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

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

**Fourteenth session**

**Bogotá, Republic of Colombia**

**9 to 14 December 2019**

**Item 15 of the Provisional Agenda:**

**Reflection on the participation of non-governmental organizations**

**in the implementation of the Convention**

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| **Summary**The Committee initiated a reflection on the definition of the advisory functions to be fulfilled by accredited non-governmental organizations at its twelfth session in 2017. At its thirteenth session in 2018, the Committee requested that the Secretariat continue this reflection with accredited non-governmental organizations, the ICH NGO Forum, the informal ad hoc open-ended working group and States Parties. This document presents the main outcomes of this reflection process.**Decision required:** paragraph 21 |

1. **Background**
	* + 1. The reflection process on the advisory role of accredited non-governmental organizations (NGOs) was launched by the Committee at its twelfth session in 2017. It invited the Secretariat and the informal ad hoc working group ‘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’ ([Decision 12.COM 17](https://ich.unesco.org/en/Decisions/12.COM/17)). This request was made following debates during the same session on the identification and definition of the advisory functions that the Committee wished accredited NGOs to fulfil (expressed as *inter alia* functions in paragraph 96 of the Operational Directives) and on the relevance of the accreditation system for the work of the Committee and the implementation of the Convention. These discussions stemmed from the realization that at any one time, only 6 out of the 176 currently accredited NGOs are members of the Evaluation Body and are therefore in a position to fulfil the advisory functions assigned to accredited NGOs in the Operational Directives.
			2. The aim of the reflection was to provide a platform for open discussions regarding the involvement of NGOs in the implementation of the Convention under the current accreditation system and to gather ideas on:
* potential advisory functions – defined as ‘*inter alia*’ advisory functions in paragraph 96 of the Operational Directives – that accredited NGOs could fulfil for the governing bodies of the Convention (the General Assembly of States Parties and the Committee);
* potential functions that accredited NGOs could fulfil in the implementation of the Convention at the national level;
* the evolution of the accreditation system of NGOs; and
* the role of the ICH NGO Forum.
	+ - 1. In June 2018, the General Assembly of States Parties took note of the ongoing reflections undertaken by the Secretariat and the informal ad hoc working group of the Convention and requested that the Committee and the Secretariat present the updates on this reflection at the next session of the General Assembly in 2020 ([Resolution 7.GA 11](https://ich.unesco.org/en/Decisions/7.GA/11)).
1. **Reflection process[[1]](#footnote-1)**
	* + 1. Following preliminary consultations with the Steering Committee of the ICH NGO Forum and representatives from the informal ad hoc working group on the organization of the reflection process in June 2018, an electronic consultation on the potential advisory functions to be assumed by accredited NGOs and possible ways forward for the accreditation system was organized from September to October 2018. For this purpose, a survey questionnaire ([document ITH/18/NGO/2](https://ich.unesco.org/doc/src/ITH-18-NGO-2_Questionnaire_EN.pdf)) was sent to all accredited NGOs and States Parties to gather ideas regarding the future of accredited NGOs in the 2003 Convention. In total, thirty-eight States Parties and sixty-eight accredited NGOs took part in this consultation, the preliminary results of which were presented to the thirteenth session of the Committee in 2018 ([document ITH/18/13.COM/13](https://ich.unesco.org/doc/src/ITH-18-13.COM-13-EN.docx)).
			2. At its thirteenth session in November/December 2018, the Committee took note of the participatory consultation process presented by the Secretariat and of the initial observations from the electronic consultation on the role of accredited NGOs in the Convention. It also requested that the Secretariat continue the reflection with accredited NGOs, the ICH NGO Forum, the informal ad hoc open-ended working group and States Parties on the definition of the advisory functions to be fulfilled by accredited NGOs and that it present the results of this reflection and proposals for the revision of the accreditation system at its fourteenth session ([Decision 13.COM 13](https://ich.unesco.org/en/Decisions/13.COM/13)).
			3. Pursuant to this decision, the reflection process continued with the organization of a consultation meeting on 18 April 2019 at UNESCO Headquarters. Based on the findings of the electronic consultation, analysed in a working document ([document LHE/19/NGO/2](https://ich.unesco.org/doc/src/LHE-19-NGO-2-EN.docx)) shared with all participants, the consultation meeting was aimed at furthering the reflection on the definition of the advisory functions to be performed by accredited NGOs in the sense of Article  9 of the Convention and paragraph 96 of its Operational Directives. The [report of the consultation meeting](https://ich.unesco.org/doc/src/45581-EN.docx) was reviewed by the Steering Committee of the ICH NGO Forum, before being shared with all States Parties and all accredited NGOs in August 2019.
			4. Overall, seventy-six States and ninety-nine accredited NGOs took part in at least one stage of the reflection process, be it the electronic consultation, the consultation meeting or the debates of the Committee at its thirteenth session in 2018. While not all accredited NGOs and States Parties contributed to the electronic consultation, it was possible to gather a representative sample of opinions (56 per cent of accredited NGOs and 43 per cent of States Parties).
			5. As part of its mandate ([Decision 13.COM 16](https://ich.unesco.org/en/Decisions/13.COM/16)), the informal ad hoc open-ended working group also held two meetings in 2019 to continue its reflection on the ways in which the participation of NGOs under the Convention could be further enhanced and how this would be reflected in the accreditation and renewal mechanisms of NGOs. These meetings took place on 28 March 2019 and 20 September 2019 (see [document LHE/19/14.COM/16](https://ich.unesco.org/doc/src/LHE-19-14.COM-16-EN.docx)).
2. **Main outcomes of the reflection**
	* + 1. The open nature of the reflection allowed for a wide range of opinions and ideas to be expressed and explored by States Parties and accredited NGOs on different aspects of the accreditation system. While some tendencies could be identified, no clear consensus emerged on several important aspects, such as the definition of ‘*inter alia’* advisory functions, how to take into consideration the disparity in size and capacities of accredited NGOs or the possibility of creating different types of accreditation that would reflect such a disparity.
			2. **Nature and purpose of the accreditation system**. Around 70 per cent of accredited NGOs and States Parties that participated in the electronic consultation in 2018 considered the current accreditation system as adequate. While the overall impression of the accreditation system may seem positive at first, the reflection process has shown that there is in fact no clear common understanding of what the accreditation system should achieve. This may explain why a strong tendency towards a status quo has been observed, with several suggestions hinting at implementing minor adjustments to the current accreditation system rather than overhauling it. This constitutes the heart of the matter in the reflection process, as the nature of the accreditation system would define the advisory functions that NGOs could be invited to fulfil, which would in turn determine the appropriate criteria based on which NGOs could be evaluated and regularly assessed.
			3. On the one hand, Article 9.1 of the Convention states that the accreditation system is intended to identify NGOs ‘with recognized competence in the field of the intangible cultural heritage to act in an advisory capacity to the Committee’ (emphasis added). The statutory interpretation of this provision is given by paragraph 96 of the Operational Directives, which defines the advisory functions assigned to accredited NGOs. Based on these provisions, it is believed that the accreditation system was initially devised to ensure that the Committee could benefit from the expertise and experience of NGOs. On the other hand, findings from the reflection process, including the electronic consultation and the consultation meeting, show that the accreditation system is also widely considered as an affiliation mechanism through which NGOs of all capacities and sizes which contribute in one way or another to the safeguarding of intangible cultural heritage can be identified and can benefit from international recognition. These two visions are not necessarily irreconcilable but are indicative of two very different systems, with different objectives, different functions, different criteria and different processes.
			4. **Advisory functions**. Since the reflection process was launched in 2017, the definition of advisory functions has remained the core issue for discussion. Both the electronic consultation and the consultation meeting led to the identification of a number of general functions that could be or are already fulfilled by accredited NGOs. These functions could be sorted into two categories, linked to the two different visions of the accreditation system outlined above (see paragraph 11): according to these two visions, NGOs are considered both as advisory organizations to the Committee and as stakeholders in the implementation of the Convention.[[2]](#footnote-2) Corresponding to these two main roles identified, States and NGOs made an incipient attempt to define the advisory functions that accredited NGOs could perform. In this regard, it should however be noted that concrete ways in which accredited NGOs would fulfil these functions were not identified:

*Current advisory functions (as defined under paragraph 96 of the Operational Directives)*

* Evaluation functions for nominations, proposals and requests;
* Assessment of the effects of safeguarding plans for elements inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (only applied once in the case of the transfer of an element from one List to the other).

*Proposed new functions*

* Advice to the Committee on specific thematic issues;
* Direct reporting and monitoring functions for the Committee, for instance under the periodic reporting mechanism or for the monitoring of elements inscribed on the Lists of the Convention;
* Advice on statutory matters linked to NGOs;
* Implementation of the Convention at the local, national and international levels, including contribution to the implementation of capacity-building activities;
* Reporting functions at the national level (periodic reporting mechanism);
* Sharing of safeguarding experiences in lighter and more accessible ways;
* Outreach to civil society and awareness-raising about the Convention;
* Laboratory of ideas and inspiring practices, including research on thematic issues focusing on the safeguarding of intangible cultural heritage and on the links between intangible cultural heritage and other connected fields.
	+ - 1. Based on this initial list, a clear distinction can be made between functions that accredited NGOs can accomplish directly for the Committee and those that they accomplish through States or directly with communities. This dichotomy underlines the need for the governing bodies of the Convention to clarify their expectations in relation to the accreditation system, as defined in Article 9 of the Convention.
			2. **Processes and criteria applied for the accreditation and review of accreditation**. States Parties and accredited NGOs widely acknowledged that the contribution and commitment of accredited NGOs (paragraph 94 of the Operational Directives) should be assessed on the basis of the same criteria as those used to accredit NGOs in the first place (paragraph 91 of the Operational Directives). This is not the case at the moment: accreditation requests are evaluated against the administrative and legal status of the organizations together with the description of their activities, whereas renewals are conditional on the contribution of the NGOs to the statutory activities of the Committee and the activities carried out at the bilateral, subregional, regional or international levels.
			3. **Considerations regarding the possible establishment of an ‘umbrella organization’**. Another aspect discussed as part of the reflection process was the possible establishment of an umbrella organization, responsible for the accreditation system and the coordination of the provision of advisory support by NGOs to the governing bodies. This possibility was initially discussed in 2006 and 2007, at which time the Committee concluded that the creation of an ‘umbrella organization’ would not allow for the necessary plurality of expertise, may limit the number of NGOs upon which the Committee could call and may encourage systematic recourse to well-known NGOs without due attention to geographical diversity. Twelve years later, while the role of the ICH NGO Forum has been underlined throughout the reflection process, States and accredited NGOs feared that the establishment of an ‘umbrella organization’ would lead to unnecessary complications in the accreditation procedure and would negatively impact the diversity of accredited NGOs. States Parties and accredited NGOs that participated in the reflection appeared to lean instead towards the improvement of the current accreditation system or, alternatively, to consider the establishment of a hybrid system, in which the accreditation to serve in an advisory capacity would be improved and strengthened and where an umbrella organization could play a role.
			4. **Geographical distribution of accredited NGOs**. When the reflection process was launched in 2017, the unbalanced geographical distribution of accredited NGOs was identified as one of the major concerns by the General Assembly, the Committee and the Secretariat. This was pointed out in numerous working documents of the governing bodies ([document ITH/18/7.GA/11](https://ich.unesco.org/doc/src/ITH-18-7.GA-11-EN.docx) for example). Only a few participants in the reflection process supported the possibility of limiting the number of accredited NGOs in over-represented regions through the establishment of a ceiling. Instead, the implementation of ‘soft measures’ was encouraged to foster the accreditation of NGOs based in under-represented regions. These could include awareness-raising initiatives through the wider network of entities associated with UNESCO, and capacity-building actions by the Secretariat, accredited NGOs and a network of experts.
			5. Moreover, the Committee may consider it to be helpful to identify thematic areas of interest, in which targeted efforts could be made to identify active NGOs. In this regard, the need for initiatives – involving States, NGOs, National Commissions, category 2 centres, UNESCO Chairs and all relevant stakeholders – to raise awareness about the accreditation system and build the capacities of NGOs active in the safeguarding of living heritage in under-represented regions, as well as to encourage cooperation between accredited NGOs and NGOs that may potentially seek accreditation, was highlighted.
			6. **Facilitating the involvement of accredited NGOs**. Regardless of the nature of the future accreditation system, States and accredited NGOs agreed on the need to devise specific measures that not only facilitate the contribution of accredited NGOs to the work of the Committee but also foster cooperation between accredited NGOs and States. To this end, the following five measures were proposed:
				1. A mapping of the fields of competence and experience of accredited NGOs – for instance including their competencies in specific domains of intangible cultural heritage or in crosscutting issues such as education, emergency situations, ethics or environmental sustainability – could help define the advisory functions they could fulfil. Such a mapping could be presented on the website of the Convention, which may also facilitate the cooperation of accredited NGOs with States and networking among accredited NGOs. Necessary data could be progressively collected by the Secretariat though accreditation requests and quadrennial reports to be submitted in future cycles.
				2. The accreditation form could include a formal pledge by NGOs requesting accreditation to avoid the misuse of their accreditation status. This would include, for example, a commitment to avoid political claims not relevant to the Convention. Such a pledge could be complemented by the code of conduct currently elaborated by the ICH NGO Forum.
				3. In order to facilitate communication between the Committee and accredited NGOs and support the dissemination of information in all regions, the ICH NGO Forum could be invited to inform the governing bodies of the Convention of the names of its ‘regional focal points’ appointed as part of its Steering Committee.
				4. Similar to the practice with newly elected members of the Committee, a welcome letter could be sent by the Secretariat to all newly accredited NGOs to inform them of the functioning of the Committee and ways for accredited NGOs to contribute to its work.
				5. Taking into consideration the repeated call for training activities, the ICH NGO Forum could be encouraged to organize a workshop for newly accredited NGOs and to coordinate the contribution of NGOs to the debates of the Committee. These activities could take place prior to each session of the Committee and/or each session of the General Assembly, as is already the case, but could further be geared towards coordinating the inputs of accredited NGOs to the agenda items that the Committee plans to discuss.
			7. **Conclusion**. The accreditation system of NGOs has reached a crossroads. While a number of measures (see paragraph 18) could indeed be implemented, it is becoming clear that these cannot address all the core issues of the system. Almost ten years into its existence, the many stakeholders involved seem to have a different understanding of what the system is intended to accomplish. This observation is reinforced by the recurrent wish expressed by some States and NGOs for accredited NGOs to benefit from assistance – through training activities – in raising their own capacities. This indeed seems to indicate that expectations of the accreditation system need to be clarified through a clearer definition of advisory functions and of the actual purpose of the accreditation system, without which it will not live up to expectations. If the current system persists, it is feared that NGOs that wish to advise the Committee may have difficulties doing so due to the lack of opportunities available under the current system; meanwhile, the Committee may have difficulties in identifying NGOs that can effectively contribute to its work, due to the increasing number of accredited NGOs with various capacities.
			8. Under these circumstances, it would be crucial in the first instance to ensure that the accreditation system is best suited to fulfilling its main function – advising the Committee – given the limited resources at hand. In this regard, the Committee may also envisage periodically defining specific tasks that it wishes to assign to accredited NGOs. For this to be achieved, however, the accreditation system would need to ensure that accredited NGOs possess the necessary capacities and experience to carry out these tasks. Furthermore, refocusing the accreditation system on its main objective would also ensure that it is not redundant in light of the broader framework for partnerships with NGOs at the level of UNESCO[[3]](#footnote-3), which is a real risk if the accreditation system is envisioned as an affiliation system for NGOs that contribute to the implementation of the Convention. This could also alleviate concerns that may be raised in terms of governance, effectiveness and cost-efficiency, given the existence of this broader framework.
			9. The Committee may wish to adopt the following decision:

DRAFT DECISION 14.COM 15

The Committee,

1. Having examined document LHE/19/14.COM/15,
2. Recalling [Resolution 7.GA 11](https://ich.unesco.org/en/Resolutions/7.GA/11), as well as Decisions [12.COM 17](https://ich.unesco.org/en/Decisions/12.COM/17) and [13.COM 13](https://ich.unesco.org/en/Decisions/13.COM/13),
3. Further recalling documents [ITH/17/12.COM/17](https://ich.unesco.org/doc/src/ITH-17-12.COM-17-EN.docx) and [ITH/18/13.COM/13](https://ich.unesco.org/doc/src/ITH-18-13.COM-13-EN.docx), as well as documents [LHE/19/NGO/2](https://ich.unesco.org/doc/src/LHE-19-NGO-2-EN.docx) and [LHE/19/NGO/3](https://ich.unesco.org/doc/src/45581-EN.docx) developed during the reflection process on the advisory functions to be performed by accredited non-governmental organizations,
4. Thanks the Secretariat, accredited non-governmental organizations, the ICH NGO Forum, the informal ad hoc open-ended working group and States Parties for carrying out a reflection on the advisory functions to be fulfilled by accredited non-governmental organizations;
5. Requests that the Secretariat gather relevant information from accredited non-governmental organizations in order to develop a mapping of their domains of competence, taking into consideration their capacities;
6. Encourages States Parties, the ICH NGO Forum, accredited non-governmental organizations, category 2 centres and UNESCO Chairs to organize capacity-building activities for newly accredited non-governmental organizations and for non-governmental organizations that may be interested in seeking accreditation in the future, with a particular focus on non-governmental organizations based in under-represented regions;
7. Further requests that the Secretariat report on the outcomes of the consultation process to the eighth session of the General Assembly in 2020.
1. .  The documents developed during the reflection process are available on the [webpage](https://ich.unesco.org/en/%20reflection-on-the-role-of-ngos-01037) dedicated to the reflection process. It includes the working document of the consultation meeting, which outlines the main findings of the electronic consultation and the report of the consultation meeting. [↑](#footnote-ref-1)
2. . This can also be observed in the profile of the NGOs recommended for accreditation at the present session of the Committee (see document [LHE/19/14.COM/17](https://ich.unesco.org/doc/src/LHE-19-14.COM-17-EN.docx)). [↑](#footnote-ref-2)
3. . The [comprehensive partnership strategy](https://unesdoc.unesco.org/ark%3A/48223/pf0000370506), initially issued in 2013 and revised for its presentation to the 207th session of UNESCO’s Executive Board in October 2019, establishes a clear framework for leveraging partnerships to enhance, in a consistent and strategic way, the impact and visibility of UNESCO’s programme and to ensure that partnerships contribute to optimal results for the achievement of the Sustainable Development Goals. In particular, it defines overarching principles for engagement, disengagement and the proactive management of partnerships, including those with NGOs.

 Furthermore, UNESCO’s framework for official relations with NGOs is defined by the [Directives concerning official relations with foundations and similar institutions](https://unesdoc.unesco.org/ark%3A/48223/pf0000243996). Designed to increase the participation of civil society in the preparation and execution of UNESCO’s mandate, the directives define two different categories of partnerships, specific criteria, obligations and advantages for each of these categories, as well as procedures for the admission, modification, termination and suspension of partnerships with NGOs. [↑](#footnote-ref-3)