**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**

**9.30 – 17.30 (Paris time / UTC+2)**

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

**Item 5 of the Agenda:**

**Global reflection on the listing mechanisms of the 2003 Convention:**

**Summary of Part I and meeting objectives for Part II**

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| The Open-ended intergovernmental working group convened online for its Part I meeting on 8 and 9 July 2021 to discuss an overall approach for reforming the listing system of the 2003 Convention. In addition to proposing a set of recommendations, the working group identified a series of issues to be discussed further. Based on the recommendations of the Part I meeting, the present document proposes the objectives and working methods for Part II of the working group’s meeting. |

**Background**

1. The meeting of the Open-ended intergovernmental working group (hereafter ‘the working group’) is organized in two parts within the framework of the global reflection on the listing mechanisms of the 2003 Convention and in response to the request of the Committee (Decisions [13.COM 6](https://ich.unesco.org/en/Decisions/13.COM/6) and [13.COM 10](https://ich.unesco.org/en/Decisions/13.COM/10)) that launched the reflection process in 2018. Part I of the meeting took place on 8 and 9 July 2021 and Part II is convened on 9 and 10 September 2021. Both parts are organized online due to the ongoing COVID-19 pandemic. The present document summarizes the recommendations of Part I and proposes the objectives and working methodology for Part II of the working group meeting. The reflection process is supported by the generous contribution from the Government of Japan to the Fund for the Safeguarding of the Intangible Cultural Heritage.

**Summary of Part I of the meeting**

1. In all, ninety-three States Parties are recorded to have participated in Part I of the working group meeting (52 per cent of the 180 States Parties to the Convention; see the [list of participants](https://ich.unesco.org/en/list-of-participants-part-i-01178)), along with observers. The States Parties discussed items as inscribed on the agenda and according to the timetable for Part I (working document [LHE/21/16.COM WG/1](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-1-EN.docx)).
2. After the opening remarks by the Assistant Director-General for Culture, the Secretary of the Convention presented the progress made so far with the reflection and outlined the meeting objectives for Part I (working document [LHE/21/16.COM WG/2](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-2-EN.docx)). The working group then constituted its Bureau by electing H.E. Mr Atsuyuki Oike (Japan) as Chairperson as well as five Vice-Chairpersons, who also acted as Rapporteurs, from the following States Parties: Germany, Poland, Peru, Côte d’Ivoire and Kuwait. Thus, all electoral groups were represented.
3. The following four reflection themes, as established by the fourteenth session of the Committee (working document [LHE/19/14.COM/14](https://ich.unesco.org/en/Decisions/14.COM/14)) constituted the backbone of the meeting of the working group:

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| Theme A: Overall approach to the listing mechanismsTheme B: Issues related to the inscription criteriaTheme C: Issues related to the follow-up of inscribed elementsTheme D: Methodology for the evaluation of nominations |

1. The working group discussed issues related to these reflection themes on the basis of: (a) the results of an online expert survey undertaken in March and April 2021; and (b) the recommendations of a dedicated Category VI meeting of experts in May 2021 (working document [LHE/21/EXP/7](https://ich.unesco.org/doc/src/LHE-21-EXP-7-EN.docx)). Each of the breakout groups’ moderators of the Category VI meeting of experts was invited to present the main outcomes of their work to the working group. The outcomes of these expert consultations laid the foundation for the working group’s discussion. As presented to the working group (working document [LHE/21/16.COM WG/3](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-3-EN.docx)) for the purposes of discussion, many of the experts’ recommendations for improving the listing system were summarized into four approaches: ‘fine-tuning’, ‘repositioning’, ‘stricter control’ and ‘maximum inclusivity’. The experts who participated in the Category VI meeting were more or less equally divided into those who saw the reflection process as a question of ‘fine-tuning’ and those who saw a need for ‘repositioning’ of the mechanisms.
2. At the beginning of its Part I meeting, the working group agreed to prioritize the following three issues, as requested by the General Assembly and the Committee:
* Review of Criterion R.2 (Decisions [12.COM 11](https://ich.unesco.org/en/Decisions/12.COM/11), [13.COM 10](https://ich.unesco.org/en/Decisions/13.COM/10), [14.COM 10](https://ich.unesco.org/en/Decisions/14.COM/10) and [14.COM 14](https://ich.unesco.org/en/Decisions/14.COM/14))
* Procedures for removing elements and practices from the List and the Register, respectively, and for transferring items between these mechanisms (Resolution [8.GA 11](https://ich.unesco.org/en/Decisions/8.GA/11)  and Decisions [12.COM 11](https://ich.unesco.org/en/Decisions/12.COM/11), [12.COM 11.c](https://ich.unesco.org/en/Decisions/12.COM/11.c), [12.COM 14](https://ich.unesco.org/en/Decisions/12.COM/14), [13.COM 9](https://ich.unesco.org/en/Decisions/13.COM/9) and [14.COM 14](https://ich.unesco.org/en/Decisions/14.COM/14))
* Procedures for the inscriptions of multinational nominations on an extended basis (Decisions [14.COM 14](https://ich.unesco.org/en/Decisions/14.COM/14) and [15.COM 8](https://ich.unesco.org/en/Decisions/15.COM/8))
1. The Part I recommendations, which were made available on 13 July 2021 on the [webpage](https://ich.unesco.org/doc/src/52249-EN.docx) of the Convention dedicated to the reflection process, are included in the [Annex](#_Annex) of this document.
2. In terms of **overall approaches**, the main recommendations of the working group may be summarized as follows:
* Fully recognizing the importance and urgency of undertaking the reform, the working group decided to recommend that the reform of the listing system be guided by a mixture of proposals made under both the ‘fine-tuning’ and the ‘repositioning’ approaches. Many States cautioned that the main objective of the 2003 Convention is to promote safeguarding and that listing elements should not be an end in and of itself. The need to be mindful of the differences between the 2003 Convention and the 1972 Convention inscription processes was also clearly emphasized.
* In accordance with the experts’ recommendations earlier in the reflection process, the working group emphasized that communities, groups and, if applicable, individuals should benefit directly from reforms proposed to the listing system and that their broader and more active participation in all steps of the listing mechanisms should be ascertained. Many delegations mentioned the need to reflect the concerns of communities, groups and individuals through the inscription process and to ‘connect’ them with the Convention. In this regard, the working group discussed five suggestions made by the experts to increase community involvement as listed in paragraph 18 of working document [LHE/21/16.COM WG/3.](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-3-EN.docx)
* Of these five suggestions, the working group decided to recommend the use of the community’s language or a language accessible to them in the preparation and submission of nominations. The idea is to facilitate communication with and within the communities or groups concerned when preparing nominations, including safeguarding plans and measures. The posting of nomination forms in the language(s) of the communities is also meant to encourage and recognize communities’ safeguarding efforts. At the same time, English and French would remain the working languages of the Evaluation Body and the Committee.
* The working group also decided to recommend the use of diverse forms of technology for providing information requested in the nomination forms as well as for communicating any concerns. This means, for instance, that communities may transmit video clips as proof of their consent for nominations or for a request to transfer their element from one list to the other.
* Lastly, the working group considered that suggestions to set up an arms’-length platform, a network for inscribed elements and a special forum require more information and might be discussed at a later stage.
1. Concerning the **inscription criteria**, the working group recommended maintaining all criteria for the Representative List and the Urgent Safeguarding List but provided specific proposals for criteria R.1/U.1, R.2, R.4/U.4 and R.5/U.5. The priority issue regarding criterion R.2 was discussed extensively by the working group, which decided to recommend reformulating and simplifying the language of the criterion and/or the nomination form to focus on how the nominated elements help encourage mutual respect and dialogue among communities, groups and individuals. It was also recommended to indicate through this criterion how the element proposed for inscription contributes to sustainable development. As for the Register of Good Safeguarding Practices List, the working group recommended deleting criterion P.9.
2. Following the advice of experts, the working group also considered it important that the Committee initiate a reflection on a broader implementation of Article 18 of the Convention, since the Register has been receiving less focus than other Lists and its potential as a mechanism of international cooperation has not yet been fully explored. Such additional reflection would be a prerequisite for considering changes to other criteria under the Register.
3. Concerning the **follow-up of inscribed elements**,the main recommendation of the working groupspeaks to the need to facilitate financial and technical assistance for elements inscribed on the Urgent Safeguarding List and to ensure a link between the follow-up of inscribed elements and the periodic reporting mechanism. At the same time, the working group decided to discuss at its Part II meeting specific procedures for removing elements from the Lists of the Convention (including the introduction of interim measures) and simplified procedures for transferring elements between the Lists as well as for transferring successful safeguarding practices from the Urgent Safeguarding List to the Register.
4. Furthermore, the working group considered the advice of the experts to set up an arms’-length platform, a network of inscribed elements and a special forum meant to facilitate the follow-up of inscribed elements and to increase the direct participation of communities, groups and individuals in different aspects of the inscription process. While the working group was generally open to these proposals, before further discussion, more information was considered necessary, particularly in terms of feasibility and of roles and status within the listing system.
5. As regards the **methodology for the evaluation of nominations**, the working group recommended simplifying the procedure for the extension of multinational nominations while bearing in mind the importance of the consent of communities, groups and individuals, where applicable. The decision was to further discuss the details of how to simplify the inscription procedures on an extended basis both at international and national levels.
6. The working group also made a specific recommendation to employ language that is gender-neutral and inclusive, following the advice of the experts. This principle has already been applied in some areas under the 2003 Convention. For example, its Basic Texts were revised in 2018 following a request from the seventh session of the General Assembly of the Convention. The term ‘gentleman’s agreement’ in particular was mentioned many times.
7. Considering that reforms to the listing system could affect the number of files to be treated, the working group started to discuss whether any changes should be made to the composition of the Evaluation Body, the mandate of the Bureau for examining International Assistance requests and the annual ceiling of nominations that the Committee may examine. Three proposals were tabled due to insufficient time to discuss them and must be considered further. These proposals are presented in brackets in the recommendations of Part I.

**Objectives and working methods for Part II of the meeting**

1. Because Part II is a continuation of Part I of the working group’s meeting, the agenda and timetable (working document [LHE/21/16.COM WG/4](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-4-EN.docx)) are structured accordingly (working document [LHE/21/16.COM WG/1](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-1-EN.docx)). Similarly, the working documents for both parts are meant to be considered together. Part II of the meeting will start with the summary of the discussions held under Part I (Item 5 of the agenda).
2. The Bureau established by Part I of the working group meeting remains in office until the end of Part II, and the members will meet online on both days of the meeting to facilitate the work and to adjust the working methods, including the timetable of the meeting, as needed. As was the case for Part I, the Bureau meetings will be private.
3. In line with the priority matters identified by the General Assembly and the Committee for the reflection process, it is proposed that Part II of the working group meeting prioritize the following three issues identified as requiring further discussion during Part I of the meeting and discuss them in details under Item 6 (working document [LHE/21/16.COM WG/6](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)). They correspond to the three priority topics chosen by the working group (see paragraph 6 above) and respond directly to the decisions and debates of the General Assembly and the Committee when defining the scope of the reflection process:
* Simplified procedure for transfer of elements from one List to the other (Resolution [8.GA 11](https://ich.unesco.org/en/Decisions/8.GA/11) and Decisions [12.COM 11](https://ich.unesco.org/en/Decisions/12.COM/11), [12.COM 11.c](https://ich.unesco.org/en/Decisions/12.COM/11.c), [12.COM 14](https://ich.unesco.org/en/Decisions/12.COM/14), [13.COM 9](https://ich.unesco.org/en/Decisions/13.COM/9) and [14.COM 14](https://ich.unesco.org/en/Decisions/14.COM/14));
* Specific procedure for removing an element from a List (Resolution [8.GA 11](https://ich.unesco.org/en/Decisions/8.GA/11) and Decisions [12.COM 14](https://ich.unesco.org/en/Decisions/12.COM/14), [13.COM 9](https://ich.unesco.org/en/Decisions/13.COM/9) and [14.COM 14](https://ich.unesco.org/en/Decisions/14.COM/14)); and
* Revised procedure for the inscription of nominations on an extended basis at the international and national levels (Decision[14.COM 14](https://ich.unesco.org/en/Decisions/14.COM/14) and [15.COM 8](https://ich.unesco.org/en/Decisions/15.COM/8)).
1. Once the above-mentioned issues have been addressed, the working group may move on to Item 7 and discuss other issues identified by Part I of the working group as requiring further discussion within the time available (working document [LHE/21/16.COM WG/7](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-7-EN.docx)). These include:
* 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;
* Determining the feasibility and functionality of creating proposed platforms/networks/forums (which might be combined) and their roles for facilitating or accompanying community participation in the follow-up of inscribed elements;
* Considering the implications of an ‘arms-length’ online platform, with clarifications on its role and status for the follow-up of the inscribed elements, including how it will be set up, who will maintain it, what its status will be within the options foreseen under the Convention or the Convention’s Governing Bodies Rules of Procedure, how it will be funded and how it will interact with relevant stakeholders;
* Debating the possibility of obtaining additional information regarding nominations by using a dialogue process with accredited NGOs and communities, groups and individuals concerned; and
* Discussing the number of files per cycle (including three proposals made during Part I of the meeting).
1. In the meantime, the overall purpose of the Part II meeting is to finalize the recommendations of the working group to be presented to the sixteenth session of the Intergovernmental Committee (13 to 18 December 2021, Colombo, Sri Lanka) concerning as many reflection themes as possible. It is proposed that the working group adopt, under Item 8, recommendations that incorporate the recommendations of Part I (see [LHE/21/16.COM WG/8](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-8-EN.docx) for a template). The recommendations of the working group that will be adopted at the end of Part II of the meeting will allow the Committee to examine draft amendments to the Operational Directives during the same session. With the agreement of the Committee, the amendments may be presented for examination and possible adoption by the General Assembly at its ninth session in mid-2022. Any other recommendations that the working group may make after the sixteenth session of the Committee could also be presented during that session of the General Assembly.

## Annex

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| **Recommendations of Part I of the Open-ended intergovernmental working group**1. The Open-ended intergovernmental working group (the working group) in the framework of the global reflection on the listing mechanisms of the 2003 Convention met for its Part I meeting online on 8 and 9 July 2021.
2. The Bureau of the working group consisted of H.E. Ambassador Atsuyuki Oike (Japan) as Chairperson as well as of a group of Vice-Chairpersons, one for each from the remaining Electoral Group, who also acted as Rapporteurs: Germany, Poland, Peru, Côte d’Ivoire and Kuwait.
3. The working group thanks the experts who participated in the online survey and in the category VI expert meeting for their hard work and dedication as their proposals laid the ground for the present meeting of the working group.
4. Having discussed possible overall approaches identified through the expert consultation, the working group decides to recommend that the reform of the listing system be guided by a mixture of proposals made under both the ‘fine-tuning’ and ‘repositioning’ approaches.
5. The working group affirms that the reform should strive to place communities, groups and if applicable individuals at the centre of safeguarding efforts and seek their broader and more active participation in all steps of the listing mechanisms.
6. On the issues related to the inscription criteria, the working group recommends:

(1) to maintain all criteria for the Representative List of the Intangible Cultural Heritage of Humanity (hereinafter the ‘Representative List’) and the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (hereinafter the ‘Urgent Safeguarding List’), while taking into account the following specific proposals:* 1. *Criterion R.1/U.1 or the nomination form should include a reference to the compatibility of the element nominated with international human rights instruments;*
	2. *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;*
	3. *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;*
	4. *Criterion R.5/U.5 or the nomination form could be simplified by referring to the inventorying systems already identified in the periodic report;*
	5. *Simplification of the forms for all criteria.*

(2) to amend the criteria for the Register of Good Safeguarding practices as follows:1. *Criterion P.9 should be deleted.*
2. On the issues related to the follow-up of inscribed elements, the working group recommends to:
3. *Encourage safeguarding efforts towards elements on the Urgent Safeguarding List by fast tracking and facilitating access to financial assistance and technical support;*
4. *Reinforce the monitoring system through the periodic reporting mechanism to ensure that the safeguarding plans are implemented;*
5. *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.*
6. On the issues related to the methodology for the evaluation of nominations, the working group recommends:
7. *to simplify the procedure for the extension of multinational nominations, bearing in mind the importance of the consent of communities, groups and where applicable individuals.*
8. The working group recommends to use gender-neutral and inclusive language within all aspects of the implementation of the Convention, including for example avoiding such terms as ‘gentleman’s agreement.’
9. The working group recommends to initiate a reflection for a broader implementation of Article 18 of the Convention.
10. On the proposals to ensure a broader involvement of communities, groups, and where applicable individuals, in the listing system, the working group recommends:
11. *the use of the community’s language (or a language(s) that is accessible to them) in the preparation and submission of nominations;*
12. *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.*
13. The working group further considers that the following issues be discussed during Part II of the meeting:

*Inscription criteria*1. *Deletion or reformulation of criteria, other than criterion P.9, under the Register of Good Safeguarding Practices, pending a broader discussion on the implementation of Article 18 of the Convention;*
2. *Revising the priority for the examination of nomination files for States Parties which 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;*

*Follow-up of inscribed elements*1. *Feasibility and functionality of creating the following platform/network/forum (which may be combined) and their roles:*
	1. *an ‘arm’s-length’ online platform with community participation allowing their engagement in the follow-up of inscribed elements;*
	2. *a network of inscribed elements for sharing safeguarding experiences; and*
	3. *a special forum that would allow the governing bodies of the Convention to consult community representatives in a systematic manner;*
2. *Consider the implications of an ‘arm’s-length’ online platform with clarifications on its role and status within the follow-up of the inscribed elements, including how it will be set up, who will maintain it, what will its status be within the Convention, how it will be funded and how it will interact with all stakeholders;*
3. *Specific procedures for removing elements from the Lists of the Convention, including the introduction of interim measures;*
4. *Propose simplified procedures for transferring elements between the Lists as well as including in the Register those safeguarding experiences that have successfully improved the viability of elements inscribed on the Urgent Safeguarding List;*

*Methodology for the evaluation of nominations*1. *Possibility to obtain additional information regarding nominations by using a dialogue process with accredited NGOs and communities, groups and where applicable individuals concerned;*
2. *Consider the possibility of simplifying the extension of national files to include more communities in a similar manner to that proposed for multinational files;*

*Number of files per cycle**The following proposals by States will be discussed in the process ahead:*1. *[Consider the possibility of 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;]*
2. *[Consider the possibility of 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;]*
3. *[Consider the possibility of moving all International Assistance requests to the Bureau of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage.]*
4. The working group requests the Secretariat to provide further information taking into account the points agreed above, in time for Part II of the meeting (9 and 10 September 2021).
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