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منظمة الأمم المتحدة
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联合国教育、
科学及文化组织

REPORT

Capacity-Building Workshop

on the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage

Paris, France

23 and 24 June 2008

UNESCO

Distribution unlimited

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NORWEGIAN MINISTRY
OF FOREIGN AFFAIRS

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ACKNOWLEDGEMENT

The Capacity-Building Workshop on the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage in Paris, the last of a series of three to be organized for African states by UNESCO, was one of the activities of the project entitled “Three sub-regional capacity-building workshops to support the inscription of African intangible cultural heritage on the lists of the Convention for the Safeguarding of the Intangible cultural Heritage” financed by the UNESCO/Norway Funds-in-Trust. We are grateful to the Government of Norway for their financial support.

We also would like to thank Mr Chérif Khaznadar, Chairperson of the General Assembly of the States Parties to the Convention for the Safeguarding of the Intangible Cultural Heritage, to have kindly accepted to open the workshop, and the participants for their precious contributions to improve the forms and help the Secretariat to enhance its understanding of the realities African countries face related to the implementation of the 2003 Convention.

We hope that the workshop offered clarifications on the concrete implementation of the 2003 Convention at the international level, in particular, on the different forms of nominations, proposals and requests to be used.

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BACKGROUND

On 23 and 24 June 2008, the Section of Intangible Cultural Heritage organized a Capacity-Building Workshop on the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage (the 2003 Convention) at UNESCO Headquarters. The main objective of the workshop was to inform African States Parties to the 2003 Convention about recent developments concerning operational aspects of the Convention (c.f. 04007 of UNESCO 33C/5), more in particular the preparation of nomination files for the Lists of the Convention and request for international assistance.

While all the sub-Saharan African States Parties to the Convention were invited, representatives of Djibouti and Guinea were unfortunately unable to participate due to communication problems and difficult local conditions. The list of states participated in the workshop is as follows:

- | | | | |
|-----|--------------------------|-----|-----------------------|
| 1. | Burkina Faso | 11. | Mozambique |
| 2. | Burundi | 12. | Namibia |
| 3. | Central African Republic | 13. | Niger |
| 4. | Côte d'Ivoire | 14. | Nigeria |
| 5. | Ethiopia | 15. | Sao Tome and Principe |
| 6. | Gabon | 16. | Senegal |
| 7. | Kenya | 17. | Seychelles |
| 8. | Madagascar | 18. | Zambia |
| 9. | Mali | 19. | Zimbabwe |
| 10. | Mauritius | | |

The workshop was scheduled immediately after the second session of the General Assembly of the States Parties to the Convention (16 -19 June 2008) so as to disseminate to the African States Parties the decisions adopted by the Assembly, in particular, essential information of the Operational Directives (e.g., selection criteria, calendar of ICH listings).

Please refer to our website for more information on:

- The Intangible Heritage Lists: <http://www.unesco.org/culture/ich/en/lists/>
- The Forms of nominations, proposals and requests: <http://www.unesco.org/culture/ich/en/forms/>

On the first day of the workshop Mr Frank Proschan presented form ICH-01, Urgent Safeguarding List and form ICH-05, Request for Preparatory Assistance for Elaborating a Nomination for inscription on the Urgent Safeguarding List. Ms Françoise Girard presented form ICH-02, Representative List, Ms Kaori Iwai form ICH-04, Request for International Assistance from the Intangible Heritage Fund and Reiko Yoshida finished with form ICH-03, Programmes, Projects and Activities to be selected and promoted as best reflecting the principles and objectives of the Convention.

The report provides an overview of the workshop by summarizing opening session key discussion points.

OPENING

On 23 June, the Capacity-Building Workshop was opened by **Mr Chérif Khaznadar, Chairperson of the Second General Assembly of the 2003 Convention**. Mr Khaznadar congratulated the participants for having been able to participate in the workshop that took place only 72 hours after the Second General Assembly and to have already access to the forms for nominations, proposals and requests. He emphasized the importance of the 2003 Convention to encourage the safeguarding of ICH by African countries.

Mr Khaznadar further explained that since safeguarding is the main purpose of the 2003 Convention, the Urgent Safeguarding List is of utmost importance while the Representative List is mainly established for raising visibility of intangible cultural heritage (ICH) without providing financial support to the States Parties. He also stressed the need to make a distinction in approach towards the 2003 Convention and towards the 1972 Convention as their operational aspects are different.

Mr Rieks Smeets, Chief of the Intangible Cultural Heritage Section, presented the agenda of the workshop: the presentation of forms for nominations, proposals and requests. He added that following the comments of the participants the forms would be subject to improvement. The participants presented themselves and their relation to the safeguarding of ICH subsequently.

Mr Smeets informed the participants that the Capacity-Building Workshop on the Implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage was the last of a series of three to be organized for African states by UNESCO and was one of the activities of the project entitled "Three sub-regional capacity-building workshops to support the inscription of African intangible cultural heritage on the lists of the Convention for the Safeguarding of the Intangible cultural Heritage" financed by the UNESCO/Norway Funds-in-Trust. He finished by expressing his appreciation to the Government of Norway for their financial support.

Mr Gadi M Gomezulu, Director of the Division of Cultural Objects and Intangible Heritage, welcomed the participants to the meeting by expressing the great honor to have them representing the whole of Africa. He underlined that Africa is only half way in ratifying the Convention and encouraged the African States Parties to the Convention to assist the African Member States non State Party to the Convention to ratify it.

Mr Smeets presented the speakers of the Intangible Cultural heritage Section, Mr Frank Proschan, Ms Françoise Girard, Ms Reiko Yoshida and Ms Kaori Iwai and gave an introduction on the two Chapters (IV and V) of the Convention that are particularly important for the Capacity-Building Workshop. Chapter IV, concerning the safeguarding of intangible cultural heritage at the international level, refers to the Representative List and the Urgent Safeguarding List. The two Lists are open which means that there is no maximum of elements provided by each States Party on the Lists. While the Representative List has only a nomination from, the Urgent Safeguarding List has three forms:

1. A Nomination form
2. A form for the States Parties that asked preparatory assistance
3. A form for financial assistance for the safeguarding plan for the element that is nominated on the Urgent safeguarding List

The Representative List is considered as the “window” of the Convention as it gives visibility to ICH. The Procedure for the Representative List is very light and will show the social and cultural diversity of ICH. The procedure for the Urgent Safeguarding List is more complex. It has been created to solicit an exchange of experiences of expertise and experts so as the State Party assist the elements to survive. The State Party has to take measures to revitalize the element and after 4 or 8 years when the element has been revitalized, the State Party can ask the transfer of the element to the Representative List. If an element on the Representative List is under threat, the State Party can ask to the Committee it to be transferred to the Urgent Safeguarding List.

The 2003 Convention has also an Intangible Heritage Fund. Most of the funds are reserved for the elements on the Urgent Safeguarding List as States Parties can ask assistance for the safeguarding of these elements. For the Representative List no funds are provided. It is possible to nominate an element on the Urgent Safeguarding List, and at the same time to ask already for financial assistance for the implementation of the safeguarding plan that accompanies it. To ask for financial assistance, the State Party has first to identify a number of elements and to prepare the nomination files that have to be kept as simple as possible. By elaborating the questions in the form, support can be found in the Convention itself and the Operational Directives, that have been elaborated by the Intergovernmental Committee and that have been approved by the General Assembly. The Secretariat will not be in the capacity to give content based assistance to complete the forms.

MAIN DISCUSSION POINTS

REASONS TO INSCRIBE AN ELEMENT ON THE REPRESENTATIVE LIST

An inscription on the Representative List gives international recognition to the element and enhances its visibility. It can also be a practical support for elements that are related to nature and conserve ethnic facts and knowledge in the context of cultural diversity. An inscription can also facilitate the preservation of the identity of communities and give them the possibility to ownership of development.

REASONS TO INSCRIBE AN ELEMENT ON THE URGENT SAFEGUARDING LIST

An inscription on the Urgent Safeguarding List mobilizes international cooperation, gives access to resources to implement safeguarding measures and makes international expertise and assistance available for elements of intangible cultural heritage in danger. An inscription also provides funds for the safeguarding of elements and stimulates the promotion of coexistence and self confidence among people. By sharing common issues, countries could benefit and learn from each other's experiences.

REASONS NOT TO INSCRIBE AN ELEMENT ON THE LISTS

Respect for secret traditions only accessible to the members of the Community is one major reason for not nominating an element for one of the Lists although Article 13.d.ii of the Convention states that customary practices governing access to specific aspects of intangible cultural heritage have to be respected. Another reason that prevents States from nominating an element on one of the Lists is limited knowledge about ICH, partly due to a high turn-over of national governments. As a consequence, legislation in some countries condemns certain practices and takes measures against the concerned communities. Awareness-raising is considered as a key measure to avoid decisions based on limited knowledge about ICH and to respect the opinions of the communities on their ICH and give sole consideration “to such intangible cultural heritage as is compatible with the existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and sustainable development.” (Article 2 of the 2003 Convention).

INTERNATIONAL COOPERATION REINFORCED BY COOPERATION BETWEEN COMMUNITIES AND BETWEEN EXISTING INSTITUTIONS

The Convention is expected to foster international cooperation, collaboration and dialogue. Therefore strategic policies are important to enable the agenda of ICH move forward. It could be helpful to have entry points through the communities that can be focal points to reach out Communities in other states.

The African Union might also be a catalyst for cooperation as it recently set up a cultural department with a strong social and cultural mission. Other institutions such as the African Academy for Languages and the Observatory of cultural policies of Africa were mentioned. Before, however, it is important to build experience related to the Urgent Safeguarding list and the Representative List and implement the Operational Directives on the national level.

THE ROLE OF THE UNESCO SECRETARIAT AND NGOS IN THE EVALUATION PROCESS OF NOMINATION FILES.

The UNESCO Secretariat has to maintain strict neutrality with regard to nominations and cannot offer evaluation, assessment or examination beyond the technical one. It can organise workshops and refer to information that is available on the website that describes recent programmes and projects funded by UNESCO for the last 6 to 8 years or to good examples of safeguarding plans of other countries.

The Committee is the only body that can decide on the inscription of an element on the Lists after evaluation as the element should meet the criteria put forward in the Operational Directives. Neither NGOs nor the Secretariat can make decisions concerning the inscription of an element.

THE INVOLVEMENT OF COMMUNITIES AND EXPERTS IN THE PREPARATION OF THE NOMINATION FILES

Only a State can submit a nomination file, but should facilitate the involvement of the communities while respecting its customary practices. The free, prior and informed

consent can be managed differently in each state as no universal rules exist. In cases of secretive practices, or practices that are only accessible for women or men as referred to in Article 13 of the Convention, the decision of the community has to be respected. In case of a multinational submission, only one nomination file has to be sent.

The participation of experts in technical meetings on the preparation of nomination files is highly encouraged as officers working in the Ministry might not always be in a position to give accurate content based information. After submission, the Secretariat can encourage the States Parties to provide additional information if a nomination is incomplete. In case the nomination file remains incomplete, the State Party can resubmit the nomination file the subsequent year.

ENCOURAGEMENT OF MULTINATIONAL INSCRIPTIONS

An identical tradition shared by communities in different countries is a widely spread reality in Africa. A multinational nomination is therefore possible and highly encouraged. If the neighbouring state is reluctant to inscribe a shared tradition or if it is not yet State Party to the Convention, the nominating State can nominate an element separately, but should mention the existence of the element in the other States.

In case a common tradition is practiced in two different countries and in one country it is endangered, and in the other country it is not, the same element can be nominated for the Urgent Safeguarding List in one country and for the Representative List in the other country. Even if an element is identical, depending on the context, it has to be inscribed on one of the two Lists and cannot be considered as a multinational nomination.

Apart from the fact that each State can nominate an element separately, cooperation and networking between the different countries that share a same element is highly encouraged. Multinational nominations depend on the goodwill of neighboring States and on their attitude towards heritage. The organization of common artistic activities promoting dialogue between States could also be a possibility to encourage States to have multinational nominations.

IMPORTANCE OF GOOD COMMUNICATION BY THE SECRETARIAT TO THE MEMBER STATES AND BETWEEN THE MEMBER STATES

The Secretariat needs to strengthen communication and dissemination of information among the Member States in order for the information to arrive all the way to communities. The creation of networks can facilitate communication and information sharing among African States Parties and enhance the understanding of their responsibilities. Among the Member States it is important to share concerns and to communicate them to African State Parties that are Members of the Committee in order their voices to be heard.

DAMAGING EFFECT OF TOURISM TO BE LIMITED

Government support is often dependant on the social and economic benefit of a specific project. In the context of the safeguarding of living heritage, this could be problematic. Instead of promoting tourism, potential damage of tourism should be prevented. An example was given of communities in Australia that also perform elements of ICH out of

their community context. The example of community museums that are kept outside the community was also given.

PREPARATORY ASSISTANCE AND EMERGENCY ASSISTANCE

The preparatory measures refer to concrete activities where funds will be used for e.g. documentation expenses, community consultation expenses, translation processes, preparatory meetings, consultative meetings, etc. At the end of the contract accounting information should be included. If a country has multiple nominations, it is allowed to receive two grants for preparatory assistance. A maximum of US\$5,000 will be provided for assistance to a national nomination. More funds will be available for a multinational nomination because of the complicated consultation processes.

Under the Representative List, no preparatory assistance is available as the safeguarding plan under the Representative List is a low priority. There exists International Assistance for the Urgent Safeguarding List and the programmes, projects and activities that fall under Article 18 of the Convention. There is no limitation in the amount of requests, but there is a ceiling in the amount of Funds. In theory, there is no limitation for emergency assistance, but it is restricted to the amount available that has to be divided between the requesting State Parties. As a contract is made between the State Party and UNESCO, the forms have to be written in UNESCO standard contract style.

PROGRAMME, PROJECT AND ACTIVITIES UNDER ARTICLE 18 OF THE 2003 CONVENTION

Programmes, projects and activities as mentioned under Article 18 of the 2003 Convention do not have to cover several safeguarding measures, but may focus only on one safeguarding measure. The Convention refers to programmes, projects and activities for the promotion of good examples that can afterwards be used as a good practice as referred to in Article 18 of the Convention. A project, programme or activity is likely preferable to be presented as a good practice when it is already completed or underway.

The reference to the national, sub-regional, regional and international level in Article 18 of the Convention is UN language that defines Africa as a region and Southern Africa as a sub-region. It focuses on projects to be implemented in more than one country, if applicable, as not every project can promote international cooperation, e.g. a national project or documentation project. There is indeed a small contradiction between Article 18 of the Convention that mentions that “the Committee shall periodically select and promote national, sub-regional and regional programmes, projects and activities“, and what was decided by the Committee as referred to in Article 51 of the Operational Directives that international cooperation should be enhanced.

USEFUL INFORMATION TO COMPLETE FORMS FOR NOMINATIONS, PROPOSALS AND REQUESTS

The relation of the element to the **definition of ICH** and its criteria as mentioned in the Operational Directives has to be clearly indicated in the form. This does not require a historical overview. In the application form the coherence between the background and rationale, and between the objectives, activities and results should be clear.

In Article 12 of the Convention it is indicated that if an **element** is nominated it should be already **included in an inventory** that does not need to be finished yet at the time of the nomination. The inventory can be based on various aspects of only one element as it can appear in different regions in the same country.

The **cession of rights and the creative common licence** is under examination in the Office of International Standards and Legal Affairs of UNESCO. Compared to the Masterpieces Programme where a lot of funds were made available for this purpose, the assistance in the current Convention is mainly intended for community involvement whereas the documentation burden is very low.

The **word limit** requested in the forms should be respected. If not, this could have consequences for the evaluation as neither the Committee nor the Bureau may consider the request carefully.

A **manageable safeguarding plan** has to be presented for elements to be nominated on the Urgent Safeguarding List. The plan can bring together people from different sectors to make a substantial impact (associations, communities, experts, etc). The role of the State is to create the conditions to make a safeguarding plan while involving the communities.

The language in the form used to indicate the **competent body** derives from Article 13b of the Convention. In some countries there exists a law that stipulates that safeguarding ICH is the responsibility of the State, but in the daily management it are several organisations that are in charge of safeguarding. Everything depends on the way how heritage management is organised in each country.

The **implementing agency** is the organization that is accountable towards UNESCO. In certain cases, for domestic or constitutional reasons, it is a Ministry that is the contracting party of UNESCO. The main question is who is responsible for the implementation and does the work on a day by day basis. Some States Parties have mechanisms for creating a commission for safeguarding ICH that can be considered as the implementing agency.

The Convention does not make a mention of **National Commissions** and does not foresee an official role for them in the implementation. However, for efficiency reasons, they should be involved. The National Commission has an intermediary role between the Member States and UNESCO. The communication between UNESCO and a Member State is through the National Commission.

When referring to capacity building, management may not take over the culture logic when talking about safeguarding measures. Capacity building does not mean the reinforcement of existing resources, but is the reinforcement of skills. The multiplier effect refers to the revitalization of certain values in the community and not to other sources of financing.

Elements of intangible heritage that were not proclaimed Masterpiece could be presented to be nominated on the **Representative List**. This was favourably accepted, although the nomination file should be adapted as the criteria are not the same on the nomination file for the Representative List.

The **withdrawal of an element** of the Lists after the decision of the Committee assisted by accredited NGOs should not be considered as a punishment by the State Party. It is rather a warning system. An element that was withdrawn from the List on the basis of its report can be renominated. A transfer from the Representative List to the Urgent Safeguarding list or the other way round is also possible.

CONCLUSION

The organization of the Capacity Building Workshop was an excellent tool to set up a network of African States Parties to share information and know how. During the workshop the idea of strategizing and building capacities was revisited and a cooperate approach within the regions and sub-regions underlined. Several countries proposed to organize capacity building workshops on a local or national basis in order to continue to network and to share information.

Before organizing another meeting, it was proposed to first implement the minimum requirements of the Convention such as inventory making and evaluating the status of the elements of ICH in the country. The management of the Urgent Safeguarding List as well as that of the Representative List was considered as a priority before moving on to a follow-up meeting. A new meeting was considered to be meaningful when experiences are shared on a broader basis and instruments tested before assessment.

CLOSING

Before declaring the workshop closed, Mr M Gomezulu encouraged all participants to the workshop to actively exchange information and know-how and recommended to attend the Intergovernmental Committee of States Parties of the 2003 Convention as observers. He finally thanked the Norwegian authorities for their generous support that enabled the workshop to be held.