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Intangible Cultural Heritage

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

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

**First session
Algiers, Algeria, 18-19 November 2006**

SUMMARY RECORD

This document contains the summary record of the first ordinary session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage as approved by the Intergovernmental Committee at its first extraordinary session, on 23 May 2007.

Following the invitation of the Algerian authorities, the first session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage was held on 18 and 19 November 2006 at the Sheraton Hotel in Algiers, Algeria. On behalf of all the participants, UNESCO thanked the authorities of the host country and in particular the Permanent Delegation of Algeria to UNESCO.

Delegations from the 24 States Members of the Intergovernmental Committee attended the meeting: Algeria, Belarus, Belgium, Bolivia, Brazil, Bulgaria, Central African Republic, China, Estonia, France, Gabon, Hungary, India, Japan, Mali, Mexico, Nigeria, Peru, Romania, Senegal, Syrian Arab Republic, Turkey, United Arab Emirates, Viet Nam.

The following attended as observers:

- delegations from 16 States Parties non-members of the Committee: Argentina, Croatia, Egypt, Ethiopia, Honduras, Iceland, Lithuania, Luxembourg, Madagascar, Mauritius, Morocco, Oman, Republic of Korea, Slovakia, Tunisia, Zimbabwe;

- representatives of 20 Member States of UNESCO non-States Parties to the Convention: Andorra, Australia, Austria, Bahrain, Benin, Canada, Czech Republic, Denmark, Dominican Republic, Germany, Greece, Italy, Kenya, Netherlands, Norway, Portugal, Spain, Switzerland, United Kingdom, United States of America;

- four non-governmental organizations: ACCU, ICOMOS, ICTM, CIOFF.

UNESCO's Intangible Heritage Section provided the secretariat services for the meeting.

[Saturday 18/11/06, 9 a.m.]

ITEM 1 OF THE AGENDA: OPENING OF THE FIRST SESSION OF THE INTERGOVERNMENTAL COMMITTEE FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

[Official opening ceremony]

1. The session was opened with an official ceremony presided over by **H.E. Mr Mohammed Bedjaoui**, President of the General Assembly of the States Parties to the Convention, Minister of State, Minister of Foreign Affairs of Algeria.
2. In his opening speech, **H.E. Mr Mohammed Bedjaoui** welcomed all the participants on the occasion of this “event which is not only exceptional but which we have also all been waiting for” and expressed his warmest thanks to all those who, through their untiring efforts, contributed to this “happy event”. He reminded the meeting that the intangible cultural heritage – expressing human life across space and time – was an inalienable legacy and that its loss would have very serious consequences. Against this background, he paid tribute to the Director-General for this “tremendous enterprise” launched in order to safeguard this legacy for humanity and which would thus help counterbalance the levelling effects of globalization. Mr Bedjaoui stressed how important it was for States to be guided by the ethical imperative, before concluding with a heartfelt tribute to UNESCO for its determination to take up the fight against all forms of “cultural chauvinism” and to teach “respect and appreciation of others” by safeguarding the intangible heritage, a fundamental asset contributing to an even more human humanism.

3. **H.E. Mr Musa Bin Jaafar Bin Hassan**, President of the General Conference, welcomed the fact that the Committee's meeting was being held in Algeria, a country with great cultural diversity. He expressed his regards to the Algerian people, referring to their rich history and reminding the meeting of the important contribution made by this country to the adoption of the Convention. He pleaded for the need to teach this heritage, to encourage children, to carry out appropriate work within communities and to develop a respectful cultural tourism. He said he was convinced that the Convention for the Safeguarding of the Intangible Cultural Heritage constituted a highly valuable instrument for the future of all peoples, highlighting as it did all their diversity, and he emphasised how important international cooperation was. He concluded by thanking the Minister of Foreign Affairs, the Minister of Culture and the Permanent Delegation of Algeria to UNESCO, and the Director-General and the Secretariat of UNESCO for preparing this meeting.
4. In his address, **Mr Koïchiro Matsuura** paid tribute first of all to Mr Mohammed Bedjaoui for his untiring efforts over several years in chairing all the preparatory and intergovernmental meetings leading to the adoption of the Convention. He declared himself very pleased that this first session of the Committee was being held in Algeria, the first Member State of UNESCO to accede to the Convention. He congratulated Ms Khalida Toumi, the Algerian Minister of Culture, for the nomination of Algiers as cultural capital of the Arab world for 2007, and wanted to express his thanks to Algeria for its proposal to establish in the near future a regional centre for intangible heritage under the aegis of UNESCO. Congratulating the members of the Committee on their election, Mr Matsuura outlined what would be the major stages of their work to be accomplished over the following years, in particular the work of discussing and drafting the texts that the General Assembly had requested should be prioritised, namely: the draft operational directives, the draft for the accreditation of non-governmental organizations, and the selection criteria for inscription on the Convention's lists and the procedures for granting international assistance. The Director-General then referred to the important tasks facing the Committee, stating his belief that its work "would write a memorable page in the history of the implementation of our Convention".
5. Addressing the meeting next, **Ms Khalida Toumi** declared how happy Algeria was to be hosting the first session of the Committee and expressed her thanks to UNESCO's Director-General for having kindly accepted the proposal that her country host the regional centre for the safeguarding of the intangible cultural heritage. She stressed how important concerted international action was, reminding the meeting that intangible cultural heritage "is to the identity of peoples what the DNA map is to the human genome", and referring to Algeria's efforts for its safeguarding, including having founded in 2004 an intangible cultural heritage centre dedicated to the work of the master of Algerian music, Hadj Mhamed el Anka. Stressing the essential role played by communities themselves in transmitting their cultural and symbolic worlds, she reminded the meeting of the potential impact that dealing with these questions without sufficient care could have on social cohesion and on ancestral harmony and stability. In paying tribute to UNESCO for this Convention that serves to highlight what is most human in each of our cultures, she advocated setting up within UNESCO an intangible cultural heritage centre on the same lines as the one for world heritage. She concluded by informing the Committee that Algiers would be the capital of Arab culture in 2007 and extended her invitation to all countries to participate in this historical event.
6. **H.E. Ms Sonia Mendieta de Badaroux**, Ambassador and Permanent Delegate of Honduras to UNESCO, asked to take the floor. After having greeted the President of the Algerian Republic, Mr Abdelaziz Bouteflika, for his actions undertaken since his investiture and thanked H.E. Mr Mohammed Bedjaoui for his commitment to the process of drafting the Convention, the speaker asked the Members of the Committee to pay

tribute to the Director-General for his commitment and decisive contribution to the unprecedented success which was the adoption at the 32nd session of the General Conference of the Convention for the Safeguarding of the Intangible Cultural Heritage.

ITEM 2 OF THE AGENDA: ADOPTION OF THE RULES OF PROCEDURE

Document *ITH/06/1.COM/CONF.204/2*

[Election of Chairperson]

7. Ms Françoise Rivière, **Assistant Director-General for Culture**, reminded the meeting that prior to electing the Bureau of the Intergovernmental Committee, the Committee had first to adopt its Rules of Procedure. She suggested proceeding to the election of the Committee Chairperson, then adopting the Rules of Procedure and finally, proceeding with electing the remaining members of the Bureau. The Delegation of **France** spoke to remind the meeting that it was customary for the host country to chair such a Committee and proposed Ms Khalida Toumi, the Algerian Minister of Culture, as Chairperson of the session. This proposal was supported by the Delegation of **Nigeria** and many others. Noting that there was a consensus on the nomination of Ms Toumi, the **Assistant Director-General for Culture** declared her elected by acclamation.

[Adoption of the Rules of Procedure]

8. **Ms Khalida Toumi** thanked the States members of the Committee for her election and asked, through the Secretariat, for Rule 8.4 of the Rules of Procedure to be amended in order to read as follows: "The Director-General shall address an invitation to all the entities whose participation has been authorised by the Committee in accordance with Rules 8.2 and 8.3".
9. The **Chairperson** suggested reviewing the Rules of Procedure one by one. The Delegation of **Japan** asked for further details concerning any major changes with respect to other similar documents used by UNESCO. The **Secretary** replied that the proposed Rules were very much in line with those of the World Heritage Committee, according to the advice given by the Office of International Standards and Legal Affairs of UNESCO.
10. The Committee then adopted without changes most of the Rules of Procedure, with the exception of Rules 8.2, 8.4, 12.1, 13.2, 15.1, 15.2, 16.1 and 16.2, 20, 21, 21.1, 37, 39 and 43.1, which were adopted as amended. Rules 20.3, 21.3, 40 and 41 were for their part deleted.

[Rule 4 "Date and place of meeting"]

11. The Delegation of **Peru** proposed that all meetings should be held at UNESCO headquarters in order to save on costs; **France** proposed that the Committee's meetings be rotated between the headquarters and elsewhere. The Delegation of **Nigeria** reminded the meeting of the risk that the suggestion of holding the meetings solely at headquarters would entail with respect to raising awareness in the various regions of the world of the importance of the intangible heritage, a reminder which was supported by the Delegation of **India**. The Delegation of **Romania**, supported by the Delegations of **China, Algeria, Central African Republic, Belarus** and **Japan**, thought that the initial Rule was well drafted and that it was up to the Committee to decide on the place of the next session. The **Assistant Director-General for Culture** wished to specify that for UNESCO, the additional costs to the Organization of holding a meeting abroad were not significant insofar as the host State was itself meant to take on payment for these. The

Chairperson obtained the agreement of the Delegation of **Peru** for the initial Rule to be kept as it was.

12. The Delegation of **Viet Nam** suggested adding the following clarification to Rule 4.2: “Any State member of the Committee which is able to take on holding the Committee meeting...”. The Delegations of **Romania**, **Syria** and **Bolivia** preferred keeping the initial proposal and leaving each member State wishing to host a meeting free to negotiate the conditions under which it did so. Following the Chairperson’s question, the Delegation of **Viet Nam** withdrew its proposal.

[Rule 5 “Delegations”]

13. Concerning the participation of delegations in Committee meetings, the Delegation of **Belgium** suggested that only the first section of Rule 5.4 should be kept and that its second section should be deleted, i.e. the section mentioning financial assistance for the participation “of developing countries which are parties to the Convention but which are not members of the Committee”, in order to limit assistance to just the members of the Committee. The delegation explained its position by noting that it was necessary to keep in mind that the resources of the Fund were limited.
14. The Delegation of **India** reminded the meeting that the Secretariat’s proposal reflected the rules and practices of the World Heritage Committee, and that these had proved their worth. It meant that developing countries were able to attend the Committee sessions. The Delegations of **Romania**, **Senegal**, **Nigeria** and **China** believed that this text was not contradictory and that its initial drafting, reflecting as it did already established best practices, should be kept as it was.

[Rule 8 “Observers”]

15. At the invitation of the Chairperson, and with the support of **China**, **Romania**, **Syria** and **Senegal**, the **Legal Adviser** suggested removing the possibility, for those States which are not parties to the Convention but which are UNESCO Members, of participating in the Bureau’s sessions as observers. He thought it was important to limit this participation to just the members of the Committee. The Observer Delegation of the **United States of America** then asked if such a measure could cause problems in practice. The **Legal Adviser** reminded the meeting that initially what was involved was participation in Bureau meetings outside of the ordinary sessions of the World Heritage Committee. Running the Bureau of the World Heritage Committee subsequently became difficult to manage and its sessions excessively long, because of the great number of contributions from observers. The Delegation of **Nigeria** confirmed the unmanageable nature of this process. Rule 8.2 was thus adopted as amended.
16. The Delegation of **China** asked for clarification as to “not-for-profit institutions”. Following the explanation given by the Secretary (referring to the note on this in the Rules of the 1972 Convention), the Delegation of **China** suggested removing this reference as they thought it to be unnecessary, given the not-for-profit nature of non-governmental organizations. However, the Delegations of **Romania**, **Senegal** and **Japan**, supported by the Delegation of **Hungary**, wanted the Rule to be kept as proposed by the Secretariat, in order to avoid excluding certain institutions not specifically mentioned in the 2003 Convention, such as foundations, museums and libraries, as well as not-for-profit institutions that might develop in the future. The Delegation of **Peru** reminded the meeting that Rule 8.4 left the Committee a lot of scope for action, in accordance with its wishes. Rule 8.4 was adopted as it stood, except for the amendment made by the corrigendum mentioned at the beginning of the session by the Secretariat.

[Rule 12 “Bureau”]

17. The Delegation of **India** wanted to add “on the basis of the principle of equitable geographic representation” to the reference to the composition of the Bureau. Rule 12.1 was adopted as amended.
18. Before the morning session was closed, the **Assistant Director-General for Culture** reminded the meeting of the need to elect a Bureau in accordance with equitable geographic representation. As Vice-Chairs and a Rapporteur had to be chosen as well as the Chairperson, she invited Member States to hold informal consultations. Following the question from the Delegation of **Estonia**, who wanted further details on the candidates for election to the Bureau, the **Assistant Director-General for Culture** suggested there be a consultation based on the provisional list of participants that had just been distributed.

[Lunch]

[18/11/06, 3.15 p.m.]

[Cont.: Adoption of the Rules of Procedure]

19. The **Chairperson** opened the afternoon’s session by proposing that the review of the Rules of Procedure be continued not rule by rule, but chapter by chapter, given that the meeting was running behind schedule.

[Rule 15 “Replacement of Chairperson”]

20. The Delegation of **Japan**, supported by the Delegation of **India**, proposed not to follow the alphabetical order of the countries of the Vice-Chairpersons, and to look for greater flexibility. Following a question by the Delegation of **Nigeria** on alternative procedures, the Delegation of **India** answered that in the World Heritage Committee the Chairperson identifies a substitute together with the Secretariat. The **Legal Adviser** noted that such a procedure might work well for Rule 15.1, but in the event described in Rule 15.2, the Chairperson may well be unable to assist in that process; perhaps the language should simply refer to consultation within the Committee. The **Assistant Director-General for Culture**, agreeing with the importance of flexibility, suggested not to specify any procedure, but to leave the solution to the wisdom of the Committee and the Chairperson. The Chairperson endorsed this recommendation and, not sensing any opposition, declared the amended rules 15.1 and 15.2 adopted.

[Rule 16 “Replacement of the Rapporteur”]

21. The **Chairperson** proposed that for Rule 16 the same amendments as for Rule 15 should be adopted. Rules 16.1 and 16.2 were adopted as amended.

[Rule 20 “Ad hoc consultative bodies”]

22. The Delegation of **China** recalled that the number of ad hoc consultative bodies should be carefully considered. The Delegation of **Japan** asked for greater clarity on the distinction between “consultative bodies” and “subsidiary bodies” (referred to in Rule 21). The Delegation of **Bolivia** recalled that consultative bodies are established “on a temporary basis” and that there is no obligation to set up such bodies. The Delegation of

China reiterated that within the United Nations system, “temporary” or “ad hoc” often means years, with financial consequences. The Delegation of **Peru** noted that the Committee will want to have flexibility to allow, for example, indigenous peoples to be heard as consultants.

23. The **Secretary** recalled that the Convention allows the Committee to create “ad hoc consultative bodies”, which had inspired the wording of the proposed Rule. The Delegation of **India** questioned why draft Rule 20.3 allows the Rules of Procedure to be applied partially or optionally to consultative bodies. The **Secretary** explained that this draft Rule was modelled after the corresponding Rule of the World Heritage Committee Rules of Procedure and that it is meant to allow for flexibility in the operation of consultative bodies. The Delegation of **India** held that there is potential for abuse if the Rules of Procedure are not applied to bodies created by the Committee, in which, for instance, equitable geographic representation should be ensured. The Delegation of **Bolivia** observed that that principle would require that each body have at least six members, and the Delegation of **Peru** suggested that certain issues that might come before the Committee will be regionally focused and an ad hoc body formed to consult on such issues might not need to be global in its representation.
24. The Delegation of **Japan** noted that the World Heritage Committee specifically allows consultative bodies to include States non members of the Committee and wondered whether that was intended here and if that was why flexibility was required. The **Chairperson** explained that consultative bodies are supposed to assist the Committee to reach its own decisions; subsidiary bodies are supposed to support the Committee’s work. She proposed to delete Rule 20.3. The Delegation of **China** agreed and proposed to also delete draft Rule 21.3. The Delegation of **Senegal** then suggested that Rule 20.4 could also be deleted as being too detailed.
25. The Delegation of **Japan** returned to the role of consultative bodies and asked whether dispute resolution was one of the functions a consultative body might serve. At the Chairperson’s invitation, the **Secretary** explained that the Convention allows for great flexibility in the kinds of consultation the Committee may seek. The **Chairperson**, recalling that such bodies are not obligatory, emphasized that the Committee should not now close doors to possibilities that might be needed in the future.
26. The Delegations of **China, Brazil, Nigeria, Syria** and **Algeria** rose to support the Chairperson’s proposal to delete Rule 20.3. The Delegation of **India** agreed and noted that the Convention does not provide for dispute resolution and the Committee cannot take on tasks not permitted by the Convention.
27. The **Legal Advisor** recalled that when the Convention was drafted, the possibility to create a Scientific Committee of Experts had been considered; that provision was dropped in favour of using NGOs for consultative purposes, and allowing the Committee to create ad hoc consultative bodies. However, consultative bodies cannot help the Committee to do things the Committee itself is not empowered to do, and since the Convention has no dispute resolution procedure an ad hoc body cannot be created to resolve disputes. The Delegation of **Senegal** proposed that the title of Rule 20 be changed to emphasize the ad hoc nature of these bodies; that suggestion was taken up by the Chairperson. Rule 20, as amended – with deletion of article 20.3 – was adopted.

[Articles 40 “Vote by secret ballot” and 41 “Procedure for voting by secret ballot”]

28. The Delegations of **India, France** and **Nigeria** declared that they were opposed to voting by secret ballot and emphasized the importance for the committee to work with the

utmost transparency. The **Legal Advisor**, invited by the Chairperson to give an opinion on this matter as it pertains to current practice in the Executive Committee, recalled that a secret ballot is used there only for elections. The **Chairperson**, emphasizing the importance for the Committee of working openly, proposed eliminating articles 40 and 41. The Delegation of **China**, while accepting this suggestion, noted that a distinction had to be made between a simple majority and a two-thirds majority, as is explicitly indicated in articles 49, 50 and 51. The Delegation of **France** then proposed that article 37 be clarified by mentioning that a simple majority is used “except where it is otherwise stipulated”. Article 37 was adopted as amended and articles 40 and 41 were deleted.

[Article 43 “Working languages”]

29. The Delegation of **Mexico**, speaking on behalf of the GRULAC and supported by the Delegation of **Syria**, emphasized the importance of having the six working languages for the Committee meetings. The Delegation of **Nigeria** asked for more information on the current practices of the World Heritage Committee and specifically on the financial implications of holding meetings in six languages.
30. The **Assistant Director-General for Culture** noted that meetings of the World Heritage Committee are held in two languages, English and French. Current practice allows for Spanish to be added for interpretation, financed by extra-budgetary funds, but not for the translation of documents. She stressed that this was not simply a budgetary issue, but also one of efficiency. She also noted that for the Culture Sector, the budget would exceed a million dollars for the two-year period if all the statutory meetings of the Conventions were organized using six languages, and this would lead to a reduction in operational activities.
31. The Delegation of **China** proposed that the two languages be kept and that others be used to the extent possible. The Delegations of **India**, **Peru** and **Bolivia** supported this proposal of not excluding the possibility of using the four other languages.
32. The Delegation of **Algeria** considered that it was particularly important to maintain the possibility of helping experts from the least developed countries to participate in the work of the Committee. It suggested maintaining English and French as working languages and adding another language that would be “offered” by the host country. The Delegation of **Japan**, supported by the Delegations of **Romania** and **Belarus**, proposed adding that all official languages of the United Nations would be used “when conditions allow”. This suggestion was not backed by the Delegations of **Nigeria** and **India**, the latter proposing instead to add to article 43.1 that all efforts should be made, including resorting to off-budget funds, to facilitate the use of other official languages of the United Nations as working languages. Article 43 was adopted as amended.
33. Finally, draft decision 1.COM 2 was adopted as modified.

[Sunday 19/11/06, 9 am]

ITEM 3 OF THE AGENDA: ELECTION OF THE MEMBERS OF THE BUREAU OF THE FIRST SESSION OF THE COMMITTEE

Document *ITH/06/1.COM/CONF.204/3*

34. On the morning of 19 November, the Committee elected all its officers and named Mr Jean-Pierre Ducastelle (Belgium, Group I) to be Rapporteur. Estonia (Group II), Bolivia

(Group III), China (Group IV) and Senegal (Group V (a)) were elected as Vice-Chairs.

ITEM 4 OF THE AGENDA: ADOPTION OF THE AGENDA AND TIMETABLE

Document *ITH/06/1.COM/CONF.204/4*

35. The provisional agenda was adopted as modified, with points 6 and 7 being reversed and adding a point on admitting observers between points 4 and 5,.

[Admission of observers]

36. The **Secretary** read the list of observers requesting admission to this session of the Committee, and they were admitted. The list of participants is included as an annex to this report.

ITEM 5 OF THE AGENDA: PREPARATION OF DOCUMENTS REQUIRED FOR THE IMPLEMENTATION OF THE CONVENTION

Document *ITH/06/1.COM/CONF.204/5*

37. At the invitation of the **Chairperson**, the functions of the intergovernmental committee were briefly reviewed. Referring to article 7 of the Convention, the **Secretary** listed the documents that the Committee had to prepare for the implementation of the Convention, including the operational directives. In the document submitted for discussion, a proposal was made to incorporate in the operational directives almost all of the documents to be prepared. It was noted that as regards agenda items 5, 6 and 7, these were to be initial discussions and that the discussions, and commentaries and observations that would be sent subsequently to the Secretariat, would serve as a basis for the preparation of documents that would be submitted to the subsequent meetings of the Committee.
38. The Delegations of **Belgium, Romania, Bulgaria** and **Turkey** proposed to expand the title of Chapter 3, by adding "awareness raising" and "dialogue" in addition to "visibility", in order to preserve the spirit of the Convention. The Delegation of **Peru** proposed to add "awareness" in addition to "visibility" and – regarding visibility – invited UNESCO to cooperate with TV programmes and culture channels. The Delegation of **Algeria**, agreeing with the proposal of **Belgium**, suggested encouraging national institutions and researchers to interact with communities and individuals for the safeguarding of the intangible cultural heritage. Numerous delegations intervened to express their concern that work needed to continue to obtain good definitions and terminology adapted to intangible cultural heritage.
39. Referring to Article 7 of the Convention, the Delegation of **France** proposed to include the presentation of best practices in Chapter 2. The Delegation of **Japan** considered that "best practices" implies a hierarchy, suggesting instead the expression "good practices". The Delegation of **Estonia** suggested that the chapter on visibility be moved further down (thus becoming Chapter 6 or 7) as it is the result of the process. This would also contribute to avoiding the establishment of hierarchies.
40. The Delegation of **Bolivia** stated that criteria regarding communities are not easy to elaborate. As to visibility, and referring to the position of the GRULAC, it is advisable to publish and disseminate as many documents – and in as many languages – as possible, and hold expert meetings dealing with the needs and concerns of the communities.

41. The Delegation of **Viet Nam** underlined the importance of taking into account the specific needs of developing countries in safeguarding activities, and expressed its agreement with the outline of the operational directives prepared by the Secretariat. The Delegation of India mentioned that the contents and title of the proposed chapter 3 do not match, while rejecting "awareness raising" as an alternative.
42. The **Assistant Director-General for Culture** summarized the debate so far, suggesting that since the Convention is about national safeguarding in the first place, the operational directives should start with this point, followed by international assistance, in particular with reference to endangered elements, and then visibility and awareness raising.
43. The Delegation of **Senegal**, recalling that the States Parties are required to take the necessary measures to safeguard their intangible cultural heritage, noted that the proposed operational directives do not reflect sufficiently the responsibility of the States. Capacity building and communication should also be covered adequately. The Delegation of **Bolivia**, supported by that of **Brazil**, underscored that the Committee should discuss the main principles of the operational directives, and that details can be submitted to the Secretariat until the end of January 2007. The Delegation of **Brazil** strongly supported the point raised by **Bolivia**, while adding that the Committee should not repeat the experience of the World Heritage List; specifically, the Committee should stick to representative rather than to outstanding value. The promotion of intangible heritage expressions is more important than inscription for eternity on the Lists.
44. The Delegation of **Estonia** concurred with the Delegation of **Brazil** with regard to the importance given to the Representative List and supported the introduction of a "sunset clause" to prevent elements inscribed on the List to be "carved in stone for eternity". The Delegation of the **United Arab Emirates** expressed its support to **Brazil** and **Bolivia** and suggested taking the time needed to elaborate appropriate operational directives. The delegation pointed out that dialogue, popular knowledge and customs should be covered in the directives.
45. The **Chairperson** concluded the discussion and invited the delegations to send comments in written form to the Secretariat on the operational directives until the end of January 2007. Draft Decision 1.COM 5 was adopted as amended.

ITEM 6 OF THE AGENDA: CRITERIA FOR INSCRIPTION ON THE REPRESENTATIVE LIST

Document *ITH/06/1.COM/CONF.204/7*

46. The **Secretary** recalled the sentiment expressed by several Members of the Committee that the Convention is primarily concerned with safeguarding and awareness raising. He also recalled that the last series of Masterpieces of the Oral and Intangible Heritage of Humanity had been proclaimed in 2005 and that there was a generally shared intention to start inscribing new elements on the Lists of the Convention before the end of 2008. He explained that the proposed draft criteria, which resulted quite literally from two expert meetings, were meant to serve for the Representative List in the first place. The first of these meetings, held in December 2005, focused on criteria for inscription and the second, March 2006, focused on community involvement in safeguarding ICH. According to the experts the same draft criteria might also be considered for the Convention's second list, the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, to be expanded with one or more additional criteria. The experts had tried to derive criteria directly from the Convention, taking into account the spirit of the Convention and the

intention of its drafters. The Secretary then briefly reviewed each of the draft criteria, situating it in the context of the specific articles of the Convention from which it was taken or derived.

47. The **Chairperson** commended the Secretariat for the thoroughness of the preparation of the document. She noted that the Committee was asked to give its initial consideration to the draft criteria, thus indicating the direction in which it wants to move forward. Written comments were to be submitted before the end of January 2007 to advance the discussion further. The Chairperson then took her leave of the Committee temporarily and passed the gavel to Mr Ousman-Blondin Diop (Senegal), one of the Vice-Chairpersons.

[Coffee Break]

48. The Delegation of **Belgium** opened the discussion by questioning whether the phrases in draft criterion (v), "...rooted in the community or group..." and "...continuously transmitted...", might implicate notions of rootedness that were contrary to current understandings of intangible cultural heritage. The Delegation of **India** raised concerns about several draft criteria, wondering first whether it was intended that an element must satisfy all or only some of the criteria in order to be inscribed, and suggesting that some criteria should be identified as key and others as supplementary. It expressed concern that some criteria seemed to be reintroducing the concept of "outstanding value" rather than representativeness, and that the prominence given to safeguarding plans might reflect a Western bias; flexibility was needed in approaches to safeguarding. Finally, the Delegation inquired as to who were the experts who had taken part in the expert meetings, expressing doubt that they were geographically representative. The Delegation of **India** invited the Committee to organize an expert meeting in India.
49. The Delegation of **Japan** emphasized the need to be flexible in order to ensure the greatest possible diversity. The criteria should be fewer rather than more, flexible rather than prohibitive. The Delegation of **France** returned to the question of transmission raised by the Delegation of **Belgium**, noting that transmission might have been interrupted within one community but continued elsewhere. The term "living heritage" already implies that this is something that is being transmitted, and not a historical recreation.
50. The **Secretary**, responding to a question from the Delegation of **France**, reiterated that the present criteria were proposed for the Representative List and that it was foreseen by the experts in their meetings that one or more specific criteria would be added to these to distinguish intangible cultural heritage in need of urgent safeguarding for the second list.
51. The Delegation of **Algeria** recalled the difference between the concept of "outstanding universal value" in the 1972 Convention and the concept of representation in the 2003 Convention, suggesting that the latter term still needs to be clarified. It agreed with the Delegations of **Belgium** and **France** that transmission was a better concept than rootedness. The Delegation of **Bulgaria** concurred that "...rooted in the community..." could be expressed better by notions of sustainability and transmission. The criteria should be concrete but also flexible; the enumeration of domains is intentionally not complete and the door should remain open to other expressions of ICH, without needing to specify them. Finally, the Delegation of **Bulgaria** asked about expressions found in more than one State and how they might be treated for the Representative List, and about the relation between the criteria used for national lists and those used for the

international list. The Delegation of **Bolivia** agreed that flexibility is important; the criteria should be adaptable just as ICH is always evolving. Welcoming the **Indian** invitation, the Delegation of **Bolivia** emphasized the importance of geographic representation and diversity among participants in the expert meetings. It also noted that the question of the incorporation of Masterpieces into the Representative List, mentioned in the document prepared by the Secretariat, was governed by the Convention itself and that the Committee ought not act contrary to the Convention.

52. The Delegation of **Peru** remarked that the list of domains should be both expanded and specified in greater detail, suggesting that this might be a topic for consideration by an expert meeting. The Delegation of **Viet Nam** commented that the number of criteria was large and that some might be combined; an expert meeting should focus on reducing the number of criteria. The Delegation of **China** found the draft document moving in the right direction, and encouraged the Committee to develop criteria that were broadminded as well as scientific. It shared the apprehension of the Delegation of **India** that the experts previously involved in expert meetings had not been sufficiently representative, and it questioned the suggestion of inscription for a fixed term. The Delegation of **Brazil** noted that the Committee must find a way to elaborate strategic actions to complete and enrich the implementation of the Convention. The **Secretary** noted that the Secretariat intended to create a website for States Members to facilitate their discussions.
53. The Delegation of **Hungary**, underlining the necessity of reducing the number of criteria, wanted to see them prioritized into compulsory and optional criteria. It offered the example of draft criterion (x) – the presence of a safeguarding action plan – as something that should not be required of all elements. It supported keeping the domains as they are enumerated in the Convention. It believed the criteria needed to be flexible, and both scientific and practical, always considering communities and their needs. It also agreed that Masterpieces should be inscribed automatically onto the List as the Convention holds. The Delegation of **Zimbabwe** noted the difference between the Masterpieces programme and the Representative List, suggesting that there should be no spirit of competition among elements; rather, they should be chosen so as to provide to the public good examples of intangible heritage and of the approaches taken to its safeguarding. Emphasizing representation as an overall characteristic of the list, the Delegation of **Zimbabwe** suggested that broad local participation was the best way to ensure this, moving from bottom to top rather than top-down. Finally, it also asked whether States Parties (in addition to States Members) would be welcome to submit their written comments before the January 2007 deadline.
54. The Observer Delegation of **Benin** insisted that Masterpieces must be inscribed automatically onto the Representative List, and cautioned that the concerns of experts could not override the language of the Convention. It concurred with earlier suggestions that the criteria should be divided between procedural prerequisites and true criteria. It supported the criterion requiring compliance with all human rights instruments, but wondered about the meaning of “avoiding repetition” in the comments on draft criterion (vi) concerning diversity. The Observer Delegation of **Benin** argued that limiting the term of inscription would go against the purpose of the List. The Delegation of **Luxembourg** argued that limited inscription would weaken the motivation of States Parties to submit nominations. In comparison to the World Heritage List where elements are inscribed in perpetuity, the Representative List would be seen by many as inferior if inscriptions were of limited term. The Delegation of **Luxembourg** raised particular doubt about draft criteria (vii) and (viii), wondering how a State could prove that a community had given “free, prior and informed consent”, or could establish that the nomination involved the participation of the community in its preparation.
55. The Delegation of **Mexico** encouraged the Committee to consider certain details of

inscribing Masterpieces on the Representative List, as for instance what to do with Masterpieces on the territories of States not yet party to the Convention. It also expressed concern that making a national representative list poses problems to a multicultural country. The Delegation of **Brazil** declared that the free, prior and informed consent of the community is an essential criterion, based on the experience within Brazil. Inscription is a deliberate process of long-term consequences, and community involvement and consent are absolutely essential. It also spoke in favour of inscription for fixed terms, as a means of preventing the list from ballooning too large, and recalled the expert meeting in December 2005

[Lunch Break]

[Sunday 19/11/06, 3 pm]

56. The Delegation of **Japan** reiterated, with regard to criterion (v), that some reasonable timeframe for intergenerational transmission needs to be found, more than five years and less than 3000 years. Because transmission can straddle national borders, it is important to be sensitive to the mechanisms of transmission. Regarding the consent of communities, the Delegation of **Japan** expressed doubt that a universal standard of consent could be reached, given that each State has its own legal traditions; flexibility is also needed in determining how community consent is established. It agreed that automaticity should be the guiding principle for inscription of Masterpieces onto the Representative List, even if certain details remain problematic.
57. The Delegations of **Romania** and **Algeria** also endorsed automaticity of inscription of Masterpieces. The Delegation of **Romania** urged Committee Members to have confidence in their own wisdom to resolve future problems in line with the provisions of the Convention. It joined other delegations in arguing against a process of de-listing certain items, concerned that this might be seen as diminishing the State's obligation to safeguard the element once it is de-listed. The Delegation of **Turkey** cautioned Members about two terms: "living" and "tradition". The Convention refers not to "living" but instead to "revitalization", which implies the recreation of an archaic form; the Committee should be careful not to introduce the term "living". The meaning of "tradition" was debated during the drafting of the Convention, the Delegation of **Turkey** recalled, without a clear definition emerging; now it is necessary to return to that task of defining "tradition".
58. The Delegation of **India** recalled that the Masterpieces had been selected by an international jury; reconsidering their decision would be an insult both to the jury and to the nominating State. Determining whether a community has given free, prior and informed consent is difficult; in India there are traditions that have been practiced for thousands of years, which itself constitutes proof that the community supports it. With regard to draft criterion (ix) regarding prior listing on a national inventory, the Delegation of **India** commented that States should not be prohibited from submitting nominations before the inventories are completed.
59. The Delegation of **Viet Nam** expressed its support for the criteria addressing community involvement. In recent years, the Ministry of Culture and Information of Viet Nam has carried out hundreds of safeguarding projects, but the experience has been that those where communities and practitioners were not involved were inappropriate or unsuitable, and resources were wasted. Cooperation is required between scientists and cultural workers on the one hand and communities on the other, in all aspects of identification, research, transmission, and protection—and in particular in developing safeguarding plans. The Delegation of **Viet Nam** stressed the importance of inventory-making and draft criterion (ix) requiring prior inclusion on a national inventory.

60. The Delegation of the **Syrian Arab Republic** was dubious of draft criteria (vii) and (viii), asking what mechanism could be used to ensure compliance with those criteria. It endorsed the automaticity of inscription of Masterpieces on the Representative List. The Delegation of **Bolivia** suggested that draft criterion (vii) might be subsumed within criterion (viii); if a community is fully involved at all stages, that is more important than a formalistic requirement of consent. Reminding the Committee of the great pride within a community that came with recognition as a Masterpiece, the Delegation of **Bolivia** argued against inscription for a fixed term on the Representative List.
61. The Observer Delegation of **Italy** agreed with the doubts expressed by the Observer Delegation of **Benin** concerning the reference to “avoiding repetition” in the explanation of draft criterion (vi); it also agreed that Masterpieces should be inscribed automatically on the Representative List. Arguing against inscription for a fixed term, it suggested that there should instead be a monitoring mechanism to ensure that an element maintained its integrity once listed.
62. The Observer Delegation of **Iceland** expressed its concern at the opinions of several delegations diminishing the importance of communities’ involvement, and reminded the Committee that this language is embedded within the Convention and is irrevocable. It also emphasized that the proposal to inscribe elements for a fixed term is not a means of selectively de-listing when certain conditions have changed; this is instead a generally applied fixed term of 10 or 20 years. The intent is to have a list of manageable size, not a “telephone book”, so that the visibility of listed elements is enhanced.
63. The Observer from **ICTM** emphasized the importance of the presence of a safeguarding plan as a criterion, since safeguarding is the purpose of the Convention. If States encounter difficulty developing such a plan, the Committee should offer technical assistance, but without a safeguarding plan an element should not be listed. Concerning inscription for a fixed term, the Observer from **ICTM** agreed with the Observer Delegation of **Iceland** that 10 or 20 years was a reasonable term. Safeguarding plans could be longer in duration—30, 40, even 50 years—independent of the term of inscription on the Representative List.
64. The Observer Delegation of **Australia** underlined the concern of the Delegation of **India** and others about broad-based participation in expert processes, and suggested this should extend as well to non-States Parties. In the Pacific region, of 17 States none has yet ratified the Convention, but many have valuable experience to offer. As the question of representativity goes to the heart of this issue, the Observer Delegation of **Australia** expressed its hope that there can be broad-based participation in the consultative processes.
65. The **Chairperson** identified several questions that had recurred throughout the discussion. First, should the criteria be applied in total, or selectively? Second, what should guide the inscription of Masterpieces on the Representative List? Third, what weight should be given to the results of the expert meetings that had been held previously?
66. The **Secretary** welcomed the wealth of the discussions and invited further written comments. With regard to draft criterion (ix) and its requirement for prior listing on a national inventory, he reported that the experts had seen the inventory-making process as one that might never be completed; what was important was that it begin and that elements nominated for the Representative List be included among the elements of a national inventory even if that was still in process. The **Secretary** informed the Committee that the Secretariat hopes soon to have information on its website about some examples of inventories and other safeguarding measures, and he encouraged

Members to begin thinking about procedures for identifying “good practices”. He clarified that the expert meetings, in considering the incorporation of Masterpieces, had not questioned the automaticity of incorporation but had called attention to two issues that – they thought – require clarification: whether Masterpieces are also to be inscribed on the Urgent List, and how to proceed with Masterpieces found on the territories of States that are not party to the Convention.

67. The **Assistant Director-General for Culture** noted that the preceding discussions took the Committee to the very heart of its work, and that the criteria should reflect the purpose of the listing process. The Convention identifies three purposes: ensuring better visibility, ensuring awareness, and encouraging dialogue; different countries may prioritize these differently. The criteria should not only be flexible, they should be evolving, and perhaps the Committee will regularly revisit the criteria. The **Assistant Director-General** encouraged the submission of written comments.
68. The **Chairperson** offered Decision 1.COM 7 for the Committee’s consideration. The Delegation of **India** offered a linguistic revision to the English text. The Decision was adopted, as amended. The **Interim Chairperson**, Mr Ousman-Blondin Diop, passed the gavel back to the **Chairperson**, Ms Khalida Toumi.

ITEM 7 OF THE AGENDA : ADVISORY ASSISTANCE TO THE COMMITTEE

Document *ITH/06/1.COM/CONF.204/6*

69. When she returned to chair the Committee, Ms Toumi invited the Secretary to provide information regarding advisory assistance to the Committee. The **Secretary** then noted the experience related to the proclamation of Masterpieces and the large number of non-governmental organizations that had been required to evaluate these masterpieces. As the Committee was asked to propose the accreditation of NGOs, the document *ITH/06/1.COM/CONF.204/6* suggested a framework in which NGOs could intervene to assist the Committee. Moreover, to insure a minimum of coordination among the different NGOs that would be invited to assist the Committee, a proposal was made to have them work in an umbrella organization in which each non-governmental organization would be represented.
70. The Delegation of **Bolivia**, supported by the Delegation of **Benin**, congratulated the Secretariat on the quality of the document proposed and at the same time considered that new ways had to be found. In addition to the well known NGOs accredited with UNESCO, communities with known skills but not necessarily organized had to be considered. This path had to be favoured and these communities had to be helped to organize themselves so as to be consulted by the committee.
71. The Delegations of **India** and **China** supported the Delegation of **Bolivia** and added the issue of NGO accreditation. The Delegation of **India** emphasized that NGOs existed in Asia that were very skilled but little used by UNESCO. It would therefore be appropriate to proceed slowly in order to put together a representative list of NGOs in the different regions.
72. The Delegation of **France**, supporting the idea of creating an umbrella NGO, stressed that experts and other institutions that the Committee might call upon should also be

included, given the scope of the field of intangible cultural heritage. The umbrella NGO would allow the number of NGOs to be limited, without excluding the possibility of calling upon other NGOs. The Delegation also considered that it would be appropriate to go beyond those NGOs that had worked on the proclamation of Masterpieces. At the request of the Delegation of **Bulgaria**, the **Secretary** provided details on consulting private persons as mentioned in paragraph 7, explaining that this paragraph derived from article 8.4 of the Convention that allows the Committee to invite to its meetings "...private persons, with recognized competence in the various fields of intangible cultural heritage...".

73. The **Chairperson** noted that the Convention itself does not provide for any specific institution that might contain the NGOs; she also noted that the Delegations of **Bolivia**, **France** and **India** stressed that the same mistakes not be made as occurred with the system of World Heritage, namely a systematic recourse to NGOs that are already well-known and that all come from the same part of the world.
74. The Delegation of **Peru** supported the position of **Bolivia** with a view to favouring an advisory organ that would allow giving voice to native populations and communities. It also noted the importance of using NGOs representing all areas of the world. It thus supported criteria (vii) and (viii) despite the problems that might be caused if applied.
75. The Delegation of **Algeria**, supported by the Observer Delegation of **Benin**, stated that communities that are not necessarily organized as NGOs or as associations needed to be favoured. To accomplish this, the Committee would need to have the perspective of truly learned societies. The Delegation thus stated it was in favour of an unlimited number of NGOs, to be called upon when needed through an organization serving as a liaison. The Delegation of **Brazil** did not express its support for an umbrella organization but was favourable to accrediting communities and having them participate. This proposal was supported by the Delegation of **Estonia**, which backed collaborating with NGOs that had proven experience working with communities.
76. The Delegation of **Japan** expressed the desire that transparency of the proposed process be guaranteed by mechanisms allowing the participating states to evaluate the work accomplished and be able to remove those organizations that are not working satisfactorily. Only individuals and organizations that have proven themselves and that have real competence in the field of intangible cultural heritage would be retained.
77. The Delegation of **Mexico** expressed the hope that direct participation of indigenous populations would be provided for. The Delegation of **Hungary** wanted to share information concerning an organization that brings together the keepers of tradition, the interurban network of mayors and governors for intangible cultural heritage. The Delegation of **Senegal** noted that the organizations to be selected must first serve the Convention and guarantee that it is properly implemented.
78. The **Chairperson** explained that the principle of NGO participation was not being called into question, but that specific criteria needed to be worked out that took into account the more elusive nature of intangible heritage as compared to tangible heritage. The contribution of the bearers of heritage being essential and their contribution being fundamental for the committee in making its decisions, thought had to be given as to how these communities would be invited to participate in consultative processes. Further thought on this subject and on the criteria is therefore necessary. The draft decision 1.COM 6 was then adopted as amended so that the discussion showing the great complexity of the subject would be taken into consideration.

ITEM 8 OF THE AGENDA: DATE AND PLACE OF THE NEXT COMMITTEE SESSION

79. The Delegation of **Japan** noted that its country had hoped to reconstruct its country following the Second World War, not only by rebuilding its economy but also around its culture. Since 1958 much work has been done on behalf of intangible cultural heritage. **Japan** therefore wished to share its experience by hosting the second ordinary session of the Intergovernmental Committee at the beginning of September 2007, and this invitation was approved by acclamation.
80. The Delegation of **China** also emphasized the importance of intangible cultural heritage for China and the efforts that have been made to preserve it. With the idea of contributing also to its preservation at the international level, the Delegation of **China** proposed hosting a special session in Beijing from 23 to 27 May 2007. This proposal was also warmly received by the Committee.

ITEM 9 OF THE AGENDA : ELECTION OF THE MEMBERS OF THE BUREAU OF THE SECOND SESSION OF THE COMMITTEE

Document *ITH/06/1.COM/CONF.204/9*

81. The Delegation of **France** proposed that the chairmanship of the second session of the Committee be held by the host country, Japan. **H.E. Mr Seiichi Kondo**, Ambassador and permanent Representative of Japan to UNESCO, expressed his appreciation for this honour.
82. The **Chairperson** informed the Committee that the officers of the second session of the Committee would assume their functions as of Monday 20 November and asked the representatives of each regional group to propose candidates for the other positions.
83. The Committee then elected the bureau for the second ordinary session and named H.E. Mr Seiichi Kondo (Group IV) Chairperson and Mr Ousman-Blondin Diop (Group V(a)) Rapporteur. Belgium (Group I), which will pass the vice chairmanship to France after the May meeting in China, Bolivia (Group III), Estonia (Group II) and Syria (Group V(b)) were named Vice-Chairpersons.

ITEM 10 OF THE AGENDA : ADJOURNMENT OF THE SESSION

84. At the end of the oral report on the proceedings by the **Rapporteur**, Mr Jean-Pierre Ducastelle, the **Chairperson** invited the Committee to send its written comments on the documents discussed to the Secretariat before the end of January 2007.
85. The Delegation of **Senegal** intervened to ask for clarification on the states authorized to submit comments. The Delegation of **France** asked whether states that are not parties to the Convention would also have the possibility of submitting their observations. The **Legal Adviser**, at the invitation of the Chairperson, noted that the language of the decisions taken in this session of the Committee referred specifically to States Parties. The **Assistant Director-General for Culture** asked whether it would not be good to provide an opportunity to other Member States of UNESCO, not yet party to the Convention, to participate constructively in the work of the Committee. This proposal was not accepted by the Delegations of **India**, **Brazil** and **China**.

86. The **Secretary** asked for the floor in order to read the decisions that had been adopted, in accordance with article 43 of its Rules that stipulates that “the Committee shall adopt its report in the form of a list of decisions”.
87. The Delegation of **Senegal** expressed its sincere thanks to the Algerian authorities for their hospitality and welcome, as well as to the Director-General of UNESCO for his commitment to the Convention of 2003. The Delegations of **Bolivia** and **China** also thanked the Algerian authorities and in particular H.E. Mr Mohammed Bedjaoui for having hosted the first session of the Committee, and warmly thanked Ms Khalida Toumi for her skilful management of the discussions. The Delegations also thanked the Secretariat for its work.
88. The **Chairperson** wished to adjourn the first session of the Intergovernmental Committee by expressing her most sincere thanks to the Director-General of UNESCO who arranged for this very first meeting of the Committee to be held in Algiers, to the Assistant Director-General for Culture and to the UNESCO Secretariat for its efficiency in preparing this session, and to the States Members of the Committee, the observers and the NGOs, for the important achievements resulting from the discussions.
89. **The Assistant Director-General for Culture** thanked the Algerian authorities for having hosted the Committee in their country and the Permanent Delegation of Algeria to UNESCO for all its work that allowed the Committee to meet under excellent conditions. She also thanked the States Members of the Committee for their great sense of responsibility, their cooperation and commitment to the preservation of intangible cultural heritage. This allowed a very complex agenda to be completed in a relatively short amount of time. She also expressed her most sincere thanks to the Chairperson, Ms Khalida Toumi, for the handling of the discussions, and to Mr Ousman-Blondin Diop who chaired the discussions on the criteria for inscription.
90. The **President of the General Conference**, H.E. Mr Musa Bin Jaafar Bin Hassan, warmly thanked the Chairperson as well as the members of the Committee for having so brilliantly carried out the work of this first session of the Committee. He also expressed his gratitude to the Director-General and to all the participants, before presenting the Chairperson with the medal of UNESCO's 60th anniversary.
91. The **Chairperson**, wishing great success for the two future meetings of the Committee in China and in Japan, declared the first session of the Intergovernmental Committee on the Safeguarding of the Intangible Cultural Heritage closed.