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

**Open-ended intergovernmental working**

**group in the framework of the global reflection on the listing**

**mechanisms of the 2003 Convention**

**Online**

**8 and 9 July 2021 (Part I)**

**9 and 10 September 2021 (Part II)**

**RECOMMENDATIONS**

**Recommendations of the Open-ended intergovernmental working group**

1. The reformed listing system should strive to place communities, groups and, where appropriate, individuals at the centre of safeguarding efforts and seek their broader and more active participation in all steps of the listing mechanisms.

Issues related to the inscription criteria

1. All criteria for the Representative List of the Intangible Cultural Heritage of Humanity (hereafter the ‘Representative List’) and the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (hereafter the ‘Urgent Safeguarding List’) are to be maintained, while taking the following specific proposals into account:
2. *Criterion R.1/U.1 or the nomination form should include a reference to the compatibility of the nominated element with international human rights instruments;*
3. *Criterion R.2 or the nomination form should be reformulated and simplified to focus on the contribution of nominated elements to encouraging mutual respect and dialogue among communities, groups and individuals, and to indicate how the element contributes to sustainable development;*
4. *Criterion R.4/U.4 or the nomination form could be revised to ensure that communities understand that inscription on the Lists of the Convention does not place their element above others nor imply exclusivity or ‘ownership’ of the element;*
5. *Criterion R.5/U.5 or the nomination form could be simplified by referring to the inventorying systems already identified in the periodic report;*
6. *Simplification of the forms for all criteria.*
7. The criteria for the Register of Good Safeguarding practices are to be amended as follows:
8. *Criterion P.9 should be deleted.*

Issues related to the follow-up of inscribed elements

1. The reformed system shall be guided by the following considerations:
2. *Encourage safeguarding efforts towards elements on the Urgent Safeguarding List by fast tracking and facilitating access to financial assistance and technical support;*
3. *Reinforce the monitoring system through the periodic reporting mechanism to ensure that the safeguarding plans are implemented;*
4. *Facilitate the transfer of elements between the Lists, including the inclusion of successful safeguarding plans implemented under the Urgent Safeguarding List into the Register of Good Safeguarding Practices.*
5. The proposed procedure for transfers between the Urgent Safeguarding List and the Representative List and the inclusion of successful safeguarding practices in the Register is as follows:

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| **Step 0** | **Pre-submission actions (optional)*** If considered necessary by the State(s) Party(ies) and the community(ies), groups and, where appropriate, individuals concerned, possibility to call upon technical assistance through the Secretariat at any time prior to the possible submission of a transfer request. Requests for expert advice could also be made in the context of the periodic reporting mechanism.
* If communities, groups and, where appropriate, individuals concerned submit letters or audio-visual materials to the Secretariat – directly or via the ICH NGO Forum – to express their wish to transfer an element from one List to the other the Secretariat will transmit such expressions to the State Party concerned and inform the Committee accordingly.
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| **Step 1** | **Preparation and submission**  |
| *Transfer from the Urgent Safeguarding List to the Representative List (normal cycle)** The process is initiated by the State(s) Party(ies) with the consent of the concerned communities, groups and, where appropriate, individuals.
* Given the importance of the safeguarding plan and its regular assessment through the periodic reporting mechanism, the periodic report of the Urgent Safeguarding List becomes the mechanism by which State(s) Party(ies) can initiate a transfer to the Representative List.
* The State(s) Party(ies) will submit the transfer request form with its periodic report on the concerned element.
* Upon submission, the transfer file is included in the next normal nomination cycle currently in application and is evaluated by the Evaluation Body and examined by the Committee.
* A light transfer form is created, focusing on: (a) an updated description of the element explaining any changes the element has undergone since its inscription; (b) the current level of viability and a description of threats; (c) the outcomes of the implementation of the safeguarding plan; and (d) community consent through written documents or audio-visual materials.
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| *Transfer from the Representative List to the Urgent Safeguarding List (shortened cycle)** The State(s) Party(ies) initiate(s) the process with the consent of the concerned communities, groups and, where appropriate, individuals.
* The State(s) Party(ies) submit the transfer request by a new 31 January statutory deadline. The Secretariat registers the request.
* The transfer file is transmitted to the Evaluation Body on the same year of its submission, without a completeness check.
* A light transfer form is created, focusing on: (a) an updated description of the element, including justification for the need for urgent safeguarding; (b) a safeguarding plan, including possible expression of the need for International Assistance to support its implementation; and (c) community consent through written documents or audio-visual materials.
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| **Step 2** | **Evaluation*** The transfer request is evaluated by three members of the Evaluation Body to be identified by the Evaluation Body itself (among the three, there will be at least one member from the region of the element concerned, at least one from an accredited NGO and at least one individual expert) who carry out an initial assessment which would then be collectively discussed by all members of the Evaluation Body.
* For each type of transfer, the evaluation of the conformity of the transfer request is based on a reduced number of criteria, as follows:
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| *Transfer from the Urgent Safeguarding List to the Representative List (normal cycle)** Criterion R.1: Updated description of the element addressing the changes in the viability of the element in relation to the original criterion U.2.
* Criterion R.2: Demonstration of the contribution of nominated elements to encouraging mutual respect and dialogue among communities, groups and, where appropriate, individuals, and indicate how the element contributes to sustainable development.
* Criterion R.3: Assessment of the implementation of the safeguarding plan described under the original criterion U.3 and safeguarding measures planned for the future.
* Criterion R.4: Consent from the concerned communities, groups and, where appropriate, individuals that had agreed to the inscription on the Urgent Safeguarding List.
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| *Transfer from the Representative List to the Urgent Safeguarding List (shortened cycle)** Criterion U.1: Updated description of the element, including justification for the need for urgent safeguarding.
* Criterion U.3: Adequate safeguarding plan and conformity with criteria for International Assistance (if requested). International Assistance could include the revision of the safeguarding plan, if it is not considered fully adequate to respond to the threats identified.
* Criterion U.4: Consent from the concerned communities, groups and, where appropriate, individuals that had agreed to the inscription on the Representative List.
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| *Inclusion in the Register of Good Safeguarding Practices** Following its evaluation of the request for transfer from the Urgent Safeguarding List to the Representative List, the Evaluation Body may recommend including in the Register of Good Safeguarding Practices the successful safeguarding experience described in the transfer request. In this case, a member of the Evaluation Body drafts the criteria-based justification to be confirmed by the State Party and by the concerned communities, groups and, where appropriate, individuals.
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| **Step 3** | **Examination**1. The Committee examines the request based on the Evaluation Body’s recommendation.
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| *Transfer from the Urgent Safeguarding List to the Representative List (normal cycle)** The transfer request is examined by the Committee in the next cycle.
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| *Transfer from the Representative List to the Urgent Safeguarding List (shortened cycle)** The transfer request is examined by the Committee in the same year as it is submitted by the State Party and the concerned communities, groups and, where appropriate, individuals.
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| *Inclusion in the Register of Good Safeguarding Practices** The criteria-based justification drafted by a member of the Evaluation Body and approved by the State Party concerned is examined by the Committee in the year following the submission of the transfer request by the State Party.
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\* Also takes note of the cost implications as indicated in Document [LHE/21/16.COM WG/6.](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)

1. The proposed procedure for removing elements from the Lists of the Convention is as follows:

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| **Step 1** | **Removal request or other information received about developments affecting the situation of an inscribed element**Correspondence from the submitting entity (i.e. State(s) Party(ies) concerned, communities, groups and/or where appropriate, individuals concerned or a third party) is registered by the Secretariat. |
| **Step 2** | **Transmission of information** * The Secretariat transmits information to the State Party, the nomination contact person and representatives of communities, groups and/or where appropriate, individuals (as identified in the nomination file), who may provide a response and complementary information.
* If the submitting entity wishes to remain anonymous, the Secretariat transmits an edited version of the original correspondence.
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| **Step 3** | **Preliminary check** |
| If the removal request is submitted by the State Party concerned as identified in the nomination file:* The Secretariat gathers information (possibly through the ICH NGO Forum) in particular in relation to Article 2 of the Convention.
* The removal request is then directly transmitted to the Committee, together with the reply from the State Party and communities, groups and, where appropriate, individuals concerned, as well as any information gathered through the ICH NGO Forum.
 | In other cases:* The Secretariat may gather information (possibly through the ICH NGO Forum) in particular in relation to Article 2 of the Convention and share the results of that information with the concerned State Party and gather its response, if any.
* The Bureau recommends or not to include the case on the agenda of the next Committee session.
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| Regardless of the option selected above, all cases received by the Secretariat are brought to the attention of the Committee in the sense of Decision [14.COM 14](https://ich.unesco.org/en/Decisions/14.COM/14) (paragraph 15). |
| **Step 4** | **Examination by the Committee**Information received and the reply from the State Party and concerned communities, groups and, where appropriate, individuals – as well as any information gathered through the ICH NGO Forum and the decision from the Bureau (if the request went through the Bureau) – are brought to the attention of the Committee, which may decide to:* + - 1. If the removal request is submitted by the State Party concerned as identified in the nomination file:
* Place the element under ‘follow-up’ status as an interim measure, if it considers that additional information is needed (continue to Step 5).
* Remove the element from the List, if it considers that the information is complete and there is enough ground for removal (end of the procedure).
* Remove the element from the List, if it considers that the information is complete and there is enough ground for removal with the possibility of placing it in an Intangible Cultural Heritage Repository (end of the procedure).
	+ - 1. In other cases:
* Maintain the element on the List, if it considers that the information is complete and there is insufficient ground for removal (end of the procedure).
* Place the element under ‘follow-up’ status as an interim measure, if it considers that additional information is needed (continue to Step 5).
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| **Step 5** | **Enhanced follow-up (observation, exchange and dialogue)*** The Evaluation Body will decide if the follow-up is carried out by the Evaluation Body as a whole, or by three members of the Evaluation Body (among the three, there will be at least one member from the region of the element concerned, at least one from an accredited NGO and at least one individual expert) who carry out an initial assessment which would then be collectively discussed by all members of the Evaluation Body.
* On a case-by-case basis, follow-up can take the form of written correspondence and/or online consultation with the State Party, communities, groups and, where appropriate, individuals concerned, and the ICH NGO Forum and/or a consultative mission.
* A follow-up report, paying particular attention to Article 2 of the Convention, is transmitted to the Secretariat with a recommendation to the Committee.
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| **Step 6** | **Follow-up report to the Committee and its decision**On the basis of the follow-up report and the recommendation, and paying particular attention to criteria R.1/U.1 and/or R.4/U.4, the Committee may decide to:* Continue to place the element under ‘follow-up’ for a period to be determined, if the issues persist. The Committee recommends the implementation of reconciliatory/mediatory measures and specifies a session of the Committee in which the issue will be reported back by the State Party for a final decision by the Committee.
* Remove the element from the List, if there is enough ground for removal (end of procedure).
* Remove the element from the List, if there is enough ground for removal, with the possibility of placing it in an Intangible Cultural Heritage Repository (end of the procedure).
* Maintain the element on the List, if there is insufficient ground for removal (end of procedure).
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\* Also takes note of the cost implications as indicated in Document [LHE/21/16.COM WG/6](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx).

Issues related to the methodology for evaluating nominations

1. The proposed revised procedure for inscribing elements on the Lists and the Register on an extended basis is as follows:

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| **Step 0** | **Pre-submission actions (optional)*** States Parties planning to extend existing multinational nominations are encouraged to announce their intentions, in the sense of Decision [7.COM 14](https://ich.unesco.org/en/Decisions/7.COM/14), ahead of time through the webpage of the 2003 Convention, using the dedicated online form. This would provide opportunities for other States Parties to be informed of and join in the initiative and thus reduce the number of times that the same nomination is extended.
* If requested by the State(s) Party(ies) and the community(ies), groups and, where appropriate, individuals concerned, expert advice may be sought prior to the possible submission of a request for inscription on an extended basis.
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| **Step 1.a** | **Preparation: Extension of multinational files to communities, groups and, where appropriate, individuals concerned** **in other States*** The original lead State Party initiates the process to the Secretariat.
* Newly joining State(s) Party(ies) is/are required to demonstrate that its/their inclusion in the extension satisfies all of the required criteria for inscription.
* The State(s) Party(ies) included in the original inscription and any subsequent extension(s) shall demonstrate that the community(ies), groups and, where appropriate, individuals concerned that gave their consent for the submission of the original nomination and subsequent extensions agree with the proposed extension and that the communities, groups and, where appropriate, individuals concerned are willing to participate in already approved, newly proposed or updated safeguarding measures with the newly joining communities, groups and, where appropriate, individuals concerned and authorities (in the sense of Decision [10.COM 10](https://ich.unesco.org/en/Decisions/10.COM/10), paragraph 15).
 |
| **Step 1.b** | **Preparation: Extension of national files** **to other communities, groups and, where appropriate, individuals concerned within the submitting State*** The process is initiated by the State Party in consultation with the communities, groups and, where appropriate, individuals concerned, or otherwise by the communities, groups and, where appropriate, individuals concerned in cooperation with the appropriate authorities of the State Party.
* The State Party concerned is required to demonstrate that the addition of newly joining communities, groups and, where appropriate, individuals concerned in its territory, satisfies required criteria for inscription using simplified forms.
* The State Party concerned shall also demonstrate that the communities, groups and, where appropriate, individuals concerned that carried the original nomination give their consent to the extension of the element and that they agree to safeguard the element with the newly joining communities, groups and, where appropriate, individuals concerned.
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| **Step 2** | **Evaluation and Examination** The nomination is evaluated by the Evaluation Body and examined by the Committee following the regular evaluation procedure and timetable described in paragraph 54 of the Operational Directives. |

\* Also takes note of the cost implications as indicated in Document [LHE/21/16.COM WG/6](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx).

1. In addition to the procedure described above, the following recommendation could be made:
2. *The working group requests the Secretariat to propose to the sixteenth session of the Intergovernmental Committee a procedure – and accordingly draft amendments to the Operational Directives – for inscriptions on a reduced basis in a similar manner to the recommendations made by the working group for inscriptions on an extended basis.*

Article 18 of the Convention

1. The working group recommends to initiate a reflection for a broader implementation of Article 18 of the Convention and appreciates the offer made by Sweden to support this initiative.

Other issues

1. On the proposals to ensure a broader involvement of communities, groups and where appropriate, individuals in the listing system, the working group further recommends:
2. *The use of the community’s language (or a language(s) that is accessible to them) in the preparation and submission of nominations;*
3. *The use of technology, such as audio-visual tools, where possible, for providing information requested in the nomination forms as well as for communicating any concerns.*
4. The working group recommends using gender-neutral and inclusive language within all aspects of the implementation of the Convention, including, for example, avoiding such terms as ‘gentleman’s agreement’.
5. The working group recommends that the initiative financially supported by Sweden on the broader implications of Article 18 of the Convention includes the continuation of the discussion on how to enhance dialogue and communications amongst stakeholders of the 2003 Convention, including concerned communities, groups and, where appropriate, individuals.

Ways forward

1. The working group requests that the Secretariat prepares a set of draft amendments to the Operational Directives based on the recommendations of the working group for examination by the Committee at its sixteenth session.
2. The working group recommends that the Committee at its sixteenth session extend its mandate in order to complete the discussion of the following issues by convening an additional online meeting in early 2022, so that the results may be examined by an extraordinary session of the Committee in the form of revised Operational Directives for the examination by the ninth session of the General Assembly in mid-2022:
3. *Revising the priority for the examination of nomination files for States Parties that did not fulfil their reporting obligations concerning the implementation of the Convention and the status of elements inscribed on the Representative List or on the Urgent Safeguarding List;*
4. *Debating the possibility of obtaining additional information regarding nominations by using a dialogue process with accredited NGOs and communities, groups and, where appropriate, individuals concerned; and*
5. *Conclude the following issues linked to the number of files per cycle:*
	* *Reviewing the adaptability of the composition and the working methods of the Evaluation Body to allow for a higher number of files per cycle to be evaluated, keeping in mind geographical representation;*
	* *Examining two files per State every three years alternating between a nomination to the Representative List and the Urgent Safeguarding List or the Register of Good Safeguarding Practices;*
	* *Moving all International Assistance requests to the Bureau of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage;*
	* *Whether the transfer requests from the Urgent Safeguarding List to the Representative List be treated as part of the annual ceiling approved by the Committee;*
	* *Whether the requests for extension be treated as part of the annual ceiling of files for examination and the priorities as defined by paragraph 34 of the Operational Directives.*