Unit 2

Introducing the convention

lesson plan

Duration:

2 hours

Objective(s):

Provide an overview of the Convention for the Safeguarding of the Intangible Cultural Heritage,[[1]](#footnote-1) its background, rationale, spirit and mode of operation, while also introducing the Operational Directives (ODs) that guide its implementation.

Description:

The main focus of this unit is the Convention, its mechanisms and its implementation. The unit covers topics such as UNESCO and its conventions on culture and heritage, the objectives of the Convention, the two Lists and the Register of Best Safeguarding Practices, the governing Organs of the Convention, the ODs of the Convention, the Intangible Cultural Heritage Fund, obligations of States Parties under the Convention and benefits for States Parties of implementing the Convention.

Proposed sequence:

* UNESCO and its Conventions on culture and heritage
* Comparing the World Heritage Convention and the Intangible Heritage Convention
* Comparing the Intangible Heritage Convention and the Convention on the Diversity of Cultural Expressions
* Objectives of the Intangible Heritage Convention
* Lists and Register of Best Safeguarding Practices of the Convention (with examples)
* Organs of the Convention
* Operational Directives
* Intangible Cultural Heritage Fund
* Obligations of States Parties to the Convention
* Benefits of implementing the Convention
* Examples of two intangible cultural heritage (ICH) elements and a project:

– The Sanké mon (Mali) – slide 10

– The Tango (Argentina and Uruguay) – slide 11

– The school museum of Pusol project (Spain) – slide 12

Supporting documents:

* Facilitator’s narrative Unit 2
* PowerPoint presentation Unit 2
* Participant’s text Unit 2
* Participant’s text Unit 3. Relevant entries include: ‘1989 Recommendation’, ‘Authenticity’, ‘Bureau of the Committee’, ‘General Assembly’, ‘Intergovernmental Committee’, ‘International assistance’, ‘International cooperation’, ‘Living Human Treasures’, ‘Masterpieces’, ‘Operational Directives’ and ‘Rules of Procedure’
* Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage[[2]](#footnote-2)

Notes and suggestions

This session presents the major provisions and mechanisms of the Convention.

The facilitator will already have spoken in Unit 1 about the general concept of ICH and its domains. This and other important concepts used in the Convention will be discussed in Unit 3, but if necessary they may be covered in this session instead.

Identification and inventorying will be discussed more fully in Unit 6. More information on the Lists, the Register of Best Safeguarding Practices and international cooperation and assistance will be given in Units 11 and 12, so the discussion here is brief.

The exercise (about 20 minutes in all) on the obligations of States Parties to the Convention (slide 16) will help participants become familiar with the Basic Texts (which they should be using as a reference throughout the workshop). If more appropriate to the participants’ needs, another topic for the exercise (such as community participation) could be used instead.

Unit 2

Introducing the convention

facilitator’s narrative

###### Slide 1.

Introducing the Convention

###### Slide 2.

In this presentation …

###### Slide 3.

UNESCO and its Conventions

Participant’s text Unit 2.1 discusses UNESCO’s mandate and introduces its seven Conventions in the area of culture and heritage.

Background note on UNESCO

UNESCO, the United Nations Educational, Scientific and Cultural Organization, a member of the United Nations (UN) family, is an intergovernmental organization with 195 Member States. Established in 1946 and with its Headquarters in Paris, the Organization has fifty-seven field offices. These offices may assist UNESCO Member States in – among many other duties – implementing the UNESCO Conventions they have ratified.

UNESCO works to create the conditions for dialogue among people, based on shared values and ideals. It is through this dialogue that the world can achieve sustainable development that encompasses the observance of human rights, mutual respect and the alleviation of poverty, all of which are at the heart of the mission of the UN system.

The broad goals and concrete objectives of the international community – as set out in internationally agreed development goals, including the Millennium Development Goals (MDGs) – underpin all UNESCO’s strategies and activities. Thus, the Organization’s unique competencies in education, the sciences, culture and communication and information are mobilized to help achieve those goals. The current focus is on Africa and gender equality [2014-2021 Medium-Term Strategy].

UNESCO promotes cultural diversity and human creativity by:

* assisting States Parties in implementing the Conventions in the field of heritage and culture at the national and international levels, in its role as Secretariat to these Conventions;
* assisting Member States in developing and implementing cultural and heritage policies; and
* developing pilot projects in a wide range of domains, including cultural, natural and intangible heritage, museums, cultural objects, crafts, etc.

Background note on the preparation, adoption and amending of Conventions

UNESCO Conventions, to which all its Member States should ideally adhere, are drawn up at intergovernmental meetings in which all these States may participate. Once the government experts have finished their preparatory work, the draft is put before the General Conference of UNESCO, its highest Organ. The General Conference discusses the draft and may approve it. It then becomes a UNESCO Convention that States may ratify or otherwise adhere to. UNESCO also elaborates Recommendations and Declarations, which are non-binding international legal instruments.

Member States may become States Parties to individual Conventions by ratifying them. By ratifying a Convention, or otherwise adhering to it, a State indicates that it agrees with the aims and methods of the Convention and will take appropriate actions in pursuit of these aims.

Conventions may be amended, but this is a difficult and lengthy process (see, for example, Article 38 of the Convention). Once a Convention has been adopted, States Parties may seek room for their own interpretations of the text, especially where the language of the Convention is not very explicit.

Note on types of international legal instruments

There are three principal types of international instruments:

* Conventions (or Agreements or Treaties), which are legally binding. The Intangible Heritage Convention is an example of an international instrument that is binding on States Parties to the Convention;
* a Recommendation (for example, the 1989 UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore); and
* a Declaration, such as the UN Universal Declaration of Human Rights.

Note on UNESCO international legal instruments

Between 1946 and 2010, the Member States of UNESCO drew up and adopted twenty-eight Conventions, thirteen Declarations and thirty Recommendations. The 2001 UNESCO Universal Declaration on Cultural Diversity, which inspired the drafters of the Intangible Heritage Convention, is discussed under slide 5.

The seven UNESCO Conventions in the field of culture and heritage are presented in Participant’s text Unit 2.

For a complete list of UNESCO’s standard-setting legal instruments in the field of culture and heritage, see the UNESCO website: [http://portal.unesco.org/en/ev.phpURL\_ID=13649&  
URL\_DO=DO\_TOPIC&URL\_SECTION=-471.html](http://portal.unesco.org/en/ev.phpURL_ID=13649&URL_DO=DO_TOPIC&URL_SECTION=-471.html)

###### Slide 4.

Three related UNESCO Conventions on culture and heritage

Participant’s text Unit 2.2 introduces UNESCO’s three ‘culture’ Conventions: the World Heritage Convention, the Intangible Heritage Convention and the Convention on the Diversity of Cultural Expressions.

###### Slide 5.

Comparing two Conventions (1):   
the World Heritage Convention and the Intangible Heritage Convention

Participant’s text Unit 2.3 discusses the preparation and adoption of the Intangible Heritage Convention.

Participant’s text Unit 2.4 compares the World Heritage Convention and the Intangible Heritage Convention.

Participant’s text Unit 13 compares the two Conventions in greater detail.

Note on the preparation and adoption of the Intangible Heritage Convention

In the process of developing the Intangible Heritage Convention, there was much debate about the following issues (among others):

* whether the World Heritage Convention should simply be adapted to include the safeguarding of ICH or whether a separate Convention was needed;
* how the value of ICH should be determined, whether with reference to expert criteria or to its significance to the people who practice and transmit it; and
* whether lists of ICH were necessary. If so, what would be their purpose? What would be the relationships between them? What would they be called?

The Convention’s rapid entry into force is a testimony to the international community’s concern for safeguarding the world’s living heritage, especially at a time of rapid socio-cultural change and globalization.

The Convention was prepared in three sessions and an intersession of an intergovernmental meeting, held at UNESCO Headquarters between September 2002 and June 2003, in which all Member States of UNESCO could participate (most of them did).

For the report of the first session, see:   
<http://unesdoc.unesco.org/images/0012/001290/129000e.pdf>

Reports of the other sessions are available on the ICH website.

The Convention was adopted by the General Conference of UNESCO in October 2003 with 120 votes in favour, 8 abstentions and none against. From early November 2003 onwards, the Convention was open for ratification.

See: <http://portal.unesco.org/la/convention.asp?KO=17116&language=E>

Refer also to Participant’s text Unit 13 (especially Participant’s text Unit 13.2) for more on the development of the Convention and to Participant’s text Unit 3: ‘1989 Recommendation’, ‘Authenticity’, ‘Living Human Treasures’ and ‘Masterpieces’.

Note on the 2001 Declaration on Cultural Diversity

The 2001 UNESCO Universal Declaration on Cultural Diversity had a major impact on the development of both the Intangible Heritage Convention and the 2005 UNESCO Convention on the Diversity of Cultural Expressions.

See: [http://portal.unesco.org/en/ev.phpURL\_ID=13179&  
URL\_DO=DO\_TOPIC&URL\_SECTION=201.html](http://portal.unesco.org/en/ev.phpURL_ID=13179&URL_DO=DO_TOPIC&URL_SECTION=201.html)

The Preamble of the 2001 Declaration:

* Defines culture as ‘the set of distinctive spiritual, material, intellectual and emotional features of society or a social group’, encompassing, ‘in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs’;
* Notes that ‘culture is at the heart of contemporary debates about identity, social cohesion, and the development of a knowledge-based economy’;
* Affirms that ‘respect for the diversity of cultures, tolerance, dialogue and cooperation, in a climate of mutual trust and understanding are among the best guarantees of international peace and security’; and
* Aspires to ‘greater solidarity on the basis of recognition of cultural diversity, of awareness of the unity of humankind, and of the development of intercultural exchanges’.

Note on the 2004 Yamato Declaration

The Yamato Declaration contains a set of recommendations adopted by a meeting of tangible and intangible heritage experts, co-organized in October 2004 by UNESCO in Nara, Japan. The following paragraphs concerning the protection of tangible heritage and the safeguarding of intangible heritage are relevant here.

See: <http://unesdoc.unesco.org/images/0013/001376/137634e.pdf>:

‘[…] 9. realizing that the elements of the tangible and intangible heritage of communities and groups are often interdependent;

10. further considering that there are countless examples of intangible cultural heritage that do not depend for their existence or expression on specific places or objects, and that the values associated with monuments and sites are not considered intangible cultural heritage as defined under the 2003 Convention when they belong to the past and not to the living heritage of present-day communities;

11. taking into account the interdependence, as well as the differences between tangible and intangible cultural heritage, and between the approaches for their safeguarding, we deem it appropriate that, wherever possible, integrated approaches be elaborated to the effect that the safeguarding of the tangible and intangible heritage of communities and groups is consistent and mutually beneficial and reinforcing;

[The experts meeting in Nara] call upon:

12. national authorities, international, governmental and non-governmental organizations, and individuals actively engaging in safeguarding cultural heritage to explore and support investigations of strategies and procedures to integrate the safeguarding of tangible and intangible heritage, and to always do so in close collaboration and agreement with the communities and groups concerned;

13. UNESCO to adopt and implement in its programmes and projects, where appropriate, an inclusive and integrated vision of heritage, to support capacity building and to provide guidelines for best practices in the spirit of this Declaration […]’.

Background on initial doubts about the Convention expressed by UNESCO Member States

After the adoption of the Convention, many Member States started preparing for ratification; Algeria was the first to do so. One of the States that abstained in 2003 has since ratified the Convention; others may follow.

Various Member States had expressed reservations (both before and during the preparation of the Convention by the intergovernmental meeting) about the necessity and usefulness of a binding legal instrument concerning ICH and about the process itself.

A dynamic process

Some Member States felt that the process had been too hasty and that more time was needed, in particular for the elaboration of definitions (see Unit 3 for more discussion of the place of definitions in the Convention). Other Member States were not in favour of interfering with ICH – in other words, with living practices. In their view, these should be left alone, either to live on or to disappear. They also expressed the fear that inventorying and listing ICH might lead to its ‘freezing’ and/or commercialization. Some thought that the Convention would give States an opportunity to appropriate ICH that should belong instead to the communities of tradition bearers.

These concerns were largely addressed in the Convention and some of them taken into consideration in drafting the ODs, which warn States Parties against over-commercialization or misappropriation of ICH. The Convention states (Article 15) that ICH is to be managed by the communities themselves and OD 82 encourages States Parties to ensure capacity building for safeguarding within the communities. The texts emphasize the fact that safeguarding assumes that the practice and transmission of ICH is a dynamic process, which should always be under the control of the communities concerned. Assigning ownership of ICH to the State in national legislation, for example, is not in the spirit of the Convention.

‘Necessary measures’

One Member State was concerned about the possible interpretation of the word ‘necessary’ in Article 11(a) of the Convention, which requires a State Party to ‘take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory’. However, this Article cannot be construed as meaning that States Parties take upon themselves the obligation to support the safeguarding of all individual endangered ICH elements present in their territories, but rather the creation or reinforcement of generally favourable conditions for safeguarding (see Articles 11(b)–15).

Some States have expressed concerns about the consequences of ratifying the Convention for their negotiations with minorities or indigenous communities on issues concerning territorial rights or local autonomy. There should be no cause for concern in this regard, however: no rights whatsoever are established by the Convention – not even the intellectual property rights of communities over their ICH.

Extending the World Heritage Convention

A few UNESCO Member States wondered whether there was any need to create a new Convention for ICH, as the World Heritage Convention’s Operational Guidelines had broadened their inscription criteria to include ‘cultural landscapes’ under criterion (v) and made it easier to list properties for their non-material values under criterion (vi) (places ‘associated with living traditions, ideas, beliefs and artistic and literary works of outstanding universal significance’). This is discussed further in Participant’s text Unit 13.

However, most UNESCO Member States saw the need for a separate Convention for intangible heritage: much ICH is not linked to a specific place at all. ICH elements can usually be enacted and transmitted as long as there are enough members of a community together – indeed, ICH very often continues to be enacted and transmitted after people have moved away from their homeland. Moreover, not all ICH that is linked to specific places is linked to heritage sites, let alone World Heritage sites (places of ‘outstanding universal value’). The final consideration was that, even when they are associated with tangible heritage, elements of ICH – if endangered – require very different measures from tangible heritage properties. These differences are reflected in the titles of the World Heritage Convention, which speaks of ‘protection’, and the Intangible Heritage Convention, which speaks of ‘safeguarding’.

Some Western European countries, whose approach to heritage had traditionally been mainly concerned with tangible, monumental heritage, have taken some time to embrace the new Convention. Other countries still have reservations, especially those with significant minority or indigenous groups.

###### Slide 6.

Comparing two Conventions (2):   
the Intangible Heritage Convention and the Convention on the Diversity of Cultural expressions

Participant’s text Unit 2.5 compares the Intangible Heritage Convention and the Convention on the Diversity of Cultural Expressions.

Note on sustainable development

The Intangible Heritage Convention acknowledges the relationship between ICH and sustainable development. Sustainable development (see Unit 8) should be interpreted not just in terms of economic development: the safeguarding of ICH may also contribute to the social development and well-being of communities, for example, and help them to accommodate to changing conditions in their environment (Article 2.1). As far as the use of ICH in economic development is concerned, the ODs encourage income generation through ICH, but specifically warn against ‘over-commercialization’ (OD 102(e)) and ‘commercial misappropriation’ (OD 117).

###### Slide 7.

Contents of the Intangible Heritage Convention

Participant’s text Unit 2.6 describes the main sections in the text of the Convention.

Reference might also be made to Participant’s text Unit 13.3 on the similarities and differences between the texts of the World Heritage Convention and the Intangible Heritage Convention.

Linguistic versions of the Convention and working languages

The text of the Convention was first prepared in French, then in English. For the various translations of the text, see the website of the Convention. The Arabic, Chinese, English, French, Russian and Spanish versions are equally authoritative texts.

See: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00006>

The Convention has been translated into many more languages, but these versions are not authoritative on the international level.

See: http://www.unesco.org/culture/ich/index.php?lg=en&pg=00102

The working languages of the General Assembly are the six languages mentioned above. The reports of its meetings and its resolutions are provided in these languages and simultaneous interpretation is provided from and to these languages during its sessions. Delegations may use other languages if they provide simultaneous interpretation.

The working languages of the Committee are English and French. During the sessions, the host country often provides for interpretation into and from another national language; thanks to financial support from generous States, Spanish and Arabic interpretation is often provided. The reports of the sessions and the decisions of the Committee are published in English and French only. The forms that States Parties must use for nominations or for requesting assistance, as well as the periodic reports they are required to submit about the implementation of the Convention at the national level, must be in English or French.

###### Slide 8.

Objectives of the Convention

Participant’s text Unit 2.7 discusses the objectives of the Convention (refer to Article 1).

Refer to Participant’s text Unit 3 for more information on ‘Awareness-raising’ and ‘Safeguarding and safeguarding measures’.

Background to the objectives of the Convention

* Safeguard ICH (refer to Participant’s text Units 9 and 10).

This is the main objective of the Convention. Once States Parties have ratified the Convention, they take on the obligation to adopt measures to ensure the *safeguarding* of the ICH in their territory; Articles 11–15 of the Convention advise States Parties on how they can create the conditions under which that obligation might be met. The Convention creates a list of elements requiring Urgent Safeguarding, which is the main list of the Convention. The focus of the ICH Fund is on supporting safeguarding and capacity-building activities in the territories of States Parties, in particular in developing States.

* Ensure respect for ICH.

The Convention promotes respect for intangible heritage. Lack of respect, which can manifest itself in indifference, intolerance or derogatory attitudes, is a common impediment to the viability of ICH. Such attitudes can be present both within communities regarding their own intangible heritage and within the general public, in State agencies and in organizations.

* Promote awareness about ICH and raise mutual appreciation among different communities and groups of each other’s ICH (refer to Participant’s text Unit 5).

The Convention asks the States Parties to raise general awareness of the range and depth of ICH and of its functions for communities, groups and individuals. The Convention thus seeks to promote mutual appreciation of the intangible heritage of all communities and groups, and to increase respect for it. The Convention also promotes awareness-raising about threats to the viability of ICH and about the importance of ICH in promoting cultural diversity, as a source of human creativity and as a major factor in the well-being and development of communities.

* Provide for international cooperation and assistance (refer to Participant’s text Unit 12).

The Convention and the ODs encourage international cooperation and assistance, particularly between States Parties that share specific intangible heritage elements. In the ODs, States are encouraged to cooperate and collaborate through category 2 centres as well as in other ways (ODs 13, 86 and 88).

Such cooperation can include joint inventorying and safeguarding activities, joint nominations and joint requests for international cooperation and assistance. Since most modern borders were drawn without taking local circumstances or opinions into account, much intangible heritage is found in more than one neighbouring State. Another reason why ICH elements may be spread over several States – and not necessarily neighbouring ones – is migration. International cooperation can assist in safeguarding shared intangible heritage more effectively. The exchange of expertise, experience and good practices between the States Parties is desirable because this is a relatively new field of intervention, with very different experiences so far in the different regions of the world.

For further information on international cooperation, see: UNESCO meeting, ‘Intangible Heritage beyond Borders: Safeguarding through International Cooperation’, Bangkok, 20 and 21 July 2010.  
Agenda: <http://www.unesco.org/culture/ich/doc/src/07382-EN.pdf>  
Background paper: <http://www.unesco.org/culture/ich/doc/src/07384-EN.pdf>

###### Slide 9.

The two Lists of the Convention

Participant’s text Unit 2.8 introduces the Urgent Safeguarding List (USL) and the Representative List (RL).

Further information on the Lists will be given in Unit 11 (see Participant’s text Unit 11), so the discussion here is very brief.

Note on figures concerning inscriptions on the Lists

The current figures concerning inscriptions on the RL and the USL are available on the Facts and figures webpage.

Facilitators may select examples of elements inscribed on the Lists relating to the State and/or region of the workshop. The examples below are simply suggestions: if facilitators decide to use them, they should read the full information given on the website of the Convention.

###### Slide 10.

Sanké mon: collective fishing rite of the Sanké

The annual Sanké mon collective fishing rite takes place in the Ségou region of Mali to mark the beginning of the rainy season and commemorate the founding of the town, San. The rite begins with the sacrifice of roosters and goats and offerings to the water spirits of the Sanké pond. The collective fishing rite then takes place over fifteen hours, using large- and small-mesh fishing nets. It is immediately followed by a masked dance on the public square of the town of San, featuring Buwa dancers from the town and neighbouring villages: they wear traditional costumes and hats decorated with cowrie shells and feathers and perform specific choreography to the rhythms of a variety of drums. The Sanké mon collective fishing rite reinforces values of social cohesion, solidarity and peace between local communities. In recent years, however, fewer people have attended the rite because of diminishing awareness of the event’s function and history, occasional accidents during the event itself and the degradation of the Sanké lake due to poor rainfall and the effects of urban development.

The element is inscribed on the USL, which means that safeguarding measures have been prepared.

See : http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&USL=00289

###### Slide 11.

The Tango

The Tango is a symbol of the popular culture of Argentina and Uruguay, especially their capital cities. It has been jointly inscribed on the RL by Argentina and Uruguay. The Tango originated within the urban working classes in Buenos Aires and Montevideo in the Rio de la Plata basin, and was developed by a mix of European immigrants, descendants of African slaves and the *criollo* native peoples of the region*.* The music, dance and songs of the Tango incorporated this wide diversity of cultural influences to become a symbol of the distinctive cultural identity of the popular culture of the region. Today, the Tango is still widely practised in the traditional dance halls of Buenos Aires and Montevideo, but it has also spread across the globe, adapting to new environments and changing times.

The element is inscribed on the RL.

See: <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&RL=00258>

###### Slide 12.

Register of Best Safeguarding Practices

Participant’s text Unit 2.9 gives information on the Register of Best Safeguarding Practices.

Further information on the nomination, selection and dissemination of best practices will be given in Unit 11.

Note on selection to the Register

The up-to-date list of programmes, projects or activities that have been selected as best safeguarding practices can be found on the Facts and figures webpage.

Example of a project selected to the Register: the School Museum of Pusol pedagogic project (Spain)

An example of a project inscribed on the Register of Best Safeguarding Practices is the Centre for Traditional Culture – School Museum of Pusol pedagogic project.

Started in 1968 at a one-teacher rural state school in Pusol, Elche, in south-eastern Spain, and later expanded to other towns and cities in the region, the Centre for Traditional Culture – School Museum of Pusol pedagogic project has successfully integrated heritage into formal education. This innovative educational project has two main goals: integrating the local cultural and natural heritage within the curriculum, and contributing to safeguarding Elche’s heritage by means of education, training, direct action and awareness-raising in schools. Guided by teachers and external collaborators, children discuss their heritage with Elche tradition bearers, do fieldwork data collection and become involved in the museum, studying and exploring their local heritage by themselves, thereby teaching visitors and one another. The project has trained almost 500 schoolchildren and has resulted in a school museum with more than 61,000 inventory entries and 770 recordings.

See: [http://www.unesco.org/culture/ich/index.php?lg=obligaen&pg=00011&Art18=00306](http://www.unesco.org/culture/ich/index.php?lg=en&pg=00011&Art18=00306)

###### Slide 13.

Organs of the Convention

Participant’s text Unit 2.10 discusses the Organs of the Convention.

Participant’s text Unit 2.11 discusses the working methods of the Committee.

See Participant’s text Unit 3: ‘Bureau of the Committee’ and ’General Assembly’.

Background to the General Assembly and the Committee

The General Assembly, which met for the first time in 2006, has the final say in matters of interpretation of the Convention. The General Assembly and the Intergovernmental Committee have each adopted their own Rules of Procedure, which are included in the Basic Texts. The General Assembly is not subordinate to UNESCO, and the Intangible Heritage Convention is not subordinate to any other Convention. Both Organs are governed by a Bureau that functions during and between sessions. The Committee may create ad hoc consultative bodies and subsidiary bodies.

Information on sessions of the Intergovernmental Committee (including extraordinary sessions) and on General Assembly meetings is available on the Facts and figures webpage.

Note on the system of electoral groups

Participant’s text Unit 2.10 explains the system developed for the election of States Members of the Committee and how the use of ‘electoral groups’ guarantees an equitable geographical distribution, as requested by Article 6.1. The membership of Groups I and II reflects the historical division between the States that were members of the North Atlantic Treaty Organization (NATO) (Group I) and the Soviet bloc (Group II).

For the distribution of seats in the Intergovernmental Committee see: http://www.unesco.org/culture/ich/index.php?lg=en&pg=00028

Note on the role of UNESCO’s Intangible Cultural Heritage Section and the Director-General

The head of UNESCO’s Intangible Cultural Heritage Section is usually the Secretary of the Convention (appointed by Rule 16.2 of the Rules of Procedure of the General Assembly and placed under the responsibility of the Director-General of UNESCO). The Director-General is also the Depositary of the Convention (Article 37) and is responsible, among other duties, for the preparation of the provisional agenda of the sessions of the Intergovernmental Committee.

###### Slide 14.

Operational Directives

Participant’s text Unit 2.12 introduces the ODs: they can be found in the Basic Texts.

Participant’s text Unit 2.13 explains what Chapter 1 of the ODs covers.

Participant’s text Unit 2.14 explains what the other chapters of the ODs cover.

Participant’s text Unit 3 also has an entry on the ODs.

###### Slide 15.

Intangible Cultural Heritage Fund

Participant’s text Unit 2.15 introduces the ICH Fund.

Participant’s text Unit 12 discusses it in greater detail.

###### Slide 16.

Exercise (20 mins): obligations of States Parties to the Convention

Participants may explore what main obligations States Parties undertake if they ratify the Convention. These obligations are indicated in Participant’s text Unit 2.16. Participants should be asked to consult their copies of the Convention to see where it has ‘shall’-language. They should be asked to find instances of each in Articles 11–15, 26 and 29.

Participants should be given ten minutes’ reading time before the facilitator discusses and summarizes using slide 17.

Information on this topic is given in Participant’s text 2.16, so if the facilitator decides to do this exercise, he/she should ask participants to close their copy of the Participant’s text and open the Basic Texts before beginning.

The facilitator should prepare particularly carefully for this exercise if participants are not using the English-language version of the Convention.

Note for facilitators using the French version of the Convention

In the French version, the obligations are phrased somewhat differently to the English one: where the English version has ‘shall’, French differentiates between ‘*il appartient*’ (Article 11) and the use of a simple prescriptive description using the present tense (Article 12: ‘*chaque Etat Partie dresse … un ou plusieurs inventaires*...’, and Article 29, as well as ODs 81 and 82, but OD 24 has ‘*doivent’*); ‘*s’efforce*’ is used for ‘shall endeavour’ (Articles 13–15); ‘undertake’ corresponds to ‘*s’engage*’ (Article 26). Whichever language is used, it is widely understood that Articles 11, 12 and 29 contain firm obligations whereas Articles 13–15 and 26 contain strong recommendations.

###### Slide 17.

Obligations of States Parties to the Convention

See Participant’s text Unit 2.16.

Background on ratification of the Convention and the obligations imposed thereby

Member States of UNESCO may ratify, accept or approve the Convention, in conformity with their constitutional regulations (Article 32) in order to become States Parties to the Convention. States that are not Members of UNESCO and self-governing territories may accede to the Convention (see Articles 33 and 2.5).

States wishing to ratify the Convention need to deposit an instrument of ratification (or of acceptance, approval or accession) with the Director-General of UNESCO.

Some States have made declarations or reservations when ratifying the Convention – usually to communicate that they did not wish to be bound by Article 26.1 of the Convention concerning contributions to the ICH Fund when they deposited their instrument of ratification.

For further information: [http://portal.unesco.org/en/ev.php-URL\_ID=17716&URL\_DO=DO\_TOPIC&URL\_SECTION=201.html](http://portal.unesco.org/en/ev.php-##)

Note on additional obligations imposed by the ODs

Obligations on States Parties are expressed in the Convention by the use of the word ‘shall’. Note that ‘shall’ is also used in the ODs to underline the States Parties’ obligations to involve, sensitize (build awareness in) and build capacity in the communities concerned in the framework of the implementation of the Convention.

Additional obligations presented in the ODs are indicated below:

OD 24 Submitting States Parties shall involve the communities, groups and, where applicable, individuals concerned in the preparation of their [nomination] files.

OD 81 States Parties shall take necessary measures to raise the awareness of communities, groups and, where applicable, individuals regarding the importance and value of their intangible cultural heritage, as well as of the Convention, so that the bearers of this heritage may fully benefit from this standard-setting instrument.

OD 82 In conformity with the provisions of Articles 11–15 of the Convention, States Parties shall undertake appropriate measures to ensure capacity-building of communities, groups and, where applicable, individuals. (Emphasis added.)

At some point, participants may be informed that indications in the ODs concerning procedures, deadlines and forms are to be strictly observed by all parties involved.

###### Slide 18.

Benefits of implementing the Convention (1)

See Participant’s text Unit 2.17.

###### Slide 19.

Benefits of implementing the Convention (2)

###### Slide 20.

In conclusion (1)

###### Slide 21.

In conclusion (2)

1. . Frequently referred to as the ‘Intangible Heritage Convention’, the ‘2003 Convention’ and, for the purpose of this unit, simply the ‘Convention’. [↑](#footnote-ref-1)
2. . UNESCO. *Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage* (referred to in this unit as Basic Texts). Paris, UNESCO. Available at <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00503>. [↑](#footnote-ref-2)