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

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

**Thirteenth session
Port Louis, Republic of Mauritius
26 November to 1 December 2018**

**Item 9 of the Provisional Agenda:
Issues concerning the follow-up of inscribed elements on the Lists of the Convention**

Summary

Since 2017, the Secretariat has received an increasing number of correspondences from communities and third parties, alerting it to the changing conditions of the status of several elements inscribed on the Lists of the Convention. However, there is currently no mechanism allowing the Secretariat to bring such information to the attention of the Committee, despite the seriousness of some of the issues raised. This document aims to initiate a reflection on ways in which the monitoring of inscribed elements could be carried out and the issues that may arise during this process.

Decision required: paragraph 25

Introduction

1. Since 2008, 451 elements have been inscribed on the Lists of the Convention, including 52 on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (hereinafter, the 'Urgent Safeguarding List') and 399 on the Representative List of the Intangible Cultural Heritage of Humanity (hereinafter, 'the Representative List'). In addition, nineteen programmes have been selected for the Register of Good Safeguarding Practices. The need to monitor the evolving status of elements after their inscription on the Lists and the Register of the Convention has been raised on several occasions by the Committee and its evaluation bodies. Notably, in 2013, the Committee took note of the long-term 'need to monitor and assess the consequences, both intended and unintended, of an element's inscription on the Representative List and invite[d] States Parties to take full advantage of their periodic reports to provide updated, detailed information about safeguarding measures and their impacts' ([Decision 8.COM 8](#)).
 2. Inscriptions on the Lists create high expectations among States Parties, communities and the public regarding their impact on the visibility and viability of elements concerned, as well as the role that the governing bodies of the Convention, States Parties and the Secretariat could play in monitoring the status of inscribed elements. While considerable focus has been placed on the nomination process for inscription on the Lists of the Convention and the role of the Committee, the Evaluation Body and the Secretariat in that process, the follow-up of inscribed elements has so far been limited to the submission of periodic reports by States Parties. Notwithstanding this situation, an increasing number of communities, institutions and individuals contact the Secretariat to report on the wide range of issues that arise after the inscription of an element and that might seriously affect its viability or could even call into question its inscription on one of the Lists of the Convention.
- A. Existing provisions for the follow-up of elements inscribed on the Lists of the Convention**
3. As of 2018, the follow-up of inscribed elements mainly relies on two existing mechanisms: firstly, the periodic reporting mechanism; and secondly the guidelines for the treatment of correspondence from the public or other concerned parties with regard to nominations ([Decision 7.COM 15](#)):

Periodic Reporting

4. Periodic reporting is currently the main mechanism allowing for the regular monitoring of elements following their inscription. While the provisions of the [Operational Directives](#) invite governmental authorities to involve communities and non-governmental organizations in the preparation of their periodic reports, the initiative remains with the State Party concerned that is responsible for their submission. The possibility for the Committee to address specific requests to States Parties following the submission of their periodic reports is foreseen (Paragraphs 159 and 164).
5. Sub-chapter V.1 of the Operational Directives provides that States Parties shall 'report on the current status of all elements of intangible cultural heritage present in [their] territory that have been inscribed on the Representative List of the Intangible Cultural Heritage of Humanity', as part of each State Party's periodic report on the implementation of the Convention at the national level submitted to the Committee. This takes place every six years on the basis of a system of rotation region by region (Paragraphs 157 to 159). This reporting mechanism also applies to States non Party to the Convention that have elements inscribed on the Representative List (Sub-chapter V.4).

6. Furthermore, Sub-chapter V.2 of the Operational Directives provides that States Parties ‘shall submit to the Committee reports on the status of elements of intangible cultural heritage present in [their] territory that have been inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding’ (Paragraphs 160 to 164). Such reports shall normally be submitted every four years following the inscription of the element, although the Committee may establish a specific timetable for reporting on a case-by-case basis, which will take precedence over the normal four-year cycle.

Observation 1: The periodic reporting mechanism encourages community involvement but remains state-driven. It only takes place every four or six years without allowing the possibility for reacting to emerging situations in between two reporting cycles.

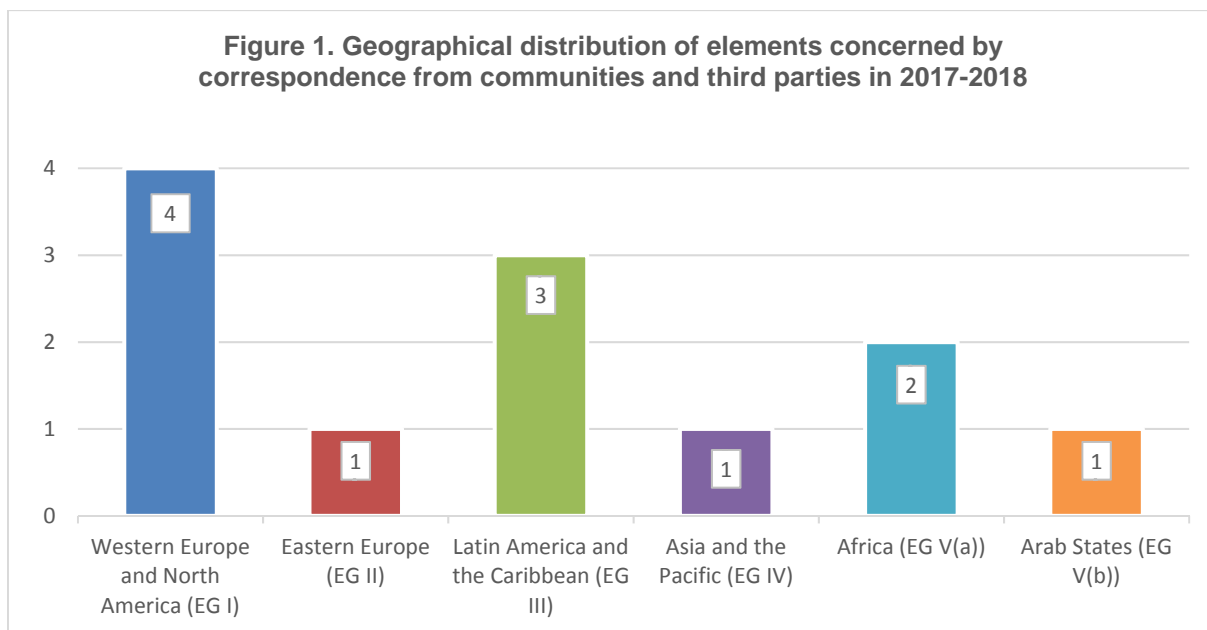
Guidelines for the treatment of correspondence from the public or other concerned parties with regard to nominations

7. In addition to the periodic reporting mechanism, in 2013 the Committee established ‘Guidelines for the treatment of correspondence from the public or other concerned parties with regard to nominations’ ([Decision 7.COM 15](#)), including those already inscribed on the Lists of the Convention. These guidelines were developed in the context of the wide range of expressions of interest from civil society received by the Secretariat during the 2010 cycle concerning elements proposed for inscription. The Committee considered that transparency in the nomination process could only benefit the Convention and that the Committee’s decisions may be better founded if they benefited from comments and opinions that are as varied as possible (Document [ITH/12/7.COM/15](#)).
8. According to the guidelines for the treatment of correspondence (paragraph 6), ‘Any correspondence [...] concerning an element already inscribed, is transmitted in the language in which it was received to the Permanent Delegation, National Commission for UNESCO, duly designated authorities and contact person responsible for the nomination of the concerned submitting State. The response of the State Party concerned, if any, is communicated to the entity that sent the correspondence.’ On this basis, communication is only operated between the State Party and the stakeholder that initially sent the correspondence through the Secretariat. However, the guidelines do not include any means for the Committee to be informed of such correspondence, even though it may pertain to important issues affecting the status of inscribed elements.

Observation 2: The guidelines for the treatment of correspondence from the public or other concerned parties do not allow information concerning inscribed elements to be brought to the attention to the Committee in a transparent manner.

B. Recent cases of follow-up of inscribed elements on the Lists of the Convention

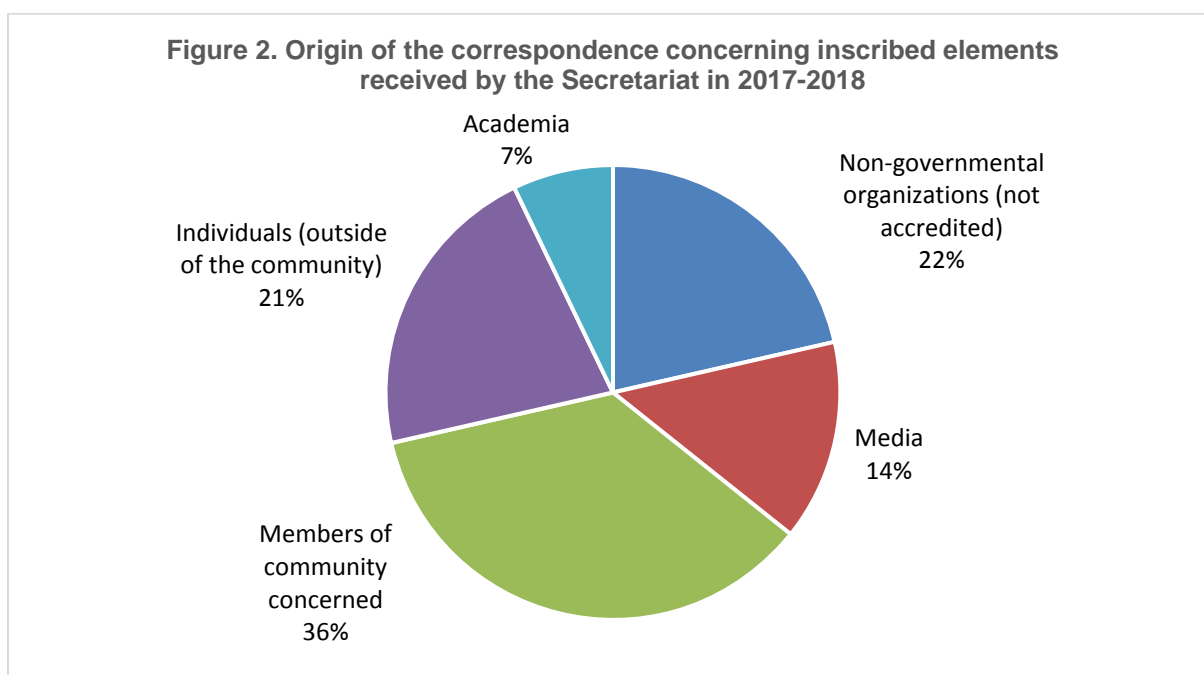
9. While correspondence concerning inscribed elements had been received in the past, the number of letters and emails received by the Secretariat regarding the status of inscribed elements has significantly increased since 2017. In the past two years, twelve elements have been the subject of such correspondence from communities concerned or third parties that expressed concerns regarding the latest developments affecting the status and viability of an inscribed element (see Annex for a list of elements concerned). Out of twelve cases, eleven pertain to elements inscribed on the Representative List, while one was about an element inscribed on the Urgent Safeguarding List. In terms of regional distribution, the elements concerned originate from all regions, as follows:



10. The correspondence received has raised a wide range of issues that may affect the status of inscribed elements. In one case, representatives from the communities in question expressed a deep concern over the decreasing viability of their intangible cultural heritage and considered the possibility of requesting the transfer of the element from the Representative List to the Urgent Safeguarding List. Other causes for concerns include:

Issues	Number of elements concerned
Issues linked to the requirements of mutual respect among communities (racism, xenophobia, discrimination)	4
Restriction on the practice of an element including through legislative and regulatory measures	3
Lack of community involvement in the safeguarding of an element	3
Land use affecting spaces associated with an element	2
Violent unrest during the practice of an element	2
Animal rights	1
Exploitation of natural resources affecting spaces associated with an element	1
Infrastructure construction	1

11. Information pertaining to the changing status of inscribed elements has been brought to the attention of the Secretariat by a wide range of stakeholders:



12. In application of the guidelines concerning the treatment of correspondence, the Secretariat forwarded the letters received to the competent authorities of the nomination concerned in eight cases. In three of these cases, States Parties provided a response that was then transmitted back to the entity that had sent the initial correspondence. This exchange of correspondence also led, in two instances, to improved collaboration between governmental authorities and communities for the joint implementation of safeguarding measures. However, in one of these cases, the State Party concerned seemed to confirm that recent measures taken would indeed restrict the enactment of the practice.
13. Despite these few cases in which the transmission of correspondence led to concrete measures, the current system for the follow-up of inscribed elements demonstrates a limited impact overall. This may affect the credibility of the listing system of the Convention, which is based on the accountability of States Parties and communities for the safeguarding of their inscribed elements. It appears that despite the seriousness of the issues raised in some of the correspondence received by the Secretariat, there is currently no existing mechanism allowing the Committee to be informed through the Secretariat and/or allowing the Secretariat to take the initiative to inform the Committee. In other words, once correspondence has been received, the sole option for the Secretariat is to transmit it to the State Party concerned without the possibility of informing the Committee. While some of these issues could have indeed been raised in the periodic reports submitted by States Parties, reports might have been submitted several years after the fact and stakeholders that initiated the correspondence may not have been involved in the preparation of the periodic reports concerned. These shortcomings may call for the revision of the current guidelines for the treatment of correspondence.

C. Mechanism for the follow-up of inscribed elements under the World Heritage Convention

14. In addition to its own sexennial periodic reporting mechanism, the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (hereinafter, the 'World Heritage Convention') established a Reactive Monitoring mechanism, defined in paragraph 169 of the Operational Guidelines for the implementation of the World Heritage Convention as 'the reporting by the Secretariat, other sectors of UNESCO and the Advisory Bodies to the World Heritage Committee on the state of conservation of specific World Heritage properties that are under threat'. It provides ways for States Parties and sources other than

the State Party concerned to inform the Committee, through the World Heritage Centre, of the serious deterioration of the conditions of an inscribed property and of any action that may affect its Outstanding Universal Value. In the case of information from third parties, the Secretariat, as far as possible, ‘verif[ies] the source and the contents of the information in consultation with the State Party concerned and request[s] its comments’ (Paragraph 174 of the Operational Guidelines). The information received by the Secretariat, together with the comments of the State Party and the Advisory Bodies, is brought to the attention of the World Heritage Committee in the form of a state of conservation report for each property¹.

15. As the World Heritage Convention and 2003 Convention are based on different purposes and their Lists on different criteria, it seems clear that the Reactive Monitoring mechanism, as developed for the World Heritage Convention, is not entirely and directly transferrable to the 2003 Convention. However, considering its long existence, it may constitute a source of inspiration in a number of aspects, such as the accountability of States Parties concerning inscribed elements and ways for stakeholders other than the State Party to provide information to the Committee through the Secretariat, for the development of a follow-up mechanism for inscribed elements under the 2003 Convention. In this regard, the results of the Online Consultation on the Reactive Monitoring process with all key stakeholders of the World Heritage Convention – ongoing at the time of writing of the present document – may also provide some indications and orientations on the relevance of such a system.

D. Considerations in a larger context and ongoing reflections

16. The reflection around the need for a follow-up of inscribed elements is linked to a number of broader issues that the Committee may wish to take into consideration in its debates:

Periodic reporting

17. As summarized in Section A of the present document, periodic reporting is currently the main mechanism directed at monitoring the status of inscribed elements. At its seventh session in 2018, the General Assembly of States Parties approved the revisions of the Operational Directives to reform the periodic reporting mechanism by moving towards a regional cycle of national reporting, including reporting on the status of elements inscribed on the Representative List. However, this change did not affect the procedure for reporting on the status of elements inscribed on the Urgent Safeguarding List ([Resolution 7.GA.10](#)). Any development in the establishment of a follow-up mechanism would need to take into consideration the ongoing reform of the periodic reporting mechanism.

Transfer of an element from one List to the other and removal of an element from a List

18. The need for a follow-up mechanism for inscribed elements could also be relevant in the context of the removal and transfer of elements (Paragraphs 38 to 40 of the Operational Directives). In 2017, the Committee was asked to examine for the first time a request from a State Party to remove an element from a List and transfer the same element onto another List (removing from the Urgent Safeguarding List and transferring onto the Representative List in that case). Concerning the removal of the element from the Urgent Safeguarding List, the Evaluation Body considered that the periodic report – in its current form – was not an adequate tool for examining a removal request and assessing whether a safeguarding plan had been successful. It therefore recommended the creation of new forms dedicated to the transfer and removal procedures that would be better suited to the evaluation of the status of an element (Document [ITH/17/12.COM/11](#)). In the context of the potential removal of an element from a List, making it possible for communities and third parties to provide information that is relevant to the assessment of the effectiveness of a safeguarding plan may allow the Evaluation Body and the Committee to benefit from a wide range of information, which would enable them to take a fully informed decision.

1. <https://whc.unesco.org/en/reactive-monitoring/>

19. Another consideration should be made as to how the transfer and removal procedure could be initiated (Document [ITH/17/12.COM/14](#)). According to paragraph 38 of the Operational Directives, it is a State Party that may request that an element be transferred from one List to the other. In the case of a removal (paragraphs 39 and 40), while it is the Committee that decides, the Operational Directives do not specify how the process would be initiated. In both cases, the establishment of a follow-up mechanism may constitute a way for communities and third parties to provide information that could be taken into consideration in initiating a transfer or removal procedure or in examining such request.

Reflection on the nature of the Urgent Safeguarding List and Representative List

20. In the context of examining the first request for the transfer of an element from one List to the other in 2017, the Committee affirmed the need for a reflection on the future of inscription processes and on whether these processes do indeed fulfil the intended purposes of both Lists. At the same session, the Committee decided to ‘convene an open-ended intergovernmental working group [...] to reflect *inter alia* on the procedures for the removal of an element from a List and the transfer from one List to the other, on the nature and purposes of the Lists and the Register established under the Convention and on the relevance of the various criteria for each of these mechanisms’ ([Decision 12.COM 14](#)). Beyond the inscription process, a reflection on the nature of the listing system should include a discussion on the possible need for a follow-up mechanism for inscribed elements, as such a mechanism appears to be crucial to guarantee the credibility of the Lists, and to allow the Committee to properly fulfil its mandate.

Involvement of stakeholders and third parties in the follow-up of inscribed elements

21. The reflection on the follow-up of inscribed elements also raises the question of the involvement of stakeholders concerned, in line with the Ethical Principles for Safeguarding Intangible Cultural Heritage² (Principles 9 and 10). These may include communities, groups and individuals concerned, non-governmental organizations – accredited to provide advisory services to the Committee or not – and third-party sources. While communities and non-governmental organizations concerned shall be involved in the preparation of periodic reports on the status of inscribed elements (Paragraphs 157 and 160 of the Operational Directives), there is currently no possibility for them to provide information directly for the attention of the Committee, nor do third-party sources have any means of providing relevant information.
22. In addition, the Committee may also wish to consider the role that the Evaluation Body could play in the monitoring of inscribed elements and/or in the screening of correspondence received by the Secretariat concerning inscribed elements. As the Evaluation Body is established every year by the Committee, and considering its composition respecting equitable geographical distribution and its diverse range of expertise and experiences, the Evaluation Body may be in a position to carry out an initial assessment of the correspondence received. However, if the Evaluation Body were entrusted with this additional responsibility, the Committee may need to take into consideration the time constraints already imposed on the Body. It may also consider it to be useful to provide guiding instructions for the Body to undertake these tasks.

E. Way forward

23. Should it consider that the current provisions guiding the follow-up of inscribed elements are too limited and that a follow-up mechanism would be useful for communities, the Committee and States Parties, the Committee may wish to discuss the ways in which it could be informed of changing factors affecting the status of an inscribed element. To this end, the following aspects are important to determine how the Committee wishes to be informed of correspondence and information concerning inscribed elements and how it envisions the possible establishment of a full-fledged follow-up mechanism:

2. <https://ich.unesco.org/en/ethics-and-ich-00866>

- a. **Purposes of a follow-up mechanism.** One of the primary objectives of a follow-up mechanism may be to assess whether elements continue to meet the criteria of the Lists on which they were inscribed and whether their safeguarding is ensured in accordance with the measures described in the nomination files and subsequent reports. In this regard, its complementarity with the periodic reporting exercises could be underlined. It may also constitute a tool for the examination of requests for the transfer of an element from one List to the other or for the removal of an element from a List. Moreover, a follow-up mechanism may also contribute to reinforcing community involvement in the safeguarding of their living heritage.
- b. **Initiative of the follow-up mechanism.** The ways in which the follow-up mechanism could be triggered may need to be clearly defined. This would involve defining the entities (for example the Committee and/or the Secretariat) that are in a position to request the specific follow-up of an inscribed element or whether any correspondence received by the Secretariat would lead to a follow-up on the status of an inscribed element. This could prove particularly important in cases where information on an inscribed element is brought to the attention of the Secretariat without any written correspondence addressed to it.
- c. **Treatment of correspondence prior to the session of the Committee.** Once information has been received by the Secretariat, the correspondence could be directly transmitted to the State Party concerned and then onto the Committee at its next session. However, the Committee may also wish to restrict the type of correspondence brought to its attention, and/or may request that the Secretariat or another entity verify the source and contents of the information in consultation with the State Party concerned, prior to the session of the Committee. Considering the wide diversity of issues raised in correspondence concerning inscribed elements, the Committee may consider prudent to allow for the screening of correspondence received. If such a screening process is introduced, the implications in terms of the expertise required, the budget and human resources may need to be carefully considered.
- d. **Role of the diverse range of stakeholders.** A diverse range of entity and individuals – including communities, governmental authorities, the Evaluation Body, accredited NGOs, universities, experts and the Secretariat – could contribute to the follow-up of inscribed elements. Specifically, the role of the Evaluation Body could be explored, in particular if the Committee wishes to introduce a system for screening information received before it is brought to its attention. In addition, the possibility of establishing a dedicated ad hoc monitoring body, in lieu of or in conjunction with the Evaluation Body, may also be considered.
- e. **Definition of monitoring actions.** The range of monitoring actions that the Committee could request, once informed of the changing status of an inscribed element, may also need to be clarified. Such actions could range from a request addressed to a State Party for further information on a specific issue to the possibility of initiating a procedure for the removal of an element from a List.
- f. **Place in the agenda of the Committee.** There is currently no specific item on the agenda of the session of the Committee that could cover the correspondence received regarding elements already inscribed. Considering the impact on the workload of its own session, the Committee may wish to consider whether a dedicated item should be added to its agenda in the event that relevant correspondence needs to be brought to its attention.
- g. **Budgetary implications of a follow-up mechanism.** Many of the aspects mentioned above would imply an additional workload for several entities, including the Committee, the Secretariat and possibly the Evaluation Body. In its debates, the Committee may therefore need to keep in mind the financial implications of the establishment of a follow-up mechanism.

24. As described in Section D of the present document, the establishment of a follow-up mechanism is linked to a number of broader issues and ongoing reflections that are crucial for the future of the Convention. These include the reflection launched by the Committee in 2017 on the procedures for the removal of an element from a List and the transfer of an element from one List to the other, on the nature and purposes of the Lists and the Register established under the Convention and on the relevance of the various criteria for each of these mechanisms. It may therefore be considered pertinent to integrate the reflection on the establishment of a full-fledged follow-up mechanism into this broader reflection and into the mandate of the open-ended intergovernmental working group that the Committee decided to convene in 2017 ([Decision 12.COM 14](#)).
25. The Committee may wish to adopt the following decision:

DRAFT DECISION 13.COM 9

The Committee,

1. Having examined document ITH/18/13.COM/9,
2. Recalling Chapter V of the Operational Directives concerning periodic reporting and [Decision 7.COM 15](#) concerning the guidelines for the treatment of correspondence from the public or other concerned parties with regard to nominations,
3. Further recalling the Ethical Principles for the Safeguarding of Intangible Cultural Heritage,
4. Takes note of the increasing number of cases that are brought to the attention of the Secretariat regarding the changing status of elements inscribed on the Lists of the Convention;
5. Recognizes the need to strengthen the follow-up of inscribed elements and to provide ways for communities and civil society to participate more directly in the monitoring of inscribed elements;
6. Acknowledges the link between the follow-up of inscribed elements and the ongoing reflection on the nature and purposes of the Lists of the Convention, recalls its [Decision 12.COM 14](#) to convene an open-ended intergovernmental working group on these topics and welcomes the generous voluntary supplementary contribution of the Government of Japan to the Intangible Cultural Heritage Fund to organize a preliminary meeting of experts and support the convening of the above-mentioned open-ended intergovernmental working group;
7. Decides to include a reflection on the establishment of a follow-up mechanism for inscribed elements in the mandate of the above-mentioned preliminary meeting of experts and the open-ended intergovernmental working group.

ANNEX**Recent cases brought to the attention of the Secretariat
between January 2017 and August 2018**

State Party	Element	List and year of inscription	Stakeholder that raised the issue
Burundi	Ritual dance of the royal drum	Representative List (2014)	Media
Croatia	Ojkanje singing	Urgent Safeguarding List (2010)	Civil society and community members
Ecuador and Peru	Oral heritage and cultural manifestations of the Zápara people	Representative List (2008)	Community members
Mexico	Indigenous festivity dedicated to the dead	Representative List (2008)	Community members
Mexico	Pirekua, traditional song of the P'urhépecha	Representative List (2010)	Community members and non-governmental organizations (not accredited to the Convention)
Morocco	Cultural space of Jemaa el-Fna Square	Representative List (2008)	Individuals (outside of the community)
Spain	Mystery play of Elche	Representative List (2008)	Community members
Switzerland	Basel Carnival	Representative List (2017)	Community member

Note: Four additional cases have been brought to the attention of the Secretariat and are covered in the present document. However, in the absence of specific correspondence received, no letter could be forwarded to the State Party concerned. These cases are therefore not included in the table above.