unit 41

Assessing initial sample nominations

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Lesson Plan

Duration:

6.5 hours

Objective(s):

Participants acquire the skills to prepare nomination files that satisfy the criteria in the Operational Directives (ODs) and discuss administrative requirements of the nomination forms.

Description:

This unit provides initial sample nominations to the Lists of the Convention for the Safeguarding of the Intangible Cultural Heritage.[[1]](#footnote-1) Participants assess them small groups by discussing the sample nominations and formulating comments. They use the Instructions for completing nomination forms ICH-01 and ICH-02 and the Aide-mémoires for completing nominations to the Lists of the Convention as guidance.

*Proposed sequence:*

* The facilitator introduces the session by briefly presenting the sample nominations. Participants are organized into groups and are allocated initial sample nomination files, one per group. The facilitator explains that they will perform a general assessment of their sample nomination.
* In groups, participants analyze the initial sample nomination files to identify technical and substantive problems and take notes on their discussion.
* Participants present their findings to the other groups in plenary and discuss them. The session can be organized to discuss one section at a time, so as to compare and contrast problems identified in different sample nominations, rather than discussing an entire sample nomination file all at once.

Supporting documents:

* Facilitator’s narrative Unit 41 (including narratives for each sample nomination)
* Unit 41 Hand-outs: Initial sample nominations (1.a, 2.a, 3.a, 4.a, 5.a, 6.a and 7.a) and their general assessments (1.b, 2.b, 3.b, 4.b, 5.b, 6.b. and 7.b)
* Instructions for completing nomination forms ICH-01 and ICH-02
* Aide-mémoires for completing nominations to the Lists of the Convention
* 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>.

Notes and suggestions

The facilitator should organize participants into groups of approximately six to ten members (minimum five people); there should be no more than three to four groups per workshop. Participants should be allocated to groups in such a way as to balance knowledge of the Convention and experience with ICH between them.

Unit 41

Assessing initial sample nominations

Facilitator’s narrative

#### Introducing the sample nominations

There are seven sample nominations for Units 41 and 42: four for the Urgent Safeguarding List (USL) and three for the Representative List (RL). One is a multinational nomination (Unit 41 and 42 Hand-out 7.a). The sample nominations are loosely inspired by real nominations examined by the Committee. There is another USL sample nomination, Sword Dance. It is part of Unit 43 on Describing an element in nominations (Hand-out 3) and should not be used in Units 41 or 42.

The sample nominations in Unit 41 and Unit 42 are:

1. Kijimana traditions and practices (Africa) – USL
2. Skills for wooden bridge construction (Asia) – USL
3. Fonabal music and singing (Latin America) – USL
4. Mashriq storytelling (Arab States) – USL
5. Council of Irrigators (Western Europe) – RL
6. Procession of Hana (Eastern Europe) – RL
7. Haddo Harvest Festival (Western Europe) – RL

The sample nominations include a weak initial version (Unit 41 Hand-outs 1.a, 2.a, 3.a, 4.a, 5.a, 6.a. and 7.a) based on problems found in many nomination files, and a strong final version (Unit 42 Hand-outs 1.a, 2.a, 3.a, 4.a, 5.a., 6.a and 7.a).

Participants are divided into groups. Each group will concentrate on one of the sample nominations and should be given two hand-outs: one initial sample nomination file hand-out (Unit 41 Hand-outs 1.a, 2.a, 3.a, 4.a, 5.a, 6.a or 7.a) and its corresponding general assessment (Unit 41 Hand-outs 1.b, 2.b, 3.b, 4.b, 5.b, 6.b. or 7.b). The facilitator should select the samples nominations most appropriate for their workshop. In some contexts, the facilitator may consider one of the sample nominations unsuitable. It is not necessary to use all of the samples, but facilitators will have to make sure to adjust the group sizes accordingly. The facilitator is encouraged to use, whenever possible, the multinational mock nomination (Haddo Harvest Festival). The Committee strongly encourages the submission of multinational nominations when elements are found in the territory of more than one country.

Participants will eventually perform two stages of assessment: the initial version of a sample nomination and a final version. Unit 41 focuses on a general assessment of the initial nomination file. Please note that this has been termed a ‘general assessment’ because it goes further than the technical examination by including a substantive evaluation as well.

In Unit 42, participants will evaluate the final nomination file and recommend whether the proposed element should be inscribed on the relevant List, rejected or referred for further information. This task is similar in scope to the evaluation of the files undertaken by the Evaluation Body.

#### About the exercise

This exercise is based largely on the methods used to examine real nominations. To assist participants in identifying problems with the initial nomination file they can use the relevant checklist from the Instructions for filling out the nomination forms and the Aide-mémoires for completing nominations to the Lists of the Convention (see <http://www.unesco.org/culture/ich/en/forms/>).

Participants will need to read the whole sample nomination file before starting their discussions as many weak points may become apparent only when the whole file is read. In the general assessment of the initial nomination file, participants will identify missing and incorrectly placed information, and detect and discuss some basic discrepancies between the criteria of the form and the information provided. They may indicate, if possible, how such problems might be fixed without actually rewriting or otherwise trying to improve the file. In some cases participants may just have to move information from the wrong section to the correct one.

Each group will need to appoint a chair and a rapporteur. The chair can organize the discussion, and the rapporteur can make notes using the general assessment hand-out that corresponds to the file as a guide and report back to the plenary session after. The groups do not need to rewrite or improve the files.

Facilitators should encourage participants to express their own opinions and debate the way in which specific elements can be most appropriately defined and safeguarded. Participants should not worry if they know little or nothing of the place or domain of their group’s sample nomination – that is part of the experience. Facilitators should provide all the information they need to assess and evaluate the nomination file.

Participants should assume that all attachments such as photos, video and cession of rights forms are included as such materials have not been supplied.

Facilitators can decide, depending on the context, how much time to allow participants to spend working on their sample nominations in groups, and how much time to spend reporting back and discussing in plenary. If groups struggle to identify problems, the facilitator may assist them using ideas drawn from the Facilitator’s narrative of the relevant sample nomination, if necessary. Participants may want to refer to the key concepts introduced in Unit 3.

#### What is likely to be wrong with the sample nominations?

No nomination file received by the Secretariat is perfect, but the initial sample nomination files prepared for this workshop are particularly ambiguous examples. Errors have been deliberately inserted to demonstrate problems that commonly occur. These problems may be technical or substantive in nature.

**Technical** **problems** could include:

* maximum or minimum word counts not adhered to (Note: multinational nominations are allowed word limits greater than those of a national nomination). The practice is that the limits are increased by 50% for a binational nomination or 100% for a nomination of three or more countries. For section 5 (inventories), the limits of not fewer than 150 or more than 250 words apply to *each* participating country;
* empty information fields;
* information placed in the wrong field;
* unnecessary information provided/too much redundancy;
* geographical distribution not clearly indicated; and/or
* evidence for meeting the criteria for inscription not provided (e.g. existence of an inventory, conformity with definition of ICH).

**Substantive** **problems** could include:

* element defined in a way that is too general/too restrictive (conceptually and geographically);
* contradictory information;
* a focus on commercialized, staged, de-contextualized elements;
* a lack of attention to potential violation of human rights and the requirement of mutual respect among communities;
* misunderstanding of the concept of ‘community concerned’ and/or the community not defined properly, comprehensively or consistently;
* ‘homogenization’ of the concept of community, without due attention given to gender, age and other differences;
* lack of appropriate community involvement or lack of clear descriptions explaining how the community, especially women, were involved in the nomination process;
* misappropriation of ICH and/or misrepresentation of the community or ICH;
* threats not appropriately identified;
* customary practices concerning access ignored or not taken into account;
* a safeguarding plan or measures that are inappropriate, over-ambitious, ‘gender-blind’, poorly defined or that do not sufficiently address the identified threats;
* safeguarding measures that do not provide for well-balanced transmission mechanisms, involving and protecting the concerned communities and, where necessary, externally-driven mechanisms;
* safeguarding measures that do not demonstrate the commitment of the state(s);
* inventorying that does not specify the involvement of bearers and practitioners in its design and update.

Participants should be reminded that although historical information is interesting, for the purposes of the nomination file they do not need to provide evidence of the nominated element’s antiquity, historical status as the first of its kind, or authenticity. It is the element’s present-day enactment by and value to the communities, groups and individuals concerned that matters most.

1. the Kijimana nomination

This nomination exercise focuses on issues such as the definition and involvement of the community concerned, stewardship over ICH, the protection of cultural spaces, and the relationship between safeguarding and development/tourism.

The initial version of this nomination file, which seems to have been drafted by the Ministry of Tourism with little or no consultation with the Kijimana community, is far from perfect. Its weaknesses include references to the wrong ‘communities concerned’, an inappropriate focus on places (the Madaras) rather than practices (the rituals and practices associated with the Madaras), on tourism without safeguarding, and inappropriate actions taken to safeguard the element. Furthermore, there is far too much detail – often irrelevant – and much information is given in the wrong place.

Participants could imagine that if such a file was submitted to the Secretariat of the Convention the following events might take place:

* The Secretariat, after having assessed the completeness of the file, may ask for missing information and make other comments of a technical character (OD 54, 48). The submitting State may send in the missing information, and otherwise improve its nomination up until a given deadline. If the file is then still found to be incomplete the Secretariat may return the file to the State, which may complete it for a subsequent cycle (see OD 54, Decision 7.COM 11 para 18).
* Should the State endorse the initial nomination and ask the Secretariat to process it, the evaluation of the file by the Evaluation Body, which has to assess the conformity of the nomination with the criteria for the USL (OD 25, OD 1), would most probably result in a negative recommendation.
* If the State wishes to withdraw the file, as well they might in this case, they might simply request the Secretariat to ignore the submission thereof and ask the Department of Culture, for example, to develop a new nomination file for the same element, with better description and involvement of the community concerned, with better descriptions of the element (including a better name), and more appropriate proposals for safeguarding measures.
* The State apparently chose the last option and the file was resubmitted two years later. The State in question took a wise decision as the second version (i.e. the final sample nomination) stands a better chance of being given a positive recommendation by the Evaluation Body.

#### Notes on specific sections

### B. Name of element

*Name of the element in English or French (B.1)*: The name ‘The Madaras in the forests of Wotthama’ presents the associated tangible heritage; however, the nomination needs to make reference to the intangible element (e.g. rituals and practices associated with the Madaras), which is the main topic of the nomination.

*Name of the element in the language and script of the community concerned (B.2)*: ‘The Madaras in the forests of Wotthama’ repeats the name given under B.1, whereas Section B.2 of the form requires the same name in B.1 translated into the language used by the community concerned.

The name or title of the element should be sufficiently informative to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage and ensuring mutual appreciation (Article 1 of the Convention). Countries need to avoid unnecessary reference in the titles of elements to specific countries or adjectives of nationality that may inadvertently provoke sentiments contrary to the Convention’s principle of international cooperation.[[2]](#footnote-2) While intangible cultural heritage practices do not always correspond to national boundaries and that communities of practitioners may be spread in different countries, references to specific countries or adjectives of nationality in the titles of nominated elements may be potentially problematic.[[3]](#footnote-3) The same comment applies in this case to Sections C and D.

### C. Communities, groups and individuals concerned

The Kijimana community is, in principle, the appropriate community concerned. The various Councils of Elders (one for each Madara) are a relevant group within this community. Clearer information could be given about the internal segments or sub-groups within the Kijimana community including the involvement of women and youth.[[4]](#footnote-4)

The nation as a whole, all humanity, and international organizations concerned about this region are not involved in the practice and transmission of the element, which belongs to the Kijimana. The term ‘concerned’ here means ‘involved with’ or ‘relevant to’, not ‘worried about’. In conformity with Article 2.1 of the Convention, the communities, groups and individuals concerned can only be those people who consider the element to be part of their own cultural heritage because it contributes to their own sense of identity and continuity. This might include local or community organizations, but not outside individuals, groups or organizations that happen to be interested in the element, but are otherwise uninvolved in its practice and transmission. Under the Convention, elements, even when inscribed on the Convention’s international lists, remain under the stewardship of the community concerned.

In the nomination file a small number of NGOs that do not seem to cooperate closely with the Kijimana have been given undue prominence. The World Heritage Centre at UNESCO, also mentioned in the file, functions as the secretariat of the World Heritage Committee. It, thus, has little to do with a nomination to a list of the Intangible Heritage Convention. If need be, the Committee monitoring the World Heritage Convention might represent some of the views expressed by States Parties to that Convention on the protection of the cultural landscapes of the Madaras on the World Heritage List.

The (much too broad) identification of the community here does not correspond with its (often equally inappropriate) identification used in other sections of the nomination file. For example, Section 2 only mentions two NGOs as the ‘community concerned’. This lack of consistency and detail in the identification of communities concerned is a common problem to be addressed.[[5]](#footnote-5) The experts evaluating nominations to the Urgent Safeguarding List emphasized the necessity of maintaining coherence in identifying the community that figures into the nomination at different points.

Given the information in Sections C and D, another remark arises. When preparing a nomination and when implementing safeguarding measures the submitting States , are encouraged to remain conscious of the elements’ larger cultural contexts, if any, especially when an element may be practised by several communities in an extended territory. Inscription does not imply exclusivity.[[6]](#footnote-6)

### D. Geographical location and range of the element

The information given here is not satisfactory, though consistent with the inappropriate identification of the community concerned under C. In a strict sense the location includes the nine Madaras and associated villages; in a wider sense it includes the areas inhabited by those who identify themselves with the practice of the element. This does not include the areas covered by NGOs. It is important to keep in mind that while reference may be made to the existence of the element in other territories, it should be in the spirit of the Convention. Countries need to take particular care in their nominations to avoid characterizing the practices and actions within other countries or including expressions that might inadvertently diminish such respect or impede such dialogue.[[7]](#footnote-7)

The fact that the Madaras are inscribed on the World Heritage List does not make the safeguarding of associated intangible heritage practices the responsibility or property of all humankind. The file uses the term ‘World Intangible Heritage’ in Section 1 and in various other places refers to the idea that because the element is part of the heritage of ‘humanity’, it is the property or responsibility of people other than the community concerned. The Urgent Safeguarding List’s name and criteria do not refer to ‘the heritage of humanity’ at all. The term ‘ICH of humanity' used in the long title of the Representative List (Article 16) merely refers to the diversity of ICH as representative of all humanity, rather than as the property or responsibility of all humanity.

The use of incorrect terminology in this way is a common problem in nomination files for both Lists of the Convention, and should be discouraged. The use of inappropriate vocabulary, such as references to a tentative list, the World Heritage List, the world heritage of humanity, masterpieces, and so on may be seen as a lack of understanding on the part of submitting States of the specific character of the 2003 Convention.

### E. Domains

Only two domains are ticked; other domains could have been ticked as well (see final version). Domains refer to categories of ICH, as presented in Article 2.2 of the Convention, not to the places where people live.

The information that links to the box for ‘other domains’ is irrelevant here and really belongs in Section 1. Information presented in the wrong place is a problem with a number of nominations to both Lists of the Convention. It is important to know that files in which information is misplaced cannot enjoy favourable conditions for evaluation and examination. Thus, States Parties need to take particular care to provide information in its proper place in the nomination.[[8]](#footnote-8)

### Identification and definition of the element

It is imperative that the nomination provide a clear and coherent description of the element. If Section 1 is not convincing, the entire nomination is at risk.

The form clearly indicates that this section should describe the element by presenting information about the practices that constitute the element, their significance, the nature and frequency of the practices, who practises it, when and where, and how the element is transmitted, and so on. The description provided does not give a clear picture of the expressions and practices covered by this element, such as dances and libations; they are only mentioned very briefly. More detail is needed on the actual practices themselves and about who participates in or attends them. The description of the element should be suitably specific on the one hand and suitably inclusive on the other, whose contours can be well described and whose communities can be readily identified’.[[9]](#footnote-9) There is too much focus in the file on the role of the Council of Elders and not enough on that of ‘ordinary’ Kijimana, who claim the practices and traditions concerned as part of their identity. This elaboration should include the roles and responsibilities of the traditional bearers, women and youth, as well as the relevant audiences. To some extent, this remains a problem in the final file.

The nomination focuses on promoting tourism, without checks and balances to ensure that secret rituals are not made public, and without, it seems, having consulted the community about the desirability of this approach. This is inappropriate if one considers that the aim of the Convention is to encourage the continued practice and significance of the element to local communities. Problems with the use of the term ‘World Intangible Heritage’ are discussed in Section D above. Inscription on Lists may have as a side effect the promotion of tourism, which, if managed well, need not always harm the viability of the heritage concerned, but may become extremely problematic if the promotion of tourism is the main aim of inscription.

There is too much historical detail provided, and not sufficient attention is paid to the current social and cultural functions of the element within the community – a common problem in nomination files for both Lists of the Convention. Technical descriptions should not prevail over information given on social and cultural functions. A judicious balance needs to be found in the nomination so that readers know both what an element is and how it functions within its community; describing only one without the other is not sufficient.

Lengthy reference to scholarly debates is not necessary in the description; in fact, it is to be avoided. The Convention does not use historical accuracy or ‘authenticity’ as a measure of the value of an element to the communities concerned. The academic debate about the truth of the Talana legend might be interesting but is not relevant to the description of the element. It is more important for the understanding of the function of the element that the legend is something the community believes in and feels is part of its identity, than whether it can be proved to be true or authentic by historical, anthropological or archaeological analysis.

Description of the threats faced by the element belongs more appropriately in Section 2. Nomination files should try to present a concise, coherent argument, something rather lacking in statements such as ‘Due to migration, globalization, urbanization and social transformation, the traditions and cultural practices associated with the Madara settlements are being practised less often’.

This statement is very vague and does not explain how ‘globalization’ and ‘social transformation’ actually affect the element. It is clear that the Kijimana may be moving to other places, some of which are towns, but the description gives no sense of how globalization influences the practice and transmission of the element.

There could be some debate among participants in the workshop about the statement that the Councils of Elders ‘discourage socially deviant behaviour’. On the one hand it could be considered against the spirit of the Convention, which can only take into consideration ICH that fosters ‘mutual respect’ between people: people should have the liberty to behave as seems fit to them as long as their behaviour is not criminal or otherwise harmful for others. On the other hand, it could also be considered a way of policing serious social problems such as theft, assault and murder within a traditional court system, thereby contributing to social cohesion. The nomination needs to make it clear that the practice of this element does not give rise to or justify any human rights violations.

Further, the proposed changes to exclude women and youth from the element to protect the local culture raises questions regarding freedom of association and expression which recalls the emphasis that respect for human rights ‘is a fundamental principle of the Convention and each nomination needs to demonstrate that the element complies fully with existing human rights instruments’.[[10]](#footnote-10)

The initial nomination file refers to ‘never-changing traditional rules’: this is most probably not true since all cultural practice changes over time; the definition of ICH in Article 2.1 of the Convention recognizes this. Safeguarding should not lead to freezing and neither the Convention nor the ODs recommend stopping the development of ICH.

In conclusion, the description given in Section 1 of the initial nomination file contains extraneous or misplaced information and does not provide sufficient information for the Committee to determine whether it complies with criterion U.1 in the way the form requests.

### Need for urgent safeguarding (Criterion U.2)

Throughout the whole nomination, the information needs to be coherent. Sometimes the element is described in Section 1 as being fully viable and then in Section 2 it is on the verge of death. It may be described as having ceased to be practised, and yet safeguarding measures are proposed as if it remains a part of everyday life. States Parties need to provide a clear and consistent picture of the viability of the element, its status and social functions today and the need to safeguard the element.[[11]](#footnote-11)

The list of threats given at the beginning of Section 2 is very broad and vague. Yet a clear description of these threats is essential for the proper design and implementation of the safeguarding measures.[[12]](#footnote-12)

Threats faced by the element include globalization, modernization, socialization, formal education, religious conversion, unemployment, tourism, land reforms and migration, as well as the advanced age and conservatism of most of the elders. Many of these threats are not specifically related to the practice or transmission of the element, and most are not substantiated in the subsequent text. Any threats mentioned here should be explained in more detail, including information about their impact on Kijimana society and the practice of the element itself. In fact, some of the threats to the element were already mentioned or hinted at in Section 1.

Some of the information provided in this section belongs in Section 3.b, which concerns proposed safeguarding measures.

The transmission of part of the proposed element is of course not ‘threatened by the advanced age of the Elders’, but by the fact that young people are not willing to take up the practices and join the Councils of Elders, which will eventually lead to unsustainably low numbers of members. The Elders, and the broader Kijimana community are the ones who should determine what needs to be retained and what needs to be modernized in their practice of the element, so it is inappropriate for the writers of the file (who have not involved the community) to list the Elders’ ‘conservatism’ as a threat to the element.

Any assertions about viability, frequency of practice and so on should be backed up with further details as evidence. More detail regarding transmission of the element is also required in this section of the initial nomination file.

Because the communities concerned were poorly defined (see Section C), the answers to this section refer to inappropriate communities, such as NGOs, who are not engaged directly with practising the element and using it as a form of social identity. The viability of these NGOs has very little to do with the viability of the element.

Tourism is listed as both a threat and an asset for safeguarding in this section, which should raise questions among participants. In the description and in the measures proposed, the file pays far too much attention to tourism, and pays too little attention to Kijimana tradition bearers. The Department of Tourism seems eager to consider NGOs as important stakeholders in the safeguarding strategy in order that the NGOs may contribute financially to the implementation of tourism policy in the region.

This topic (tourism) is more appropriate to Section 3 on safeguarding. It is also a problematic strategy (see the notes under 3.a below). Although the NGOs are mentioned as important partners, the file neither provides information about their objectives or their membership, nor explains their relationship to the Kijimana community. The Kijimana community’s interests seem not to have been taken into account and it is unclear whether or not they have agreed to the encouragement of visits by tourists who may participate in their ceremonies.

The idea of authenticity is raised here and it is important to know that the notion of authenticity is not of much utility in discussions about ICH elements. The element may well have changed over time and different variations, improvisations and interpretations may exist. The Convention is not concerned with the question of how ‘original’ or ‘authentic’ an element is or what its ‘ideal’ form should be, rather what matters is how an element figures in the lives of its practitioners today.

The minimum word count of 750 words has not been reached in either the initial or the final versions of the nomination file. The final nomination file has a minimum word count of more than 10% below 750.[[13]](#footnote-13)

### Safeguarding measures (Criterion U.3)

3.a. Past and current efforts to safeguard the element

In this section, too much focus is again placed on tourism and the protection of the Madara ecology, and not enough on the safeguarding of the rituals and practices associated with the sites. Most of the information given here relates to safeguarding plans for the future which, after being more appropriately designed and more clearly planned, should be presented in Section 3.b. The Community Conservation and Development Groups are mentioned here, but no details are given. These are apparently important community bodies who should have been involved in the preparation of the initial nomination file and whose role is highlighted in the final nomination file. The will and commitment of the different stakeholders should be evident in the nomination and demonstrated, at a minimum, by their previous safeguarding efforts.[[14]](#footnote-14)

The plans for how tourism will protect the Madaras are misguided in terms of the aims of the Convention. Encouraging the practices (some of which are secret) to be open to tourists and to be duplicated in other areas of the world instead of furthering their continued local practice will disrupt the practice of the element and is against the spirit of the Convention. The Convention encourages appreciation by others, respect for access restrictions and, as a safeguarding strategy, emphasizes continued practice of elements by the communities who identify with them as part of their existing cultural heritage. Ensuring continued viability does not require performance of the rituals by outsiders. If the community agrees, their practices may be shared with outsiders, but only under conditions set by the community itself. If practice with or by outsiders distorts the element in such a way that it no longer satisfies the definition of ICH, the State Party concerned would have to report this to the Committee, who might then decide to remove the element.

Safeguarding strategies such as ‘income generation, remuneration to tradition bearers or expansion of audiences’ should be focused primarily on promoting the continued practice and transmission of the element. Commercialization should not be the primary goal, or an end in itself in implementing such strategies.[[15]](#footnote-15)

Public performances of songs, narratives and dances for tourists (in cultural festivals or the cultural centre) could have positive safeguarding effects, if well managed, and may assist in raising awareness about the importance of the element among the Kijimana and more broadly. But performances of this kind do not necessarily contribute to the safeguarding of the element as their relocation into another context, or their adaptation to the interests or needs of tourists may change the form and meaning of the element in ways considered inappropriate by the community concerned. The initial file does not address this issue; it places too much focus on promoting performances for tourists and not enough on promoting performances for and by the Kijimana (see the final sentence of OD 116).

Submitting States do sometimes encounter difficulty in striking the proper balance to demonstrate that an element is facing serious threats but nevertheless remains sufficiently viable to be safeguarded’.[[16]](#footnote-16) Thus one wonders whether the Madaras will be revived in the villages where they have disappeared and where the oath-taking practices no longer exist.

This requires a careful and dispassionate analysis of the element’s real viability and the threats it faces. Submitting states need to take into consideration possible characteristics of the context and the element itself that, if not properly acknowledged, may lead to a misguided safeguarding response, while being aware that inscription on the Urgent Safeguarding List cannot be seen as a ‘miracle’ solution to resurrect an element that is no longer practised.[[17]](#footnote-17)

Ritual artefacts such as the Haniwa figurines should be left where they are. Their removal (by theft or any other means, including removal by the museum) threatens the spiritual connection between the Kijimana and their ancestors and may cause problems with the continued practice and significance of the element to the Kijimana. Exhibitions of the figurines abroad would have no safeguarding effect. Since these figurines are ritual objects, selling replicas and teaching tourists to make replicas of them would seem an insensitive and damaging activity. Awareness-raising involves teaching people about and encouraging respect for an element, rather than duplicating the form (but not the function) of ritual practice by new people in new contexts (which is not awareness-raising and does not assist in safeguarding).

Note: the maximum word count has been exceeded in the final nomination file. Exceeding the maximum word count will prevent the file being evaluated.

3.b. Safeguarding plan proposed

State commitments for safeguarding in this section focus on the promotion of tourism rather than on community-based and community-sanctioned activities that will support safeguarding.

Safeguarding measures need to be developed and implemented with the participation and consent of the community concerned including, where necessary, capacity-building strategies. Safeguarding strategies should demonstrate that capacity building for and knowledge transfer to the communities are part and parcel of such measures so that the communities concerned can take ownership of the safeguarding process and continue it, even after the experts, government officials or non-governmental organizations have left. Safeguarding strategies should also include mobilization, awareness-raising and educational activities involving youth. Submitting states need to consider the safeguarding measures that can increase the likelihood that children and youth today can live in a world in which they continue to enjoy the heritage of their parents and grandparents, and in which they can in turn transmit that heritage to their own children and grandchildren’.[[18]](#footnote-18)

Participation across gender and age groups is an important issue to consider in the practice, transmission and safeguarding of any element. It should also, if necessary, be taken into account when the consent of a community concerned is sought.

The initial nomination file falls short on many of these points. The community concerned and groups such as the Councils of Elders should already have approved any measures proposed in the initial nomination file; this does not seem to be the case. The file indicates that the national authorities compiled the measures after NGO and expert consultation.

Historical and archaeological researchers are apparently going to undertake documentation activities. No capacity building is provided within the community. Also, young people and women are scarcely mentioned, although they also participate in the practice and transmission of the element. Section 1 states that women play a role in certain rituals; the issue above needs to be taken up in the sections on viability and safeguarding measures.

The safeguarding measures in the initial nomination file are also badly designed, and it is almost certain that none will yield the desired results (i.e. the continued practice and transmission of the element by the community concerned). The inappropriateness of considerations of authenticity under this Convention has been discussed above; academic identification of the value and meaning of the element should not be allowed to override community identification thereof. Community opinions about the meaning and value of their ICH do not require validation by experts for inclusion in the nomination file. If experts have well-substantiated opinions about an ICH element that differ from those of the community concerned, these expert views may be given in the nomination file without showing disrespect to the opinions held by community members. The use of museum experts to determine authenticity and then require community members to perform the element in certain ways is not in the spirit of the Convention.

Although information access should be promoted, this should focus on community access for safeguarding, and traditional limitations on access should be observed (see Article 13(d)(ii)). Any documentation should involve the community, respect limitations on access, and be made available to the community concerned. Documentation does not automatically contribute to safeguarding – it may, but it has to be explained how this might be the case. (Refer Unit 7 on community participation.) The way in which documentation is planned to contribute in a top-down fashion to the ‘modernization’ of the element through the removal of ‘superstitious’ aspects may contribute to the loss of meaning and value that the community concerned associates with the element.

These measures as well as other proposed measures, such as the proposed construction of a cultural centre and acting out aspects of the element, are likely to result in ‘de-contextualization’ where the element is taken out of its social and cultural context and is then at risk of losing its social function and cultural meaning.

Furthermore, coercive safeguarding measures such as those in respect to compulsory integration and teaching of knowledge related to the element in secondary school education or mandatory promotional materials are not in keeping with the spirit of the Convention. Safeguarding measures should reflect the concerned community’s willingness and commitment. All safeguarding measures should be voluntary and reflect the will and aspirations of the community concerned. None of the safeguarding measures should be forced on the community.[[19]](#footnote-19)

The tourism proposals, as discussed above, will not safeguard the practices in the way intended by the Convention. Links with pharmaceutical companies will only assist the Kijimana in development terms if their intellectual property rights over the indigenous medical knowledge are protected, which does not seem to be part of the plan. The activities proposed will not improve the viability of the element.

The planned Madara environmental reserves will prevent access to ritual sites by the Kijimana and thus threaten the viability of the element. The Kijimana have apparently been safeguarding the ecology of the Madaras very effectively until recently, and these traditional systems of management should be reinforced rather than removed entirely.

There seem to be few benefits to be gained from the tourism proposals for the Kijimana and their ICH practices, as discussed above. Promotion of tourism would probably be more appropriate once the element has regained a healthy state of viability. Benefits from tourism should be channelled back to the community concerned and contribute to safeguarding. It is the communities who should be the primary beneficiaries of the inscription of an element on the List and of the increased visibility and benefits that may arise.

Safeguarding measures are proposed but too few details about timetables and budgets are provided, and some measures seem to be intentions rather than concrete plans. States Parties are encouraged to develop sustainable safeguarding plans with more focused activities, feasible timelines and clearly identified sources of budget.[[20]](#footnote-20) The file should explain how the safeguarding measures address the specific threats or needs identified in the file for a certain period of time following inscription and achieve the safeguarding objectives.[[21]](#footnote-21)

Also, the initial nomination file assumes that inscription more or less automatically entails funding from the ICH Fund for proposed safeguarding measures. It is important to know that this is not the case and that the financial assistance from the Intangible Cultural Heritage Fund will not be granted at the time of inscription. Requesting financial assistance from the Fund is subject to separate application and evaluation procedures. For this purpose, the Secretariat has developed a specific form ICH-01bis available on the Convention website: <http://www.unesco.org/culture/ich/en/forms>

The nomination does not provide any safeguarding plan that would clearly state objective(s), concrete results, key activities to be carried out. It does not include a timetable either.

3.c. Competent bodies

The local person or organization involved in safeguarding should be listed here. They have to have the mandate of the community concerned to act as a competent body for safeguarding. The Department of Tourism clearly does not qualify as such.

### Community participation and consent (Criterion U.4)

4.a. Participation of communities, groups and individuals concerned

Communities are essential participants at all stages of the identification and inventorying of elements; the preparation, elaboration and submission of nominations; in the promotion of visibility of intangible cultural heritage and awareness of its significance; and in the implementation of safeguarding measures.[[22]](#footnote-22) None of this happened during the preparation of this file. Community representatives should have been involved at all relevant stages before the submission of the file. This involvement could have taken different forms, such as information sessions, workshops and meetings. Details of when and where they were held should be provided. According to the initial file, some meetings were held in which only the Department of Tourism, experts and a few NGOs participated. The NGOs cannot be considered to represent the community concerned, and had not yet consulted the Kijimana, it seems. The meetings should have involved the Kijimana community living near the Madaras (at the very least, and perhaps also those living in peri-urban settlements), the Councils of Elders and other community groups.

The selection of only one representative from one of the Councils of Elders leads to questions regarding his/her selection and if indeed such a person represents the views and interests of the wider community. Communities may make their opinions or wishes known directly and not only through intermediary institutions who speak on their behalf. Besides, states need to take into account the cultural specificities of each community and not assume who can represent it; in certain cases, a chief, an official or another person is an appropriate spokesperson mandated by the community, while this may not be so in other cases.[[23]](#footnote-23)

***4.b.*** ***Free, prior and informed consent***

The communities, groups and individuals concerned have to be those people who consider the element to be part of their cultural heritage and are involved in its practice and transmission. The people who should be asked to consent here have to be the Kijimana community including the Councils of Elders and other community groups, not the NGOs. After the meetings to discuss the implications of nominating the element and the content of the file (in 4.a), community representatives should have the opportunity to agree (or disagree) with the submission of the file before it is submitted. Otherwise, they are not providing ‘free, prior and informed’ consent. In this section, some threats are briefly mentioned (low frequency of practices; not many young people involved) that are more realistic than those listed under Section 2.

It is also important to take into account the conditions under which consent was granted and the nature of the consent, ensuring not only that the appropriate community gives it consent, but that the evidence of consent indicates the community is fully informed. In some cases, consent documents seem to have been prepared for a purpose other than the nomination at hand. For example, they might simply be lists of people in attendance at a given meeting, without clearly indicating whether the people provided their consent or that those consenting were fully and accurately informed about the nature and possible effects of the nomination.[[24]](#footnote-24)

The evidence of community consent does not have to take written form, particularly where communities do not habitually communicate by written means or when they speak unwritten languages but can be, for example, video clips, photos, recorded statements or symbolic objects such as an arrow. As regards the submission of standardized consent forms, it is necessary to emphasize the need for communities to express themselves in their own ways, reflecting the diversity and dynamics of intangible cultural heritage.[[25]](#footnote-25) It is important to take note of sentiments of diverse individuals, rather than repeating the same formulations in the evidence of consent’.[[26]](#footnote-26) It is also imperative to emphasize that the Committee has stressed the preference for personalized, individual expressions rather than form letters or petitions.

Finally, the fact that a consent form was sent at the tail end of the process goes against the spirit of the process: the consent of communities to the nomination of the element is not something to be obtained retroactively.[[27]](#footnote-27)

4.c. Respect for customary practices governing access to the element

Insufficient respect is shown for customary practices governing access to the element and for the views of the Kijimana in this regard, which do not seem to be well known to the authors of the initial nomination file. It is up to the community concerned whether they want to adapt their ICH to new circumstances and how they wish to do so. This should not be enforced or assumed by outsiders – references to ‘twenty-first-century participatory tourism’, and other judgemental statements are out of place here (and elsewhere).

Secret information cannot be given away without the free, prior and informed consent of the tradition holders. The interests of tourists should not be valued above those of the communities concerned. Further, the State Party is required not only to identify any customary practices governing access to specific aspects of their heritage but also what measures will be taken to respect such customary restrictions. Thus, States Parties are requested to provide more information on customary restrictions on access to specific aspects of intangible cultural heritage, as a crucial dimension of the element’s viability, the proposed safeguarding measures and the free, prior and informed consent of the community.[[28]](#footnote-28)

The community will not benefit if their information about traditional medicinal plants is simply given to pharmaceutical companies for commercial exploitation. Concerns they may have about sharing secret knowledge have to be addressed, but if they wish to share it for the general benefit of humanity, some form of protection for their intellectual property rights over this information should be discussed. This intellectual property protection should ensure that the benefits are mainly channelled back into the community concerned, not given generally to the country as a whole. Communities concerned should be the primary beneficiaries of inscriptions on the Lists of the Convention.[[29]](#footnote-29)

Safeguarding strategies such as ‘income generation, remuneration to tradition bearers or expansion of audiences’ should be focused primarily on promoting the continued practice and transmission of the element. Commercialization should not be the primary goal or an end in itself in implementing such strategies.[[30]](#footnote-30)

4.d. Concerned community organization(s) or representative(s)

The NGO apparently does not have the mandate to represent the community concerned and, while only one representative from the Council of Elders has been included in the nomination process, it seems the organization has not approached and consulted with other Kijimana representatives. The absence of community participation presents a serious problem everywhere in the file and needs to be addressed. The letter from the Board of ‘Campaign for the Promotion of Participatory Tourism to Save Africa’ raises the question of eligibility of this entity to represent the community.

### 5. Inclusion on an inventory (Criterion U.5)

The element has to be included on an inventory, and that inventory has to be clearly described in the way specified on the form. Information needs to be given about the nature of this inventory, its name, the name of the element as inscribed on it, and a reference number for the entry, the date of the entry and so on. Information needs to be given about the compliance of the inventory with Articles 11 and 12 of the Convention. How was the element was identified and defined with the participation of the communities and/or groups concerned, before its inclusion? And, how will the inventory be updated, in terms of frequency and modalities and to reflect the evolving nature of the element?[[31]](#footnote-31)

It is not necessarily problematic to have an inventory of ICH that also includes tangible heritage, but ICH elements that are entered on such an inventory should ideally have a separate entry, in which of course ample reference may be made to associated tangible heritage.

The inventory for intangible cultural heritage should however not be tagged to international inscription of elements and should be supported by appropriate and sufficient information. Inventorying efforts should go beyond simply listing.[[32]](#footnote-32) It is important to know a simple letter from an authority without references and dates of inclusion cannot be accepted as an evidence of the element’s inclusion into an inventory.[[33]](#footnote-33)

It is also imperative to emphasize that the involvement of communities in the elaboration and periodic updating of the inventory is an obligation and must be clearly described in the text of the nomination. Community participation in the elaboration of the nomination also corresponds to criterion R.4 and should not be confused with what is requested in criterion R.5, i.e. the involvement of bearers and practitioners in the design and updating of the inventory.[[34]](#footnote-34)

### 6. Documentation

Ten recent photos of the element are required and an edited video (maximum 10 minutes). The video submitted is too long (States cannot ask the Secretariat to select video footage for them) and focuses on tourism rather than the practices of the community. The photos focus on what also seems to be a tourism context.

States Parties have systematically been requested to ensure that there is a close correspondence and a coherency between the description of the element presented in the audiovisual materials and the information included in the nomination form.[[35]](#footnote-35) For the video, it is important to know that subtitles are obligatory if the language used is other than English or French. Submitting states are also encouraged to capture ordinary members of the communities that practise and appreciate the element in question and not only emblematic figures or celebrities,[[36]](#footnote-36) as well as provide documentation of practices and expressions of intangible heritage in their normal context rather than those staged to be filmed.[[37]](#footnote-37)

All required documentation has to accompany the nomination in its final form. In some cases, the Secretariat may ask for further information.

### 7. Signature

The form has to have the original signature of an authorized official of the State Party, which it does in this section.

1. the bridges nomination

This nomination file focuses particularly on the importance of differentiating between tangible and intangible heritage inscriptions. It would be a good example to use with participants already familiar with the requirements of nominations to the World Heritage Convention. A discussion of the bridges as ‘cultural spaces’ could enrich the debate. There could also be a discussion of what constitutes an appropriate and inappropriate change in the deployment of traditional skills (touching on the issue of authenticity).

The initial version of this nomination file, which seems to have been drafted by the Department of Culture without paying due attention to the requirements of the nomination form and to the nature of the Convention itself, is far from perfect. It appears to be based on some good documentation work and research. Its weaknesses include references to only a small part of the ‘community concerned’, insufficient respect for and consultation with the community concerned and an inappropriate focus on the bridges themselves and their protection, rather than on the skills to make or repair them and the impaired transmission of those skills. Also, inappropriate actions are planned to safeguard the element.

Participants could imagine that if such a file was submitted to the Secretariat of the Convention the following events might take place:

* The Secretariat would take note of the fact that the file was signed in Section 7 (‘Signature on behalf of the State Party’) by the master bridge-builders and not by an official representing the submitting State Party. The Secretariat may contact the delegation of the State at UNESCO concerned to seek clarification on this issue.
* Should the State Party endorse the initial nomination and ask the Secretariat to process it, the evaluation of the file by the Evaluation Body would lead to many more questions concerning missing information, incorrect terminology and documentation. Unless this leads to very substantial improvement of the file, the latter would most probably result in a negative recommendation by the Body.
* If the State concerned disagrees with the submission of the file, as they might, in this case, they might simply ask the Secretariat to ignore the submission and decide to ask the Department of Culture to work with the communities concerned to develop an improved nomination file for the same element.
* This is apparently what happened, and a new file was resubmitted a year later. The State in question took a wise decision as the second version (i.e. the final sample nomination) stands a better chance of being given a positive recommendation by the Evaluation Body.

Major flaws and weaknesses in the initial version of the file are discussed below. Certain minor weak points are not discussed here but may be drawn into the discussion by the facilitator, or by the participants in the workshop.

### Notes on specific sections

### B. Name of element

*Name of the element in English or French (B.1)*: It is the skills required for building the bridges (rather than the bridges themselves) that constitute the intangible heritage element, so the title should focus on those skills. The term ‘Khidi-Shi’ is used to describe these skills in Section 1, and could be used in the name as well. Naming an element requires a balancing act between brevity and giving enough information so as to allow an outsider to have some understanding of what the element is about and ‘to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage‘ (Article 1 of the Convention).

*Name of the element in the language and script of the community concerned (B.2)*: The name in the initial nomination is not a translation of the English or French name for the element, but a more descriptive name in the national language, and thus belongs in B.3.

### C. Communities, groups and individuals concerned

The initial nomination form only includes the master bridge builders who direct the making of the bridges in the identification of the community concerned. Apart from the masters, no other representatives of groups or the community concerned seem to have been involved in the preparation of the file.

Section 1 makes it clear that ‘apprentices and assistant woodworkers or stonemasons are also involved’ in bridge building, however. The broader communities that live near the bridges fund and sustain them, and apparently use them for rituals and festivities as well (see Sections 1 and 3.b). These people should, therefore, be included in the final nomination as members of the communities and groups concerned. Communities are not monolithic and homogenous but are stratified by age, gender and other factors, so internal segments or sub-groups within a community need to be reflected.[[38]](#footnote-38)

This question of who should be included as community members is a key point for the critique of the file, so facilitators should make sure the group picks up on it early on, and assist them to do so if necessary.

In addition, there is a need for inclusiveness. It is essential that the communities be well defined to include not only those involved directly in the enactment and transmission of expressions and practices of intangible cultural heritage but also the larger population involved in appreciating, observing and participating in that heritage – all of those for whom it constitutes a source of identity and continuity.[[39]](#footnote-39)

Where the ‘wider community’ is mentioned, this is done in vague terms. There is no evidence for the ill-formulated claim that the element contributes to a sense of national identity. This vision of ICH can have several negative implications: disregard and potential marginalization of ICH that is considered alien, but also homogenization of cultural diversity at the service of a ‘national’ culture.

### D. Geographic location and range

The geographical location and range in the initial nomination refers only to the bridges and not the bridge-building masters with craftsmanship skills, or communities living around the bridges. States should ‘take particular care in their nominations to avoid characterizing the practices and actions within other States or including expressions that might inadvertently diminish such respect or impede such dialogue’.[[40]](#footnote-40)

### E. Domains

The nomination could include social practices and rituals because these form part of the uses of the bridges by the communities concerned. It could also include knowledge about nature as a domain because of the need to know about environmental issues (planning the location of bridges, feng shui and the growing of trees for them). The latter domain is not ticked in the final file, and this could be a matter for discussion.

### F. Contact person for correspondence

The position of the contact person in the Department of Culture should be indicated.

### 1. Identification and definition of the element

The initial nomination places too much focus on the bridges and the threats to the bridges, rather than on the skills of bridge building. Also, there is too little information provided in this section, which requires at least 750 words. The skills associated with the craftsmanship, the various communities and groups concerned, and modes of transmission and change are described, but in far too much technical detail – something that detracts from the quality of the file. More information on social and cultural functions would have been helpful.[[41]](#footnote-41) These are common problems in nomination files for both Lists of the Convention. In addition, states sometimes describe only one part or facet of a larger and more complex element, rather than describing the element as a whole.[[42]](#footnote-42)

States need to describe the practice clearly so that readers can apprehend the actual cultural meanings of the element in all their complexity,[[43]](#footnote-43) as well as how it functions within its community’[[44]](#footnote-44)

It is important to recall that ‘communities are not monolithic and homogeneous, but are stratified by age, gender and other factors’[[45]](#footnote-45) and this submission does not do justice to this requirement for detail and precision.

A judicious balance needs to be found in the nomination so that readers know both what an element is and how it functions within its community; describing only one without the other is not sufficient.[[46]](#footnote-46)

This is all the more important because the entire nomination might be at risk: ‘if an element is not adequately defined, that affects the identification of the threats it faces (criterion U.2), the safeguarding measures required (criterion U.3) and the contours of the community (criteria U.4 and U.5). It is consequently crucial that each nomination include an adequate and coherent description of the element, since all else depends therefrom’.[[47]](#footnote-47)

The idea that experts discovered the bridges focuses too much on the perspective of experts and not enough on the perspective of the nearby community (who had never forgotten about them). It suggests that there is a broader community served by the bridges, which should have been mentioned in C.

The value of the bridges is mainly expressed in terms of expert judgments on aesthetics, rarity and scientific value, which is not in the spirit of the Convention. The statement ‘The existence of the bridges demonstrates the importance of rural engineering in the development of modern state’ would be more appropriate to a nomination for inscription on the World Heritage List, which requires demonstration of scientific or historical significance. It is difficult to interpret in the context of the criteria for the Urgent Safeguarding List. The value of the element to the community or group concerned needs to be demonstrated. In other words, the significance of Khidi-Shi skills to the rural community and the bridge builders.

The changes indicated in the element are not necessarily detrimental; in fact, change is a normal part of the process of living heritage recreation. The Convention wishes to encourage the idea that elements should naturally change over time and would certainly not require a return to the so-called fourteenth-century methods of construction. The Convention does not use historical accuracy or ‘authenticity’ as a measure of the value of an element to the communities concerned. The element may well have changed over time and different variations, improvisations and interpretations may exist. The Convention is not concerned with the question of how ‘original’ or ‘authentic’ an element is or what its ‘ideal’ form should be, rather what matters is how an element figures in the lives of its practitioners today.[[48]](#footnote-48)

This submission also raises the issue of viability. When an element has outlived its socio-cultural context and is no longer meaningful to its community, it no longer constitutes intangible cultural heritage as defined in the Convention.[[49]](#footnote-49) Ensuring the viability of the element involves ensuring that the conditions exist for continued enactment and transmission of the element by the communities, groups and individuals concerned. While wooden bridges may be more expensive and less suitable for transport purposes today, the skills associated with building them could continue to be viable for other reasons. The bridges continue to attract local interest for reasons other than transporting something from A to B. Explicit mention could be made of associated ICH practices, such as festivities and rituals (mentioned in Section 1), for example, in the use of shrines on bridges (see the final file), which constitute an important part of the value of the bridges for the communities concerned.

Safeguarding measures belong properly in Section 3, not in this section. The whole point of the safeguarding strategy would be to maintain the significance of the element, its deployment by craftsmen and its use by local communities, rather than to remove the bridges to museums or turn them into museums. In this regard, other functions of the bridges (as places for worship and socializing) could become more important than the transport functions they performed in the past. The nomination file should have explored the nature and viability of these other functions. Under safeguarding measures the possible deployment of the bridge-building skills in other contexts could also be explored, if the bridge-building craftspeople thought this could make their professions more viable.

The nomination file needs to show that the element is not incompatible with the requirements of international human rights instruments and environmental sustainability.

### 2. Need for urgent safeguarding (Criterion U.2)

Ensuring the viability of the element (i.e. the skills for bridge-building, not the bridges themselves) involves ensuring that the conditions exist for continued enactment and transmission of the element by the communities and groups concerned. In this section of the file, States Parties are encouraged to provide a clear description of the viability of an element, how it is expressed today and what are its contemporary social functions. The element may well have changed over time and different variations, improvisations and interpretations may exist.[[50]](#footnote-50)

Once again, precision is required but is not very evident in this submission. It is important to provide a clear and convincing explanation of the viability of the element and the threats it faces. This means that a clear situation analysis (needs assessment, definition of threats, gap analysis, etc.) establish the rationale and justification for a specific set of safeguarding measures that respond concretely to that particular situation’.[[51]](#footnote-51)

It is not desirable that external agencies (including government agencies) plan and implement safeguarding measures without community involvement. Once an element is endangered, safeguarding measures will usually fail unless there are committed community members who are willing to contribute to safeguarding the element and motivate the community at large to do so as well. For an element to be safeguarded, it is thus very important that some community members commit to ensuring that the existing viability is enhanced.

The statement in the initial nomination that the ‘bridges are no longer viable’ focuses only on the viability of the bridges’ transport functions. More information is needed on the other functions of the bridges within the community, on the current and likely future significance of the bridge-building art to the communities concerned and to the master woodworkers, and on the viability of transmission mechanisms. The high value attached to the woodworking skills may help to maintain the practice and transmission of these skills, and their application in other circumstances, even when bridges are no longer frequently built or repaired.

Threats described in the nomination form should be quite specific. Globalization or urbanization may be a general threat, but the form has to describe how it threatens the viability of this specific element. Also, timber, in general, is not unavailable although it may be expensive – more information is needed on what specific timber is needed, from where and why it is in short supply. More detail on these issues will help to determine the safeguarding activity. The woodworking masters are few – what about their apprentices and co-workers? What threats are there to the mobilization of more apprentices?

The sentence ‘Without special interventions some useful skills required for building these important bridges may be lost for posterity’ could lead to some discussion on the following questions?

* Are the ‘special interventions’ proposed based on much community involvement?
* Are only some of the skills for bridge-building considered ‘useful’? By whom?
* Why are the bridges considered important, and by whom?
* Should the emphasis be on ‘saving’ the skills (or the bridges) for posterity (which could be done to some extent by documenting them and enabling ‘experts’ to learn them), or on supporting the continued practice and transmission of these skills within the community concerned?

### 3. Safeguarding measures (Criterion U.3)

3.a. Past and current efforts to safeguard the element

From the information given, the safeguarding strategies seem to be very top-down (they seem to have been implemented by the State alone), and do not directly address clear threats to the element. Concrete threats mentioned in Section 2, such as the restricted supply of timber, should be addressed as far as possible in the safeguarding measures.

Activities discussed here should have already been started, or been completed. Removing a bridge from its original location – an activity that has not yet begun – may in any case be considered a poor safeguarding measure. It is a form of de-contextualization, and a pretty bad one too, as it destroys a cultural space by preventing the local population from using the bridges as they used to.

Documentation and research should contribute to safeguarding the viability of the element, that is, its continued practice. The completed and proposed documentation projects are not clearly aimed at safeguarding: they focus on the bridges rather than on the skills, and seem to remove tools from the bridge builders. Information does not seem to be filtering back to the bridge-building community. Promoting the bridges as ‘heritage for the general public’ is not consistent with the primary focus in the Convention on the value and function of the ICH to the communities concerned. The communities concerned should remain stewards of their ICH.

The proposed survey and protection of the woodlots is appreciated. The actions that aim at not only safeguarding the element itself, but also protecting the natural environment associated with it are welcomed.[[52]](#footnote-52) It is also appreciated when states develop integrated intersectoral approaches to safeguarding the element by combining for example, environmental and cultural aspects in the safeguarding policies.[[53]](#footnote-53) This is however presented here as a planned (rather than already implemented) activity.

The construction of bridges in concrete and steel would not safeguard the skills for building wooden bridges, and it denies the value of the skills and knowledge that should be safeguarded.

Construction of a bridge for the World Exhibition may involve some, but probably not all, of the skills associated with bridge building. It takes the knowledge and skills of bridge building out of the village context into a new context where the bridges have none of their original functions. This does not necessarily contribute to safeguarding Khidi-Shi skills, although it may raise awareness of their importance if done in a sensitive and mindful way. (See ODs 116 and 117 on commercialization and ICH.)

3.b. Safeguarding plan proposed

Further information is needed to show how the community or groups concerned were involved in designing the safeguarding measures, and how they will be involved in their execution. Safeguarding measures need to be developed and implemented with the participation and consent of the community concerned, including where necessary capacity-building strategies.

Safeguarding strategies should demonstrate that capacity building for and knowledge transfer to the communities are part and parcel of such measures so that the communities concerned can take ownership of the safeguarding process and continue it, even after the experts, government officials or non-governmental organizations have left. Safeguarding strategies should also include mobilization, awareness-raising and educational activities involving youth.[[54]](#footnote-54)

States Parties are therefore encouraged ‘to put the communities, groups and, if applicable, individuals concerned at the centre of all safeguarding measures and plans, to avoid top-down approaches and to identify solutions that emerge from the communities, groups and, if applicable, individuals themselves’.[[55]](#footnote-55) Often seen only as informants or beneficiaries, the community members are rarely taken as key actors in the planning and implementation of safeguarding measures’.[[56]](#footnote-56)

It is crucial to propose specific measures that address specific threats, rather than generic measures aimed at generic threats.[[57]](#footnote-57) The proposed safeguarding measures are also problematic and will not enhance the viability of the element. The removal of bridges from their original context for ‘better conservation’ will reduce the viability of the bridge-building art because the local communities, as well the groups of builders, will lose their connection to the bridges. The symposium on bridges should not simply be an academic exercise: it should contribute to safeguarding. Research results should, for example, be made available to the communities concerned and others to contribute to the building or repair of bridges, or the training of apprentices.

The ‘authentic’ fourteenth-century form of the bridges is not considered relevant to the promotion of their current function and meaning within the communities concerned.

Appointment of apprentices by the State may take away agency from the master bridge builders who have traditionally selected apprentices. It would be interesting to know how the appointment of apprentices will be done and whether this is congruent with traditional practice: whether it will transgress any rules about the preservation of knowledge within specific clans and, if so, whether the master woodworkers will welcome the change.

Construction of replica miniature bridges may involve some, but probably not all, of the skills associated with bridge building. This activity takes the knowledge and skills of bridge building out of its village context into a school context where bridge-building workers are not being trained and where the bridges have none of their original functions. The activity could have some awareness-raising function if sensitively done, but it does not necessarily promote the viability of the element.

It is important to find an appropriate balance between reinforcing traditional modes of transmission and supplementing them with new modes. While the safeguarding of intangible cultural heritage requires transmission from one generation to another, such transmission should necessarily be done in context and communities should not be dispossessed of their own transmission processes.[[58]](#footnote-58)

The solid commitment of the State Party is a prerequisite for success. Safeguarding measures should be described in terms of concrete engagements of the States Parties and communities and not only in terms of possibilities and potentialities.[[59]](#footnote-59) While this submission provided some information describing State undertakings, more detailed overview of the support given and promised by the State Party for safeguarding should be indicated, including support from local or regional government. Responsible agencies are not named for each activity, and timetables and budgets are not provided. It is necessary to develop sustainable safeguarding plans with more focused activities, feasible timelines and clearly identified sources of budget.[[60]](#footnote-60)

The nomination in its initial version does not provide any safeguarding plan that would clearly state objective(s) or concrete results. It does not include a timetable either.

### 4. Community participation and consent (Criterion U.4)

4.a. Participation of communities, groups and individuals concerned in the nomination process

More detail is required on the nature of participation by relevant communities and groups. It is important to keep in mind that the communities whose intangible cultural heritage is concerned are essential participants:

* at all stages of the identification, the inventorying, the preparation, the elaboration and submission of nominations;
* in the promotion of visibility of intangible cultural heritage and awareness of its significance; and
* in the implementation of safeguarding measures.[[61]](#footnote-61)

States also need to explain the characteristics of the communities, ensure their participation throughout the nomination process, and provide comprehensive and wide-ranging evidence to demonstrate such participation[[62]](#footnote-62) and to be consistent in this regard.[[63]](#footnote-63)

The master bridge builders mentioned here are not the only people involved, local communities who use the bridges and local government representatives should also have participated. The interests of the bridge builders and the local population living near the bridges (the communities concerned), rather than national interests, should be paramount in the preparation of the file.

Often seen only as informants or beneficiaries, the community members are rarely taken as key actors in the planning and implementation of safeguarding measures[[64]](#footnote-64) and this submission appears to exemplify this shortcoming.

A satisfactory nomination file should say who participated in the development of the nomination from the communities and groups concerned, and when and how they contributed to the nomination. Details of when meetings were held, and where they were held should be provided. It is important to be as precise as possible and to avoid grandiose generalizations such as ‘all the people’, ‘all the institutions’ when referring to the involvement of bearers and communities’.[[65]](#footnote-65)

4.b. Free, prior and informed consent to the nomination

Insufficient information is provided to conclude that the consent given by the masters was in fact ‘free, prior and informed’. One could find fault here with the file as it appears to treat the consent process lightly.

More information could be provided about the identification of the communities, groups or individuals giving consent.[[66]](#footnote-66) Participants should ask why only four of the master bridge builders have been chosen to sign the file; the file should explain this. It is only in the final file that the information is given that the four master bridge builders are representatives of bridge-building clans. The final file also states that not all masons and woodworkers have a strong affiliation to one of these clans. Therefore, their representatives need to sign separately.

Representatives of local communities living near and using the bridges for various purposes could also sign a consent form; the same goes for other woodworkers and masons. It is important to demonstrate in what way they are indeed representative of the community and take further care to ensure that diverse segments of the community are represented and not a single entity or institution alone.[[67]](#footnote-67)

The file could also contain more evidence than that provided by signed forms. States are encouraged to use audiovisual materials to demonstrate such consent and to adopt the form or forms of attestation most suited to the situation of the communities concerned’.[[68]](#footnote-68) The consent also needs to reflect the sentiments of diverse individuals, rather than repeating the same formulations in the evidence of consent.[[69]](#footnote-69)

4.c. Respect for customary practices governing access to the element

The initial nomination file shows very little respect for the element, the people associated with it, and any customary restrictions that might exist on access to the element. How are apprentices selected? Does membership of a master bridge-building clan constitute a barrier to knowledge acquisition for bridge building for those who are not born into the clan? Who determines whether a shrine can be created in a bridge, and who organizes rituals in these shrines? Do men and women have equal access to the shrines and the rituals, and what about outsiders?

The participation of the communities is all the more important when it is a matter of ensuring that safeguarding measures fully respect any customary practices governing access to specific aspects of intangible cultural heritage.[[70]](#footnote-70) States are urged to provide more information on customary restrictions on access to specific aspects of intangible cultural heritage, as a crucial dimension of the element’s viability, the proposed safeguarding measures and the free, prior and informed consent of the community.[[71]](#footnote-71)

4.d. Concerned community organization(s) or representative(s)

Community organizations and representatives other than the bridge-building masters could also be included. This is not done in the final file: participants may wish to discuss under what circumstances this would be the case (e.g. no relevant community organizations exist at this time).

### 5. Inclusion on an inventory (Criterion U.5)

Evidence for inclusion on an inventory has to be provided. The nomination file should give the name of the inventory and the number and title of the entry, with a comprehensive description of the element.[[72]](#footnote-72) It is not clear whether this is an inventory of tangible or intangible cultural heritage, or both, since ‘Woven Wood-Beam Arch Bridges with Covered Passageways and associated skills and rituals’ could be included in an inventory of tangible or intangible heritage.

The file should state how communities concerned (and any relevant NGOs) participated in the identification and definition of the element, and give some details on how and when the inventory will be regularly updated, in the sense of Articles 11 and 12 of the Convention. The involvement of communities in the elaboration and periodic updating of the inventory does constitute an obligation and must be clearly described in the text of the nomination.[[73]](#footnote-73)

The inclusion of an element on an inventory must also precede the submission of a file. The nomination should be complete at the time of submission (31 March), and evidence of inclusion in an inventory or of the free, prior and informed consent of the communities concerned should not normally be created ex post facto, after the nomination deadline.[[74]](#footnote-74)

### 6. Documentation

There are too many photos in the required documentation, and the submitted video is too long. The photos are inappropriate because they focus on the bridges and researchers. The focus of the video on the bridges as ‘heritage sites’ is not appropriate for the purpose of the nomination file. States are encouraged to ensure that there is a close correspondence and a coherency between the description of the element presented in the audiovisual materials and the information included in the nomination form.[[75]](#footnote-75)

Regarding the cession of rights, all required documentation has to accompany the nomination. Nomination files that are incomplete in certain respects before a fixed deadline will be eliminated from the procedure of the cycle in question.[[76]](#footnote-76)

The published references (6.b) are not a requirement, so if the submitting State does not have references they can be omitted; they should not be sent separately from the nomination.

### 7. Signature

Contact information should be as complete as possible. The nomination file has to be signed by an official representing the State Party, not by community representatives.

# 

1. the fonabal nomination

This nomination file focuses particularly on issues such as defining the element, the question of viability and commercialization, the involvement of communities, and the role of NGOs and researchers. It is specifically designed to be as short as possible so that participants relatively unfamiliar with the language of instruction can read it quickly.

The initial version of this nomination file, which seems to have been drafted by the NGO Fonabal First with little or no consultation process, is far from perfect. Its weaknesses include references to the wrong ‘communities concerned’, disrespect of the practitioners and other tradition bearers, top-down approaches, an inappropriate focus on commercialization of the element, and inappropriate actions taken to safeguard the element.

Participants could imagine that if such a file was submitted to the Secretariat of the Convention the following events might take place:

* The Secretariat would notice that the file was not signed by an official of the submitting State and would contact the delegation at UNESCO of the State concerned.
* Should the State Party endorse the initial nomination and ask the Secretariat to process it without substantial improvement, the further evaluation by the Evaluation Body would lead to many questions concerning missing information, incorrect terminology and documentation, and consequently, would most probably result in a negative recommendation.
* If the State concerned disagrees with the submission of the file, as they might in this case, they might simply ask the Secretariat to ignore the submission and ask more appropriate institutions to develop a new nomination file for the same element, with better description and involvement of the community concerned, with better descriptions of the element (including a better name), and more appropriate proposals for safeguarding measures. In the case of this submission, it could be assumed that the staff of Fonabal First were replaced, or sensitized and better informed, before continuing with their work.
* In this case, the file was resubmitted two years later. The State in question took a wise decision as the second version (i.e. the final sample nomination) would have had a better chance of being given a positive recommendation by the Evaluation Body.

### Notes on specific sections

### B. Name of element

*Name of the element in English or French (B.1)*: The name in the initial nomination (‘Fonabal music’) focuses on the music only. Short names are not unprecedented (think, for example, of ‘Flamenco’), but if a short name is chosen, ‘Fonabal’ alone would be better than ‘Fonabal music’ because it is more generic, and could arguably include the music, dances and chants. ‘Fonabal music and singing’ covers all these aspects of the element. Fonabal music, dances and chants are part of a broader set of ritual practices (religious observance, wakes and celebrations) that can be mentioned in the name of the element. It is essential that the scope of the name and the scope of the element as described elsewhere in the nomination be coherent (see also Section C below).

In the final nomination, the alternative name of the element (B.3) mentions music and chants (but not dances) as well as the ritual context and the State concerned. In this way, the final nomination largely meets the criticism that certain of the proposed titles suggest that the submitting State is focused on its own population or only on the community concerned, and not oriented towards the wider visibility of the element or of intangible heritage in general.[[77]](#footnote-77)

### C. Communities, groups and individuals concerned

It is not clear whether the community concerned is meant to be the Fonabal First NGO, mentioned as a ‘concerned’ NGO, or the Afro-Hispanic community (or ‘communities’) of the country. The term ‘concerned’ here means ‘involved with’ or ‘relevant to’ not ‘worried about’. States are encouraged to provide a detailed explanation for the selection of the community involved in the nomination, especially when an element may be practised by several communities in an extended territory.[[78]](#footnote-78)

The Afro-Hispanic community is, of course, the appropriate community concerned, which practices the element and considers it to be part of their cultural heritage. Clearer information could be given about the internal segments or sub-groups within this community including the involvement of women and youth.[[79]](#footnote-79) Groups within this community might consist of fonabal musicians, singers, instrument makers and so on.

If Fonabal First is a community-based organization, consisting of representatives from the community who practice the element (which it does not seem to be), and it is mandated to do so, it can play a role in representing this community in developing the nomination and safeguarding measures. However, it will never be considered ‘the community concerned’ in the sense the Convention intends.

In other sections, the nomination file sometimes represents the community concerned as the NGO (e.g. Section 4.d) and sometimes as the Afro-Hispanic community (e.g. Section 1). It is important to maintain coherence in identifying the community that figures into the nomination at different points, to avoid the situation when it seems that a new or different community is invoked with each turn of a page.[[80]](#footnote-80)

### D. Geographic location and range

The geographical description of the landscape, such as transport mechanisms, vegetation and climate, is not relevant in this part of the file. (It would only be relevant, if at all, under the description, where a special case is made for the influence of the environment on the element.)

More information is required about the country and region in question (these are not even named in this section), and about the geographical range of communities and groups such as the fonabal ‘masters’. It is not clear as to whether the community concerned share their region with other groups, nor whether fonabal is also practised in other provinces. Such information would help in defining the scope of the element: the first challenge for each submitting State is to determine the ‘right’ scale or scope of an element – ‘right’, that is, *for the purpose of nomination and inscription.*[[81]](#footnote-81)

### E. Domains

No comments required.

### F. Contact person

The contact person can legitimately be the CEO of Fonabal First NGO if they have been mandated as such by the State Party and the communities concerned. However, this does not seem to be the case given the information in the remainder of the file.

### 1. Identification and definition of the element

Some of the information given is irrelevant and misleading; the minimum word count of 750 words has not been reached. There is far too much technical detail provided in this section, which detracts from the quality of the file. It is crucial to provide information on social and cultural functions of the element. A judicious balance needs to be found in the nomination so that readers know both what the element is and how it functions within its community; describing only one without the other is not sufficient.[[82]](#footnote-82)

The initial nomination file mentions the ‘triple historical, anthropological and socio-cultural value’ of the element for musicologists. Expert or outsider judgments of value are not dismissed. However, it is not value to researchers that justifies safeguarding an element (the idea of an ‘important case study’), but the value to the communities or groups concerned (i.e. those who practise and transmit an element, and consider it to be part of their heritage).

The claim that the element is not ‘authentically African’ is irrelevant. The Convention does not use historical accuracy or ‘authenticity’ as a measure of the value of an element to the communities concerned. Elements may well change over time and different variations, improvisations and interpretations may exist. The Convention is not concerned with the question of how ‘original’ or ‘authentic’ an element is or what its ‘ideal’ form should be, rather what matters is how an element figures in the lives of its practitioners today.[[83]](#footnote-83)

The description of the element in the initial nomination places too much focus on the broader context of Africa and the fonabal in general, and on the technical features of the instrument itself. It should be a description not of the musical instrument and its history and characteristics, but a description of the element nominated, that is, the music, dances and chants as performed within the rituals and festivities of the community concerned. Elements need to be adequately described in their complexity, rather than focusing on one part of the element, for example, presenting a dance without its musical components.[[84]](#footnote-84)

More specific detail on the practice and transmission of the element is therefore required. It would also be important to know what music is played, on what instruments, what is sung, when, by whom and in what contexts. The description should also discuss the significance of the element to that community, and confirm that it is considered part of their cultural heritage. It is essential that the communities be well defined to include not only those involved directly in the enactment and transmission of expressions and practices of intangible cultural heritage but also the larger population involved in appreciating, observing and participating in that heritage – all of those for whom it constitutes a source of identity and continuity.[[85]](#footnote-85)

A detailed description of the communities or individuals involved in fonabal is lacking. It is important to keep in mind that communities are not monolithic and homogeneous, but are stratified by age, gender and other factors.[[86]](#footnote-86) States should describe the diversity of actors and their roles in relation to ICH and the social dynamics that it generates, paying due attention to gender considerations, where relevant.[[87]](#footnote-87)

The description also lacks an indication of whether the practice and transmission of the element is compatible with human rights, mutual respect and environmental sustainability.

### 2. Need for urgent safeguarding (Criterion U.2)

States are encouraged to provide a clear description of the element’s viability, how it is finding expression today and what are its contemporary social functions.[[88]](#footnote-88) It is essential that a clear analysis of the situation (needs assessment, the definition of threats, gap analysis, etc.) establish the rationale and justification for a specific set of safeguarding measures that respond to the situation.[[89]](#footnote-89)

Do people in the community or group want to continue practising and transmitting the element? Are they able to continue doing so, or is anything (e.g. access to materials or sites, threats) preventing them from doing so? The viability of the element does not mean its commercial viability for new audiences or its viability as a research topic, as the initial nomination says, but the likelihood of its continued enactment and transmission by the communities and groups concerned. It is not appropriate as a safeguarding measure to suggest developing new audiences for an element if this is prioritized above the development of audiences among the community concerned.

The initial nomination started by defining the element incorrectly and so cannot be other than unsatisfactory when it comes to speaking about the viability of the element. It focuses only on the music, whereas the chants and the ritual context are also critically important. It also focuses on experts (e.g. on the lack of knowledge of the element by musicologists). Expert knowledge and involvement will not necessarily safeguard the element (although it may assist a community in doing so). In fact, ICH traditions and expressions have thrived for thousands of years without external ‘experts’.

The main threat to the element seems to be decreased practice of the element by young Afro-Hispanic people who now live in cities. Urbanization is mentioned, but not discussed in sufficient detail as a threat to the viability of the element in this section.

One additional threat to the element is the condescending attitude towards the community concerned adopted by those who prepared the nomination file – note how this tone changes in the final nomination file, which must have resulted from a broader change in attitude or staff at the NGO, Fonabal First.

Overall, one needs convincing evidence that the element remains sufficiently viable. While elements are expected to evolve over time, it is important to provide a clear and consistent picture of the viability of the element and the need of safeguarding it. It is necessary to strike the proper balance to demonstrate that an element is facing serious threats but nevertheless remains sufficiently viable to be safeguarded.[[90]](#footnote-90)

The minimum word count of 750 words has not been reached in either the initial or the final versions of the nomination file. The final version has been kept short to reduce the amount of reading required.

### 3. Safeguarding measures (Criterion U.3)

3.a. Past and current efforts to safeguard the element

The measures mentioned in this section must have been completed or be still underway; research and promotional activities discussed in the initial nomination file do not seem to have been started, they are simply intentions. The will and commitment of the different stakeholders should be evident in the nomination and demonstrated, at a minimum, by their previous safeguarding efforts.[[91]](#footnote-91)

The measures mentioned or proposed are also not very suitable for ensuring the safeguarding of the element. The measures are research driven and aimed purely at commercialization; in this process, the interests and opinions of the practitioners and other community members seem to have been ignored. The planned measures do not seem to involve the community concerned at all or to have been discussed with them. It is crucial to safeguard the social functions so that the element continues to provide a sense of belonging and continuity to the communities concerned. It is also important to avoid possible de-contextualization when performances are oriented for commercial purposes, overwhelming their character as ICH.[[92]](#footnote-92)

Research is useful, but to aid in safeguarding it should be executed in specific ways. It should not focus on only one aspect of the element (the music), but also cover the associated songs and dances, and the contexts in which they are performed by the community concerned. Safeguarding measures should encourage the continued enactment and transmission of the element, primarily within the context of the community or group concerned. Encouraging the performance of the element by professional musicians from other communities might be considered awareness-raising for visibility of the element, but it does not constitute safeguarding. Selling the music by ‘freezing’ it in some form considered ‘authentic’ by academic researchers, or changing it to suit the needs of the market, as suggested in the initial nomination, is not a safeguarding measure, and might even threaten the element’s viability.

The notion of authenticity is not appropriate to ICH under the Convention, as discussed above. (See also the note under ‘Authenticity’ in the Unit 3 Participant’s text).

3.b. Safeguarding plan proposed

These measures cannot be characterized as safeguarding measures in the sense of the 2003 Convention, and it is unfortunate that the State Party concerned has promised to support them by funding the NGO.

The initial file does not specify the specific financial commitment of the State in this regard (e.g. there is no reference to a budget).

The information given in this section is more appropriate to a vision or mission for the NGO than a safeguarding plan for the element. While the important work of the NGO Fonabal First might be part of a safeguarding plan, there is too much emphasis on the work of this NGO, which is aimed more broadly at promoting artistic entrepreneurship, rather than on the safeguarding of the element. Rather, there is a need to detail specific measures that address specific threats, rather than generic measures aimed at generic threats[[93]](#footnote-93) for a certain period of time after inscription.[[94]](#footnote-94)

Safeguarding measures are proposed but no details about timetables and line item budgets are provided. States are encouraged to develop sustainable safeguarding plans with more focused activities, feasible timelines and clearly identified sources of the budget.[[95]](#footnote-95)

The safeguarding measures proposed are also inappropriate: they place undue emphasis on the performance of the music in new contexts (e.g. world music festivals). It is also important to cover the entire element and not just certain aspects of it.[[96]](#footnote-96)

They promote the idea of developing Fonabal music into a different type of music, without prior consultation with, or the permission of, the tradition bearers themselves. This approach goes against the idea that communities should be involved in, and agree to, safeguarding measures mentioned in the nomination file (OD 1, U3 and U4), and that misappropriation of ICH should be avoided (OD 117). It is also contrary to the spirit of the Convention: continued enactment and transmission by and within the community is what safeguarding is about in the first place. Encouraging new performance contexts like those suggested is only appropriate as a safeguarding measure where the traditional modes of enactment are no longer viable or acceptable to the community concerned, and should in most cases be used in a limited way for raising awareness.

The safeguarding measures should ensure that transmission of the element at the traditional music schools and its performance at traditional music festivals does not focus unduly on the musical aspect of the element, or separate the music and chanting from the context of the community celebration or wake. More attention should be focused on ways of encouraging the element’s continued performance in community wakes, religious celebrations and parties, especially in cities where its viability is threatened, and on the transmission to Afro-Hispanic youth.

The initial nomination file wrongly assumes that the nomination file automatically constitutes an application for international assistance from the Fund of the Convention. The inscription on the Urgent Safeguarding List does not necessarily entail that international assistance will be available to support proposed safeguarding measures and that the latter is subject to its own separate application and examination procedures.

The proposed safeguarding measures are also problematic with regard to the actors to be involved, with much emphasis placed on the NGO Fonabal First. Yet the Committee reiterated the value of involving diverse actors who have a stake in safeguarding to maximize the effectiveness of the measures planned and encouraged by States Parties. It is important to mobilize and integrate a diverse range of actors including those outside the culture sector when designing safeguarding measures to ensure their effectiveness and sustainability.[[97]](#footnote-97)

Essential to this perspective, safeguarding measures need to be developed and implemented with the participation and consent of the community concerned including, where necessary, capacity-building strategies. States need to put the concerned at the centre of all safeguarding measures and plans, to avoid top-down approaches and to identify solutions that emerge from the communities themselves’.[[98]](#footnote-98)

Safeguarding strategies should demonstrate that capacity building and knowledge transfer towards the communities are part and parcel of such measures so that the communities concerned can take ownership of the safeguarding process and continue it, even after the experts, government officials or non-governmental organizations have left. Safeguarding strategies should also include mobilization, awareness-raising and educational activities involving youth.[[99]](#footnote-99)

Participation across gender and age groups is an important issue to consider in the practice, transmission and safeguarding of any element. It should also, if necessary, be taken into account when the consent of a community concerned is sought. States are encouraged to address the participation of women, children and youth in the elaboration of nominations as well as in the implementation of safeguarding measures, giving particular attention to the transmission of ICH from generation to generation and to raising awareness of its significance.[[100]](#footnote-100)

Any measures proposed in a nomination file should have been developed together with the community concerned and approved by them, and by any special groups within the community (such as the maestros in this file); this does not seem to be the case. Research and performance of the music is apparently to be undertaken by professional researchers and musicians, not by community members; no capacity-building activities are foreseen. This is not to say that introduction of more formal modes of transmission or professionalization of the practice within the community would necessarily have a negative impact on the viability of the element. Formalization and even the institutionalization of transmission of an element are often part of the evolution of ICH and its constant recreation.[[101]](#footnote-101) However, it is also important to find an appropriate balance between reinforcing traditional modes of transmission and supplementing them with new modes.[[102]](#footnote-102)

The minimum word count of 1,000 words is not met in the initial nomination file - the entry is extremely short on detail and content.

The nomination in its initial version does not provide any safeguarding plan that would clearly state objective(s) and concrete results. A coherent, detailed timetable is also missing.

3.c. Competent bodies

The NGO can be listed as a competent body to represent the community or to coordinate safeguarding actions if mandated by the community concerned; the safeguarding itself cannot be undertaken without the community concerned being committed and involved. This seems unlikely given the almost total lack of evidence that the community concerned actually participated in the nomination process as described in this initial version.

### 4. Community participation and consent (Criterion U.4)

4.a. Participation of communities, groups and individuals

The communities whose ICH is concerned are essential participants at all stages of the identification, the inventorying, the preparation, the elaboration and submission of nominations, in the promotion of visibility of ICH and awareness of its significance and in the implementation of safeguarding measures.[[103]](#footnote-103)

A satisfactory file should say who participated in the development of the nomination from the communities and groups concerned, and when and how they contributed to the nomination. Details of when meetings were held, and where they were held should be provided. Where consultation took place, details are too scanty. States also need to be as precise as possible and to avoid grandiose generalizations such as ‘all the people’, ‘all the institutions’ when referring to the involvement of bearers and communities.[[104]](#footnote-104)

4.b. Free, prior and informed consent

The initial nomination file should provide details about who was consulted, when and in what context, whether community representatives consented to the specific nomination, and how evidence of this consent is provided in the nomination (e.g. a letter appended to the nomination, an audio recording or video, etc.). More information could be provided about the identification of the communities, groups or individuals giving consent.[[105]](#footnote-105) Here it is important to demonstrate in what way the people providing consent are indeed representatives of the community, and how its diverse segments of the latter are represented.[[106]](#footnote-106) In certain cases, an official or another person is an appropriate spokesperson mandated by the community, but in other cases, this might not be the case.[[107]](#footnote-107) More information is required to understand the role of the ‘local administrative office’ mentioned in the nomination.

Informing communities through the media may be part of a process of obtaining community consent from them, especially from large communities as in this case. However, this process seems to have been undertaken with no prior consultations and no follow up. It does not constitute proper consultation and did not involve a process of consent. No credible evidence of community consent is attached (a few letters from individual community members to a newspaper and a few standard forms will not suffice). Communities should be given the opportunity to express themselves in their own ways, which are reflective of the diversity and dynamics of intangible cultural heritage.[[108]](#footnote-108)

Consent has to be part of the early stages of elaborating a nomination and not something left to the last minute when consent may either be treated simply as a formality rather than a matter of substance, or it may take on a tinge of coercion. The consent indeed needs to be free, prior and informed as established in criterion U.4 and is not something to be obtained retroactively.[[109]](#footnote-109)

4.c. Respect for customary practices regarding access

Respect for customary practices regarding access to an element is required by the Convention to ensure that sensitivities of communities concerning their ICH are respected (Article 13(d)(ii)). When working on ICH in a State that is a party to the Convention, researchers do not have the right to publish information about ICH that the tradition bearers concerned do not wish to be published. In many cases, respecting community secrets helps maintain the conditions for its continued enactment and transmission. In this case, respecting secrets of performance and instrument-making can help to ensure that teachers and instrument makers maintain their livelihoods. Their secrets will not die with them if they have identified apprentices and students (currently the transmission of these skills does not seem to be a problem).

Although the file under 4.c starts to speak about ‘practices related to fonabal music’, it again concentrates on the music and does not discuss access to the rituals at which the fonabal music is performed.

The degree of community participation and consent is, at best, unclear. The suggestion that male performers are ‘advised’ to divulge their knowledge goes against the spirit of the Convention. The participation of the communities is all the more important when it is a matter of ensuring that safeguarding measures fully respect any customary practices governing access to specific aspects of ICH.[[110]](#footnote-110) Respecting such practices is a fundamental principle of the Convention.[[111]](#footnote-111)

4.d. Concerned community organization(s) or representative(s)

The NGO cannot represent the community unless it is mandated by the community to do so.

### 5. Inclusion on an inventory (Criterion U.5)

Section 5 of the initial nomination and the inventory extract taken together provide too few details on on inclusion on an inventory. They should state when the element was included on which national or local inventory, how the communities concerned participated in the identification and definition of the element, what its number or name on that inventory is, who manages the inventory, and how often it is updated.

Including new elements in an inventory is not the same as updating the information contained in an inventory about a specific element whose status may have changed over time.[[112]](#footnote-112) The inventories prepared by states are meant to represent the ICH in their territory; they are not meant to be ‘preliminary lists’ or waiting lists for elements that will one day be submitted for inscription on one of the Lists of the Convention.

### 6. Documentation

The documentation should focus on the element, not on a specific organization; some of the photos do not represent the element, but instead the activities of the NGO. Some of the photographs are irrelevant. Only ten photos are permitted in this section of the nomination, and the video has to be 10 minutes in length, however many domains are covered by the element. Supplementary documentation may include more audiovisual material.

All required documentation has to accompany the nomination. In some cases, the Secretariat may ask for further information before a fixed deadline. Files that do not comply with key minimum requirements will not be submitted for evaluation or examination (see General Comments on Forms ICH-01 and 02 in Unit 40).

The NGO seems to want to use the information kit to influence the Committee. States have tried approaches similar to that used here; they have not been successful. Producing a good nomination file for an appropriate element is the only way of effecting an inscription on the Lists of the Convention.

### 7. Signature

The Fonabal First CEO is not an ‘*official empowered to sign* [the nomination file] *on behalf of the State Party*’.

1. the storytelling nomination

This nomination file focuses on the importance of having safeguarding activities address threats that impair the continued practice of an element by the communities concerned. It would be a good example to use where there is a need to explore balanced roles for researchers and the State in assisting communities to safeguard their ICH. There could also be a discussion of how to determine what constitutes an appropriate and inappropriate change in the practice of ICH (touching on the issue of authenticity).

The initial version of this nomination file is far from perfect. It seems to have been drafted by researchers at the Capital University without paying due attention to the indications on the nomination form and the requirements as laid down in the Convention and its ODs. Although based on some good documentation work, its many weaknesses include: (i) incorrect identification of the ‘community concerned’ (and an inappropriate focus only on male Giriyati), (ii) exaggerated status and roles for researchers and their work, (iii) insufficient respect for, consultation with and involvement of the appropriate community concerned, and (iv) an inappropriate focus on the stories themselves rather than on the skills needed to perform them. Also, inappropriate actions are planned to safeguard the element.

Participants could imagine that if such a file was submitted to the Secretariat of the Convention the following events might occur:

* The Secretariat would notice that the file was not signed by an official of the submitting State and would contact the delegation at UNESCO of the State concerned.
* If the State Party endorses the initial nomination and asks the Secretariat to process it without substantial improvement, the Evaluation Body would have many questions concerning involvement of a broader group of practitioners and audiences, missing information, incorrect terminology and documentation, and consequently, would most probably result in a negative recommendation.
* If the State concerned disagrees with the submission of the file, as they might in this case, they might simply ask the Secretariat to ignore the submission and ask some institution, or the Department of Culture to work with the communities concerned to develop an improved nomination file for the same element.
* The file was resubmitted several years later. The State in question took a wise decision as the second version (i.e. the final sample nomination) stands a better chance of being given a positive recommendation by the Evaluation Body.

### Notes on specific sections

### B. Name of element

*Name of the element in English or French (B.1)*: It is the skills and knowledge of the storytellers, rather than the stories themselves that constitute an intangible heritage element, so the title in the initial nomination should resemble ‘the skills or art of the Giriyati’ or ‘Mashriq storytelling’, as in the final nomination file.

By repeating the name of the State Party in the titles, there is ‘unnecessary reference to specific countries or adjectives of nationality that may inadvertently provoke sentiments contrary to the Convention’s principle of international cooperation’.[[113]](#footnote-113) This might also lead to the impression that the submitting State is ‘focused on its own population or only on the community concerned, and not oriented towards the wider visibility of the element or of intangible heritage in general’.[[114]](#footnote-114)

The use of different names in various locations in this file (such as ‘traditional Mashriq story’, ‘traditional Mashriq storytelling’ or ‘Mashriq storytelling’) might also undermine efforts ‘to provide a convincing demonstration that the criteria for inscription had been fully satisfied’.[[115]](#footnote-115)

### C. Communities, groups and individuals concerned

This entry in the initial nomination form is too long and contains much extraneous information.

The community concerned is not identified correctly: it consists in the first place of (all) the Giriyati storytellers and their audiences. Where the Giriyati (the storytellers) are referred to, too little information is given about storytellers other than those who have been involved in the research exercise. Clearer information could be given about the internal segments or sub-groups within the community.[[116]](#footnote-116) Women storytellers, elderly men, and other Giriyati who have not been working with the researchers should have been included. It is important to keep in mind that communities are not monolithic and homogeneous, but are stratified by age, gender and other factors.[[117]](#footnote-117) The role of coffee house owners is not mentioned at all.

Audiences for the storytelling in coffee houses and private homes (i.e. the general public in the region) are also members of the community concerned and part of ‘the larger population involved in appreciating, observing and participating in that heritage – all of those for whom it constitutes a source of identity and continuity’. Researchers, while no doubt a knowledgeable subgroup of this audience in some cases, do not form part of the Giriyati community (or group) and cannot be considered to represent it by virtue of their expertise in this area.

The initial nomination introduces the idea (totally out of place in this section) that the ‘purest form of the art’, presumably as defined by the researchers, is the only form worthy of consideration (and nomination). It refers to the idea that only a ‘historically authentic’ form of the art should be safeguarded and promoted.

The Convention does not use historical accuracy or ‘authenticity’ as a measure of the value of an element to the communities concerned. Elements may well change over time and different variations, improvisations and interpretations may exist. The Convention is not concerned with the question of how ‘original’ or ‘authentic’ an element is or what its ‘ideal’ form should be, rather what matters is how an element figures in the lives of its practitioners today.[[118]](#footnote-118)

It is the value of the stories to the Giriyati and their audiences, not to researchers that should matter in the development of this nomination file, and in the development of safeguarding measures for the art of the Giriyati.

The file and the researchers also focus on only one aspect of the storytelling tradition – performance in coffee houses and how this can be ‘improved’ through professional performance in the theatre – while ignoring other performance styles in private homes and by women.

Information about researchers and their research is out of place in this section.

### D. Geographic location and range

The entry in the initial file does not explain where storytelling is performed within Alwadi (Section C explains that it is most common in the Eastern Provinces). The entry also contains extraneous information about research activity at the Capital University. Most of the information in this section should be placed elsewhere in the file or indeed be removed.

The comments on the existence and viability of storytelling in other countries are not appropriate in the nomination file. Nominations to the Urgent Safeguarding List should concentrate on the situation of the element within the territory(ies) of the submitting State(s), while acknowledging the existence of same or similar elements outside its(their) territory(ies). States are also discouraged to refer to the viability of such ICH outside of their territories or characterize the safeguarding efforts of other states.[[119]](#footnote-119)

Saying that one’s own country’s researchers are better than those in neighbouring countries would not contribute to international cooperation, one of the aims of the Convention. In any case, the viability of the element is not necessarily linked to the quality of associated research, but to good conditions for continued practice and transmission thereof. Millions of ICH elements have developed and disappeared or survived the centuries without ever being studied.

The language used when mentioning differences and competitions between nations and communities, and – *a fortiori* – when mentioning wars and other conflicts, must, therefore, be used with great care. The requirement of mutual respect among communities is fundamental to the Convention and inscriptions on the Lists of the Convention should ‘encourage dialogue which respects cultural diversity’.[[120]](#footnote-120) Nominations should, therefore, avoid inappropriate expressions or vocabulary that are not in line with the spirit of the Convention or may provoke misunderstanding among communities and affect mutual respect.[[121]](#footnote-121)

### E. Domains

The nomination could include oral traditions and expressions as a domain. Research and documentation, and formal transmission are safeguarding measures, not domains.

### F. Contact person for correspondence

This person, who must be a busy man given his job description and all the tasks allocated to him in the file, would need to have been officially mandated by the State and by the communities concerned to act as a contact person for the nomination file. He would need to represent the interests of the communities concerned, and not only those of researchers and research. It is not a good sign that this person also wrote the only publication referred to in Section 6. In Section 7 the same person signs for the submission of the file by the State. Does he have the mandate to do so?

### 1. Identification and definition of the element

The initial nomination places too much focus on the stories rather than on the skills for storytelling in the manner the storytellers and their audiences prefer. It also places too much focus on the identification of ‘authentic’ versions of the stories by researchers. The focus on technical characteristics without sufficient attention paid to social and cultural functions of the element is a common problem in nomination files. A judicious balance needs to be found in the nomination so that readers know both what an element is and how it functions within its community; describing only one without the other is not sufficient.[[122]](#footnote-122)

Information regarding methods of transmitting the stories to apprentices is given in Section 2, but belongs in Section 1.

As mentioned in relation to section D, references to ‘tales of warfare and victory over the inhabitants of countries Salem and Amal’ as a characteristic of the element make the nomination problematic. This is because an element that is said to represent the conflict between States, once inscribed, might raise problems between the countries or communities involved. It cannot easily be used to promote mutual respect and understanding between the countries concerned. It is important to remember that proposals of elements containing references to war or conflict or specific historical events, the nomination file should be elaborated with utmost care, in order to avoid provoking misunderstanding among communities in any way, with a view to encouraging dialogue and mutual respect among communities, groups and individuals.[[123]](#footnote-123) Nominations should avoid formulations that could give rise inadvertently to competitive feelings among communities or countries. States should try to anticipate possible sensitivities of other communities around the world and to take the utmost care in preparing the text of the nomination.[[124]](#footnote-124)

The file does not seem to consider female storytellers (introduced in Section C and mentioned again in Section 1) to be a relevant group, stating that ‘little is known about them’. If such is the case, then investigations should be undertaken. Since women are also performing and transmitting the element, their art needs to be taken into account, and they should be involved in the preparation of the nomination file.

The idea that ‘Mashriq storytelling is now best appreciated by those with cultivated taste’ and that for this reason only the classical, historically ‘authentic’ versions of the element should be safeguarded, is patronizing. This opinion, held by researchers, is not in the spirit of the Convention. The continued popularity of the vernacular storytelling tradition in the Eastern Provinces is a testimony to its continued value to the Giriyati and their audiences in coffee houses and other venues.

Audience participation seems to be an important aspect of this element, and if it is deemed ‘inappropriate’ in the National Theatre then perhaps this is not a good venue for its practice.

It is imperative to safeguard the social functions of an element so that it continues to provide a sense of belonging and continuity to the communities concerned. It is necessary to be cautious about possible de-contextualization when performances are oriented for commercial purposes, overwhelming their character as ICH.[[125]](#footnote-125)

The value of the element to the community or group concerned should thus be the priority, but the initial nomination focuses too much on the value of the storytelling in terms of expert judgments on aesthetics and scientific value. Changes in the stories over time are not necessarily detrimental; in fact, change is a normal part of the process of living heritage recreation. The Convention wishes to encourage the idea that elements should naturally change over time and would not require a return to earlier versions of the stories.

The nomination file needs to demonstrate that the element is not incompatible with the requirements of international human rights instruments and environmental sustainability. It does not address this issue.

The last paragraph belongs to the section on safeguarding measures.

### 2. Need for urgent safeguarding (Criterion U.2)

Ensuring the viability of the element (i.e. storytelling, not the stories as such) involves determining its state of viability, defining threats and risks (if any), and ensuring that the conditions exist for continued enactment and transmission of the element by the communities and groups concerned. Nominations need to contain a clear description of the viability of an element, how it is finding expression today and what are its contemporary social functions.[[126]](#footnote-126)

This section of the initial nomination file describes the decline of the storytelling tradition in coffee houses. However, the reasons for this decline are not given. The introduction of other forms of entertainment (such as television) in the coffee houses is mentioned elsewhere (Section 1), but is not detailed here. The authors of the file see the decline as unavoidable and a ‘fact of life’; they propose ways of addressing it that may hasten its decline, and blame the problem on the Giriyati themselves, who are stereotyped as not valuing their ICH (or, at least, not valuing it in the academic way that researchers do), and as viewing their role purely as a job. This top-down, patronizing approach is contrary to the spirit of the Convention and does not reflect the opinions of the storytellers themselves.

No mention is made of the increase in the number of women storytellers performing in private homes, mentioned in Section 1, which runs contrary to the decline of the art in coffee houses.

The researchers seem to be appropriating an ICH element while claiming to serve the interest of ICH and the nation as a whole. The file provides no evidence for invoking Mashriq stories and storytelling as a fundamental characteristic of the national identity of the country.

States are not encouraged to use the Convention, or safeguarding policies, for nation-building purposes.[[127]](#footnote-127) All of the States reporting in the first cycle seem to understand ICH as a component of ‘national’ identity, which is an understanding that is absent from the Convention’s text. This vision of ICH can have several negative implications: disregard and potential marginalization of ICH that is considered alien, but also homogenization of cultural diversity at the service of a ‘national’ culture.

The apprenticeship system is said to be ‘breaking down’, but no reasons or figures are given. The Giriyati are criticized for imperfect transmission of the stories themselves. Since the stories are retold in different ways every time, adapted to the audience and the current situation (see Section 1), it is not necessary or desirable for the practice of the element to be based on a strict canon.

Recording stories and protecting them from change will not safeguard the element. Descriptions of safeguarding measures belong in Section 3.

The minimum word count of 750 words has not been reached in either the initial or the final versions of the nomination file. The final version has been kept short to reduce reading loads.

### 3. Safeguarding measures (Criterion U.3)

The initial nomination file is based on very weak community involvement. From the information given in the file in both 3.a and 3.b, the safeguarding strategies seem to be top-down in character and designed by researchers for research outcomes such as publications Only a few Giriyati, who attended the 2009 conference, have been involved.

It is not desirable, or in the spirit of the Convention, for external agencies to design and implement safeguarding measures without community involvement. Without such involvement, which in this case would be difficult to obtain given the measures proposed, safeguarding measures will usually fail.

Safeguarding strategies should demonstrate that capacity building and knowledge transfer towards the communities are part and parcel of such measures so that the communities concerned can take ownership of the safeguarding process and continue it, even after the experts, government officials or non-governmental organizations have left. Safeguarding strategies should also include mobilization, awareness-raising and educational activities involving youth.

3.a. Past and current efforts to safeguard the element

As mentioned above, community involvement is minimal, which is problematic. Information about the research does not seem to be filtering back to the Giriyati, in general, and where information is given to selected storytellers, it appears that they are being told what stories to tell and how to tell them. This is not in the spirit of the Convention, where communities and groups concerned are considered to be stewards of their ICH and the arbiters of its value. Given these problems, it is unlikely that the preparation of this nomination file can be characterized as a safeguarding activity in itself, or as leading to good safeguarding activities.

Threats mentioned in the file should be prioritized and addressed to the extent possible in the safeguarding measures. Various threats to viability were mentioned (although unfortunately not clearly identified) in the previous sections (e.g. the decline of opportunities for performance and the lack of interest among young people, especially men, in becoming apprentices). The measures do not all directly address these threats, however. For example, the analysis of historical documents and the analysis of the themes and motives of the stories is primarily a research task and does not address the problems faced in continued enactment or transmission of the element.

Similarly, access to recorded versions of the Mashriq stories played in schools can result in communities being distanced from their transmission roles, and isolating the element from its context with the risk that ‘when an element has outlived its socio-cultural context and is no longer meaningful to its community, it no longer constitutes intangible cultural heritage as defined in the Convention.’[[128]](#footnote-128)

The documentation projects are not likely to contribute to safeguarding because they focus on the stories rather than on the storytelling practice. Some of the measures undertaken may only distort the element (e.g. changing the language register, developing canonical versions, and promoting the enactment of the element outside its usual context).

Finally, the expected positive effects of the inscription, some of which may not be positive at all, are not substantiated, and possible negative effects are not mentioned.

From this section as well as the remainder of the file it seems that only a few Giriyati were involved in developing the safeguarding measures, which suggests that the nomination process needs to be restarted.

A State register of ‘approved’ NGOs seems to be a contradiction in terms since non-governmental organizations are not supposed to require State approval.

Note: the maximum word count has been exceeded in the final nomination file. Exceeding the maximum word count may prevent the file being evaluated if the situation is not remedied by a fixed deadline.

3.b. Safeguarding plan proposed

The proposed safeguarding measures, which were not developed with a proper analysis of the viability of the element, are problematic and will not contribute to addressing threats to its practice and transmission. They were apparently not developed and will not be implemented with the involvement and consent of the community concerned. It is important to keep in mind that communities need to be placed at the centre of all safeguarding efforts as it is their responsibility and prerogative.[[129]](#footnote-129)

The measures themselves largely consider the community as informants, rather than as ‘key actors in the planning and implementation of safeguarding measures’.[[130]](#footnote-130) This is especially important for the youth, who are absent, an omission that may in all likelihood undermine the sustainability of any safeguarding measures. Children and youth should always feature into plans for ICH safeguarding, since its long-term viability depends on their participation as apprentices, trainees, audience members, and later as practitioners and ultimately as masters.[[131]](#footnote-131) Unsurprisingly, therefore, the ‘appropriate balance between reinforcing traditional modes of transmission and supplementing them with new modes’ has not been found. While the safeguarding of ICH requires transmission from one generation to another, such transmission should necessarily be done in context and communities should not be dispossessed of their own transmission processes.[[132]](#footnote-132)

If the State Party wished to focus on a particular segment of the community (such as the professional Giriyati at the National Theatre), then it would have needed to ‘justify as fully as possible the choice of a particular segment of a larger population as the focus of its safeguarding efforts’.[[133]](#footnote-133)

The file says, ‘the viability of the stories depends on the (often inaccurate) memory of the storytellers and their apprentices’. The viability of the element (i.e. storytelling, not the stories themselves) depends, however, on their continued relevance to audiences and storytellers, so the memories of storytellers are perhaps less important than their ability to adapt the stories (assisted by their notebooks) to the current audiences and events of the day. Giving storytellers authorized texts will, thus, not contribute to the viability of the element, and in fact, by taking agency away from the Giriyati and removing their notebooks of stories copied from their masters, will probably threaten its continued practice and transmission.

The pension arrangement is only intended for (full-time) professional Giriyati in the National Theatre who contribute to the safeguarding of Mashriq stories as advocated in this nomination, not for all Giriyati who are the enactors of Mashriq storytelling as living heritage. This arrangement is quite likely to cause dissatisfaction and disunity within the Giriyati group and thus does not constitute a good safeguarding measure.

Removing the props and notebooks from the care of the Giriyati and placing them in museums will similarly threaten the viability of the element. Replacing Giriyati with professional performers who perform in a theatre, or a model of a coffee house, or in historical monuments, will compound the loss of performance opportunities for them and will create staged performances with a different meaning to audiences and performers. It does not, therefore, contribute to the viability of the element. The approach taken here could result in de-contextualization of the element. It is important to keep in mind that measures such as income generation, remuneration to tradition bearers or expansion of audiences can only be considered as safeguarding measures if they are aimed, from their conception to their implementation, to contribute directly to ensuring the viability of the ICH in question’.[[134]](#footnote-134) It is therefore not clear that the State Party proposes ‘to take measures to adequately manage commercialization, to mitigate its possible negative impacts and to avoid de-contextualization of the element for the purpose of tourism’.[[135]](#footnote-135) The proposals made here indicate that researchers and authorities may also misappropriate the element, by removing it from the stewardship of the Giriyati.

Once more appropriate measures have replaced those proposed here, one would need the names of agencies responsible for each activity, as well as timetables and budgets, and a detailed overview of support from the State Party for the proposed safeguarding measures. Making an application for project funding under the Cultural Diversity Convention is inappropriate here, because, on the one hand, this Convention (2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions) does not deal with intangible cultural heritage as such, and on the other, this section should contain measures for which funding has already been secured. States need to develop sustainable safeguarding plans with more focused activities, feasible timelines and clearly identified sources of budget.[[136]](#footnote-136) The file should explain how the safeguarding measures address the specific threats or needs identified in the file and achieve the safeguarding objectives.[[137]](#footnote-137)

The nomination in its initial version does not provide any safeguarding plan that would clearly state objective(s), concrete results, key activities to be carried out. It does not include a timetable and information on funds either.

3. c. Competent body(ies) involved in safeguarding

The competent body involved in safeguarding should be mandated as such by the communities and groups concerned. In this case, the researchers do not seem to have consulted widely enough to gain such a mandate: no mention of such a mandate is made anywhere in the file.

### 4. Community participation and consent (Criterion U.4)

4.a. Participation of communities, groups and individuals concerned in the nomination process

A satisfactory file should say who took the initiative, who participated in the development of the nomination, and when and how the communities and groups concerned contributed to the nomination. Details of when and where meetings were held should be provided. Any consultation and involvement of community representatives and organizations, other organizations, experts and officials should be mentioned.

Documentation of the participation of relevant communities and groups (i.e. the Giriyati, both men and women, and their audiences) is insufficient. It is important to remember that the communities whose ICH is concerned are essential participants at all stages of the identification, the inventorying, the preparation, the elaboration and submission of nominations, in the promotion of visibility of ICH and awareness of its significance and in the implementation of safeguarding measures.[[138]](#footnote-138)

Where representatives are mentioned, the evidence is needed to ascertain whose group or community they represent and how they derive their legitimacy. It is important to ensure that diverse segments of the community are represented and not a single entity or institution alone.[[139]](#footnote-139)

Had the communities, groups and individuals concerned been informed about the Convention and its regulations, the purpose of nominating an element to the USL, possibilities for safeguarding living heritage, their right to be involved, and had they indeed been properly involved, one could imagine that totally different safeguarding measures would have been proposed.

4.b. Free, prior and informed consent to the nomination

Consent of the community means that

* the community as a whole, or at least their representatives, were informed about the Convention and the possible implications of nomination to the Lists of the Convention;
* they were given time to discuss possible inscription of the element among themselves; and
* that they were then invited to discuss the content of the file, and to express their approval (or not) before submission.

This is relatively easy if the community concerned, or at least people that genuinely represent them, have been involved from the very beginning in drawing up the nomination file. None of this seems to have taken place.

In this case, furthermore, the community appears to have confirmed the importance of the element, rather than to consenting to its nomination. It is important to keep in mind that free, prior and informed consent above all means consent to the nomination of the element, as formulated in the file, instead of support for the element itself, its merits and/or its recognition by the international community.[[140]](#footnote-140)

More information could be provided about the identification of the communities, groups or individuals giving consent.[[141]](#footnote-141) Participants in the workshop should ask why only five Giriyati have been chosen – by whom is not clear – to give their consent, since they do not seem to have been mandated as representatives of the whole group; they were simply present at the 2009 Conference.

The range of evidence provided is also narrow. States are encouraged to provide a wide range of evidence to demonstrate the free, prior and informed consent of communities.[[142]](#footnote-142) While doing this, it is also crucial to ensure that women’s voices are heard in the process of elaborating files, that they have a central role in the design and implementation of safeguarding measures, and that they are fully represented among those providing consent.[[143]](#footnote-143)

4.c. Respect for customary practices governing access to the element

The initial nomination file shows little respect for any customary restrictions that might exist on access to the element. If the informal notebooks are normally kept private, this should be respected and the issue discussed with the Giriyati: it is they, not the authors of the nomination file, who have the right to change this practice. States need to provide more information on customary restrictions on access to specific aspects of intangible cultural heritage, as a crucial dimension of the element’s viability, the proposed safeguarding measures and the free, prior and informed consent of the community.[[144]](#footnote-144)

Restrictions on access to the practice of female Giriyati is mentioned here and should be respected, but more effort should have been made in the nomination process to elucidate ideas from them about how to support their continued practice without invading their privacy. One is left with the impression that the authors of the file are ignoring the female practitioners or taking them for granted – rather than trying to assist them by respecting their secrecy.

4.d. Concerned community organization(s) or representative(s)

One would expect to find here the name and address of an organization mandated to represent the storytellers and, if possible, their audience. The three researchers listed here have no obvious mandate from the storytellers to represent them.

### 5. Inclusion on an inventory (Criterion U.5)

Evidence for inclusion on an inventory apparently cannot be provided, as the element was not yet included. If it was already inventoried, and this is a criterion for its inscription, the file would need to include more details about the inventorying process, its regular update and the participation and consent of the communities concerned. It is important to keep in mind that inventorying is not a mere technicality, but a substantial obligation of submitting states – and a prerequisite for nomination.[[145]](#footnote-145)

Furthermore, note the emphasis on inventorying the stories rather than the storytelling practice.

### 6. Documentation

In the required documentation there are too many photos and too long a video. The subject of the photos is inappropriate, focusing on historical detail, museum exhibits and researchers, rather than on the practice of storytelling. The video focuses on the differences between the classical and vernacular tradition and seems to be denigrating the latter, which is not in the spirit of the Convention. It is important to keep in mind that the description of the element presented in the audiovisual materials and the information included in the nomination form need to be close and coherent.[[146]](#footnote-146)

In the case of nominations involving oral traditions, states are encouraged to provide a translation of lyrics and verse to achieve greater overall audience understanding.[[147]](#footnote-147)

Regarding the cession of rights, all required documentation has to accompany the nomination; the Secretariat of the Convention, after having executed a technical examination is expected to request submitting States Parties to send in missing information. Nomination files that are incomplete before a fixed deadline will be eliminated from the procedure of the round in question.

### 7. Signature

The nomination file has to be signed by an official representing the State Party, not by a researcher.

1. the irrigators’ council nomination

The initial version of this nomination file is far from perfect. Its weaknesses include:

* the failure of the Tourism Office and its Director (designated, respectively, as the body involved in safeguarding and signing the nomination file on behalf of the State Party and the main contact person) to consult or even involve the communities concerned in developing the file;
* references to the wrong ‘communities concerned’;
* over-emphasis on the historical background of the element; and
* inappropriate actions taken to safeguard the element.

The initial file contains many unsubstantiated claims that weaken the file considerably. The facilitator should point this out to the participants in the workshop.

The element itself is complicated: it covers not only the Council of Irrigators (a social practice) but also the knowledge and skills of the farmers required for operating and maintaining the irrigation system.

Participants could imagine that if such a file was submitted to the Secretariat of the Convention the following events might take place:

* The Secretariat would notice that the file was not signed by an official of the submitting State and would contact the delegation at UNESCO of the state concerned.
* Should the State Party endorse the initial nomination and ask the Secretariat to process it without substantial improvement, the further evaluation by the Evaluation Body would lead to many questions and, consequently, would most probably result in a negative recommendation.
* If the submitting State disagrees with the submission of the file, as they might, in this case, they might simply ask the Secretariat to ignore the submission and inform the Tourism Office to this effect.
* The State Party could ask more appropriate institutions to develop a new nomination file for the same element, with better involvement of the community concerned, with better descriptions of the element (including a better name) and more appropriate proposals for safeguarding measures. This is apparently what happened.

### Notes on specific sections

### B. Name of element

*Name of the element in English or French (B.1)*: The English or French name should be given under B.1 and the name in the language of the community concerned under B.2. The initial file gives an English name under B.1 and, indicated in square brackets, a version of the name in the language of Scovania, which is incorrect as the name in the language of the community has to be put under B.2.

The name given in the initial nomination is also too vague; it needs to be more descriptive of the actual element, as in the final nomination.

The scope of this nomination could have been much wider since, apparently, there are other, similar courts in Scovania. However, a decision has been made to nominate only this Council. The submitting State Party should not plan to nominate this element as the first of a series of closely related elements being nominated, however. States are not encouraged to make numerous different nominations of similar elements or to submit nominations that are overly general and all-inclusive or similar to elements already inscribed on the Representative List.[[148]](#footnote-148)

Therefore, if the activities of similar courts are to be nominated in future, changing the name of the element at this stage to accommodate future broadening of the inscribed element would be the preferred approach.

Note, however, that in the final nomination the submitting State has still elected to mention the Farmers’ or Irrigators’ Council of Galacia in the name. The Committee may decide to inscribe this element based on the final version of the file. The State Party may later wish to nominate similar elements to the List. If this is likely to be the case, the Committee could recommend that the State Party change the name of the element as first inscribed so it does not specifically refer to the Council in Galacia. The facilitator could make this remark when the final file is evaluated.

Another issue that could be raised in relation to the name of the element in the final nomination is the emphasis on the mediation practices of the Council (falling under the domain of *social practices*). The name in the final version is ‘Customary Mediation by Irrigating Farmers in Scovania: the Irrigators’ Council of Galacia’.

Participants might note that although this is better than simply naming the element after ‘the Irrigators’ Council’ specifically or ‘Irrigators’ courts’ in general, it does still mainly refer to the mediation work of the Council and not, for example, to its role in organizing canal maintenance. The participants could be asked to think of a more inclusive name.

### C. Communities, groups and individuals concerned

The definition of the community concerned (‘People in the region of Galacia’) is too vague in the first instance and incorrect in the second instance (‘the townspeople of the capital city’). The farmers using the canals and working in the area covered by the jurisdiction of the Council constitute the community concerned. The Council members are elected by and from within the irrigating farmers and may be considered as a special ‘group’ within this ‘community’. Clearer information could be given about the internal segments or sub-groups within the community including the involvement of women and youth.[[149]](#footnote-149) A sense of the numbers of people concerned should also be given.

There is too much historical detail in this paragraph (information on Roman, Greek knowledge, etc. is not very useful here). Sentences like ‘the Council in particular embodies the memory of the splendour of a region’ are nonsensical and should be discouraged. Files do not need to promote the element; they have to prove that it is an element of ICH with demonstrable function and value for a community that is currently practising and transmitting it.

Because the definition of the concerned community is vague, it makes the evaluation of other sections of the file challenging and, as this case demonstrates, it can lead to inconsistencies. It is crucial to maintain consistency in relation to the community in:

* the introduction to the nomination [section C];
* the description of the element in section 1,
* the description of viability and risks in section 2,
* the safeguarding measures in section 3
* the discussion of community participation
* the accompanying evidence of free, prior and informed consent in section 4; and
* the inventory information and attached extract in section 5.

### D. Geographical location and range of the element

Section D in the initial version is more than 10 per cent longer than the required length (150 words), which, if not corrected by a specific deadline, may mean that the file is not submitted to evaluation.[[150]](#footnote-150) It contains information relevant to the nomination file, much of which should have been placed in other sections of the form.[[151]](#footnote-151)

In Section D the form should say where the watered lands are, the extent of the canal system, where the Council holds its sessions, where the community concerned lives, where the town is, and so on. It should also state whether the element is also practised elsewhere in the territory of the submitting State, if so and if this area is not covered by the nomination file this should be indicated. It is important to maintain consistency in references to the community concerned throughout the file.

Clear identification and presentation of the communities, groups or individuals concerned is obviously essential to understanding the identity and characteristics of the element proposed for inscription.[[152]](#footnote-152) States often have difficulties in clearly identifying which communities are concerned by a given nomination and justifying why certain communities were chosen while others were not.[[153]](#footnote-153)

This is a problem in the initial nomination file for this element, as Section D refers to a different community – the irrigating farmers – than that referred to in the previous section. Fortunately, it happens to be a realistic description of the community concerned with this element.

Both men and women are mentioned as farmers in Section D (this information belongs in Section C). Participation across gender and age groups is a key issue to consider in the practice, transmission and safeguarding of any element, and is an important issue to discuss with participants. It should also, if necessary, be taken into account when the consent of a community concerned is sought. States are encouraged to address in nominations the participation of women, children and youth in their elaboration as well as in the implementation of safeguarding measures, giving particular attention to the transmission of intangible cultural heritage from generation to generation and to raising awareness of its significance.[[154]](#footnote-154)

When discussing the final version, the facilitator might raise the issue of the low level of representation of women on the Farmers’ Board, and their absence from the Council of Irrigators (not a single woman has served on the Council in over 800 years, although there are women farmers). In the final version of the nomination it is noted that this situation may change (Section C). If the Committee decides to describe the element, it may take note that in the future women may be more likely to be represented on the Board and the Council. The Committee may request that the State Party report specifically on gender representation in their first report about the element, four years after inscription.

The file states that there are other similar courts in Scovania (and in the country Obrea), but apparently a decision has been made to nominate only this Council. This is permissible, but the participants could discuss the circumstances under which States Parties might choose to nominate only one instance, or only part, of an element. An element can be shared within the same territory by several communities.[[155]](#footnote-155) However, in this case, the rationale for selecting a particular region or locality rather than another is not explicit.

The participants could discuss how this might affect the safeguarding of this and other similar elements, or the relationships between the different groups or communities involved. Nominating only one instance of an element that has multiple similar manifestations in the same country might create unintended hierarchies between them. This would be contrary to the spirit of the Convention. In principle, it is not a good idea to nominate for inscription on a List part of a larger element that was included as a whole in the officially recognized ICH inventory of the country.

Also, the file seems to confuse the Representative List with the World Heritage List, invoking the idea of age as a reason for inscription on the List, and referring to it as ‘UNESCO’s World Intangible Heritage List’. Later on in the file a similar error can be noted. The use of inappropriate vocabulary, such as references to a tentative list, the World Heritage List, the world heritage of humanity, masterpieces, and so on, could be seen as a lack of understanding on the part of submitting states of the specific character of the 2003 Convention.[[156]](#footnote-156)

### E. Contact person

Details such as names and addresses have been omitted from all the sample nominations.

The Tourism Office is only an appropriate contact for correspondence about the file if mandated as such by the State Party and the community concerned. The participants may wish to discuss whether this is likely to be the case since the Tourism Office seems not to have consulted the community or the Federal or Provincial government authorities in drawing up the nomination file. Their interests in submitting this nomination may have more to do with tourism promotion than with safeguarding the element, which may be why their safeguarding suggestions are so weak.

### 1. Identification and definition of the element (Criterion R.1)

This section should contain information about the nature of the element, the associated communities, groups and/or individuals, the significance of the element to these communities or groups today, transmission modes and compliance with the definition of ICH in the Convention. Many problems are found here including information that is too general, too historical or too technical. The file is often lacking a clear description of the significance of the element to its community and of its current social and cultural functions.[[157]](#footnote-157)

Domains

The domains listed do not include traditional craftsmanship, which could cover the knowledge needed to maintain the material culture of the canal system. An incomplete list of the relevant domains is not a reason for rejecting the file, but submitting States should attempt to be as inclusive as possible.

(i) Summary description of the element

This summary description is too short and does not provide sufficient information. It does not contribute to a clear understanding of the element and its constituent parts. The ‘diverse functions’ of the Council, for instance, are not made explicit, and neither are the ‘different administrative levels’. The element’s nature and its multiple components should be sufficiently explained and detailed in the nomination in order to make clear to the reader how the element is constituted, especially since nomination files are made available online and provide a primary point of reference for years and decades to come.[[158]](#footnote-158)

An imprecise summary also makes it difficult to establish the ‘boundaries’ of the element. One has to remember that a middle ground must be found between overly general, all-inclusive and strongly connected elements, on the one hand, and micro-elements – important as they may be to their own community – whose specificities may not be apparent or easily demonstrated to outsiders.[[159]](#footnote-159)

It is necessary to infer that the role of the Council today is also to coordinate the maintenance of the canal system and its machinery: this is only discussed in relation to the historical role of the water courts in the region. More summary information could usefully be provided about the element, the irrigation system, the communities concerned, and about its current value to the irrigating community and perhaps also to the general population of Galacia province.

The sentence ‘It should be acknowledged, *however*, that it is composed not of *well-trained lawyers* but of people with *only* informal instruction within the community of irrigating farmers’ casts doubt on the skills of these informally trained farmers in making decisions, betraying a poor understanding of traditional mediation practices. This leads to the unsuitable suggestion in the section on safeguarding measures (3) that their role should be augmented by formal legal support from lawyers.

(ii) Bearers and practitioners

The technical detail provided in this section about the irrigation system does not clarify who the bearers and practitioners are. Arab settlers who initially helped to establish these technologies in the region do not constitute the bearers or practitioners of the element today: these are the irrigating farmers of the Lagara basin. The file gives the impression in this section that the Council is mainly there to remind inhabitants of the *capital city* about ancient canal systems and their councils in the rural areas, rather than playing a strong role within the irrigating community today. It is clear from the other sections that the *townspeople* of Galacia are not the bearers or practitioners of the element today.

The lack of precision also applies to the roles of different sections of the concerned community. Other than a brief reference to age of Council members, the reader for instance remains uncertain as to the roles of these Councils. States are encouraged not to simplify the description of the communities concerned but rather to describe the diversity of actors and their roles and the social dynamics that it generates, paying due attention to gender considerations, where relevant.[[160]](#footnote-160)

The interest of the Tourism Office in promoting tourism in the town is obvious in this section.

(iii) Transmission

The account in the initial file focuses only on the canal system itself and on its development centuries ago. Information on transmission is between communities, rather than on present-day transmission of dispute resolution mechanisms within the Council or current maintenance practices for the canal system in the province of Galacia. The account repeats details already presented in the file and provides too much technical detail. The long list of terms adapted from Arabic is used to suggest that the canal system has not changed over time, without providing good evidence. The continued use of certain Arab words does not imply that the concepts, or the forms and functions of the objects they refer to, have remained unchanged over time.

Here again, the file suffers from its initial lack of precision in defining the communities involved. It is essential that the communities be well defined to include not only those involved directly in the enactment and transmission of expressions and practices of intangible cultural heritage, but also the larger population involved in appreciating, observing and participating in that heritage – all of those for whom it constitutes a source of identity and continuity.[[161]](#footnote-161)

One would have expected here a discussion of the current role of youth, given the shared responsibility of the young and the old in transmission. The absence of functioning transmission within households and families or within other community-based contexts in which the element was traditionally passed on can give rise to concern about the real viability of the element.

(iv) Social and cultural functions and meanings

In this section, the submitting State Party should indicate what the functions of the elements are for the community today, and who attaches what values to it. States need to provide a vivid description of the nature and form of the element as well as how it functions within its community[[162]](#footnote-162) including the actual cultural meanings of the element in all their complexity.[[163]](#footnote-163)

The file says that the community for which the Council performs its functions is the inhabitants of the town and province of Galacia, but it is clear from the context provided that the community concerned is really the irrigating farmers. The rest of this paragraph contains text that is more or less copied from the Convention or the nomination form (e.g. ‘It is constantly recreated by communities, groups and individuals in response to their environment’) and provides no evidence to support the claims made.

The question of sustainable development should be dealt with in Section (v) rather than here. The discussion about sustainable development should not focus on income generation through tourism, however. ICH is able to provide contribution to sustainable development, notably in terms of conflict resolution, peace building, environmental sustainability, gender equality and enhancement of local economies. The main function of the Council is not to provide entertainment for tourists and townspeople, but to resolve any disputes that arise among farmers over water use and regulate the maintenance of the irrigation system. If visitors do not disturb the sessions, they need not hamper the work of the Council; any demonstration sessions used for awareness-raising purposes should also not disrupt the ordinary work of the Council.

(v) Compatibility with human rights instruments and the requirements of mutual respect and sustainable development

The file asserts that the element is ‘not incompatible with human rights instruments’, but does not explain *how* the element complies with criterion R.1 in this way. Nomination files should not only provide assertions, they have to prove them. In Section 1(i) above, reference is made to the democratic nature of the Council that could be used as evidence here. ‘Meeting the needs of the communities’ is vague and may not be relevant to a human rights issue.

Mention also has to be made of how the element is compatible with the requirements of mutual respect and sustainable development (compare the corresponding section in the final version of this file).

It is important to give sufficient information about the aspects of human rights, mutual respect and sustainable development as these are **fundamental components of the Convention’s definition of intangible cultural heritage** and each nomination needs to demonstrate that the element complies fully with that definition.[[164]](#footnote-164)

### 2. CONTRIBUTION TO Ensuring visibility and awareness and encouraging dialogue (Criterion R.2)

(i) Visibility and awareness

It is important when discussing visibility here not to refer primarily to the visibility *of the element itself*, but to how inscription of the element may lead to increased visibility and awareness of the significance *of ICH in general.[[165]](#footnote-165)* The word ‘heritage’ in this context cannot be assumed to be interchangeable with ‘ICH’ and ‘raising national profile’ is not a relevant consideration.

As such, the information provided in Section 2(i) is not very relevant. The file could refer to the way in which increased visibility and awareness of this particular element could contribute to greater awareness of the fact that social practices are part of the ICH of humanity. It may also lead to greater awareness of the value of ICH in the sustainable management of scarce natural resources through mediation.

(ii) Dialogue

The file should explain what kinds of issues might be the subject of dialogue that respects cultural diversity given the nature of the element, and between whom such a dialogue might take place (not merely ‘within the irrigating community’).

The initial nomination file suggests that inscription of the file could promote intercultural dialogue about the sharing of knowledge and skills between East and West. This is relevant in the current global climate, but the use of ‘East/West’ terminology is a bit dated and non-specific to the Mediterranean context; the idea should be further substantiated or explained.

The Council’s dispute resolution activities do contribute to the peaceful coexistence of the irrigating community because water is seen to be shared fairly among the farmers, but the main focus here is about dialogue *with or between other communities* concerned by this ICH element rather than the actors directly concerned with this nomination. Participants can discuss which other communities (or even intergovernmental organizations or States) might be interested in this kind of dispute resolution mechanism. What aspects of the system might they be interested in or want to copy? Some reference could be made to the public and open nature of the mediation process of the Council, the equitable election of its members by democratic vote and random ballot, and other ways in which such mediation or arbitration systems, accepted by the communities concerned, differ from mainstream legal courts. This kind of example can foster discussion about dispute resolution in other, broader, contexts, for example, in the resolution of disputes over other natural resources (such as fishing rights).

(iii) Respect for human creativity and cultural diversity

The file gives a good account of how inscription of the element could promote respect for human creativity, but does not mention cultural diversity. The comment about the Galacians always having been open to change and innovation is not substantiated with evidence, and seems biased.

### 3. Safeguarding measures (Criterion R.3)

Safeguarding measures should be tailored to address possible risks and threats to the viability of the element, including risks associated with inscription.[[166]](#footnote-166) Elements nominated to the Representative List are supposed to be reasonably viable at the time of nomination. However, submitting States should also describe how they will seek to ensure that the element maintains or even strengthens its current condition, as well as how the element will be promoted and given visibility, so as to contribute to the goals of the Representative List.[[167]](#footnote-167)

In addition, elements are likely to attract increased outside attention after inscription. Some safeguarding measures should address possible risks and negative consequences to the element’s viability that may be introduced by inscription on the Representative List.[[168]](#footnote-168)

The community participation in the development of safeguarding measures is crucial. Communities should be regarded as not only targets or beneficiaries of such measures but also as their instigators and implementers. Commitments of the communities to such measures are fundamental to the success of any safeguarding effort.[[169]](#footnote-169)

It is important to indicate safeguarding measures that have either already begun or been completed (Section 3.a), or are envisaged, planned and budgeted (Section 3.b), rather than simply indicating measures that could be considered by the stakeholders. States need to provide clear and definite statements of what safeguarding measures will be taken or are planned, rather than seeming to suggest that they are only vague possibilities or potential actions.[[170]](#footnote-170)

### 3.a. Past and current efforts to safeguard the element

The will and commitment of the different stakeholders should be evident in the nomination and demonstrated, at a minimum, by their previous safeguarding efforts.[[171]](#footnote-171) The community, together with the State, should show their engagement and resolve to safeguard the heritage.

(i) Community efforts

Note that a different community is referred to here than indicated in Section C. The ‘Farmers’ Board’ appears here for the first time in the file (it is also mentioned in Section 4.d) – it is therefore unclear what this Board is and who it consists of. Information on support by State authorities belongs in the section on State efforts.

Safeguarding efforts are deliberate actions that go beyond continued practice or transmission of an element to address any threats or risks to its viability. Here, the file only mentions continued practice of some aspects of the element by the community concerned.

In the box most kinds of safeguarding measures are ticked, although there does not seem to be any justification for ticking any of them. The facilitator might point out that notes on the meaning of terms used to classify safeguarding measures (but not definitions) may be found in Participant’s text Unit 3.

(ii) State efforts

Safeguarding strategies already adopted or currently in progress are required here. However, this section includes only strategies (apart from the production and dissemination of brochures by the Tourist office) that still need to be implemented, and therefore belong in Section 3.b. Budget authority for these measures from the organizations required to provide the funding also seems to have been overlooked.

All the measures seem to have been developed in a top-down manner and there are no signs of community consent. These suggested strategies still have to be approved by the stakeholders including, importantly, the community concerned and the appropriate authorities before they can be included in the file. This does not seem to have been done.

The strategies themselves are not compatible with the requirements of the Convention and the ODs to promote continued practice of the element by the communities concerned (bringing in formally trained lawyers, removing the waterwheels, and changing the Arab names will not achieve this and may instead have the opposite effect). Worse, changing the Arab names, following a top-down decision, implies tampering by outsiders in the oral traditions of the irrigators’ communities who have chosen to perpetuate these names.

Instead of ticking all the boxes describing the safeguarding measures, the most relevant ones should be chosen.

3.b. Safeguarding measures proposed

The lack of clarity in the preceding sections hampers a thorough evaluation of the proposed safeguarding measures. In particular, the readers need to be able ‘to apprehend and to take fuller account of the social and cultural functions of the element and the possible consequences of its de-contextualization’.[[172]](#footnote-172)

Secondly, had the risks associated with inscription been examined in the file, the reader would have been able to determine whether the State Party had anticipated such potential risks and elaborated protective measures so that harmful side effects will not diminish the positive benefits of inscription.[[173]](#footnote-173)

(i) What measures are proposed

The irrigating community and Council members do not seem to be involved in the development or implementation of the measures. Communities concerned should be involved in the development and implementation of safeguarding measures and ‘should be the primary beneficiaries of the inscription of an element on the Representative List and of the increased visibility and benefits that may arise’.[[174]](#footnote-174) This should be supported through ample and convincing evidence.[[175]](#footnote-175)

It is not clear how researching the irrigation channels or making a record of past Council members will help in safeguarding the meaning and functions of the court. Placing the equipment in a museum will actively damage the viability of the element. Safeguarding measures should primarily focus on transmission mechanisms, rather than on ‘freezing’ the element, such as through the use of museums.[[176]](#footnote-176) One can hardly imagine how these actions might safeguard the element, or mitigate any risks to the viability of the element caused by increased attention from tourists after inscription.

Bringing in mainstream legal practitioners and documentation methods would change the traditional Council beyond recognition; it is not necessary, as the system so far has been functioning quite well in the customary way. Doing so without a request to that effect from the communities concerned would in any case be interfering in a way not appropriate in a State that has ratified the Convention.

The prominence given to the role of the Tourism Office and of tourism in some of the measures in the proposed plan also raises the issue of community benefits in their cultural context. States need to take measures to adequately manage commercialization, to mitigate its possible negative impacts and to avoid de-contextualization of the element for the purpose of tourism.[[177]](#footnote-177) Tourism-related activities cannot constitute safeguarding measures unless preventive measures against possible negative effects of tourism are also included.[[178]](#footnote-178)

Capacity building is expected to feature prominently among safeguarding measures and these measures are only partially evident. It is important to take an inclusive view of safeguarding needs. Safeguarding strategies should demonstrate that capacity building for and knowledge transfer to the communities are part of such measures so that the communities concerned can take ownership of the safeguarding process and continue it, even after the experts, government officials or non-governmental organizations have left. Safeguarding strategies should also include mobilization, and awareness-raising and educational activities involving youth.[[179]](#footnote-179)

All safeguarding measures are planned to begin in 2013. Some planned measures may only become necessary once the element receives new kinds of publicity and attention after inscription. Others may need to begin earlier than that.

(ii) How will the States Parties concerned support the implementation of the proposed safeguarding measures

The first two sentences contain general statements that provide no detail about the specific support given to safeguarding this element. Furthermore, one might question the correctness of the following sentences: ‘The State is responsible for the safeguarding of the intangible cultural heritage present on its territory, since it has ratified the Convention. It is required to support appropriate safeguarding measures [...]’. The State is required to create the general conditions under which the ICH can flourish and be successfully safeguarded (see Article 11(a) of the Convention: *‘shall take the necessary measures to ensure the safeguarding of the ICH present in its territory’*). No State Party can be expected to actively contribute, let alone finance, the safeguarding of *all* individual ICH elements present in its territory.

However, it is important to keep in mind that a nomination to the Representative List cannot be the first step to be taken by a State Party, but should indeed be part of a longer safeguarding process.[[180]](#footnote-180) States should consolidate their efforts to implement the Convention at the national level so that nominations and inscriptions are integrated into a comprehensive system of safeguarding.[[181]](#footnote-181)

The Tourism Office, in writing this file, seems to assume that the State (in this case the Galacia Provincial authorities) is obliged to support an ‘appropriate’ plan for safeguarding. The current plan is not appropriate, and, even if the provincial authorities were able to assist financially in this case, it should not be supported without the consent and active involvement of the communities concerned. The Tourism Office does not seem to have discussed the nomination with the State authorities or the community concerned (e.g. the Farmers’ Board or its GISPCC, the Galacia Irrigation System Preservation and Promotion Committee).

However, any statement of conditionality by a State Party is not considered appropriate. States’ engagement and support is an essential precondition for safeguarding intangible cultural heritage.[[182]](#footnote-182) They should, therefore, avoid conditionality when describing safeguarding plans.[[183]](#footnote-183)

Participants’ attention could be drawn to the role of State departments other than the culture or heritage authorities in possibly assisting the implementation of safeguarding plans. In this case, the Lagara River Basin Authority or a provincial department dealing with agriculture or education would be an important stakeholder.

(iii) How have communities, groups or individuals been involved in planning the proposed safeguarding measures

It is clear that the Tourism Office has submitted the file without consulting the communities concerned. It could be noted that the community represented by the organizations identified here is not the same as the community identified in Section C. Indeed the plans are expected to identify solutions that emerge from the communities themselves.[[184]](#footnote-184)

Other Councils may well be consulted, but they are irrelevant to this section as this is a statement of intention and they are not among the concerned communities.

3.c. Competent bodies

The Tourism Office could assist the community concerned in safeguarding or in developing safeguarding measures, but does not seem to be involving the communities concerned in its efforts concerning the element. It is therefore hard to see how it can be deemed a ‘competent body’ in this regard. The following factors may individually already be sufficient for an evaluating body to make a negative recommendation to the Committee:

* The unsatisfactory description of the element and its functions;
* The apparent absence of the communities in the preparation of the proposed measures and the nomination file itself;
* The insufficiency of the safeguarding measures, which will in any case be ineffective in safeguarding the element; and
* The incompetence of the Tourism Office as a ‘competent body’ in failing to identify the purpose and process of nomination to the Representative List.

### 4. Community participation and consent (Criterion R.4)

4.a. Participation of communities, groups and individuals concerned

Here it is important to describe clearly what mechanisms have been used during the elaboration of the nomination or request to involve the communities fully.[[185]](#footnote-185)

The community concerned is the irrigating farmers and the members of the Council, and it is they or their representatives – not the townspeople of Galacia – who should be involved in the process of nomination, and who need to agree to it.

Phrases like ‘all the wealth created over the centuries could not possibly survive’ used here are unclear in their meaning. What little information there is in Section 4.a is not to the point.

4.b. Free, prior and informed consent to the nomination

Free, prior and informed consent implies a specific process, in which community members/representatives are first informed about the possible positive and negative consequences of the nomination and the inscription of an element of their ICH, and then given the time to form and freely express their own opinions. Those who prepared the nomination seem not to have been interested in involving the communities concerned, although the requirement for community participation is clear enough in the Convention.

It does not seem likely that the Tourism Office has been mandated to sign a consent form by the townspeople (who are not the community concerned). Nor is it mandated to speak in the name of the irrigating farmers either (who are the community concerned). In the (unlikely) case that the Tourism Office has been mandated to speak on behalf of the farmers, then the file should include evidence to this effect. Further, ‘while such intermediaries are welcome, the nomination should demonstrate in what way they are indeed representative of the community, taking further care to ensure that diverse segments of the community are represented and not a single entity or institution alone’.[[186]](#footnote-186)

The file places emphasis on a single source of evidence, whereas states are encouraged to use a wide range of evidence to demonstrate the free, prior and informed consent of communities.[[187]](#footnote-187) Furthermore, the text seems to indicate that consent was sought several years before the presentation of the file and that the form was designed as an instrument to share information, rather than to seek consent.

The name of the list in this box is very wrong indeed (‘world’, ‘immaterial’, ‘UNESCO’s List’).

4.c. Respect for customary practices governing access to the element

The information provided is far from satisfactory. The Tourism Office cannot be considered an authority on this element of ICH, nor can the law student necessarily be considered a greater expert than the members of the Council itself. Also, being ‘pretty sure’ about customary practices is not sufficient for the nomination file. It is important to remember that the participation of the communities is all the more important when it is a matter of ensuring that safeguarding measures fully respect any customary practices governing access to specific aspects of intangible cultural heritage.[[188]](#footnote-188)

4.d. Concerned community organization(s) or representative(s)

The Tourism Office has listed the organizations, but has not consulted with them. This indicates the poor quality of community participation and consultation by the drafters of the file.

### 5. Inclusion on an inventory (Criterion R.5)

The file should have identified the inventory in question more fully, giving its full title, and stated how the inventoried element was identified and defined with the participation of communities and groups concerned and with relevant NGOs, if any. It should state how the inventory is updated (rather than only future intentions in this regard), where it can be consulted, and under what date, category and reference number the element was inscribed.

States are encouraged to provide ‘more information than a name of the element in a list, or just a few lines of description; in particular the name of the communities, groups or, if applicable, individuals concerned, their geographical location and the range of the element should be specified and not contradict those described in the nomination file’.[[189]](#footnote-189)

All required documentation has to accompany the nomination, including a relevant extract of the inventory(ies) in English or in French, as well as in the original language if different’.[[190]](#footnote-190) In some cases the Secretariat may ask for further information to be submitted before a fixed deadline. Files that do not comply with key minimum requirements will not be submitted for evaluation or examination (see General Comments on the Forms ICH-01 and 02 in Unit 40).

### 6. Documentation

The required photographs (which exceed the ten required) place too much focus on the tangible heritage associated with the element; some pictures of the Council in operation would be necessary too. Besides, any file must include a video. This video should be of not more than ten minutes subtitled in either English or French if the language utilized is other than English or French. Otherwise, the file will be considered incomplete.[[191]](#footnote-191)

### 7. Signature

The file shall conclude with the *original signature* of the official empowered to sign it on behalf of the State Party. If the head of the Tourism Office is an official of the State Party and has been so designated then he or she may be an acceptable signatory. In this instance it seems unlikely that this is the case.

1. the hana nomination

This nomination exercise focuses on issues such as revitalization, authenticity and the relationship between experts and communities. The initial version of this nomination file, which seems to have been drafted by Mayoral Office with little or no consultation process, is far from perfect. Its weaknesses include references to the wrong ‘communities concerned’, an inappropriate focus on the authenticity of the element, and inappropriate actions taken to safeguard the element.

Participants could imagine that if such a file was submitted to the Secretariat of the Convention the following events might take place:

* The Secretariat would notice that the file was not signed by an official of the submitting State and would contact the delegation at UNESCO of the State concerned.
* Should the State Party endorse the initial nomination and ask the Secretariat to process it without substantial improvement, the further evaluation by the Evaluation Body would most probably result in a negative recommendation.
* If the State concerned disagrees with the submission of the file, as they might in this case, they might simply ask the Secretariat to ignore the submission and ask more appropriate institutions to develop a new nomination file for the same element, with better description and involvement of the community concerned, with better descriptions of the element (including a better name) and more appropriate proposals for safeguarding measures.
* This is apparently what happened, and the file was resubmitted two years later. The State in question took a wise decision as the second version (i.e. the final sample nomination) stands a better chance of being given a positive recommendation by the Evaluation Body.

### Notes on specific sections

### A. State(s) Party(ies)

In the initial nomination a single instance of the element was nominated, but it was clear that other similar processions take place both in neighbouring towns and also in a neighbouring country. At present, a multinational nomination is impossible because country Dolina has not yet ratified the Convention. But several similar manifestations of the element in Srecha might have been grouped together in a single nomination file. Participants could discuss under what circumstances this might or might not happen. See below under B.1. (See Participant’s text Unit 3 for further information on shared heritage.)

### B. Name of element

*Name of the element in English or French (B.1)*: The name ‘Spring Procession in Zabra’ is not sufficiently descriptive of the procession itself as it merely signifies during which season the procession takes place. While choosing proper titles, states should not focus on their own populations or only on the community concerned, but rather orient them towards the wider visibility of the element or of intangible heritage in general. The purposes of inscription on the Representative List – to promote visibility of intangible cultural heritage and awareness of its significance – cannot be well served if an element’s name is understandable only to those already familiar with it.[[192]](#footnote-192)

The final nomination describes it much more fully as ‘Hana or Whitsuntide Processions in the Province of Bromzha’.

One issue for possible discussion in relation to the name of the element in the final version of the file is that the name still limits the element to the Province of Bromzha in Srecha, while other information in the nomination file limits it further to the procession in Zabra town. At some point the inscribed element may need to be extended to include other instances. There is a procedure in the ODs (OD 41) to change the name of an element after inscription, should this be necessary, but no formal process whereby other instances of the element at the national level could be added to the inscribed element after inscription. This is discussed further under Section D below.

Other names (B.3): The name ‘Hana’ is used in the rest of the nomination to describe the procession and its participants, and could be included here as an alternative name.

### C. Communities, groups and individuals concerned

The communities, groups and individuals concerned must be those people who consider the element as part of their own cultural heritage and as contributing to their sense of identity and continuity. This may include local organizations, but not outside individuals, groups or organizations that happen to be interested in the element. This has implications for the entire nomination process. Communities, groups or, if applicable, individuals concerned with a particular element of intangible cultural heritage play the central role in all aspects of its safeguarding and particularly at all stages of the nomination process. Such communities must be clearly identified.[[193]](#footnote-193)

In the initial nomination only the municipality of the town is named as the community concerned. Clearly, the members of the municipality are townspeople, play a role in the process, and may themselves participate, but as a municipality they do not constitute the community concerned. The girls and their families, the families visited and other townspeople participating in the procession are the main community concerned. There might be some discussion as to whether people in the neighbouring town of Brymla could be considered part of the community concerned. It is important to justify the choice of community for the purpose of the nomination.[[194]](#footnote-194)

### D. Geographic location and range

It seems that the element is also performed in other towns in the Bromzha Province and in neighbouring country Dolina. The submitting state is asked to indicate the distribution of the element within its territory while acknowledging the existence of the same element or similar elements outside it. References to the practice of the element in Dolina should therefore be included if considered relevant.

One of the issues participants could discuss in relation to this nomination is the scope of the element. Unless there is a good reason for singling out the Zabra Procession from the other processions and nominating it on its own, the State Party might be encouraged to include more, or all, instances of the procession. They are not obliged to do so, and indeed the final nomination does not do so. However, one can still ask the question how and why a particular community and its expression were selected.[[195]](#footnote-195)

This in itself would probably not constitute a reason for the Committee to decide not to inscribe the element. However, one consideration for safeguarding is that nominating only one instance might create unintended hierarchies between the various instances of an element, unless handled carefully. This would be against the spirit of the Convention.

If Dolina ratifies the Convention one day and both States wished to inscribe the element on an extended basis (thus including similar elements in Dolina), modifying to the file would be possible (OD 13). This could be a point of discussion when participants in the workshop examine the final version.

### E. Contact person

The designated contact person for the file could very well be located at the Mayoral Office in the municipality, as long as this was undertaken with the sanction of the submitting State Party and the community concerned. However, neither party seems to have been consulted in the process of drawing up the file.

### 1. Identification and definition of the element (Criterion R.1)

This section should contain information about the nature of the element; the associated communities, groups and/or individuals; the significance of the element to these communities or groups today; transmission modes; and compliance with the definition of ICH in the Convention. States should avoid giving information that is too general, too historical or too technical. Files are often lacking a clear description of the significance of an element to its community and of its current social and cultural functions.[[196]](#footnote-196)

Domains

These seem appropriate. The first box (oral expressions) could have been ticked, and participants will see that it is ticked in the final version in view of the continuously changing texts of the songs and the improvisation involved.

(i) Summary description of the element

The description is too long and lacks some vital detail about the procession itself (e.g. what happens and who participates), much of which can be found elsewhere in Section 1. The State needs to make sure that the requested information is provided in the appropriate place within the nomination.[[197]](#footnote-197)

Much of the information in this section of the initial file belongs instead in the section on transmission. It is important to remember that ‘information placed in inappropriate sections of the nomination cannot be taken into consideration’.[[198]](#footnote-198) The file needs to provide a clear and coherent description of the element,[[199]](#footnote-199) and ‘with the participation of communities, groups and relevant non-governmental organizations’ (Article 11(b) of the Convention).

It is not the ancient nature of the procession that is important here, but rather a clear (and brief) statement of its current meaning and practice. It is perfectly acceptable for the practice to have changed over time in ways that are acceptable to the local community who considers it part of their heritage, and it is in fact unlikely that the element has not changed over time.

The ‘spontaneous’ organization of Hana within the community could be an important indication of the connection that the community felt with the procession. If the procession is now no longer organized spontaneously within the community, the participants might ask whether this is because the Zabra Folklore Organization organizes the procession (which might still indicate community commitment and involvement), or whether because the researchers do so (which might not).

The Convention does not use ‘authenticity’ as a measure of the value of an element to the communities concerned. It is irrelevant and inappropriate to say that the townspeople ‘don’t know its authentic historical meaning’. The meanings of an element may be different for different people within a community, but all those involved in its preparation, enactment or transmission will have views on the subject. These different meanings may very well change over time. The nomination file should state the community’s views about the meaning of the procession in the present moment. Using an outside expert to determine the ‘authentic’ meaning of an element for the community through historical research is contrary to the spirit of the Convention.

In cases of revitalization, questions should be asked about whether the practice had completely disappeared or whether it was still – albeit infrequently – practised within living memory; whether it was appropriately revitalized using the knowledge and experience of people who had been involved in the practice and who are still alive; and to what extent it was revived in a new context (such as folklore concerts) using expert research or documentation alone.

Any element that had disappeared completely from living memory, but has been recently revived in a new context (which is not the case with the Hana file under discussion) does not meet the definition of ICH in the Convention and could not be inscribed on the Convention’s Lists. Note that ‘revitalization’ is mentioned among the safeguarding measures in Article 2.3 of the Convention, but that ‘revival’ is not. There are no firm rules on how long an element has to have been practised to comply with the definition of ICH in the Convention but, among many other things, the element should probably have been continuously practised and transmitted over enough generations to be well integrated into the practices of the community concerned. Revitalizing the transmission of this element using older women’s knowledge of the procession is preferable to consulting documentation from the nineteenth century and recreating an ‘authentic’ version.

It seems from the evidence provided in the nomination file that women were still alive who had themselves been involved in the fully-fledged Hana Procession in the 1960s. The procession therefore never fully disappeared and it was within living memory that the procession was revitalized in the 1980s, even though it had not been regularly practised every year in between.

The element in question seems to conform to the definition of ICH transmitted from generation to generation and constantly recreated. It is important to emphasize that for a positive recommendation and a decision to inscribe: (i) the element should comply with the definition of ICH in the Convention, (ii) other criteria in the ODs should be met, and (iii) the nomination file should also meet all the requirements set out in the nomination form.

(ii) Bearers and practitioners

Special terms like ‘Whitsunday’ or ‘Whitsuntide’ should be explained to readers of the nomination file. Even ‘spring’ is a relative notion, as the time of year differs between hemispheres. The description of what happens during the procession belongs more properly in Section 1(i).

The bearers of the element are not long-dead townspeople, but those who practise and transmit the element today, including the girls, who take specific roles as princesses and knights, musicians who accompany the procession, and the older girls and women, who have performed the dance in the past and who transmit the lyrics and dances to the girls.

More information should be provided about the songs and dances, and about the music. What do the girls sing, for example? Do the princesses and knights play different roles in the singing and dancing? Who plays the music? States need to describe the diversity of actors and their roles in relation to specific intangible cultural heritage and the social dynamics that it generates, paying due attention to gender considerations, where relevant’.[[200]](#footnote-200) Considerations must be taken about the larger population involved in appreciating, observing and participating in that heritage – all of those for whom it constitutes a source of identity and continuity.[[201]](#footnote-201)

Concerning the visit to the neighbouring town, Brymla, on the second day, participants should be encouraged to ask questions, such as: What do they do there? Do they always visit the same town? Are the people from Brymla part of the same broader community as Zabra?

Workshop participants should note that the Zabra Folklore Organization, which coordinates the procession, is an important community organization that should have been involved more fully in the preparation of the nomination file and its safeguarding measures.

(iii) Transmission

In the initial nomination file this section first speaks about how the element *should be* transmitted (in the rather problematic view of the nomination drafters). The file needs instead to focus on how transmission happens today. Problems with the concept of authenticity are discussed in Section 1(i) above.

An issue also arises here about the evolution of transmission processes over time. Nominations sometimes raise important questions about transmission, where a formal system appears to have largely or entirely supplanted a prior system of non-formal transmission.[[202]](#footnote-202) Participants may wish to discuss this topic. The absence of functioning transmission within households and families or within other community-based contexts in which the element was traditionally passed on can give rise to concern about the real viability of the element. The formalization and even the institutionalization of transmission is often part of the evolution of intangible cultural heritage and of its constant recreation, and the existence of formal and institutional transmission should be seen as a positive factor, even if it was often accompanied by an attenuation or even disappearance of the non-formal modes of transmission.

Problems with the use of published versions for the transmission of songs are discussed under safeguarding (Section 3 below). It is not necessary for the nomination file to show that Zabra has ‘the oldest dances’ in order for them to demonstrate the value of the element to the community concerned.

It is important to make a distinction between the element (the Hana Procession in Zabra) and the Summer Festival where songs and dances from the procession are performed. Festivals can play an important role in raising awareness for the element in the local community, especially in encouraging more girls to take part in the procession as it has been traditionally performed in the town. But formal instruction for festival performances should not interfere with or displace the transmission of songs and dance skills from older to younger women in preparation for the procession. The procession and the festival have different functions and should be clearly distinguished from one another; the festival should not be allowed to disturb normal practice regarding the procession.

(iv) Social and cultural functions and meanings

This section in the initial nomination file focuses on economic significance for the town as a whole, failing to mention some of the social significance of the procession. It also suggests that research will be able to determine the procession’s ‘authentic historic meaning’, which is not in the spirit of the Convention (it is top-down, paternalistic and unnecessary). The history of the procession (its relationship to pre-Illyric fertility rites, for example) is not necessarily relevant to its current meaning and function for the townspeople. Interviewing people who are at present involved in Hana may yield lots of information about the value, meaning or function of Hana to them. That information might be elegantly summarized by an expert, but should not find its way to any presentation of the element (in an inventory, a nomination file or in information for tourists) without the consent of relevant persons within the community.

The description of the activities of the older women and girls in preparing for the procession and teaching the younger girls belongs in Section 1(iii).

While their economic contribution may be good for town finances, economic benefits from the Summer Festival do not necessarily enhance the social and cultural functions of the procession. The performance of Hana songs and dances at the festival is not the same as their performance as part of the springtime procession, either. Visiting townspeople’s homes, interaction with families in the town, and tailoring songs to the circumstances of each family visited are important aspects of the procession through the town on a specific day that are unavoidably lost in the performance of the songs within a festival context.

The desirability or otherwise of adaptation to change could be topic for discussion. States need to be cautious about the possible effects of isolating an element from its context and social functions. On the one hand, changing the function and meaning of the element as the social context changes can constitute an adaptive strategy for a community to safeguard it; on the other, when an element has outlived its socio-cultural context and is no longer meaningful to its community, it no longer constitutes intangible cultural heritage as defined in the Convention.[[203]](#footnote-203)

In this case, there seems to be a danger that the survival of the element might be sought through measures external to the community; these might be able to perpetuate the practice in some form, but not the sense of belonging and identity that it provides to its community[[204]](#footnote-204) and might therefore lead to the ‘de-contextualization’ of the element.[[205]](#footnote-205)

(v) Compatibility with human rights instruments and the requirements of mutual respect and sustainable development

The information given here is redundant: statements are needed here that indicate the compatibility, or at least the absence of incompatibility, with human rights instruments and the requirements of mutual respect and sustainable development. Some evidence should be provided substantiating the statement; the reference to ‘innocence’ is very vague and meaningless. The presence of international tourists is in itself irrelevant. Sufficient information needs to be given to answer the question about human rights, mutual respect and sustainable development in the nomination form – **this is a fundamental component of the Convention’s definition of intangible cultural heritage** and each nomination needs to demonstrate that the element complies fully with that definition.[[206]](#footnote-206)

### 2. CONTRIBUTION TO Ensuring visibility and awareness and encouraging dialogue (Criterion R.2)

(i) Visibility and awareness

The initial nomination file confuses *viability* and *visibility*. To be relevant, the discussion on revitalization should be linked to the visibility of ICH in general. It is suggested that researchers undertook revitalization of the element in the 1980s, but the next sentence makes clear that older women from the community played an important role in transmitting knowledge for revitalization.

It is important when discussing visibility here not to refer primarily to the visibility of the element itself, but to how inscription of the element may lead to increased visibility and awareness of the significance of ICH in general.[[207]](#footnote-207) It is self-evident that inscription of an element on the Representative List will increase the visibility of the element itself. It is also important to consider that inscription of a given element could make to the larger purposes of the Representative List, and not simply to the element’s own popularity or renown.[[208]](#footnote-208)

The file seems to confuse the Representative List with the World Heritage List. The use of inappropriate vocabulary, such as references to a tentative list, the World Heritage List, the world heritage of humanity, masterpieces, and so on can be seen as a lack of understanding on the part of submitting states of the specific character of the 2003 Convention.[[209]](#footnote-209)

(ii) Dialogue

The file should explain what kinds of issues might be the subject of dialogue that respects cultural diversity, given the nature of the element, and between whom such a dialogue might take place. The intention should be to identify opportunities for dialogue that could be encouraged by inscription. Such dialogue should extend beyond the community concerned with this element. The initial file focuses mainly on dialogue within the community concerned: the people of Zabra and perhaps Brymla.

The perspective outlined here, where inscription will solve a situation of tension by introducing a hierarchy of ‘authenticity’, goes against the spirit of the Convention. It is important to reflect the contribution of inscription to promoting dialogue that respects cultural diversity clearly all throughout the nomination file.[[210]](#footnote-210) Expressions such as ‘authenticity’, ‘pure’, ‘true’, ‘unique’, ‘original’, ‘essence’ ‘masterpieces’ found in the nominations are not compatible with the spirit of the Convention and should be avoided,[[211]](#footnote-211) as they might not be conducive to dialogue or can lead to tensions or awaken grievances, whether between communities or between States.[[212]](#footnote-212)

(iii) Respect for human creativity and cultural diversity

The poorly phrased sentence in the initial nomination does not illustrate how inscription of the element promotes respect for cultural diversity and human creativity in general. The creativity of the Zabra community and their (unsubstantiated) respect for ‘culture’ and ‘creative people’ is not particularly relevant to the promotion of respect for creativity through inscription of the element. The creativity of the Zabra community can be illustrated by the diversity of the songs, but this has little to do with the scenery and the beauty of the girls.

Given the comment made in the sub-section above, one wonders whether inscription would promote respect for cultural diversity for communities in Dolina. It is crucial to remember that mutual respect among communities is a fundamental principle of the 2003 Convention and that inscriptions on the Representative List should encourage dialogue which respects cultural diversity. The inscription of an element on the Representative List does not imply exclusivity or constitute a marker of intellectual property rights.[[213]](#footnote-213)

### 3. Safeguarding measures (Criterion R.3)

Safeguarding measures should be tailored to address possible risks and threats to the viability of the element, including risks associated with inscription.[[214]](#footnote-214) Elements nominated to the Representative List are supposed to be reasonably viable at the time of nomination, but are likely to attract increased outside attention after inscription. Some safeguarding measures have to address possible risks to the element’s viability that may be introduced by inscription on the Representative List. One has to remember that the communities, groups and, where appropriate, individuals should be the primary beneficiaries of the inscription of an element on the Representative List and of the increased visibility and benefits that may arise.[[215]](#footnote-215)

It is important to indicate safeguarding measures that have either already begun or been completed (Section 3.a) or are envisaged, planned and budgeted (Section 3.b), rather than simply indicating measures that could be considered by the stakeholders. States are encouraged to provide clear and definite statements of what safeguarding measures will be taken or are planned, rather than seeming to suggest that they are only vague possibilities or potential actions.[[216]](#footnote-216)

3.a. Past and current efforts to safeguard the element

(i) Community efforts

The efforts described here are not primarily being undertaken by the community concerned –the townspeople of Zabra – but by researchers. Although there is no section of the form specifically for initiatives conducted by third parties (i.e. not by communities concerned or the submitting States Parties), all safeguarding initiatives should be conducted with community involvement and consent. If this is the case, safeguarding initiatives jointly undertaken by researchers and communities concerned could be included in this section, but the participation of the communities concerned has to be clearly stated. States need to provide clearer information about the internal segments or sub-groups within a community. It is particularly important that submitting States justify as fully as possible the choice of a particular segment of a larger population as the focus of its safeguarding efforts.[[217]](#footnote-217)

The re-emergence of the element in the 1980s, as described here, may constitute revival rather than revitalization, unless evidence is provided to the contrary. In reality, it seems this is a case of revitalization; the final version of the file makes clear that the initial version of the file just overemphasized the role of the researchers. The revival, especially at the initiative of outsiders, of an element that is no longer practised over a long period of time disqualifies it from inclusion in the Convention’s lists. The nomination file would therefore have to show evidence (if it exists and reflects the true situation) that the element was simply revitalized rather than reinvented. For instance, the nomination could show that it was still being practised, even if sporadically, between the 1960s and the 1980s, and/or that women in the town had a living memory of how they had participated in it as young girls. It is clear from data provided in Section 1 of the initial file that the element was revitalized with the assistance of researchers, one of whom in her younger years had participated in the procession. This suggests that she, alongside other women in the town, had a living memory of participating in the element as a young girl. This information also needs to be provided in Section 3, to emphasize that the nomination concerns revitalization.

The safeguarding measures described here are inappropriate. Placing too much emphasis on staged performances during festivals or in theatres may distort the practice in the community. Holding a festival does not necessarily safeguard the procession; the nomination file should explain, for example, how the Summer Festival contributed (if this was the case) to raising awareness about the procession and encouraged young girls to participate in the future, or intended to do so.

Replacing the girls with professional performers runs contrary to the spirit of the Convention. Publishing the ‘best texts’ selected by researchers to be used for the songs also goes against the principle in the Convention that the communities concerned should themselves choose the most appropriate ways of practising and adapting their ICH elements to changing circumstances. The proposal to use boys instead of girls to act as ‘knights’, and the reduction of the number of ‘knights’ due to the sabres being put in a museum, are not solutions to this problem. They are examples of outsider interventions that may in fact threaten the element’s practice, meaning and function in the community.

There were protests by some of the townspeople against the use of boys as ‘knights’, which indicates that the change would be unacceptable to this community. This kind of objection is completely legitimate coming from community members and should not be discounted on the grounds of ‘science’. There are many examples of communities that have offered no objection to opening up ICH roles to both genders, which had been previously reserved for men or women only. If the decision is made within the community and is not contrary to other legal provisions then outsiders should not interfere.

Some of the boxes indicating kinds of safeguarding measures implemented have been ticked, although few of the measures undertaken seem likely to safeguard the element. The facilitator might indicate that notes on the meaning of terms used to classify safeguarding measures (not definitions) may be found in Participant’s text Unit 3.

Discussion of future intentions and sources of support for future measures is not only too vague, but also does not belong to this sub-section, which is meant to focus on past and current efforts only.

(ii) State efforts

The file should contain information in this section that relates to State involvement in safeguarding. In the file the entry simply states ‘see above’, but there is little indication in Section 3(i) of the role of the State. In any case, it is necessary to repeat relevant information in nomination files, where needed, in the required section.

It is clear from the rest of the file that although the State repressed such processions in the 1960s, it has been supporting them since the 1980s by funding research through the museum.

Relevant boxes should be ticked once data is entered here.

3.b. Safeguarding measures proposed

(i) What measures are proposed

The risks that should be addressed in this section are threats to the viability of the procession, not the Summer Festival.

The risk posed by fewer tourists coming to the area for folklore festivals should not really threaten the practice and transmission of the element itself (the procession), as the procession involves townspeople rather than tourists. Are the safeguarding measures adequate to maintain the element’s viability particularly in the wake of inscription and appropriate to defend it against possible unintended consequences of such inscription?[[218]](#footnote-218) Having tourists accompany the girls into the family homes, or having that part removed from the procession would constitute a significant change in the practice and its function. If tourists become central to the viability of the procession itself, this could imply that the procession has little current function for the community and that the element has become largely commercialized. This situation might be able to perpetuate the practice in some form, but not the sense of belonging and identity that it provides to its community.[[219]](#footnote-219)

Looking at the safeguarding measures proposed, there are some further problems, other than vagueness and brevity (the minimum number of words has not been reached). Research is appropriate, but should involve the local community or feed information back into the local community, and in order to be considered a safeguarding measure should contribute in one way or another to safeguarding. It is not clear how inventorying other processions will help to safeguard the Hana Procession in Zabra unless a proposal is made to extend the nomination to include them.

Furthermore, the safeguarding measures should indicate how the capacity of the community to protect and sustain the element will be strengthened and, other than training youth, this is not evident. Safeguarding strategies should demonstrate that capacity building and knowledge transfer towards the communities are part of such measures so that the communities concerned can take ownership of the safeguarding process and continue it, even after the experts, government officials or non-governmental organizations have left. Safeguarding strategies should also include mobilization, awareness-raising and educational activities involving youth.[[220]](#footnote-220)

Merging the Summer Festival with the procession will effectively prevent the procession taking place, and is thus not a safeguarding measure. It would be counterproductive from the point of view of the Convention. Participants might also ask who is meant to consider this suggestion: the townspeople or the Tourism Office? The Summer Festival should not be confused with the enactment of the procession in the community context and should therefore be differentiated to the extent possible (i.e. selection of another date and another location). It should be clearly marked as an event organized in the first place for outsiders that may also be enjoyed by (and be profitable to) the townspeople, and should not aim to replace the procession in the town itself, as this would threaten its viability. It should be a matter of some concern that about 70 per cent of the budget proposed for safeguarding measures concerns the marketing of the festival.

The involvement of girls from the local community seems to be an important aspect of the procession. Choosing professional singers from another town or province entirely would cause the procession to lose its significance for the local community. Remunerating the participants currently seems unnecessary, as there are sufficient musicians and girls interested in participating; it may also change the nature of the procession. This is not to say that professionalization of the practice within the community would necessarily have a negative impact on the viability of the element. The formalization and even the institutionalization of transmission of an element is often part of the evolution of intangible cultural heritage and of its constant recreation.[[221]](#footnote-221)

The budget mentions amounts, but does not indicate a currency.

The plan is presented as being contingent upon inscription and the submitting State needs to avoid conditionality when describing safeguarding plans.[[222]](#footnote-222)

(ii) How will the States Parties concerned support the implementation of the proposed safeguarding measures

If a specific allocation of funds and resources (i.e. how much, when and for what purpose) is made in the table of safeguarding measures (Section 3.b(i)), it is necessary to also mention here whether, and to what extent, the State or other actors will contribute towards these costs, or to what extent they will provide other resources. It is not clear from the file whether or not the authorities have committed to the amounts mentioned in the safeguarding measures table. The fact that under Section 7 of the file there is no appropriate signature from an authority, who is allowed to sign in the name of the State concerned, further weakens this point.

It is therefore difficult to evaluate whether the State has made a ‘solid commitment’, which is a ‘prerequisite for success.’ Safeguarding measures should be described in terms of concrete engagements of the State and the communities and not only in terms of possibilities and potentialities.[[223]](#footnote-223)

Furthermore, these measures should not consist solely of top-down, centrally-driven measures dependent on governmental support that could prove transient; rather, there needs to be long-term involvement of the community and an entire chain of actors that promise greater sustainability than measures supported only by the State.[[224]](#footnote-224)

(iii) How have communities, groups or individuals been involved in planning the proposed safeguarding measures

Details of when the meetings and/or consultations took place and how they contributed to the safeguarding measures are required. The people of Zabra are the community concerned so the meetings should have been public meetings, not just meetings between the municipality and the researchers. Participation across gender and age groups is an important issue to consider in the practice, transmission and safeguarding of any element. This should also, if necessary, be taken into account when the consent of a community concerned is sought. States are encouraged to address in nominations the participation of women, children and youth in their elaboration as well as in the implementation of safeguarding measures, giving particular attention to the transmission of intangible cultural heritage from generation to generation and to raising awareness of its significance.[[225]](#footnote-225) For the safeguarding of intangible cultural heritage to be effective and sustainable, it should involve a wide range of actors, not necessarily actors specialized only in culture but also in other areas such as education, health or agriculture.[[226]](#footnote-226)

3.c. Competent body(ies) involved in safeguarding

The Department of Culture can be involved in supporting safeguarding (if the community concerned agrees), but a more local-level organization might be more appropriate as a ‘competent body’.

### 4. Community participation and consent (Criterion R.4)

It is crucial to remember that communities, groups and, where appropriate, individuals whose intangible cultural heritage is concerned are essential participants at all stages of the identification, inventorying, preparation, elaboration and submission of nominations, in the promotion of visibility of intangible cultural heritage and awareness of its significance and in the implementation of safeguarding measures.[[227]](#footnote-227) This point is to be taken very seriously: many nominations that resulted in negative recommendations failed to meet this requirement.

4.a. Participation of communities, groups and individuals

The nomination file does not indicate how the townspeople of Zabra participated in developing the nomination; in fact, from the statement in the initial nomination file it seems they were not consulted, although they may have been pleased at the announcement. States also need to describe the nature and quality of community participation.[[228]](#footnote-228)

The use of the term ‘World Intangible Heritage’ means that those who prepared the file have not fully understood the aims of the Intangible Heritage Convention. The use of the term ‘Masterpieces’ is equally problematic; this reference to an earlier approach to ICH gives some background to the problematic nature of the file in general.

The Lists mentioned are Lists of the Convention, not of UNESCO. UNESCO does not inscribe; it manages the Lists at the request of the Committee, so in more casual speech they might incidentally be referred to as UNESCO Lists, but in a nomination file and in official publications it is better to speak about the Lists of the Convention.

4.b. Free, prior and informed consent

The consent of communities for the content of the nomination and its submission must come from representatives of the community concerned, in other words, the townspeople of Zabra or their *bona fide* representatives. The file only mentions the consent of the Mayor, who from the file does not seem to have a mandate for preparing or submitting the file from the community concerned. The state needs to show background of mediators or actors representing the community and explain their roles in the preparation of the nomination.[[229]](#footnote-229)

It is unclear what the ‘meetings’ referred to were about and who attended them.

4.c. Respect for customary practices governing access to the element

The ‘unknown authentic function’ of the element is a problematic concept as authenticity is not important in determining the function or value of ICH under the Convention (see above). Aspects of the element unknown to researchers (including its function) have very little to do with customary limitations on access.

Customary practices can only be found and adequately described with the active involvement of appropriately selected community members. Since the community was at best only partially involved in preparing this nomination, any information given here would be viewed as doubtful in terms of accuracy.

Participants should be encouraged to ask how local girls and families are selected for involvement in the procession, and whether the selection process is open or secret. Also, the houses visited are private, so not all people following the procession would be invited inside or to the yard afterward. If indeed there are customary practices governing access to specific aspects of the element, the file needs to specify what measures will be taken to respect such customary restrictions (Article 13 of the Convention).These issues are dealt with in the final nomination file.

4.d. Concerned community organization(s) or representative(s)

The Department of Culture cannot be the contact for community representatives. Without a legitimate community organization, or a number of community representatives, named in this section the file cannot be accepted. Representatives from a community have to be acceptable to the practitioners; if there is no community-based organization that can speak in the name of the community a solution should be found regarding the selection of representatives before submission of the nomination file.

### 5. Inclusion on an inventory (Criterion R.5)

More information needs to be provided regarding the nature of this inventory, its name, the name of the element as inscribed on it, a reference number for the entry, the date of the entry and so on. No extract is provided.

The name of an element may perhaps be understood to constitute its *identification*, but Article 11 of the Convention also requires that the element be *defined*. States need to make sure that their inventorying efforts go beyond simply listing.[[230]](#footnote-230)

Information also needs to be provided about the compliance of the inventory with Articles 11 and 12 of the Convention. People from Zabra should not just have access to the inventory entry as website users, they should have been involved in developing the inventory entry, and in particular in defining and identifying the element. This is evident in the final nomination.

Information is also to be provided on the regular update of the inventory – this is missing. It is important to remember that the involvement of communities in the elaboration and periodic updating of the inventory does constitute an obligation and must be clearly described in the text of the nomination.[[231]](#footnote-231)

### 6. Documentation

This section contains too many photos and they concentrate on issues not relevant to current practice of the element. There is no video (this is now mandatory but the requirement will not be enforced until the 2015 round).

The reproduction of the engraving showing the Meadow of Victory where Brymlians once surrendered might give rise to discussion: what if Brymlians are not happy to be reminded of their defeat? It is important to remember that the requirement of mutual respect among communities, groups and individuals is fundamental to the Convention and that inscriptions on the Representative List should encourage dialogue which respects cultural diversity.[[232]](#footnote-232)

Even if the photo does not pose a problem in this regard, what is its relevance? There are too many photos and this reproduction, which clearly has nothing to do with the element as it is practised today, would be the first to be removed.

Cession of rights: All required documentation has to accompany the nomination. In some cases the Secretariat may ask for further information to be submitted before a fixed deadline. Files that do not comply with key minimum requirements by this deadline will not be submitted for examination (see General Comments on the Forms ICH-01 and 02 in Unit 40).

Lists of documentation as in 6.b should be more informative and complete. No video is attached to the file apparently.[[233]](#footnote-233)

### 7. Signature

The document needs to be signed by a State official empowered to sign on behalf of the State Party. The Department of Culture is mentioned in the file, but does not seem to have had much involvement with the nomination, and therefore any authorization of the Zabra Mayor to sign on its behalf seems unlikely.

1. the haDDO – HARVEST FESTIVAL nomination

The Convention places international cooperation for safeguarding at its core. Inscription on a multinational basis of an element of intangible cultural heritage that is found on the territories of two or more States Parties is an opportunity for international cooperation. Such cooperation has been established in the Operational Directives (paragraph 13) and is frequently encouraged by the decisions of the Committee and the recommendations of its evaluation bodies.. States are encouraged to submit multinational nominations on elements shared by different communities, groups and individuals in order to facilitate dialogue between cultures and communities.[[234]](#footnote-234)

This nomination exercise focuses on one such multinational nomination. In this case three State Parties are asked to ‘demonstrate their concern for and responsibility towards intangible cultural heritage and its safeguarding that goes beyond national borders.’[[235]](#footnote-235)

It is generally recognized that multinational nominations are inevitably more complicated than nominations prepared by a single State Party. State Parties submitting multinational files need to demonstrate that it is indeed a single element that is being nominated, though spanning two or more national territories, while giving sufficient detail and avoiding general descriptions.

The initial version of the file casts doubts about the level of commitment of one of the State Parties and whether the practices originally associated with the element on its territory still belong to a wider single element. The information provided by one of the State Parties is also less comprehensive and fails to meet the required standards. Multinational nominations should be evaluated as one and the same. Thus, the lack of information regarding one or more submitting States affects the whole nomination.[[236]](#footnote-236)

Because of the complexity involved in having several State Parties, the Committee has permitted flexibility in the application of the specified word counts,[[237]](#footnote-237) the general practice being that the limits are increased by 50% for a bi-national nomination or 100% for a nomination of three or more countries, except in the case of section 5 concerning inventories, where the limits of not fewer than 150 or more than 250 words apply to *each* participating country.

The file also raises issues related to the focus placed on authenticity, de-contextualization and the whether the safeguarding measures are appropriate.

Participants could imagine that if such a file was submitted to the Secretariat of the Convention the following events might take place:

* The Secretariat would notice that the file exceeds the number of allowable words in one instance.
* It would notice that the file is not signed by an official of one of the submitting States and would contact the delegation at UNESCO of the State concerned.
* Should all the State Parties nevertheless endorse the initial nomination and ask the Secretariat to process it, without substantial improvement, the further evaluation by the Evaluation Body would most probably result in a negative recommendation.
* The State Parties might decide to develop a new nomination file for the same element, emphasizing its common characteristics across the three countries and providing balanced information from each of these, with better involvement of the community concerned and a revision of the proposed safeguarding measures.
* This is apparently what happened, and the file was resubmitted two years later. The States in question took a wise decision as the second version (i.e. the final sample nomination) stands a better chance of being given a positive recommendation by the Evaluation Body.

### Notes on specific sections

### A. State Parties

### B. Name of element

States are constantly reminded that the purposes of inscription on the Representative List, to promote visibility of intangible cultural heritage and awareness of its significance, cannot be well served if an element’s name is understandable only to those already familiar with it.[[238]](#footnote-238)

Submitting States have therefore been advised to choose a name that makes sense in English or French to people who may never have experienced the element itself and that allows them to grasp its identity.

In this case the States Parties decided to amend the initial file and to include the vernacular name in the title in the final file, but accompanied by a translation or paraphrase in English.

### C. Communities, groups and individuals concerned

This section raises questions regarding the nature of the communities concerned, especially in Astraludia, an issue that recurs in the rest of the nomination file. If ‘some ordinary people’ come and watch the procession, it is debatable whether they are still concerned communities, and whether the ‘three pillars’ through which the element is perpetuated are present in all three countries.

In Astraludia – just as in the other countries – the communities concerned must be those people who consider the element as part of their own cultural heritage and as contributing to their sense of identity and continuity. This has implications for the entire nomination process.

Communities concerned with a particular element of intangible cultural heritage play the central role in all aspects of its safeguarding and particularly at all stages of the nomination process and they must be clearly identified.[[239]](#footnote-239)

In the initial nomination only the Tourism Office is named as the community concerned, as far as Astraludia is concerned. With regard to multinational nominations, States Parties are also invited ‘to include all sub-groups sharing the same practices and traditions in their varied contexts across the national boundaries’.[[240]](#footnote-240)

The notion of authenticity is also raised here and two remarks arise in this respect:

First, the notion of authenticity is not of much utility in discussions about ICH elements: the element may well have changed over time and different variations, improvisations and interpretations may exist. The Convention is not concerned with the question of how ‘original’ or ‘authentic’ an element is or what its ‘ideal’ form should be, rather what matters is how an element figures in the lives of its practitioners today.[[241]](#footnote-241) The nomination file should state the community’s views about the meaning of the procession. Using an outside expert (as seems here to have been the case) to determine the ‘authentic’ meaning of an element for the community through historical research is contrary to the spirit of the Convention.

Secondly, introducing a hierarchy of ‘authenticity’ goes against the spirit of the Convention. Expressions such as ‘authenticity’, ‘pure’, ‘true’, ‘unique’, ‘original’, ‘essence’ ‘masterpieces’ found in the nominations are not compatible with the spirit of the Convention and should be avoided.[[242]](#footnote-242)

### D. Geographic location and range

The information provided is detailed and accurate. However, as elsewhere in the file, the level of detail provided by Astraludia is less than that supplied by the other countries.

### E. Contact persons

The designated contact persons for the file could very well be located at the Ministries indicated, as long as this was undertaken with the sanction of the community concerned. However, the selection of contact persons in Astraludia appears to confirm limited community consultation in the process of drawing up the file.

### 1. Identification and definition of the element (cf. Criterion R.1)

Domains

These seem appropriate, although a question arises as to whether all boxes would have been ticked had the file been presented by Astraludia only. Participants may wish to discuss the challenges involved in this respect in multinational nominations files, where variations are expected yet a single, similar element is presented across countries (see comment below).

(i) Summary description of the element

The practice of lighting bonfires and carrying torches is described as central to the *haddos.* Yet this is no longer happening in Astraludia where the Tourism Office has assumed responsibility for processions that take place without bonfires or torches. Without additional information, the unity of the element across the three countries is in doubt. It needs to be clear in multinational nominations that the element in question is indeed a single, shared practice or expression, putting in the forefront its recognition as such by the concerned communities, groups and individuals in all of the countries cooperating in the nomination rather than a disparate set of practices that are celebrated by diverse communities on the same day.[[243]](#footnote-243)

(ii) Bearers and practitioners

The information provided for Keidas and Taronia is detailed and comprehensively describes the diversity of actors and their roles. However, it is not so with regard to Astraludia.

First, the quality and quantity of information provided may lead to the conclusion that one of the State Parties is not as committed as the others in the nomination process.

Secondly, this may lead to the observation that the file is not balanced. Multinational nominations often lack balance in terms of the quantity and quality of information for different countries concerned; States therefore need to do their utmost to strike the right balance of information, particularly between the coordinating country and others participating.[[244]](#footnote-244)

Furthermore, there is little evidence that the cultural meaning of the element is intact for the local community in Astraludia, as the practice has now become the responsibility of the Tourism Office and ‘some’ community members attend the processions as spectators or are hired to participate. States are encouraged to highlight the sense of belonging of the concerned communities and to clearly demonstrate their free, prior and informed consent to the multinational nomination as it is formulated.[[245]](#footnote-245)

(iii) Transmission

The initial nomination file again proposes less information on transmission mechanisms, in so far as Astraludia is concerned, than for the other two countries. The emphasis in Astraludia is on a single school where tourist guides are trained. The states need to demonstrate that this transmission mechanism does not undermine community-based mechanisms (if any survive) and therefore the communities’ sense of identity with the *haddos*.

The school is described as being in the lowlands (i.e. away from the Bessaoui mountain range) and it does not appear to provide specific training on the *haddos* and related practices and rituals. If this is the case, there appears to be a situation where transmission is no longer community rooted, giving rise to concern about the real viability of the element in Astraludia.

(iv) Social and cultural functions and meanings

The social and cultural meanings are described so far as two of the countries are concerned. Where the emphasis is on tourism, the cultural functions of the *haddo* are far less evident and the economic aspect appears to be predominant.

Because of these differences, it is also difficult to evaluate whether the file demonstrates awareness and agreement of all communities concerned regarding the shared nature of the proposed element and their commitment to the multinational character of the nomination.[[246]](#footnote-246)

In the final file, the mention of a Bessaoui cultural identity across the three countries goes some way in remedying this deficiency.

(v) Compatibility with human rights instruments and the requirements of mutual respect and sustainable development

The issue of deforestation is mentioned in relation to Astraludia, where the bonfires have been banned to protect the environment.

It is unclear whether deforestation is also an issue in the two other countries, although the mention of the ‘remaining sites for felling trees’ may suggest that this is so. The proposed safeguarding measures do not address this issue in the initial file.

States are encouraged to address the contribution of the safeguarding of ICH to sustainable development, notably in terms of conflict resolution, peace building, environmental sustainability, gender equality and enhancement of local economies.[[247]](#footnote-247)

### 2. CONTRIBUTION TO Ensuring visibility and awareness and encouraging dialogue (Criterion R.2)

(i) Visibility and awareness

The information given is scanty and does not fully answer the question. In particular, no information is given on how the proposed inscription may raise the awareness of the importance of ICH beyond the locality, to the national and international levels.[[248]](#footnote-248)

Further, emphasis is placed on how the inscription will raise awareness of the element itself, rather than of ICH more generally. The submitting States are expected to give thought to the contribution that inscription of a given element could make to the larger purposes of the Representative List, and not simply to the element’s own popularity or renown.[[249]](#footnote-249)

(ii) Dialogue

The authors have identified opportunities for dialogue that could be encouraged by inscription. One possible opportunity, however, that of connecting or re-connecting with the communities in Astraludia, beyond the tourism authorities, does not feature.

(iii) Respect for human creativity and cultural diversity

The specific and relevant characteristics of the *haddo* in Astraludia are not evident in this sub-section, other than mentioning that the festival has taken more ‘modern, less authentic’ forms there.

While the choice of words in itself may point to a degree of condescension on the part of the authors, it may also indicate that the authorities (and the local communities) in Astraludia may not have reviewed this text with care.

Given the differences in the *haddos* in the three countries, one would also have expected to read how inscription might foster respect for creativity and diversity not only within each national territory, but also between the three State Parties.

### 3. Safeguarding measures (Criterion R.3)

The lack of information from one of the State Parties is evident in this section of the form.

3.a. Past and current efforts to safeguard the element

(i) Community efforts

Where the ‘element has gone from the brink of extinction to being a recognized and visible heritage’, one may ask what promotion efforts have led to this achievement and what roles the communities concerned played in this revitalization process.

Apart from the mention of societies and local researchers, community efforts are generally poorly described, at least so far as two of the countries are concerned. Some of the efforts described here are not primarily being undertaken by the community concerned. States need to provide clearer information about the internal segments or sub-groups within a community. It is particularly important that submitting States justify as fully as possible the choice of a particular segment of a larger population as the focus of its safeguarding efforts.[[250]](#footnote-250)

All the boxes indicating the kinds of safeguarding measures implemented have been ticked, although insufficient evidence has been presented to justify the choices.

(ii) State efforts

If *societies* are community-based, a description oftheir past and present work belongs to section 3.a. (i).

Future intentions should not be described in this section.

3.b. Safeguarding measures proposed

(i) What measures are proposed

Some of the measures proposed here are vague and where this is the case, commitments are also imprecise. States are encouraged to provide clear and definite statements of what safeguarding measures will be taken or are planned, rather than seeming to suggest that they are only vague possibilities or potential actions.[[251]](#footnote-251)

There is much emphasis on the role of state institutions in the proposed measures and the role of the local communities is not evident. One needs to keep in mind that communities should be seen not only as targets or beneficiaries of such measures but as their instigators and implementers. The commitments of the communities to such measures are also fundamental to the success of any safeguarding effort.[[252]](#footnote-252)

Even where research is mentioned, it should involve the local community or feed information back into the local community.

One of the threats to the element and to sustainable development in the mountain range concerns the use of forest resources, which may increase as a result of inscription and has already forced one of the countries to ban beacons on its territory. Elements nominated to the Representative List are supposed to be reasonably viable at the time of nomination, but are likely to attract increased outside attention after inscription. Some safeguarding measures have to address possible risks to the element’s viability that may be introduced by inscription on the Representative List. States also need to address the possible negative consequences of the inscription. Participants may also wish to discuss the extent to which three national sets of safeguarding measures are proposed here, rather than a multinational initiative and the possible consequences of this.

(ii) How will the States Parties concerned support the implementation of the proposed safeguarding measures

This sub-section exceeds the allowable number of words. See comment made above.

Where Astraludia is concerned, the measures are still being finalised and it is therefore difficult to evaluate whether the State has made a ‘solid commitment’, which is a ‘prerequisite for success’. Safeguarding measures should be described in terms of concrete engagements of the States Parties and communities and not only in terms of possibilities and potentialities.[[253]](#footnote-253) These measures should not consist solely of top-down, centrally-driven measures dependent on governmental support that could prove transient; rather, there needs to be long-term involvement of the community and an entire chain of actors that promise greater sustainability than measures supported only by the State.[[254]](#footnote-254)

Furthermore, safeguarding strategies should demonstrate that capacity building and knowledge transfer towards the communities are part and parcel of such measures so that the communities concerned can take ownership of the safeguarding process and continue it, even after the experts, government officials or non-governmental organizations have left. Safeguarding strategies should also include mobilization, and awareness-raising and educational activities involving youth.[[255]](#footnote-255)

Participants may also wish to discuss the emphasis placed, especially in Astraludia, on tourism development and its possible negative consequences. If tourists become central to the viability of the festivals (and this seems to already be the case in Astraludia), this could imply that the festivals have little residual function for the community and that the element has become largely commercialized. This might be able to perpetuate the practice in some form, but not the sense of belonging and identity that it provides to its community.[[256]](#footnote-256)

(iii) How have communities, groups or individuals been involved in planning the proposed safeguarding measures

While general statements are made about community participation, especially in Keidas and Taronia, more precise information would have been welcome. States are recalled that communities are not monolithic and homogeneous, but are stratified by age, gender and other factors.[[257]](#footnote-257)

3.c. Competent body(ies) involved in safeguarding

In all three countries, Government officials are listed as competent bodies. More local-level organizations should also be listed, given the roles the communities concerned in safeguarding and transmitting the *haddos*, in at least two of the countries.

### 4. Community participation and consent (Criterion R.4)

4.a. Participation of communities, groups and individuals

Several coordination and planning events are listed and their dates and location are specified. While noting that Astraludia was seemingly less involved than the two other countries, more detail on the quality of community participation would have been useful. It is not only the timing of community participation, but more importantly the nature and quality of that participation that are to be addressed in nominations.[[258]](#footnote-258) The role of youth, women and children also needs to be tackled, as particular attention needs to be given to the transmission of intangible cultural heritage from generation to generation and to raising awareness of its significance.[[259]](#footnote-259)

4.b. Free, prior and informed consent

The consent of communities for the content of the nomination and its submission must come from representatives of the community concerned: it is unclear to what extent communities in Astraludia have indeed provided their consent. Evidence is only provided from the Ministry of Tourism and the Bero Museum whose mandate from the community concerned for preparing or submitting the file is not evident.

In addition, consent regarding the multinational dimension of the nomination should have been evident in the letters and other documents presented. Multinational nominations must demonstrate the awareness of all stakeholders concerned regarding the shared nature of the proposed element, their commitment to the multinational character of the nomination, as well as their participation and mutual cooperation in the safeguarding measures.[[260]](#footnote-260)

Several documents do not mention the nomination effort, but are described in general terms. Others have not been translated in either French or English and can therefore not be considered. A nomination is considered incomplete and cannot be evaluated or examined unless evidence of free, prior and informed consent is provided in one of the working languages of the Committee (English or French), as well as the language of the community concerned if its members use languages other than English or French.[[261]](#footnote-261)

4.c. Respect for customary practices governing access to the element

No comment

4.d. Concerned community organization(s) or representative(s)

The Ministry of Tourism cannot be the contact for community representatives in Astraludia. Without a legitimate community organization, or a number of community representatives, named in this section the file cannot be accepted.

### 5. Inclusion on an inventory (Criterion R.5)

Information needs to be provided about the compliance of the inventory with Articles 11 and 12 of the Convention. The concerned communities in Astraludia should not just have access to the inventory entry as website users; they should have been involved in developing the inventory entry and in its update. The involvement of communities in the elaboration and periodic updating of the inventory does constitute an obligation and must be clearly described in the text of the nomination.[[262]](#footnote-262)

While all State Parties have submitted detailed extracts of their inventories, in the case of Keidas, the necessary translation in either French or English is missing. This is a requirement.[[263]](#footnote-263)

It crucial that when the inventories are addressed, the States concerned by the multinational nomination must be able to coordinate themselves and to bring the information to the same level, including where appropriate mentioning the situation in other countries.[[264]](#footnote-264)

### 6. Documentation

Comments above apply to the need for translation in French or English. Files that do not comply with key minimum requirements by this deadline will not be submitted for examination (see General Comments on the Forms ICH-01 and 02 in Unit 40).

Only ten photos can be submitted to accompany a nomination. Here we also see an imbalanced approach to the number of photos from each state, though it remains the choice of the States themselves.

Without a 10 minutes video and cession of rights forms, the nomination cannot be considered.

### 7. Signature

The document needs to be signed by officials from all of the submitting States. The missing signature (Taronia) would invalidate the file should it be submitted.

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. . Decision 9.COM 10 [↑](#footnote-ref-2)
3. . Document 9.COM 10 [↑](#footnote-ref-3)
4. . Document 7.COM 7 para 30 [↑](#footnote-ref-4)
5. . Decision 10.COM 10 [↑](#footnote-ref-5)
6. . Document 9.COM 9, Document 7.COM 8 [↑](#footnote-ref-6)
7. . Decision 9.COM 9, Decision 8.COM 8 [↑](#footnote-ref-7)
8. . Decision 7.COM 7 para 8 [↑](#footnote-ref-8)
9. . Document 6.COM 8 [↑](#footnote-ref-9)
10. . Decision 9.COM 9.a. [↑](#footnote-ref-10)
11. . Document 7.COM 8. [↑](#footnote-ref-11)
12. . Document 8.COM 7.a. [↑](#footnote-ref-12)
13. . Decision 7.COM 11 para 18 [↑](#footnote-ref-13)
14. . Document 7.COM 8 [↑](#footnote-ref-14)
15. Decision 7.COM 7 para 6, also paras 116 and 117 of the ODs on commercialization and ICH [↑](#footnote-ref-15)
16. . Document 7.COM 8 [↑](#footnote-ref-16)
17. . Document 7.COM 8 [↑](#footnote-ref-17)
18. . Document 6.COM 7 [↑](#footnote-ref-18)
19. . Decision 8.COM 7.a.6 [↑](#footnote-ref-19)
20. . Decision 7.COM 7 para 10 [↑](#footnote-ref-20)
21. . Document 7.COM 7 paras 35-37, Decision 10.COM 10 [↑](#footnote-ref-21)
22. . Decision 6.COM 13.14 [↑](#footnote-ref-22)
23. . Document 8.COM 8; cf. Document 9.COM 10 [↑](#footnote-ref-23)
24. . Document 6.COM 7 [↑](#footnote-ref-24)
25. . Document 9.COM 9.a; cf. Document 8.COM 7.a [↑](#footnote-ref-25)
26. . Document 9.COM 10 [↑](#footnote-ref-26)
27. . Document 7.COM 8 [↑](#footnote-ref-27)
28. . Decision 9.COM 9.a [↑](#footnote-ref-28)
29. . Decision 7.COM 11 para 7 [↑](#footnote-ref-29)
30. . Decision 7.COM 7 para 6 [↑](#footnote-ref-30)
31. . Decision 10.COM 10 [↑](#footnote-ref-31)
32. . Document 7.COM 8 [↑](#footnote-ref-32)
33. . Document 9.COM 10 [↑](#footnote-ref-33)
34. . Document 9.COM 10 [↑](#footnote-ref-34)
35. . Decision 7.COM 8 para 4 [↑](#footnote-ref-35)
36. . Document 8.COM 8 [↑](#footnote-ref-36)
37. . Document 8.COM 7.a [↑](#footnote-ref-37)
38. . Document 7.COM 7 para 30, Decision 10.COM 10 [↑](#footnote-ref-38)
39. . Document 8.COM 8 [↑](#footnote-ref-39)
40. . Decision 9.COM 9, Decision 8.COM 8 [↑](#footnote-ref-40)
41. . Document 5.COM 6 [↑](#footnote-ref-41)
42. . Document 8.COM 7.a [↑](#footnote-ref-42)
43. . Document 9.COM 10; cf. Document 8.COM 8; cf. Document 7.COM 11, Document 6.COM 13 [↑](#footnote-ref-43)
44. . Document 9.COM 9.a [↑](#footnote-ref-44)
45. . Document 6.COM 7 [↑](#footnote-ref-45)
46. . ITH/12/7.COM/8 para 12 [↑](#footnote-ref-46)
47. . Document 9.COM 9.a, Document 8.COM 7.a [↑](#footnote-ref-47)
48. . ITH/11/6.COM/CONF.206/8 [↑](#footnote-ref-48)
49. . Document 7.COM 8; see below on viability. [↑](#footnote-ref-49)
50. . ITH/11/6.COM/CONF.206/8 [↑](#footnote-ref-50)
51. . Document 7.COM 7 [↑](#footnote-ref-51)
52. . Document 9.COM 10 [↑](#footnote-ref-52)
53. . Document 9.COM 10 [↑](#footnote-ref-53)
54. . ITH/11/6.COM/CONF.206/7 [↑](#footnote-ref-54)
55. . Decision 8.COM 7; cf. Decision 9.COM 9 [↑](#footnote-ref-55)
56. . Document 9.COM 9.a, Document 8.COM 7.a [↑](#footnote-ref-56)
57. . Document 8.COM 7.a [↑](#footnote-ref-57)
58. . Document 9.COM 9.a, Document 8.COM 7 [↑](#footnote-ref-58)
59. . Decision 7.COM 11 [↑](#footnote-ref-59)
60. . Decision 7.COM 7 para 10 [↑](#footnote-ref-60)
61. . Decision 6.COM 13.14 [↑](#footnote-ref-61)
62. Decision 9.COM 9.a [↑](#footnote-ref-62)
63. . 10.COM10 [↑](#footnote-ref-63)
64. . Document 9.COM 9.a, Document 8.COM 7.a [↑](#footnote-ref-64)
65. . Document 9.COM 10 [↑](#footnote-ref-65)
66. . ITH/12/7.COM 7 para 30 [↑](#footnote-ref-66)
67. . Document 8.COM 7.a [↑](#footnote-ref-67)
68. . Decision 8.COM 8; cf. Decision 9.COM 10 [↑](#footnote-ref-68)
69. . Document 9.COM 10 [↑](#footnote-ref-69)
70. . Document 6.COM 7 [↑](#footnote-ref-70)
71. . Decision 9.COM 9.a [↑](#footnote-ref-71)
72. . Decision 10.COM 10 [↑](#footnote-ref-72)
73. . Document 9.COM 10 [↑](#footnote-ref-73)
74. . Decision 9.COM 10 [↑](#footnote-ref-74)
75. . Decision 7.COM 8 para 4 [↑](#footnote-ref-75)
76. . Decision 7.COM 11 para 18 and Decision 7.COM 20.2 para 6 [↑](#footnote-ref-76)
77. . Document 6.COM 13 [↑](#footnote-ref-77)
78. . Document 9.COM 9, Document 7.COM 8 [↑](#footnote-ref-78)
79. . Document ITH/12/7.COM 7 para 30 [↑](#footnote-ref-79)
80. . ITH/11/6.COM/CONF.206/8, para 32, also Decision 10.COM 10 [↑](#footnote-ref-80)
81. . Document 9.COM 9.a [↑](#footnote-ref-81)
82. . Document ITH/12/7.COM/8 para 12 [↑](#footnote-ref-82)
83. . Document ITH/11/6.COM/CONF.206/8 [↑](#footnote-ref-83)
84. . Document 8.COM 7.a [↑](#footnote-ref-84)
85. . Document 8.COM 8 [↑](#footnote-ref-85)
86. . Document 6.COM 7 [↑](#footnote-ref-86)
87. . Document 8.COM 7 [↑](#footnote-ref-87)
88. . Document ITH/11/6.COM/CONF.206/8 [↑](#footnote-ref-88)
89. . Document 7.COM 7 [↑](#footnote-ref-89)
90. . Document 7.COM 8 [↑](#footnote-ref-90)
91. . Document 7.COM 8 [↑](#footnote-ref-91)
92. . Document 9.COM 9, Document 8.COM 8 [↑](#footnote-ref-92)
93. . Document 8.COM 7.a [↑](#footnote-ref-93)
94. . Decision 10.COM 10 [↑](#footnote-ref-94)
95. . Decision 7.COM 7 para 10 [↑](#footnote-ref-95)
96. . Document 8.COM 8 [↑](#footnote-ref-96)
97. . Decision 9.COM 9.a; cf. Decision 8.COM 7 [↑](#footnote-ref-97)
98. . Decision 8.COM 7; cf. Decision 9.COM 9 [↑](#footnote-ref-98)
99. . Document ITH/11/6.COM/CONF.206/7 [↑](#footnote-ref-99)
100. . Decision 6.COM 7.9 [↑](#footnote-ref-100)
101. . ITH/12/7.COM 11 para 37 [↑](#footnote-ref-101)
102. . Document 9.COM 9.a, Document 8.COM 7 [↑](#footnote-ref-102)
103. . Decision 6.COM 13.14 [↑](#footnote-ref-103)
104. . Document 9.COM 10 [↑](#footnote-ref-104)
105. . Document ITH/12/7.COM 7 para 30 [↑](#footnote-ref-105)
106. . Document 8.COM 7.a [↑](#footnote-ref-106)
107. . Document 8.COM 8; cf. Document 9.COM 10 [↑](#footnote-ref-107)
108. . Document 9.COM 9.a; cf. Document 8.COM 7.a [↑](#footnote-ref-108)
109. . Document 7.COM 8 [↑](#footnote-ref-109)
110. . Document 6.COM 7 [↑](#footnote-ref-110)
111. . Document 7.COM 11 [↑](#footnote-ref-111)
112. . Decision 10.COM10 [↑](#footnote-ref-112)
113. . Decision 9.COM 10 [↑](#footnote-ref-113)
114. . Document 6.COM 13. [↑](#footnote-ref-114)
115. . Document 6.COM 8. [↑](#footnote-ref-115)
116. . Dcoument ITH/12/7.COM 7 para 30, Decision 10.COM 10 [↑](#footnote-ref-116)
117. . Document 6.COM 7. [↑](#footnote-ref-117)
118. . Document ITH/11/6.COM/CONF.206/8 [↑](#footnote-ref-118)
119. . Decision 6.COM 7.7 [↑](#footnote-ref-119)
120. . Decision 7.COM 11 para 10, see also para 12 [↑](#footnote-ref-120)
121. . Decision 10.COM 10 [↑](#footnote-ref-121)
122. . Document ITH/12/7.COM/8 para 12 [↑](#footnote-ref-122)
123. . Decision 5.COM 6 [↑](#footnote-ref-123)
124. . Document 9.COM 10; cf Document 7.COM 11. [↑](#footnote-ref-124)
125. . Document 9.COM 9, Document 8.COM 8 [↑](#footnote-ref-125)
126. . Document ITH/11/6.COM/CONF.206/8 [↑](#footnote-ref-126)
127. . Document ITH/11/6.COM/CONF.206/6 Rev [↑](#footnote-ref-127)
128. . Document 7.COM 8; see below on viability. [↑](#footnote-ref-128)
129. . Document 8.COM 7.a; cf. Document 7.COM 11, Document 6.COM 7 [↑](#footnote-ref-129)
130. . Document 9.COM 9.a, Document 8.COM 7.a [↑](#footnote-ref-130)
131. . Document 6.COM 7 [↑](#footnote-ref-131)
132. . Document 9.COM 9.a, Document 8.COM 7 [↑](#footnote-ref-132)
133. . Document 7.COM 7 [↑](#footnote-ref-133)
134. . Document 8.COM 7 [↑](#footnote-ref-134)
135. . Decision 8.COM 8.11 [↑](#footnote-ref-135)
136. . Decision 7.COM 7 para 10 [↑](#footnote-ref-136)
137. . Document ITH/12/7.COM 7 paras 35-37 [↑](#footnote-ref-137)
138. . Decision 6.COM 13.14 [↑](#footnote-ref-138)
139. . Document 8.COM 7.a [↑](#footnote-ref-139)
140. . Decision 10.COM 10 [↑](#footnote-ref-140)
141. . Document ITH/12/7.COM 7 para 30 [↑](#footnote-ref-141)
142. . Decision 8.COM 8; cf. Decision 9.COM 10 [↑](#footnote-ref-142)
143. . Document 6.COM 7 [↑](#footnote-ref-143)
144. . Decision 9.COM 9.a. [↑](#footnote-ref-144)
145. . Document 6.COM 13 and Document 9.COM 10; cf. Document 4.COM 13. [↑](#footnote-ref-145)
146. . Decision 7.COM 8 para 4 [↑](#footnote-ref-146)
147. . Decision 10.COM 10 [↑](#footnote-ref-147)
148. . Decision 6.COM 13.10 [↑](#footnote-ref-148)
149. . Document ITH/12/7.COM 7 para 30, Decision 10.COM 10 [↑](#footnote-ref-149)
150. . Decision 7.COM 11 para 18 [↑](#footnote-ref-150)
151. . Document ITH/11/6.COM/CONF.206/13, para 28 [↑](#footnote-ref-151)
152. . Document ITH/12/7.COM 11 para 59 [↑](#footnote-ref-152)
153. . Document ITH/12/7.COM 11 para 45 [↑](#footnote-ref-153)
154. . Decision 6.COM 7.9 [↑](#footnote-ref-154)
155. . Document 9.COM 9, Document 7.COM 8 [↑](#footnote-ref-155)
156. . Document ITH/11/6.COM/CONF.206/13, para 27, Decision 7.COM 11 para 11 [↑](#footnote-ref-156)
157. . Document ITH/11/6.COM/CONF.206/13, para 34 [↑](#footnote-ref-157)
158. . Document 8.COM 7.a [↑](#footnote-ref-158)
159. . Document 6.COM 13 [↑](#footnote-ref-159)
160. . Document 8.COM 7 [↑](#footnote-ref-160)
161. . Document 8.COM 8 [↑](#footnote-ref-161)
162. . Document 9.COM 9.a [↑](#footnote-ref-162)
163. . Document 9.COM 10; cf. Document 8.COM 8; cf. Document 7.COM 11, Document 6.COM 13 [↑](#footnote-ref-163)
164. . Document ITH/12/7.COM/11 para 39 [↑](#footnote-ref-164)
165. . Decision 7.COM 11 para 14, Decision 10.COM10 [↑](#footnote-ref-165)
166. . Document ITH/11/6.COM/CONF.206/13 [↑](#footnote-ref-166)
167. . Document 1.EXT.COM 6. [↑](#footnote-ref-167)
168. . Document ITH/11/6.COM/CONF.206/13, para 42 [↑](#footnote-ref-168)
169. . Document ITH/11/6.COM/CONF.206/13, para 69 [↑](#footnote-ref-169)
170. . Document ITH/11/6.COM/CONF.206/13, para 41 [↑](#footnote-ref-170)
171. . Document 7.COM 8. [↑](#footnote-ref-171)
172. . Document 7.COM 8; see below on viability. [↑](#footnote-ref-172)
173. . Document 7.COM 11; cf. Document 6.COM 13 [↑](#footnote-ref-173)
174. . Decision 7.COM 11 para 7 [↑](#footnote-ref-174)
175. . Decision 9.COM 10; cf. Decision 8.COM 8, Decision 7.COM 7, Decision 6.COM 7, Decision 5.COM 13 [↑](#footnote-ref-175)
176. . Document 9.COM 10 [↑](#footnote-ref-176)
177. . Decision 8.COM 8.11 [↑](#footnote-ref-177)
178. . Document 8.COM 8; cf. Document 9.COM 9, Document 6.COM 13 [↑](#footnote-ref-178)
179. . Document 6.COM 8 [↑](#footnote-ref-179)
180. . Document 7.COM 7 [↑](#footnote-ref-180)
181. . Document 6.COM 8 [↑](#footnote-ref-181)
182. . Document 7.COM 8 [↑](#footnote-ref-182)
183. . Document 9.COM 10 [↑](#footnote-ref-183)
184. . Decision 8.COM 7; cf. Decision 9.COM 9 [↑](#footnote-ref-184)
185. . Document 6.COM 7 [↑](#footnote-ref-185)
186. . Document 8.COM 7.a [↑](#footnote-ref-186)
187. . Decision 8.COM 8; cf. Decision 9.COM 10 [↑](#footnote-ref-187)
188. . Document 6.COM 7. [↑](#footnote-ref-188)
189. . Decision 10.COM 10 [↑](#footnote-ref-189)
190. . Decisions 8.COM 8, 8.COM 7.a, 7.COM 11, 7.COM 20.2 [↑](#footnote-ref-190)
191. . Decisions 7.COM 11 and 7.COM 20.2. [↑](#footnote-ref-191)
192. . Document 6.COM 13 [↑](#footnote-ref-192)
193. . Document 9.COM 9 [↑](#footnote-ref-193)
194. Document ITH/12/7.COM 11 para 45 [↑](#footnote-ref-194)
195. . Document 7.COM 11 [↑](#footnote-ref-195)
196. . Document ITH/11/6.COM/CONF.206/13, para 34 [↑](#footnote-ref-196)
197. . Document ITH/11/6.COM/CONF.206/13, para 28 [↑](#footnote-ref-197)
198. . Decision 7.COM 11 para 17 [↑](#footnote-ref-198)
199. . Document 9.COM 9.a, Document 8.COM 7.a [↑](#footnote-ref-199)
200. . Document 8.COM 7 [↑](#footnote-ref-200)
201. . Document 8.COM 8 [↑](#footnote-ref-201)
202. . Document 7.COM 11 [↑](#footnote-ref-202)
203. . Document 7.COM 8; see below on viability. [↑](#footnote-ref-203)
204. . Document 8.COM 7 [↑](#footnote-ref-204)
205. . Document 7.COM 8; see below on viability. [↑](#footnote-ref-205)
206. . Document ITH/12/7.COM/11 para 39 [↑](#footnote-ref-206)
207. . Decision 7.COM 11 para 14, Decision 10.COM 10 [↑](#footnote-ref-207)
208. . Document ITH/12/7.COM/11 para 40 [↑](#footnote-ref-208)
209. . Document ITH/11/6.COM/CONF.206/13, para 27 [↑](#footnote-ref-209)
210. . Document 9.COM 10 [↑](#footnote-ref-210)
211. . Document 9.COM 10 [↑](#footnote-ref-211)
212. . Document 8.COM 8; Decision 10.COM 10, see below concerning mutual respect and dialogue. [↑](#footnote-ref-212)
213. . Decision 9.COM 10; cf. Decision 5.COM 6 [↑](#footnote-ref-213)
214. Document ITH/11/6.COM/CONF.206/13 [↑](#footnote-ref-214)
215. Decision 7.COM 11 para 7 [↑](#footnote-ref-215)
216. Document ITH/11/6.COM/CONF.206/13, para 41 [↑](#footnote-ref-216)
217. . Document 7.COM 7 [↑](#footnote-ref-217)
218. . Document 8.COM 8 [↑](#footnote-ref-218)
219. . Document 8.COM 7 [↑](#footnote-ref-219)
220. . Document 6.COM 8 [↑](#footnote-ref-220)
221. . Document ITH/12/7.COM 11 para 37 [↑](#footnote-ref-221)
222. . Document 9.COM 10 [↑](#footnote-ref-222)
223. . Decision 7.COM 11 [↑](#footnote-ref-223)
224. . Document 8.COM 7.a [↑](#footnote-ref-224)
225. . Decision 6.COM 7.9 [↑](#footnote-ref-225)
226. . Document 8.COM 7 [↑](#footnote-ref-226)
227. . Decision 6.COM 13.14 [↑](#footnote-ref-227)
228. . Document 7.COM 7 [↑](#footnote-ref-228)
229. . Document 8.COM 7.a [↑](#footnote-ref-229)
230. . Document 7.COM 8 [↑](#footnote-ref-230)
231. . Document 9.COM 10 [↑](#footnote-ref-231)
232. . Decision 7.COM 11 para 10 [↑](#footnote-ref-232)
233. . Decisions 7.COM 11 and 7.COM 20.2 [↑](#footnote-ref-233)
234. . Decision 9.COM 10; cf. Decision 7.COM 14, Decision 6.COM 7, Decision 6.COM 8, Decision 6.COM 13; Document 6.COM 7 [↑](#footnote-ref-234)
235. . Document 9.COM 10 [↑](#footnote-ref-235)
236. . ITH/15/10.com/10., para 24 [↑](#footnote-ref-236)
237. . Document 7.COM 11 [↑](#footnote-ref-237)
238. . Document 6.COM 13 [↑](#footnote-ref-238)
239. . Document 6.COM 8 [↑](#footnote-ref-239)
240. Decision 10.COM 10 [↑](#footnote-ref-240)
241. . Document ITH/11/6.COM/CONF.206/8, para 23 [↑](#footnote-ref-241)
242. . Document 9.COM 10 [↑](#footnote-ref-242)
243. . Document 9.COM 10 [↑](#footnote-ref-243)
244. . Document 8.COM 8 [↑](#footnote-ref-244)
245. . Decision 9.COM 10 [↑](#footnote-ref-245)
246. . ITH/15/10.COM/10, para 24 [↑](#footnote-ref-246)
247. . Decision 10.COM 10 [↑](#footnote-ref-247)
248. . Decision 10.COM 10 [↑](#footnote-ref-248)
249. . Document ITH/12/7.COM/11 para 40 [↑](#footnote-ref-249)
250. . Document 7.COM 7 [↑](#footnote-ref-250)
251. . Document ITH/11/6.COM/CONF.206/13, para 41 [↑](#footnote-ref-251)
252. . Document ITH/11/6.COM/CONF.206/13, para 69 [↑](#footnote-ref-252)
253. . Decision 7.COM 11 [↑](#footnote-ref-253)
254. . Document 8.COM 7.a [↑](#footnote-ref-254)
255. . Document 6.COM 8 [↑](#footnote-ref-255)
256. . Document 8.COM 7 [↑](#footnote-ref-256)
257. . Document 6.COM 7 [↑](#footnote-ref-257)
258. . Document 7.COM 7 [↑](#footnote-ref-258)
259. . Decision 6.COM 7.9 [↑](#footnote-ref-259)
260. . Decision 10.COM 10 [↑](#footnote-ref-260)
261. . Decision 7.COM 11 and 7.COM 20.2 [↑](#footnote-ref-261)
262. . Document 9.COM 10 [↑](#footnote-ref-262)
263. . Decision 8. COM 8 [↑](#footnote-ref-263)
264. . Document 8.COM 8 [↑](#footnote-ref-264)