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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

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

**First Session
Algiers, Algeria, 18-19 November 2006**

Item 7 of the Provisional Agenda: Criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity

Summary

Article 7 (g) of the Convention requests the Committee to establish, inter alia, objective selection criteria for inscription on the lists mentioned under its Articles 16 and 17. This document proposes, for preliminary discussion, a draft set of criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity. It reflects the discussions held and the recommendations made at two expert meetings organized in the run-up to the preparation of the implementation of the Convention.

Decision required: paragraph 24

Background and purpose

1. This document proposes for preliminary discussion by the Committee for the Safeguarding of the Intangible Cultural Heritage (the "Committee") a draft set of criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity (the "Representative List"). The other list to be established by the Committee, the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (the "Urgent List"), is not dealt with in depth in this document. The draft criteria and the comments provided with them derive from the discussions held and the recommendations formulated at two recent expert meetings. The first of them, *Selection Criteria and Procedures for Inscription of Intangible Cultural Heritage Elements*, was organized by UNESCO on 5-6 December 2005, in Paris. That meeting recommended a draft set of criteria which is reproduced almost literally in this document. The second meeting, co-organized with the Asia/Pacific Centre for UNESCO, *Community Involvement in Safeguarding Intangible Cultural Heritage*, was held in Tokyo from 13 to 15 March 2006. It dealt specifically with the subject of community involvement in inventory making and in the submission of intangible cultural heritage ("ICH") for listing under the Convention.
2. The present document is meant to solicit indications from the Committee that will guide the preparation of a draft document on criteria for inscription on the Convention's lists to be discussed at the next meeting of the Committee – as requested by the General Assembly in Resolution 1.GA 7. The eventual adoption by the General Assembly of inscription criteria will represent a major step towards the first inscription of new items on the Convention's lists.
3. According to Article 31.3 of the Convention, there will be no new Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity after the entry into force of the Convention, which took place in April 2006. The third Proclamation, in November 2005, was the last occasion at which UNESCO could award this distinction. The Representative List will take over from the Proclamation programme the opportunity to highlight and share, on the world level, items of the ICH. It is hoped that the first inscription of new items on the Representative List may take place before the end of 2008.

Draft set of criteria for inscription on the Representative List, with experts' considerations

4. The criteria presented below constitute a checklist of conditions that *all* have to be satisfied before the Committee may proceed to inscription. This approach seems to be appropriate in view of the nature of Article 2.1 of the Convention which, while defining the ICH, lists a number of conditions to be met by ICH practices, expressions, representations, knowledge and skills, which are to be safeguarded under the Convention.

Draft set of criteria

In nomination files, which are to follow a format to be indicated by the Committee, the submitting States Parties should give proof that elements proposed for listing:

(i) fall within one or more of the domains listed in Article 2.2 of the Convention

- It was recommended to follow as much as possible the views of tradition bearers and practitioners concerning the identification and naming of ICH elements, and not to present or list as separate items elements that for them constitute parts of indivisible entities. Experts have repeatedly stressed that many ICH elements belong to more than one of the domains mentioned in Article 2.2.
- The set of domains given in Article 2.2 is explicitly non-exhaustive. Experts felt that one day the Committee will have to decide whether it is necessary to identify more domains than the five identified so far.
- Article 2.1 includes in its definition of ICH not only “practices, representations, expressions, knowledge, skills” but also “the instruments, objects, artefacts and cultural spaces associated therewith”. Experts felt that such objects or spaces cannot be inscribed without the practices, etc. with which they are associated.

(ii) are compatible with international human rights instruments, and with the requirements of mutual respect and of sustainable development

- This criterion is directly extracted from Article 2.1: *For the purposes of this Convention, consideration will be solely given to such ICH as is compatible with existing human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.*
- It was advised to accept for this criterion *e contrario* reasoning to the effect that *nothing* in the item proposed *is incompatible* with human rights instruments, or with the requirements of mutual respect and sustainable development.
- Nomination files should convince the Committee that inscription would not impede the development of the community or group concerned, be it economic, ecological or social development. The contribution of the proposed item, or of its listing, to the sustainable development of the community or group, and – if applicable – of their natural environment, should also be made clear.

(iii) are recognized, by the community, group or, if appropriate, the individuals concerned, as part of their cultural heritage;

(iv) provide the community or group concerned with a sense of identity and continuity, based on shared experience and collective memory;

- (v) are rooted in the community or the group in which they are continuously transmitted and recreated;**
- These three criteria were directly inspired by Article 2.1 of the Convention: *The “intangible cultural heritage” means the practices, representations, expressions, knowledge, skills [...] that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity [...].*
 - The experts considered it as important to present separately these three closely related criteria since the first of them highlights a specific task for tradition bearers (*are recognized*) and explicitly speaks about *individuals*. Criteria (iv) and (v), following the Convention, do not refer to individuals, but to groups and communities only, whereby criterion (iv) stresses the importance of ICH for their identity, while criterion (v) underscores the living and evolving nature of ICH.
 - The experts considered that these three criteria together may indicate whether an item proposed for listing is *representative* for the community or group concerned.
 - Concerning criteria (iv) and (v): the experts, while agreeing that the ICH items to be safeguarded and/or listed under the 2003 Convention should be living and traditional, were reluctant to use the terms “tradition” or “traditional” in the wording of the criteria preferring expressions like “shared experience”, “collective memory” and “rooted in the community”.
 - Concerning criterion (v): the experts preferred using the phrase “rooted in the community” rather than “transmitted from generation to generation” so as not to exclude ICH the transmission of which has been interrupted.
 - Experts at several meetings have stressed that transmission can also take place among persons belonging to a same generation.
- (vi) will enhance the diversity of ICH featuring on the List, thus reflecting cultural diversity worldwide and testifying to human creativity;**
- This criterion was inspired by Article 1 (b) and (c) concerning purposes of the Convention and by Article 16.1 which indicates the purpose of the Representative List: *In order to ensure better visibility of the ICH and awareness of its significance, and to encourage dialogue which respects cultural diversity, the Committee [...] shall establish, keep up to date and publish a Representative List of the ICH of Humanity.*
 - The experts considered that the items listed should be representative for human creativity, in the sense that the Committee should see to it that the elements listed are (a) as diverse as possible, avoiding repetition, and (b) representative of human creativity as found in the various regions of the world.
- (vii) are submitted with the free, prior and informed consent of the community, group, or, if applicable, the individuals concerned;**
- (viii) are submitted following the participation of the community, group or, if applicable, the individuals concerned at all stages of identification,**

definition, documentation and nomination;

- When elaborating these two criteria the experts wanted to acknowledge the importance attached by the Convention to the involvement of communities and groups in the recognition (Article 2.1), identification and definition (Article 11 (b)) and safeguarding (Article 15) of their ICH. They also took into account that States Parties are asked by Article 13 (d) (ii) to ensure *access to the ICH while respecting customary practices governing access to specific aspects of such heritage*.
- Criteria (vii) and (viii) were kept separated out of a concern to stress extensively the importance of the involvement of the tradition bearers in any activity under the Convention that has to do with their living heritage. The experts also wanted to treat in separate criteria the process of soliciting the consent of practitioners and tradition bearers on the one hand, and their involvement in the various processes mentioned in proposed criterion (viii) on the other hand.
- The stipulation contained in Article 13 (d) (ii) concerning access-related customary practices was interpreted by the experts as indicating that aspects of ICH items that are sacred or secret can be recorded for documentation, listed and included in visibility promoting activities, only with the explicit permission of all those concerned.

(ix) have been identified and defined and are already included in an inventory of the ICH present in the territory(ies) of the submitting State(s) Party(ies);

- Article 11 (b) and 12.1 request each State Party, respectively, to *identify and define the various elements of the ICH present in its territory and to draw up, in a manner geared to its own situation, one or more inventories of the ICH present in its territory*. The experts noted that the inventories are to register all ICH in the territories of the States Parties, not just representative elements of their intangible heritage; they acknowledged that comprehensiveness can never be reached, if only in view of the evolving character of the ICH.

(x) are effectively safeguarded through appropriate means and measures, or may be effectively safeguarded by means of a well elaborated and feasible safeguarding plan.

- The experts recommended that in principle the Committee should consider for inscription only ICH items for which a realistic safeguarding plan was elaborated and – if only partially – already under execution, since *(E)ach State Party shall – as stated in Article 11 (a) – take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory*.
- In this context it was also stressed that a State Party which is granted international assistance for the safeguarding of its ICH, is expected, within the limits of its resources, to share the cost of the safeguarding measures in question (Article 24.2).

- The experts recommended that these safeguarding plans be based on an assessment of the viability of the item concerned and that they include an assessment of possible negative impacts of inscription on the Representative List and a proposal for measures mitigating such impacts.

Related issues

5. At the meetings mentioned in paragraph 1, experts also raised a number of issues that are of relevance for the discussions of the Committee on inscription criteria. A summary of their debates is presented below for easy reference.

- **Inscription of Masterpieces**

6. According to Article 31.1 of the Convention, the Committee has to incorporate in the Representative List the items that were proclaimed Masterpieces of the Oral and Intangible Heritage of Humanity. Experts have expressed as their view that Masterpieces, once inscribed on the Representative List, will have to be submitted to the same regime as new items that will be inscribed on it: a viability assessment would be required before they can be appropriately incorporated (i.e., in the Representative List only, or in the Representative *and* the Urgent List). They also felt that Masterpieces, once inscribed, would have to be referred to and reported about in the same way as new inscriptions.
7. The Committee, therefore, before proceeding to the incorporation of Masterpieces, needs to elaborate, and to submit for approval to the General Assembly, the criteria and modalities for inscription of ICH items on both lists. In this context one is reminded of Article 31.2 of the Convention stating that the incorporation of the Masterpieces in the Representative List shall in no way prejudice the criteria for future inscriptions on that list. One of the criteria to be met by all candidates for proclamation as a Masterpiece was their *risk of disappearance*.
8. The experts wondered whether the Committee would incorporate only Masterpieces from States Parties to the Convention and how the Committee would deal with Masterpieces submitted by two States when one of them is not (yet) party to the Convention. They also raised the question whether the Committee would foresee the possibility of not incorporating a Masterpiece if the State Party concerned does not wish it to be incorporated.

- **Criteria for the Urgent List**

9. Since, according to Article 31, the Masterpieces have to be incorporated in the Representative List, and since a considerable part of the Masterpieces were seriously endangered at the moment of Proclamation, experts have deduced that when seriously endangered Masterpieces are incorporated in the Representative List, they would also have to be incorporated in the Urgent List. They would be removed from the Urgent List once a safeguarding plan will have been started/executed. The experts suggested that no element should be inscribed on the Urgent List that would not qualify for the Representative List.

10. The experts reminded that Article 20 (a) mentions the safeguarding of the heritage inscribed on the Urgent List as the first purpose of international assistance and that that list is to be established with a view to taking appropriate safeguarding measures.
11. Article 7 (g) (ii) of the Convention asks the Committee to also submit to the General Assembly criteria for inscription on the Urgent List. The Committee will have to elaborate a method for measuring the urgency and – in the sense of Article 17.3 of the Convention – the extreme urgency of the need of an ICH element to be safeguarded. Once such a method will have been adopted by the General Assembly, the issue of establishing criteria for inscription on the Urgent List may have been settled.

- **Communities, groups and individuals**

12. The experts at the meeting on community involvement (Tokyo, March 2006) emphasized the necessity of involving the communities and groups of tradition bearers in all phases of the listing process. Although assigning an important place to communities and groups, the Convention does not define them. In the future the Committee will have to deal with this issue and decide whether it will wish to define communities, groups and individuals from the onset of the implementation of the Convention, or whether it will first leave it to the States Parties to gain experience through national practice and come back to the question later on.
13. The experts also felt that at the very beginning of inventorying processes there is a need for communities/groups and their representatives to be properly identified.

- **Representativeness**

14. The use of the term *Representative* List implies the notion of representativeness. The experts have claimed that that notion is as crucial for the 2003 Convention as the notion of *outstanding universal value* for the World Heritage Convention. They have stressed, time and again, that the very nature of the ICH opposes itself against establishing hierarchies. The *Representative* List should be established in such a way that no hierarchy will be created or suggested between listed and not listed elements of the ICH: the governmental experts who prepared the draft of the text of the Convention were quite explicit about the undesirability of distinguishing qualitatively between cultures, cultural expressions and cultural communities. That undesirability has been underscored at all expert meetings.
15. During the December 2005 meeting mentioned in paragraph 1 above, the experts decided not to propose a discrete criterion concerning the representative character of items that will be discussed for listing. As briefly mentioned above, they used a two-fold interpretation of representativeness, one on the community or – possibly – national level, the other one on the world level: the proposed criteria (iii), (iv) and (v) were considered to constitute together a test for representativeness on the community – or national – level, criterion (vi) for representativeness on the world level.

- **National representative lists**

16. During several meetings experts took notice of the fact that there are and will remain important divergences among inventories of the various States Parties. In view of this, they elaborated the idea that the Committee might suggest to the States Parties to establish national lists that would feature for all relevant communities and groups, including the national community, one or more elements that are representative of their respective ICH. The experts noted that the inscription procedure for the Representative List would be greatly facilitated if States Parties would propose for inscription on that List elements that already featured on national representative lists. They advised that for these national lists the same or similar inscription criteria should be used as for inscription on the Convention's Representative List. The creation of national representative lists should not lead to establishing hierarchies among elements featuring and not featuring on these lists. Apart from playing a role that can be seen as comparable to that of the Tentative Lists described in the Operational Guidelines of the 1972 *Convention concerning the Protection of the World Cultural and Natural Heritage*, national representative lists could play an important role in ensuring visibility of the ICH, enhancing awareness and encouraging dialogue.

17. Inasmuch as the Convention makes no mention of national representative lists, the Committee may wish to encourage States Parties to develop such lists by offering favourable consideration to elements nominated for inscription on the Representative List that have been previously included on a national list. However, such consideration should be extended only to national representative lists whose inscription criteria are in harmony with the inscription criteria of the Convention's Representative List.

- **A List and a Registry for Representative items of the ICH of Humanity?**

18. Many experts have pronounced themselves – for a variety of reasons – in favour of limited duration of inscription of ICH items on the Representative and hence also on the Urgent List. For the sake of future debate, their considerations are represented below.

19. Since ICH is living and evolving or, according to Article 2.1, *constantly recreated by communities and groups in response to their environment, their interaction with nature and their history*, keeping up to date the Representative List would require a complex and costly system of monitoring and re-evaluation. According to the experts a mechanism will have to be found that restricts the number of annual inscriptions. A limited duration of inscription might see to it that the number of elements on the Lists can be restrained, and the List kept manageable.

20. The World Heritage List shows that inscription leads to strongly increased attention from the outside world. Experts claim that a high level of exposure, frequent performances for non-initiated audiences, or performances outside the normal spatial or temporal setting, may lead to erosion or freezing and to a loss of function of an ICH element in the life of the groups and communities concerned. A limited stay on the Representative List might diminish such risks.

21. The Representative List is established *to ensure better visibility of the ICH and awareness of its significance...* In view of the huge diversity of the ICH, some experts estimated that the Representative List should be dynamic in the sense that

elements inscribed should be regularly replaced by other elements, thus facilitating the visibility of the ICH in all its diversity.

22. The wish that the Convention should not create hierarchies based on quality between inscribed and non inscribed elements of ICH was mentioned as yet another indication for not leaving representative ICH elements for an unlimited period on the List, as it was feared that this might transform representativeness into exclusiveness or outstandingness.
23. Finally, it was suggested that the Committee, if it would agree to the principle of limited duration of inscription, may wish to create a Register of elements that have been listed on the Representative List, under indication of the period of inscription. If the transition from the Representative List after 10, 12 or 15 years (the durations mentioned by various experts) to such a Register of the ICH of the World is automatic, it need not have negative connotations. The experts indicated that former Masterpieces, once incorporated into the Representative List, would have to follow the same procedure as newly inscribed items.
24. The Committee may wish to adopt the following decision:

DRAFT DECISION 1.COM 7

The Committee,

1. Recalling articles 7 (g) (i) and 16.2 of the Convention,
2. Having examined document ITH/06/1.COM/CONF.204/7,
3. Encourages States Parties to the Convention to submit to the Secretariat comments on abovementioned document before 31 January 2007,
4. Requests the Director-General to submit to it at its next session a proposal for a set of criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity which reflects the indications formulated at its first session, and the comments received by the Secretariat.