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

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

**Eleventh session**

**Addis Ababa, Ethiopia**

**28 November to 2 December 2016**

**Item 8 of the Provisional Agenda:**

**Clarification on the decision making process concerning inscription, selection, or approval, of nominations, proposals and requests**

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| **Summary**In accordance with Rule 9.2 (c) of the Rules of Procedure of the Committee, Spain requested to include an item to the agenda of this session to clarify established practices concerning inscription, selection or approval, of nominations, proposals and requests. The present document provides background information on the decision-making process as has been practiced by the Committee.**Decision required:** Paragraph 13. |

1. Rule 9.2 (c) of the Rules of Procedure of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage (‘the Committee’) provides that the provisional agenda of ordinary sessions of the Committee shall include ‘all questions proposed by States Parties to the Convention which are not member of the Committee’.
2. During the sixth session of the General Assembly of the States Parties to the Convention in June 2016, Spain requested in writing to include an item in the provisional agenda of the eleventh session of the Committee to clarify the decision-making process concerning the inscription of elements on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and on the Representative List of the Intangible Cultural Heritage of Humanity as well as the inclusion of proposals in the Register of Best Safeguarding Practices and the approval of International Assistance requests.
3. The present document provides background information on the decision-making process with regard to nominations, proposals and requests as has been practiced by the Committee.

**Preparation of draft decisions on nominations, proposals and requests**

1. Chapter I of the Operational Directives sets out the procedure for the evaluation and examination of nominations to the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and on the Representative List of the Intangible Cultural Heritage of Humanity, of proposals for the Register of Best Safeguarding Practices and of International Assistance requests. Examination of such files occurs every year during the ordinary session of the Committee. Following the submission of the files by the States Parties, the Secretariat undertakes a technical assessment; once the files are deemed technically complete, they are transmitted to the Evaluation Body for their evaluation.
2. The Evaluation Body is a consultative body of the Committee composed of twelve members: six experts qualified in the various fields of the intangible cultural heritage representatives of States Parties non-Members of the Committee – one for each Electoral Group – and six accredited non-governmental organizations – also one for each Electoral Group. These members are appointed by the Committee through an election. The candidates are proposed to the Committee by States Parties through each Electoral Group. In accordance with the Operational Directives and its terms of reference decided by the Committee, the Evaluation Body prepares a report that includes recommendations for decisions to be taken by the Committee. Each member of the Body evaluates individually each file to be examined by the Committee before they meet to undertake a joint evaluation. During the joint evaluation, the body reaches consensus on each specific criteria of each file. In other words, the Body functions as a collective entity which speaks with one voice which is evenly distributed geographically and between experts and non-governmental organizations. In recent years it is the responsibility of the rapporteur of the Body to draft the report which is then approved by the Body. The report is presented in several working documents to the Committee, one for each mechanism and one for general observations.

**Adoption of draft decisions concerning nominations, proposals and requests and the role of the Chairperson**

1. Applying the set of criteria specified in the Operational Directives and based on the information contained in the files, the Committee may decide to adopt the draft decisions prepared by the Evaluation Body, or it may decide to amend some of them based on proposals presented by members of the Committee. This is in conformity with Rule 34 of the Rules of Procedure which stipulates that ‘the Committee shall adopt decisions and recommendations as it may deem appropriate’.
2. The conduct of business during the sessions of the Committee is governed by Chapter VI of the Rules of Procedure and, in particular, Rules 24 to 26 specify how the Committee may vote proposals and amendments. Chapter VII of the Rules of Procedure details the formal voting procedure.
3. In concert with the practice of UNESCO’s governing bodies, the Committee has so far privileged the adoption of decisions by consensus achieved through debates among its members, rather than through formal voting. This method is understood to promote the spirit of international cooperation and mutual understanding.
4. The Committee functions under the stewardship of its Chairperson in conformity with Rule 14 of the Rules of Procedure of the Committee, which specifies that the Chairperson ‘shall direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions’. It has become standard practice in the sessions of the Committee that the Chairperson encourages and allows all members of the Committee to express their views, while guiding the discussion in such a way as to find a compromise in case of diverging opinions. The Chairperson also determines when a consensus is formed and announces the conclusion of the debate. It has also become a standard practice that during discussion of amendments the Secretariat indicates, on screen, in the text of the proposed amendments, the names of the Committee Members who support (propose) specific options.
5. During recent Committee sessions, the Chairpersons have followed specific procedures for decision making concerning nominations, proposals and requests. Considering the work entrusted by the Committee to the Evaluation Body, the important amount of time and the in-depth work spent by the latter over several months, as well as the collegial way its recommendations are elaborated, the Chairpersons in recent years have sought a broad agreement through actively voiced expressions of support in order to establish consensus for amendments to decisions concerning nominations, proposals or requests that would reverse the recommendations regarding a nomination.
6. It must be noted that the Rules of Procedure are silent on the issue of adopting decisions by consensus, be it concerning nominations, proposals or requests or any other item of the agenda. In the absence of any statutory provision, it is up to the Chairperson to explain to the Committee members how he or she will conduct the debates and to establish the practice in agreement with them.
7. Finally, as stated in Rule 28, any member of the Committee may raise a point of order which shall be immediately decided by the Chairperson. Rule 28.2 further stipulates that ‘[a]n appeal may be made against the ruling of the Chairperson. Such appeal shall be put to the vote immediately and the Chairperson’s ruling shall stand unless overruled’. This provision implies that every member of the Committee, not just the Chairperson, may actively contribute to the good conduct of the session of the Committee.
8. The Committee may wish to adopt the following decision:

DRAFT DECISION 11.COM 8

The Committee,

1. Having examined document ITH/16/11.COM/8,
2. Recalling Chapter I of the Operational Directives and the Rules of Procedure of the Committee,
3. Affirms the crucial role entrusted to the Chairperson of the Committee in directing the discussions on all items of the agenda, including the recommendations of the Evaluation Body;
4. Reminds itself of the importance of observing with rigour the Rules of Procedure of the Committee, while also affirming that the working method of the Committee privileges decision making by consensus, thus promoting the spirit of international cooperation and mutual understanding;
5. Further requests the Chairpersons of future Committee sessions to explain clearly and in detail at the beginning of each session (and for the present session particularly at the beginning of Item 10 of the provisional agenda) the practice they intend to follow when directing the debates during the adoption of decisions, including decisions recommended by the Evaluation Body.