

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

**Second session
Tokyo, Japan – 3 to 7 September 2007**

ORAL REPORT

**by Mr Ousmane Diop Blondin
Deputy Permanent Delegate of Senegal to UNESCO**

Tokyo, 7 September 2007

Mr Chairperson of the Intergovernmental Committee,
Ms Françoise Rivière, Assistant Director-General for Culture,
Distinguished delegates,
Ladies and gentlemen,

I should like to express my gratitude to the States Members of the Committee and to its Chairperson for entrusting me for the second time with the task of reporting on the debates of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage.

I wish here to extend my sincere thanks to the Japanese authorities for the impeccable organization of this second session of the Committee and for the warm and highly efficient welcome extended to all participants. I should particularly like to thank H.E. Ambassador Seiichi Kondo, our Chairperson, for the firmness and diplomacy with which he has conducted our debates, especially on items essential to the implementation of our Convention. You have succeeded, dear Chairperson, in the difficult task of creating a working atmosphere conducive to dealing with a complex and challenging agenda. I am also grateful to Members of the Committee and the observers for the spirit of cooperation and the sound judgement they have displayed in all circumstances, throughout the plenary debates and during the many hours spent in working groups and subsidiary bodies to find the best solutions for implementing the Convention.

We wholeheartedly congratulate the Director-General on the documents submitted to us, and we once more highly commend the outstanding work, the competence and the responsiveness of the Secretariat and in particular Ms Françoise Rivière, Assistant Director-General for Culture and representative of the Director-General, Mr Smeets and his team, Mr Donaldson the Legal Adviser, and Ms Kassim from the Bureau of the Comptroller. We should also like to thank all the interpreters, who have had a particularly difficult and, I know, rather thankless task but who have once again risen to the challenge with their usual talent.

The decisions that we have adopted over these past five days have just been distributed to you. I propose to remind you of the issues at stake in the agenda items and the major problems associated with them. You will then have 15 to 20 minutes to read the decisions and make any comments before formally adopting them as a whole.

Item 1 Opening of the session

The second session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage began on Monday, 3 September 2007, with an official opening ceremony presided over by H.E. Mr Seiichi Kondo, Chairperson of the Intergovernmental Committee and Ambassador, Permanent Delegate of Japan to UNESCO, and H.E. Mr Koïchiro Matsuura, Director-General of UNESCO, in the presence of H.E. Mr Bunmei Ibuki, Minister of Education, Culture, Sports, Science and Technology of Japan, and H.E. Mr Itsunori Onodera, Vice-Minister for Foreign Affairs of Japan. At the opening ceremony, remarks were also offered by H.E. Mr Musa Bin Jaafar

Bin Hassan, President of the General Conference of UNESCO, and H.E. Mr Mohammed Bedjaoui, Chairperson of the General Assembly of States Parties to the 2003 Convention.

In their addresses these distinguished figures emphasized that the session in Tokyo represented an important step in clarifying the Convention's operational guidelines and mechanisms; they paid tribute to the flagship role of Japan in the field of intangible cultural heritage since the 1950s; and lastly they reaffirmed their conviction that culture, central as it was to globalization issues, could be instrumental – with the assistance of our Convention – in establishing new, more balanced, global relations.

Item 2 Adoption of the agenda

This item presented no problems and the agenda was adopted as amended: in particular, by bringing forward the item on creation of an emblem for the Convention in order to allow the subsidiary body to hold its first meeting on Thursday, 6 September, and by reversing the order of items 5 and 4.

Item 3 Adoption of the draft summary records of the first extraordinary session of the Committee

The summary records of the first extraordinary session in Chengdu were adopted as they stood.

Item 5 Admission of observers

This item was discussed at the morning meeting on Monday, 3 September 2007. Seven countries expressed their regret that paragraph 3.b. of document 208/5.Rev did not include all the non-governmental organizations (NGOs) proposed by States Members. Paragraph 5 of Decision 1.EXT.COM 4 bis adopted at Chengdu was taken by some States to mean that all the NGOs appearing in the lists sent by States Members would be invited to attend this second session of the Committee. After the Legal Adviser had explained that those NGOs could have been invited if they had submitted written applications, words to that effect were added to paragraph 4 of Decision 2.COM 5 Rev. The Committee then adopted the decision as amended, admitting 13 UNESCO Member States and Associate Members and 16 NGOs as observers to its second ordinary session in Tokyo.

Item 4 Amendment of the Rules of Procedure

This item, related to the preceding one, concerned the participation of observers and NGOs in Committee sessions in general. The discussion reflected two positions: some Members of the Committee thought it premature at this point to amend Rule 8 of the Committee's Rules of Procedure governing the question of observers; others favoured clarifying the observer admission procedures in the Rules in order to enable NGOs in particular to plan ahead for the future.

The Committee grounded its opinion on the following principles:

- Showing genuine openness to NGOs, whose attendance at Committee sessions is desirable and must not be hindered, especially as the Committee sessions are public;
- But nevertheless enforcing a minimum of rules and procedures because this is an intergovernmental body and there can be only two categories of observers: States not party to the Convention and NGOs that have complied with the procedure for obtaining observer status.

The Committee accordingly decided to entrust a working group, chaired by Algeria and consisting of China, France, Gabon, Hungary and Mexico, with the task of preparing a decision on this item. The group met twice and proposed a decision based on the position adopted at Chengdu.

As the Committee was unable to reach a consensus on the proposal relating to Rules of Procedure 8.3 and 8.4, the working group met again on the afternoon of Tuesday, 4 September, and, on the morning of Wednesday, 5 September, it submitted a new draft decision confined to admission of observers to the Committee's next session. The new decision proposed by the working group, identified as 2.COM 4 Rev, was then adopted as amended, and no amendment of the Rules of Procedures was undertaken at this stage.

Item 13 Creation of an emblem of the Convention

On the afternoon of Monday, 3 September, the Committee set out the guidelines for the graphic design of the Convention's emblem and determined the terms of reference for the subsidiary body that was to assist the Secretariat in organizing the competition for creation of an emblem and in examining and selecting the designs.

The discussion turned mainly on the question of who would be entitled to submit emblem designs. In the end the Committee decided on a wide array of possible entrants, including graphic arts professionals, artists and ICH practitioners.

The subsidiary body, which met for the first time on the evening of Thursday, 6 September, is composed of:

France (Group I)
Bulgaria (Group II)
Bolivia (Group III)
India (Group IV)
Nigeria (Group V(a))
Algeria (Group V(b)).

Item 6 Draft operational directives for the inscription of intangible cultural heritage on the lists of the Convention

The Chairperson opened the discussion on item 6, "Draft operational directives for the inscription of intangible cultural heritage on the lists of the Convention", on the afternoon of Monday, 3 September. Many States Members took the floor, calling for the operational directives to be completely reworked in the spirit of Chengdu because the proposals as they stood did not properly reflect the Committee's previous discussions and decisions. Disagreement turned mainly on the reversal in the order of the two lists, the limit on the number of proposals from States Parties that could be accepted in each cycle, and the evaluation procedures for nomination files. The Committee reiterated its concern to see the two lists clearly separated and independent of each other (the emphasis having been placed on the Representative List when priority should have been given to safeguarding). Moreover, the Committee felt that the addition of "explanatory notes" for the criteria for inscription already adopted at Chengdu was unnecessary and even counter-productive as it could open the way to interpretation of the articles and thus risk reopening debates that were already closed. Taking note of this situation, the Chairperson suggested setting up a working group to reformulate all the directives. This working group, consisting of Members of the Committee and open to observers, was chaired by Mr Chérif Khaznadar, the representative of France, and met on Tuesday, 4 September, from 4 p.m. to 9 p.m. to discuss the new proposal prepared the same day by the Secretariat with commendable alacrity. The Chairperson reopened the discussion on item 6 on the morning of Wednesday, 5 September. Speaking for the working group, Mr Khaznadar presented the reworked document in its French and English versions, which reflected more accurately what the Committee had said during its discussions in Chengdu. Mr Khaznadar told the Committee that the working group had worked constructively, seeking maximum precision, that everybody had been able to comment and that a consensus had been reached on the whole of the text. This complete recasting of the document in the spirit of Chengdu was expressed mainly in the following aspects:

- priority for the urgent safeguarding list,
- open-list principle reasserted for both, especially the Representative List,
- each list made more distinctive in nature,
- both lists complementary and independent of each other,
- option of transfer from one list to the other but no simultaneous inscription on both.

This new document, proposing separate and independent procedures together with a separate timetable for each list and a transitional timetable for the first inscriptions was then approved by the Committee by acclamation.

In the afternoon of Thursday, 6 September, the Committee formally adopted Draft Decision 2.COM 6 Rev.

Item 7 Draft operational directives concerning the criteria and modalities for the accreditation of non-governmental organizations

Since the operational directives for the inscription of intangible cultural heritage on the lists of the Convention had been amended and adopted on the morning of 5 September, it seemed that the operational directives concerning the criteria and modalities for accreditation of non-governmental organizations ought to be adjusted to reflect the new provisions of item 6. Moreover, it was necessary to make clear that the advisory functions should be specified only at the Committee's request, with use being made not only of NGOs but also of any other advisory organizations. The discussion turned mostly on the distinction between advisory organizations in general and NGOs in particular, as referred to in Article 9 of the Convention, and whether or not it was necessary to include the functions of these NGOs in the operational directives. The Committee decided to leave in abeyance the paragraph on the advisory functions of NGOs and to continue with discussion of the accreditation procedures, leaving until later the adoption of a paragraph recapitulating the advisory functions assigned to NGOs (item 7, paragraph 7).

Adoption of item 7 was therefore deferred until items 9, 10, 11 and 12 had been fully considered.

On Friday, 7 September, the representative of the Director-General submitted a reworded paragraph 7 on the advisory functions of NGOs; she stressed that it was a recapitulation in which the other items discussed had been taken into consideration. The object of the new text was to make clear that it was the Committee that would decide to assign evaluation tasks to NGOs. The new paragraph 7 of Item 7 was then approved and Decision 2.COM 7 adopted.

Item 8 Participation of communities or their representatives, practitioners, experts, centres of expertise and research institutes

The Chairperson opened the discussion on participation of communities and their representatives, practitioners, experts, centres of expertise and research institutes on the afternoon of Wednesday, 5 September. This item had been placed on the Tokyo agenda at the first extraordinary session of the Committee, which thought that it needed fuller debate. The discussion earlier in the day on the operational directives for inscription of intangible cultural heritage on the Convention lists had clearly demonstrated the need to involve these groups as closely as possible in implementation of the Convention. A working group set up to provide the Secretariat with clear guidelines met on Thursday, 6 September, from 1 p.m. to 2.30 p.m. It was further suggested that an expert meeting might be held, a proposal welcomed by the working group. On the morning of Friday, 7 September, the working group presented its conclusions in the form of a new draft decision. The text was conceived and drafted in simple wording in order to allow the Committee full scope to decide how the decision should be implemented. It proposed, among other things, consultation of States Parties on the participation of communities, practitioners, experts, centres of expertise and research institutes in implementing the Convention and called for the setting up of a subsidiary body with a mandate to prepare a document for the Committee on the details of participation by the

aforesaid entities. This body consists of Belgium (Group I), Romania (Group II), Peru (Group III), Japan (Group IV), Senegal (Group V(a)) and Algeria (Group V(b)). The Committee also warmly welcomed France's offer to organize an expert meeting on this subject in early 2008.

Decision 2.COM 8 Rev was then adopted as prepared by the working group.

Item 9 Draft guidelines for the use of the resources of the Intangible Heritage Fund

The Chairperson introduced item 9 of the agenda on the morning of Thursday, 6 September. The Secretary to the Convention then briefly recalled that the Fund's financial regulations had been adopted at the Committee's Chengdu session and that an important element of the decision taken there had been that the ICH Fund should be managed as a special account. It was further explained that the resources of this special account would be used mainly to grant international assistance but also to establish a reserve fund, allow participation in the Committee's work by representatives of developing countries and provide advisory services to the Committee.

Delegations stressed that the Fund should be used first and foremost for ICH safeguarding measures and that it should be managed as efficiently and as sparingly as possible.

Replying to the Committee's request for clarification on establishing priorities, especially for extremely urgent safeguarding measures, the Secretariat stated that the reserve fund was specifically designed for that purpose.

The Committee also insisted that express reference should be made to Article 18 of the Convention on programmes, projects and activities for the safeguarding of the intangible cultural heritage and to the inclusion of members of communities and groups.

The Chairperson then moved to adopt Draft Decision 2.COM 9 with the draft guidelines as an annex, paragraph by paragraph. It was then adopted, with amendments to paragraphs 2.2 and 2.4, as amended.

Item 10 Draft plan for the use of the resources of the Intangible Heritage Fund

The Chairperson introduced this item of the agenda on the morning of Thursday, 6 September, recalling that the Committee was required to prepare the plan under Article 7(c) of the Convention.

One of the Committee's main concerns was the percentage to be allocated to international assistance and especially for urgent safeguarding measures in line with the previously adopted decision on the draft guidelines for use of the Fund's resources. Many delegations stressed the importance of the programmes, projects and activities provided for in Article 18 of the Convention and called for a specific percentage to be allotted to these activities. In the end, this option was not accepted as such.

Some delegations also expressed their concern to see reference to encouragement of South-South cooperation, especially for improving inventories, in the draft plan for use of the Fund. Other delegations advocated cooperation at the global level.

Replying to a question about transparency and monitoring of the special account, the representative of the Comptroller explained that annual financial statements would be submitted to the Committee and that the external auditors appointed by the General Conference to audit UNESCO's accounts would also go over the Fund's accounts. In-house, quarterly reports would be drawn up and corrective action taken if necessary.

Furthermore, she drew attention to the fact that the Secretariat now needed clear information from the Committee on the percentages of the Fund to be allotted to individual activities in order to be able to prepare and draw up the draft budget to be submitted to the next session of the General Assembly. Responding to a delegation that inquired whether it was up to the Committee to

determine these percentages, the representative of the Comptroller draw attention to Article 7(c) of the Convention, which clearly stated that it was the Committee that had to prepare and submit the draft plan for use of the Fund to the General Assembly of the States Parties.

The Committee stressed the provisional and indicative nature of the budget choices made at this session, since it had not yet had any experience in implementing the Convention. Specific future needs would be known only in the course of time and would then allow the Committee to decide more effectively on the percentages to be allotted. Thus the second point specifying the percentages should be included not in the body of the draft plan but rather in the decision itself in order to give directions to the Director-General for preparation of the draft budget.

The Chairperson then moved to adopt Draft Decision 2.COM 10 with the draft plan as an annex, as amended. The draft decision with a new paragraph 3 and an amended paragraph 4 was then adopted as amended.

Item 11 Draft operational directives for international assistance

This item concerning operational directives for international assistance was discussed on the afternoon of Thursday, 6 September. The Secretary to the Convention drew attention to Article 22, which stated that the Committee must establish a procedure for examining requests for international assistance and must specify what information was to be included in these requests.

As a number of delegations thought that in case of necessity the Bureau should be empowered to take a decision in this field, the Legal Adviser pointed out that under Rule 12.1 of the Rules of Procedure the Bureau was responsible for coordinating the work of the Committee. If the Committee wished to give it further responsibilities, the Rules of Procedure would have to be amended accordingly. It was also suggested that for some very urgent requests the decision might be delegated to the Director-General, working closely with the Chairperson of the Committee. It was nevertheless clearly apparent that the matter of rapid responses to urgent requests ought to be taken into consideration in future. The Legal Adviser's proposal to have all the operational directives approved by the General Assembly first before undertaking any amendments to the Rules of Procedure was accepted and Decision 2.COM.11 adopted as it stood.

Item 12 Draft operational directives for implementing Article 18 of the Convention

On the afternoon of Thursday, 6 September, the Chairperson opened the discussion on the draft operational directives for implementing Article 18 of the Convention. He recalled that at the Committee's session in Chengdu the Secretariat had been invited to prepare draft operational directives on the basis of the discussions and written comments from States Parties.

A very lively and spirited discussion on almost all the paragraphs concerning the programmes, projects and activities that best reflected the principles and objectives of the Convention for the purposes of promotion and dissemination clearly demonstrated, once again, the importance that the Committee attached to Article 18 of the Convention. It was emphasized in particular that sustained attention should be paid to the needs of developing countries while strengthening South-South and North-South-South cooperation. The debates clearly showed that States Parties wanted stronger international cooperation for the implementation of this article in order to lend more force to the Convention itself. Indeed, a number of delegations thought that programmes and projects ought to cover countries throughout the world in order to ensure that as many countries as possible benefited from an exchange of experience and good practice. It was essential to define good practice and learn lessons from other, earlier activities in the field of intangible cultural heritage. A number of delegates spoke of national or regional programmes, projects and activities that had been carried out in their respective countries and of their eagerness to disseminate those results and practices and to exchange the results.

The operational directives contained in Annex 1 of the decision being considered were then approved as amended, reflecting the wide-ranging debate on this item, and Decision 2.COM 12 was adopted as amended.

Item 14 Incorporation of the Masterpieces into the Representative List

The Chairperson opened the morning session of Friday, 7 September, on the item concerning incorporation of Masterpieces into the Representative List by giving the floor to the Legal Adviser, who briefly introduced the subject.

Japan then recalled the Convention's drafting process, during which the question of a formal distinction between inscription on the Representative List as provided for in Article 16 and incorporation into the List of items proclaimed Masterpieces had not arisen. At its Chengdu session, the Committee had been of the opinion that, once incorporated into the Representative List, Masterpieces should have the same rights and obligations as items placed on the Representative List by States Parties. Japan, holding that the relevant working document did not reflect these considerations, put forward a new draft decision for discussion by the Committee.

Some delegations suggested amending the draft decision in order, among other things, to introduce into the text the exact terms of the Convention concerning the designation of Masterpieces once included in the Representative List, for such items should not enjoy a special status in relation to other items inscribed on the ICH lists.

The main elements of the draft decision were (1) confirmation of the automatic incorporation of items proclaimed Masterpieces into the Representative List, (2) the fact that, once incorporated, the former Masterpieces would have the same rights and obligations as items inscribed according to the criteria established by the Committee. However, the Committee specified that States not party to the Convention and having one or more Masterpieces on their territory must confirm that they agreed to their Masterpieces being governed by these same rights and obligations and would be given the opportunity to exclude their Masterpieces from incorporation.

Draft Decision 2.COM 14 was then adopted as amended.

Item 17 Other business

1. Several Members suggested that steps should be taken to better coordinate the Intergovernmental Committee's term of office with the cycle of sessions of the General Assembly.
2. Speaking on behalf of the Latin American countries and Spain, Mexico invited the Secretariat to find a working method that would make it possible to have at least Spanish as well as French and English at Committee sessions, and pointed to the relevant decision taken by the Executive Board at its spring 2007 session.
3. Algeria suggested to the Committee that in the future it would be desirable for Committee sessions to include half a day of thematic debates.
4. France wished to see closer links between the lists of Southern countries and those of Northern countries through a discussion of this matter that would build bridges between the 2003 Convention and the 2005 Convention.

Item 15 Date and place of the Committee's next session

The Committee welcomed by acclamation Turkey's proposal to host the third ordinary session of the Intergovernmental Committee in Istanbul in the last quarter of 2008. Bulgaria's proposal to host an extraordinary session in Sofia in February 2008 was also warmly received.

Item 16 Election of the Bureau of the third session of the Committee

The Committee then elected its Bureau for the third ordinary session of the Committee:

- Chairperson: Mr Faruk Loğuđlu (Turkey);
 - Rapporteur: Ms Claudine Angoue (Gabon);
 - Vice-chairs: Hungary, Mexico, India and United Arab Emirates.
-

In conclusion, I should like to say how attached I am to continuity, which is a guarantee of fidelity. This is why I should like us to continue to speak of the spirit of Chengdu which has lived on until Tokyo. But here in Tokyo the Convention has reached a genuine turning point because it has now become operational. This is only right, since everything started with Japan and Mr Koïchiro Matsuura, to whom this Convention is greatly indebted.

Thank you for your attention.