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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 16 of the Provisional Agenda:
Report of the informal ad hoc open-ended working group**

Summary

At its twelfth session, the Committee decided to continue the informal ad hoc working group in 2018, which was made open-ended to include all interested States Parties ([Decision 12.COM 13](#)). The mandate of the group relates to: i) the funding mechanism of the Convention; ii) the recommendations of the Open-Ended Working Group on Governance; iii) the 'dialogue' mechanism; iv) the roles and process of accreditation of NGOs; and v) other issues to facilitate the work of the Committee. The annex to this document, prepared by the group, presents its deliberations and recommendations.

Decision required: paragraph 6

1. At its eleventh session, the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage (hereafter, the 'Committee') decided to 'establish an informal ad hoc working group, [...] to examine the issues related to the consultation and dialogue between the Evaluation Body and the submitting States, the decision-making process of the Committee on nominations, proposals and requests, as well as any other issue in order to strengthen the implementation of the Convention' ([Decision 11.COM 10](#), paragraph 13).
2. At its twelfth session, the Committee examined the report of the informal ad hoc working group. During that session, it noted the view of the Evaluation Body that time should be allowed, at least until the end of the 2019 cycle, for a number of adjustments introduced in the evaluation process to take effect, before considering the establishment of a formal 'dialogue' process. As a result, the Committee decided to resume the discussion on the dialogue between the Evaluation Body and submitting States at its fourteenth session ([Decision 12.COM 13](#)).
3. By the same decision, the Committee also decided to continue the informal ad hoc working group in 2018, making it open-ended to include all interested States Parties and redefining its mandate to cover the following five main areas:
 - i. to study the funding mechanism of the Convention, including resource mobilization;
 - ii. to enable the implementation of the relevant recommendations of the Open-Ended Working Group on the Governance, Procedures and Methods of Work of the Governing Bodies of UNESCO, as adopted at the 39th session of the General Conference;
 - iii. to further reflect on an appropriate 'dialogue' mechanism, in consultation with the Evaluation Body, taking into account the respective resolutions by the next General Assembly;
 - iv. to reflect, in consultation with accredited NGOs, on the possible ways in which the participation of NGOs under the 2003 Convention could be further enhanced and how this would be reflected in the accreditation and renewal mechanisms of NGOs;
 - v. to reflect on any other issues to facilitate the work of the Committee.
4. At the first Bureau meeting of the thirteenth session of the Committee, held at the UNESCO Headquarters in March 2018, it was agreed that Algeria and the Philippines would co-chair the informal ad hoc open-ended working group in 2018 and that Mauritius, as the host country of the thirteenth session of the Committee, would be kept informed of the developments.
5. Pursuant to [Decision 12.COM 13](#), the report of the informal ad hoc working group of 2017 was submitted to the seventh session of the General Assembly for its consideration. The General Assembly, by its [Resolution 7.GA 6](#), requested that 'the informal ad hoc working group present its deliberations and recommendations to the thirteenth session of the Committee, taking into consideration its redefined mandate for the year 2018, as well as the discussions that took place during the seventh session of the General Assembly'. The annex of this document, as prepared by the group, sets out its deliberations and recommendations. The draft decision included in this document is also prepared by the working group.
6. The Committee may wish to adopt the following decision:

DRAFT DECISION 13.COM 16

The Committee,

1. Having examined document ITH/18/13.COM/16,
2. Recalling [Decision 11.COM 10](#) and [Decision 12.COM 13](#) as well as [Resolution 7.GA 6](#),
3. Commends the work of the informal open-ended ad hoc working group chaired by Algeria and the Philippines and welcomes its report;
4. Endorses the recommendations of the informal ad hoc working group as contained in the annex of document ITH/18/13.COM/16;

5. Encourages States Parties to take into account the recommendations of the informal ad hoc working group, with a view to enhancing resource mobilization for the 2003 Convention and promoting follow-up to General Conference [39 C/ Resolution 87](#);
6. Requests that the Secretariat implement, as appropriate, the relevant recommendations of the informal ad hoc working group;
7. Decides to extend the mandate of the informal ad hoc working group to:
 - a. further reflect on an appropriate dialogue mechanism to strengthen transparency and credibility of the evaluation process, in consultation with the Evaluation Body; and
 - b. continue the consultation process with accredited NGOs, on the possible ways in which the participation of NGOs under the 2003 Convention could be further enhanced and how this would be reflected in the accreditation and renewal mechanisms of NGOs;
8. Decides further to consider this item at its fourteenth session in 2019.

ANNEX

Report of the Co-Chairs of the Open-ended Informal Ad Hoc Working Group of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage(ICH)

13th session of the ICH Committee

1. The open-ended informal ad-hoc working group of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage (ICH) held three meetings in April, May and September 2018. The ICH Committee formed the working group at its 11 COM held in Addis Ababa, Ethiopia in 2016 and renewed the working group's mandate at its 12 COM meeting held in Jeju, Republic of Korea in November 2017.
2. The Chairperson of the 13 COM, in consultation with the Bureau of the ICH Committee, requested Algeria and the Philippines to co-chair the ad-hoc working group. The Co-Chairs wish to thank the Chairperson for his confidence and the Secretariat for their support throughout the year.
3. During its three meetings, the working group discussed all the items under its purview as outlined by Committee [Decision 12.COM 13](#). Numerous permanent delegations of States Parties to the 2003 Convention took the floor to express their commitment to the Convention and their views on, among others, the working methods of the Committee, inscription of elements on the Representative List, dialogue with the Evaluation Body, the transfer of elements from one List to another and the nature of the Lists.

Funding mechanism of the Convention, including resource mobilization

4. Regarding the financial situation, regular assessed contributions maintained the stability of the Intangible Cultural Heritage Fund. Nevertheless, the ad-hoc working group noted that a key issue was how to increase voluntary contributions, especially for capacity-building of the Secretariat, States Parties and communities. This aspect depended mainly on voluntary contributions, which have fallen sharply, with only a small number of States Parties making such contributions at present.
5. This ran contrary to the growing global interest in ICH, as new ratifications have brought the Convention close to a universal level, resulting in greater demands than ever for the assistance of the Secretariat and safeguarding ICH in general.
6. The ad-hoc working group suggested that the communication plan, under development for the 2003 Convention, aim to target also potential donors. Exchange of good practices and lessons learned from the 1972 World Heritage Convention and other cultural conventions on resource mobilization would also be useful. The overall results framework of the Convention could likewise be a fundraising tool by raising awareness among stakeholders at the national level.
7. Other initiatives could be organization of fundraising events at the sidelines of Committee and/or General Assembly sessions, in cooperation with host countries and a possible informal Group of Friends of ICH composed of interested States Parties.

Implementation of the relevant recommendations of the Open-Ended Working Group on Governance, Procedures and Methods of Work of the Governing Bodies of UNESCO as adopted at the 39th session of the General Conference

8. The ad hoc working group noted satisfactory progress in the implementation of the relevant recommendations of the General Conference. This was reaffirmed by the General Assembly in its decision on the subject.
9. The ad hoc working group reviewed the general and specific recommendations of the Working Group on Governance approved by the 39th session of the General Conference of UNESCO applicable to the 2003 Convention. Some were related to the need to reduce and manage

politicization of nominations and decisions, as well as strengthening the decision-making and credibility of the Committee.

10. A number of States Parties expressed concern about the increased politicization in the Committee and the polarization of the debates in inscribing certain elements on the Representative List.

Reflection on an appropriate “dialogue” mechanism, in consultation with the Evaluation Body, taking into account the respective resolutions by the General Assembly

11. In general, Member States expressed the wish to see the Committee reduce the time allotted for the inscription of items on the different Lists in order to concentrate on safeguarding the elements which constituted the essence of this Convention and the “raison d’être” of the Committee.
12. As a result, one of the solutions proposed by Member States to avoid lengthy discussions during the Committee’s deliberations on nominations was to establish a “dialogue” between the Evaluation Body and the submitting States Parties prior to the Committee session. This dialogue could reduce the number of problematic nominations and the time dedicated to debating such files at each Committee session.
13. The Working Group recalled that the General Assembly had recognized the importance of dialogue to improve the evaluation process and the need to develop, within the framework of the ad hoc informal working group and the intergovernmental appropriate to enhance the transparency and credibility of activities.
14. The working group held a discussion with the Evaluation Body to this end, during which the following views were expressed:
 - No one was against dialogue, but the initial proposal of the ad hoc working group in 2017 on a written dialogue procedure seemed too cumbersome and potentially costly in terms of administrative and financial burden.
 - The revision to the question for the R5 criteria in the nomination form had produced positive results. However, there was still a need to rethink issues related to R2.
 - Some States parties continued to stress the relevance of a dialogue between nominating States Parties and the Evaluation Body in order to avoid any surprises, in the form of an early notice for referrals or non-inscriptions.
 - In this regard, an interim report containing the recommendations of the Evaluation Body could be sent to States Parties concerned and members of the Committee following the Evaluation Body’s second meeting during the evaluation cycle (usually in July).
 - It was also noted that reforms could be implemented and evaluated on a trial basis before making permanent changes to procedures.
15. As agreed by the Committee, the issue of dialogue shall be considered by the 14 COM in 2019, to allow time to evaluate the modifications introduced by the Secretariat to the nomination forms.

Possible ways in which participation of NGOs could be further enhanced and how this would be reflected in the accreditation and renewal mechanisms of NGOs

16. The Secretariat provided some historical background, indicating that the initial objective was to create a network without defining set roles for NGOs. There were differences among NGOs in the network in terms of size, scale of operations, resources and capabilities. It was necessary to define the “inter alia” in the Operational Directives and to differentiate amongst the various NGOs in the network. The Secretariat proposed a two-year reflection process on the issue, with online consultations with and between States Parties, the ad hoc working group and accredited NGOs, with a view to adopting revisions to the Operational Directives that could be presented to the General Assembly of the Convention in 2020.

17. The working group took note of the launching of the reflection process and shall continue to contribute to it, as decided by General Assembly [Resolution 7.GA.11](#) and Committee [Decision 12.COM.17](#).
18. As mandated by working group, the Co-Chairs had an informal exchange of views with representatives of the ICH NGO Forum, during which the following preliminary ideas were raised:
 - There was a need to review the governance structure of the NGO network to see how it could become a more institutional presence with permanent focal points.
 - Mapping of the NGO network would be useful in determining the capacity and scope of contributions that accredited NGOs can make to the processes and mechanisms of the 2003 Convention. This may require a possible classification system in terms of activities at national, regional or international levels.
 - Capacity-building of NGOs would be important to raise public awareness and participation in the 2003 Convention.
 - Incentives could be considered to address the lack of equitable geographical balance in the NGO network and promote the creation of NGOs in other regions.
 - Collaboration with category 2 centers was an area to be explored that could enhance collaboration with accredited NGOs.
 - There was a need to define the “inter alia” advisory services that accredited NGOs can provide, in addition to membership in the Evaluation Body. Proposed ideas included contributing to the new overall results framework incorporated in periodic reporting.
 - Some Member States expressed interest in developing a code of conduct for accredited NGOs. The NGO network was examining this particular through a working group on ethical principles for safeguarding ICH.

Other matters to facilitate the work of the Committee

19. The Working Group agreed to encourage the Chair of the Committee to adopt the same decision-making procedure as that used at the twelfth session of the Committee in Jeju, Republic of Korea.
20. The Working Group recommended that the nature of the Representative List be considered in the context of an open-ended intergovernmental experts’ meeting, as it had implications on a wide range of issues important for the future of the Convention, such as the transfer of elements from the Lists, monitoring of elements after inscription, and evaluation of nominations to the Representative List.

Recommendations

21. The Co-Chairs submit the following recommendations based on discussions of the ad hoc working group:

Funding mechanism of the Convention, including resource mobilization

1. The communication plan being developed for the 2003 Convention seek to target potential extra-budgetary donors.
2. The overall results framework could also be a tool for fundraising by enhancing stakeholder awareness at the national level. Translation of the Operational Directives into local and national languages would likewise be important for resource mobilization.
3. The Committee and States Parties can play a more proactive role in seeking means to increase resources, especially extra-budgetary funds, as set forth in Articles 7, 25 and 28 of the Convention.

4. Lessons and best practices could be studied from the 1972 Convention, such as development of a partnership strategy, marketplace for projects in need of funding and a Roadmap for Sustainability of the World Heritage Fund.
5. Possible fundraising side-events be organized at the sidelines of Committee and/ or General Assembly sessions, in cooperation with host countries or an informal group of interested States Parties.
6. Incorporation of safeguarding of ICH in the UNESCO Partners' Forum.

Implementation of the relevant recommendations of the Open-Ended Working Group on Governance, Procedures and Methods of Work of the Governing Bodies of UNESCO as adopted at the 39th session of the General Conference

7. The organization of an orientation session for new Committee members during the information session in Paris can be continued as a good practice.
8. Committee Members and States Parties are encouraged to consult widely in advance of Committee sessions on key issues and draft decisions to promote inclusive and efficient decision-making.
9. The Committee take cognizance of recommendation 67 on harmonization of the composition of Bureaus.
10. Bureau members are encouraged to regularly inform and consult with States Parties in their regions on Committee agenda items.

Reflection on an appropriate “dialogue” mechanism, in consultation with the Evaluation Body, taking into account the respective resolutions by the General Assembly

11. Consultations continue between the ad hoc working group, Secretariat and Evaluation Body, with a view to identifying an appropriate dialogue mechanism.

Possible ways in which participation of NGOs could be further enhanced and how this would be reflected in the accreditation and renewal mechanisms of NGOs

12. Noting the launch of the two-year reflection process, encourages all States Parties to contribute to the process.

Other issues to facilitate the work of the Committee

Decision-making

13. Encourages the Chairperson of the Committee to adopt the same decision-making procedure utilized during the 12th session of the Committee in Jeju, Republic of Korea. In this regard, the Chairperson would privilege consensus. If deemed necessary during the debates, the Chairperson shall determine, in steps, active relative support (one third of Committee members) and/or active broad support (majority of Committee members) for proposed amendments to draft decisions.

Nature of the Representative List

14. This cross-cutting issue be discussed in an open-ended intergovernmental expert setting, as it has implications on a wide range of emerging issues for the future of the Convention, such as the transfer of elements from the Lists, follow-up/ monitoring of elements after inscriptions, and the evaluation of nominations to the Representative List.