look side by side.

17. Although its preference at the beginning of the debate had been to forward all the seven proposals to the General Assembly by a decision taken by the Committee that very day, the delegation of **Bulgaria** agreed to have a new Committee meeting the following day, to allow all members to have a better appreciation of the different emblems combined with the UNESCO emblem. However, the delegation of **Nigeria** as a member of the subsidiary body endorsed the opinion expressed by the delegations of **China** and **Brazil** to submit all seven emblems to the General Assembly.

18. The delegation of **Japan** endorsed the proposals made by the delegations of Estonia and France to convene again briefly the next day to identify the Committee's preference and to submit all seven proposals to the General Assembly for a decision, indicating the Committee's preference for one or two of the proposals. Furthermore, there was a need for a decision by the General Assembly about who would be authorized to use the emblem for the time being, the Director-General, the States Parties, the General Assembly and the Committee for the coming two years.

19. The delegation of **Algeria** was also in favour of holding a short meeting the following day. With regard to the actual use of the emblem, it would take a little longer to finalize those provisions. It therefore suggested setting up a working group to look at the issue and to come up with provisions for submission to the Committee at its meeting in Istanbul.

20. The delegation of **Brazil** said that the Committee had set up a competition for an emblem without an express mandate from the General Assembly. While that had been a wise decision of the Committee, it was not legitimate for the Committee to take a decision to further reduce the number of proposals, and it also lacked the time needed to do so. The General Assembly would have an opportunity to review the final proposals that were put forward by the subsidiary body and to make its choice from among the proposals submitted to it. The delegation invited the Committee not to seek to be wiser than the General Assembly by reducing the number of proposals to be considered by the General Assembly. There should be several rounds of voting in order to shorten the list at the General Assembly. With regard to the observation made by the delegation of Japan concerning the immediate use of the emblem, the delegation of Brazil draw the attention of the Committee to document 206/4 and draft decision 3.EXT.COM 4 containing a draft resolution to be sent to the General Assembly. It agreed in particular with paragraph 6 thereof proposing to decide that the statutory organs of the Convention, as well as the Director-General of UNESCO would have the sole right to use the emblem of the Convention until adoption by the General Assembly of specific operational directives to that effect. Finally, it endorsed the proposal made by the delegations of France and Bulgaria that the General Assembly should have an opportunity to assess the seven proposals together with the UNESCO logo.

21. The **Legal Adviser** said that the item had been included on the agenda of the General Assembly, but in no way did this invalidate any of the decisions the Committee had taken since its first extraordinary session in Chengdu, when it had decided to create the emblem. The practice adopted for the emblem of the 1972 Convention had been observed for that of 2003. It was the Committee that had proposed and drafted the terms of use for the emblem. He agreed with the Committee's decision at its Bulgaria session to keep the decisions on selection and use of the emblem quite separate. He also endorsed the proposal from the delegation of Brazil to support a paragraph that restricted use of the emblem to the competent bodies during a transitional period. Referring to the discussions at the second extraordinary session on the ambiguity of certain provisions concerning the directives for the emblem of the Convention and those for the UNESCO logo and use of the two emblems together, he stressed that the issue could never be resolved by the Committee at this session or by the General Assembly unless an amended draft was produced. If the General Assembly was to take the Committee's decisions seriously, all the stages reached thus far would have to be approved. The competition and pre-selection of the emblems had been carried out according to criteria established by the Committee. It was not possible to reopen the debate in the General Assembly on all those conditions. Third parties had been called in and they had submitted designs in good faith, and the competition and tendering process had been surrounded in publicity. That could no longer be called into question. The process had to be completed and the Committee needed to decide on the arrangements for involving the General Assembly in a fairly political decision so that there would be a general consensus. Finally, he said that the General Assembly could adopt operational directives governing the use of the emblem, but that the work had been done by the subsidiary body and submitted to the Committee, whose responsibility it was to submit a clear proposal to the General Assembly.

22. The **Chairperson** summarized the two views expressed within the Committee. One was to ask for a bit more time for reflection and a meeting the next day for reducing the number of proposals to be transmitted to the General Assembly. The second view, expressed and supported by a larger number of countries, had been put forward by the delegation of Brazil: it was to submit all seven emblems to the General Assembly. Having heard the Legal Adviser mention serious legal problems, the Chairperson stressed the difference between selecting an emblem and regulating its use, a matter that would come up for discussion later on. At the present stage, the task of the Committee was to select an emblem for the Convention. He expressed his conviction that that matter should be decided as early as possible by a body that was the sovereign body of the

Convention, the General Assembly. Unless the Committee strongly wished to meet again the next day, he preferred to submit the seven emblems to the General Assembly. With regard to the “categories” of the proposed emblems, he invited the Committee to think about the persons who made the designs and if they would agree to belong to one or the other categories. Despite the fact that the item concerning the emblem had only been inscribed on the General Assembly’s agenda for the day after next, he thought that that nevertheless gave enough time for the various delegations to reflect and consult their authorities and capitals, if need be.

23. The delegation of **Estonia** did not object to the Chairperson’s wise decision, but asked for specific guidelines to be given to the General Assembly concerning the selection process for the emblems, with a very clear and strict procedure, and urged that enough time be allowed for the voting process. The **Chairperson** thanked Estonia for its constructive attitude, saying it was convinced that the Chairperson of the General Assembly would deal with the matter with the highest efficiency.

24. The delegation of **China** supported the Chairperson, and asked for a decision to be taken by the Committee, taking note of the recommendations of the subsidiary body and the submission of all seven proposals to the General Assembly. It also asked for an immediate distribution of all seven emblems to all States Parties to the Convention so they might gain a better idea before the relevant agenda item was taken up by the General Assembly. The delegation of **France** did not object to the Chairperson’s proposal either, but said that when the seven proposals were distributed to States Parties, they should be shown alongside the UNESCO logo because they could not be judged independently of the latter.

25. The **representative of the Director-General** confirmed that the relevant UNESCO department would be asked to pair the UNESCO emblem with those proposed for the Convention, in order to get a better idea.

26. The delegation of **Japan** concurred with the Chairperson’s decision, but wished to ensure that in parallel to the selection of the emblem, the General Assembly also decided on how to use the emblem over the coming two years. It recalled that the current extraordinary session had been convened because the Committee wished to select the emblem so it might be used as soon as possible. Therefore, provisions were needed to authorize the use of the emblem immediately after its selection.

ITEM 5 OF THE AGENDA: CLOSING OF THE SESSION: ORAL REPORT OF THE RAPPORTEUR AND ADOPTION OF THE LIST OF DECISIONS

27. The **Secretary of the Convention** read out draft decision 3.EXT.COM 4 containing draft resolution 2.GA 9***, which the Committee had decided to transmit to the General Assembly for adoption.

28. Seeing no objection, the **Chairperson** declared draft decision 3. EXT.COM 4 adopted.

29. At 6.57 p.m., the **Chairperson** declared the third extraordinary session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage closed.