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

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

**Sixteenth session**

**Online**

**13 to 18 December 2021**

**Summary Records of the Open-ended intergovernmental working group meeting  
in the framework of the global reflection on the listing mechanisms  
of the 2003 Convention**

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

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

**SUMMARY RECORDS OF PART I OF THE OPEN-ENDED**

**INTERGOVERNMENTAL WORKING GROUP MEETING**

*[Thursday, 08 July 2021, morning session]*

**ITEM 1 OF THE AGENDA**

**OPENING**

**Documents:** [*LHE/21/16.COM WG/1*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-1-EN.docx)

[*LHE/21/16.COM WG/2*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-2-EN.docx)

[*LHE/21/16.COM WG/3*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-3-EN.docx)

[*LHE/21/16.COM EXP/7*](https://ich.unesco.org/doc/src/LHE-21-EXP-7-EN.docx)

1. The **Assistant Director-General for Culture**, Mr Ernesto Ottone, welcomed the participants to the Open-ended intergovernmental working group in the framework of the global reflection on the listing mechanisms of the 2003 Convention and thanked them for attending from various time zones around the world while juggling their responsibilities at work and at home. The pandemic had impacted everyone, and he acknowledged their commitment to make progress on the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage during that challenging time. He also thanked the Government of Japan for its financial support for the reflection process, allowing the open-ended intergovernmental working group to be convened. The pandemic had been a reminder of the importance of culture, particularly intangible cultural heritage, to both collective and individual well-being. The United Nations Educational, Scientific and Cultural Organization (UNESCO) had recently published a report entitled ‘[Living Heritage in the face of the COVID-19 pandemic](https://ich.unesco.org/en/living-heritage-and-the-covid-19-pandemic-01179)’, which provided a set of specific recommendations for post-pandemic recovery plans and underscored how communities turned to their living heritage as a source of solace and resilience during the pandemic. Over the twelve years of the Convention’s implementation, its Lists had grown considerably, illustrating how intangible cultural heritage manifested in people’s lives and how living heritage was perceived and valued throughout the world. Nevertheless, the 2003 Convention faced numerous interrelated, technical and recurrent challenges. The Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage had therefore launched a multiyear reflection, which had already undergone an extensive consultation with experts through a comprehensive online survey and a category VI meeting. While their recommendations were broad, the experts were united in calling for the need to make the Convention’s listing system more directly accessible to communities around the world. The States Parties had a collective responsibility to look after the Convention, which must be dynamic and adaptive and continue to evolve in order to respond to the needs of its stakeholders. Looking forward to a fruitful discussion, Mr Ernesto Ottone urged States to be as concrete as possible during the discussion and to propose solutions and approaches that would address both technical details and big-picture issues.
2. The **Secretary of the Convention**, Mr Tim Curtis, welcomed participants to the meeting, informing them that simultaneous interpretation would be provided in both working languages, English and French. The working documents had been made available online as of 28 June 2021 in both languages and could be found on the [webpage](https://ich.unesco.org/en/open-ended-intergovernmental-working-group-01167) of the Convention, along with the new version of the [Basic Texts](https://ich.unesco.org/doc/src/2003_Convention_Basic_Texts-_2018_version-EN.pdf) of the Convention with amendments adopted by the eighth session of the General Assembly of States Parties, held in September 2020. The meeting would take place on the Zoom platform. States parties had received an invitation letter indicating that they could obtain two active connections. The ICH NGO Forum’s representative, as well as category 2 centres in the field of intangible cultural heritage, had also received active connections, and additional connections could be provided upon request, subject to availability. The meeting was being transmitted by webcast through the web page of the Convention in the original language spoken and with interpretation into English and French. The recordings would be made public as soon as they were available. Lastly, the working group would be adopting a set of draft recommendations, for which only states parties could propose amendments.
3. The **Assistant Director-General for Culture** turned to the election of the Bureau Members, seeking a proposal for Chairperson.
4. The **delegation of Indonesia** nominated H.E. Mr Atsuyuki Oike, Ambassador and Permanent Delegate of Japan, as the Chairperson.
5. The **delegation of Djibouti** supported the nomination of Mr Atsuyuki Oike, noting his state’s commitment to the 2003 Convention.
6. The **Assistant Director-General for Culture** proclaimedMr Atsuyuki Oike Chairperson by acclamation, offering his congratulations and inviting him to take his place on the podium.
7. The **Chairperson** (H.E. Mr Atsuyuki Oike, Ambassador and Permanent Delegate of Japan) thanked the delegations for honouring him with their trust and expressed his intention to conduct the working group so as to achieve concrete and constructive proposals. He proceeded to the election of the Vice-Chairpersons, who would also serve as Rapporteurs. The Bureau Members would meet with the Secretariat the following afternoon to review the progress of the meeting and to oversee the preparation of the draft recommendations of Part I of the meeting, to be presented to the plenary that same day. The Bureau would continue to work together on the draft recommendations during Part II of the meeting in September. That approach should help to avoid lengthy discussions on exact wording or punctuation and allow participants to focus instead on the main points of substance. He invited the delegations to propose their nominations for the Bureau.
8. The **delegation of Sweden** congratulated the Chairperson on his election and nominated Germany as Vice-Chairperson to represent Group I.
9. The **delegation of Slovakia** congratulated the Chairperson on his election and nominated Poland as Vice-Chairperson to represent Group II.
10. The **delegation of Brazil** congratulated the Chairperson on his election and nominated Peru as Vice-Chairperson to represent Group III.
11. The **Chairperson** noted that he would be representing Group IV.
12. The **delegation of Djibouti** nominated Côte d’Ivoire as Vice-Chairperson to represent Group V(a).
13. The **delegation of Saudi Arabia** congratulated the Chairperson on his election and nominated Kuwait as Vice-Chairperson to represent Group V(b).
14. The **Chairperson** thanked the delegations for their cooperation in establishing the working group. He congratulated the Members of the Bureau and looked forward to working closely with them. The first meeting would take place online during the first break in the current session and would be a closed meeting for the sake of expediency. He invited Mr Punchi Nilame Meegaswatte, Secretary-General of the National Commission of Sri Lanka and Chairperson of the forthcoming sixteenth session of the Committee, to speak.
15. The **Chairperson of the sixteenth session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage** and **Secretary-General of the National Commission of Sri Lanka**, Mr Punchi Nilame Meegaswatte, said that his state was proud to host the forthcoming sixteenth session of the Committee, to be held from 13 to 18 December 2021, by which time he hoped that his country would be almost fully vaccinated, allowing for free movement. Preparations were already under way and, in coordination with the Secretariat, Sri Lanka would be sending out details concerning travel and participation. The current open-ended discussions on the listing mechanisms would enable more comprehensive ideas and proposals to be further discussed at the sixteenth session of the Committee, thereby providing ample opportunity for members to develop comprehensive proposals to be submitted to the General Assembly in 2022. Given the need for a holistic view of the threefold listing mechanisms, it was deemed useful to determine an overall approach while addressing issues related to the inscription criteria and follow-up and the methods of evaluating nominations in order to establish a comprehensive framework of action in safeguarding the intangible cultural heritage of humanity. He looked forward to welcoming all delegations to Sri Lanka in December 2021.
16. The **Chairperson** thanked the Secretary-General for his invitation to his beautiful country and invited the Secretary to present the agenda and timetable.
17. The **Secretary** said that LHE/21/16.COM WG/1 contained the agenda and timetable of the meeting, which would be organized in four ninety-minute sessions each day to allow a thirty-minute break between sessions and an hour for lunch. Agenda Item 2 focused on taking stock of the background to the current meeting, particularly the reasons for undertaking the reflection, the progress made to date and the current meeting’s objectives. LHE/21/16.COM WG/2 corresponded to that agenda item. Agenda Item 3 focused on the outcomes of the category VI expert meeting. A short presentation would be made on the possible approaches identified by the expert group, and the moderators of the three breakout groups would comment on the experts’ recommendations. The [report of the expert meeting](https://ich.unesco.org/doc/src/LHE-21-EXP-7-EN.docx) corresponded to that agenda item. Agenda Item 4 was divided into subitems according to the reflection themes. Under 4.a, participants would discuss the overall approach to be taken to reform the listing system before going through more technical reflection points: issues related to the inscription criteria under 4.b, issues related to the follow-up of inscribed elements under 4.c and the methodology for the evaluation of nominations under 4.d. The working group would then return to 4.a to recommend a specific approach to guide the reform of the listing system. LHE/21/16.COM WG/3 corresponded to that agenda item. The meeting would conclude with the adoption of recommendations from Part I of the working group.
18. The **delegation of Palestine** congratulated the Chairperson on his election and noted that the participants were in good hands. It asked whether the transfer and removal of elements from the Lists would be discussed under Agenda Item 4.c, on issues related to the follow-up of inscribed elements.
19. The **Secretary** confirmed that issues regarding the transfer and potential removal of elements would be discussed under Agenda Item 4.c.
20. The **delegation of Côte d’Ivoire** congratulated the Chairperson on his election and asked whether the Bureau meeting would use the same Zoom link during the break.
21. The **Chairperson** confirmed that the Bureau Members would use the same Zoom link for their meeting and suggested a two-minute maximum for each statement. He noted that a timer was available, if necessary.

**ITEM 2 OF THE AGENDA**

**GLOBAL REFLECTION ON THE LISTING MECHANISMS OF THE 2003 CONVENTION: PROGRESS TO DATE AND MEETING OBJECTIVES**

**Document:** [*LHE/21/16.COM WG/2*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-2-EN.docx)

1. The **Chairperson** turned to Agenda Item 2, which would set the context of the meeting by taking stock of the background to the global reflection and determining what should be achieved during the current meeting.
2. Presenting a summary of the multiyear process, the **Secretary** said that the reflection process dated back to 2017, when the Committee had expressed the need for an overall reflection on the listing mechanisms in its [Decision 12.COM 14](https://ich.unesco.org/en/decisions/12.COM/14), after examining a request from Viet Nam to transfer an element from the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (hereafter ‘Urgent Safeguarding List’) to the Representative List of the Intangible Cultural Heritage of Humanity (hereafter ‘Representative List’). Formally launched in 2018, the overall reflection would include a meeting of experts and an open-ended intergovernmental working group. To that end, the Committee had accepted financial support from the Government of Japan through a voluntary contribution. The related decisions were [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). The reflection was triggered by a number of frustrations expressed by some stakeholders concerning the listing mechanisms. First, communities, groups and individuals around the world felt that inscription had not always fully met their expectations in terms of actual safeguarding for their living heritage. The process was lengthy, even for elements considered to be in need of urgent safeguarding. In other cases, communities had expressed feeling that there had not been great follow-up for safeguarding their elements following inscription. States Parties were under increasing pressure, including from communities, to nominate more elements, while the annual ceiling for the number of files to be treated had been limited and the prioritization system had become unsustainable. In addition, the Evaluation Body had expressed weariness of the discrepancies between their recommendations and the decisions made by the Committee, questioning the point of evaluating each file so rigorously when many recommendations were not respected. The Secretariat had been facing an increasing workload for administering the listing mechanisms, which limited its broader mandate of work on capacity-building and safeguarding for sustainable development. Further recurrent issues included why criterion R.2 continued to be problematic, how to recognize successful safeguarding efforts to move elements out of the Urgent Safeguarding List, what would happen to those elements, whether previous submitting states needed to prepare an entire nomination each time new states joined a multinational file and what actions should be taken when an element was no longer in conformity with Article 2 of the Convention. As a result, the general feeling was that some reflection and possible reform of the listing system had become a matter of urgency. The four main themes of the reflection process were discussed during the fourteenth session of the Committee and provided the basis for the survey questions for experts and the structure of the current meeting. The themes were more extensively described in working document 3 and in the reference materials for the global reflection.
3. With regard to the timeline, the **Secretary** said that the original timeline of the reflection had been presented to the fourteenth session of the Committee in 2019; however, it had already led to some concrete outcomes, known as the early harvest, regarding the inclusion of a dialogue process in the examination of nominations. Formalized by the eighth session of the General Assembly in September 2020, the dialogue process allowed the Evaluation Body and the submitting states to clarify minor issues identified in the nomination files through a simple question-and-answer process. The fifteenth session of the Committee had been organized online in December 2020, during which the number of files to be treated in the 2022 and 2023 cycles had been discussed extensively. The initial plan to hold the expert consultations in the first part of 2020 had been adjusted owing to the global pandemic. The first step, an online survey, took place between 26 March and 11 April 2021, and the category VI expert meeting was convened in May 2021. The conclusions of the meeting laid the basis for the discussion papers and documents of the current open-ended intergovernmental working group. Recommendations from the current meeting would then be transmitted to the sixteenth session of the Committee, to be held in December 2021, which could in turn propose to adopt certain amendments on the [Operational Directives](https://ich.unesco.org/en/directives) of the Convention during the ninth session of the General Assembly of States Parties, to be held in June 2022. During Part I of the current meeting, participants would be asked to discuss the recommendations of the category VI expert meeting to determine a general direction for the reform of the listing system. Part II, to be held in September, would focus on specific changes to be made in line with the overall approach chosen during Part I. The Committee had also made specific requests to address the recurrent challenges relating to criterion R.2, the need to establish specific procedures for removing or transferring elements from and between the Lists and procedures for extending multinational nominations. A comprehensive list of those issues and the relevant committee decisions could be found in the annex of working document 3.
4. Noting that there were no questions regarding the presentation, the **Chairperson** turned to Agenda Item 3: Outcomes of the expert meeting.

**ITEM 3 OF THE AGENDA**

**OUTCOMES OF THE EXPERT MEETING**

**Documents:** [*LHE/21/16.COM EXP/7*](https://ich.unesco.org/doc/src/LHE-21-EXP-7-EN.docx)

[*LHE/21/16.COM WG/3*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-3-EN.docx)

1. The **Secretary** said that the expert meeting had been convened online in May and had included a plenary session and parallel breakout sessions. There had been thirty-four expert participants in the field of living heritage from all regions of the world with specific expertise and experience in various aspects of the listing mechanisms of the 2003 Convention, as well as approximately twenty observer experts designated by states. The experts were divided into three groups, all of which discussed theme (a), as it concerned overall approaches to improve the functioning of the listing mechanisms. In addition, Breakout Group 1 discussed theme (b) on the inscription criteria, Breakout Group 2 discussed theme (c) on the follow-up of inscribed elements and Breakout Group 3 discussed theme (d) on the methodology for the evaluation of nominations. Given that the purpose of the expert consultation was not to reach consensus, the suggestions and proposals considered by experts did not form conclusive or necessarily cohesive solutions. Their positions could be categorized broadly into four approaches: (a) the fine-tuning approach stressed the benefits of the current listing system, considering that improvements could be achieved with a set of minor adjustments (for example, by rewording criteria, revising the forms and clarifying certain procedures); (b) the repositioning approach advocated for a more fundamental change to the listing mechanisms, striving to clarify the roles of the two Lists and the Register of Good Safeguarding Practices and to reposition them in relation to each other for a more open, inclusive and fluid overall system; (c) the stricter control approach sought to make the listing system more rigorous, with a more robust interpretation and application of the inscription criteria, considering that the current system was solid and in line with the relevant provisions of the Convention; and (d) the maximum inclusivity approach would allow for a dramatically higher number of inscriptions on the Lists, including the Urgent Safeguarding List, by mobilizing web-based platforms and electronically supported interactions. An equal number of experts supported the fine-tuning and repositioning approaches, with only a small number of experts supporting the stricter control and maximum inclusivity approaches. As a result, the current meeting would focus on the former pair. Nevertheless, it was important to bear in mind that the categories were conceptual and not necessarily mutually distinct, and thus that some proposals could fall into both approaches. In fact, many experts had supported a mix of the proposals. The report of the expert meeting had been made available, which included the reports of the three breakout groups. The experts’ main proposals had been summarized by the Secretariat in working document 3. The Secretariat considered it important for the working group to hear directly from the moderators of each of the three breakout groups, who would share their thoughts and highlights of their work.
2. The **Chairperson** invited Mr Marc Jacobs from Belgium, from Breakout Group 1, to present his group’s recommendations.
3. **Mr Marc Jacobs** encouraged participants to utilize the extended reports of the breakout groups, included on page 6 of the report of the expert meeting, which contained numerous good ideas, arguments, tools and potential solutions. Breakout Group 1 had made several recommendations. First, it called for developing the potential of Article 18 of the Convention well beyond attempts to fine-tune or reposition the criteria of the Register, for which a new expert meeting should be organized. He encouraged to participants to include that proposal in the draft recommendations. Second, participants should focus on the notion of urgency, considering the time dimension. His group had made proposals concerning fast-tracks, follow-up and the need to limit time spent on the Urgent Safeguarding List. Third, all four approaches should be seriously considered and even combined. For example, stricter control could be interpreted as an emphasis on allowing communities, groups and individuals to determine and consent to decisions impacting their intangible cultural heritage. Their free, prior and informed consent should be reinforced, not weakened. Fourth, participants should think outside the box and not downplay the proposals provided under maximum inclusivity, pooling resources and using modern web tools to connect those who expressed a need for assistance with those who could offer solutions and resources. Web-based solutions should also be considered to move beyond the bottleneck that currently existed for Article 17 and the use of funds. Fifth, a number of proposals and alternatives for the criteria of the different Lists had been formulated. Sixth, the ceiling tool should be reconsidered. There was an urgent need to disconnect the procedures of the Lists, the Register and requests for international assistance by introducing web platforms and other internet tools. Seventh, the group suggested making more use of the accredited non-governmental organizations (NGOs), category 2 centres, UNESCO chairs and research institutes to share the responsibility and the work.
4. The **Chairperson** thanked Mr Jacobs for his presentation and invited Ms Alissandra Cummins from Barbados, from Breakout Group 2, to present her group’s recommendations.
5. **Ms Alissandra Cummins** said that the basic conclusions from Breakout Group 2 could be characterized as giving priority to addressing the shortfalls, both documented and perceived, regarding communities and communication. The so-called technical dysfunctions in the implementation of the Convention had occurred as a result of the intellectual and emotional disconnect between the Convention and the Committee and between states parties and the communities and practitioners they were meant to serve. In order to effectively address those issues, Member States must better articulate and promote the fundamental principles upon which the performance of the Convention should be based. In large part, the structural inadequacies stemmed from the need to recognize that fundamental tensions existed between the 2003 Convention and to the 1972 World Heritage Convention. The significant oppositionality of the two needed to be better clarified for all parties. Experts in Breakout Group 2 had expressed concern about the absence, and sometimes silencing, of the voices of communities, who should actually be at the centre of the Convention. In addition, there was room for improvement in communicating the effectiveness of the Convention’s work for the sharing and safeguarding of intangible cultural heritage. Some key strategies included developing participatory heritage management and monitoring processes, which could complement official processes or procedures; addressing the issues of communities and communication; and ensuring an exchange on broader questions and shared experience that highlighted practices without being prescriptive on how safeguarding should be carried out. First, the arm’s-length platform could provide a vital channel for community input and engagement, the sharing of safeguarding practices and multi-stakeholder collaboration, serving as a clearinghouse for the communities, NGOs and other stakeholders to the Convention. Second, as a key agent for the forthcoming International Decade of Indigenous Languages, UNESCO could broaden participation and activism by encouraging states to submit their nominations in local indigenous languages, thereby encouraging the involvement of the communities, groups or individuals concerned. The files should be published online and could serve as a practical tool to enhance the use of indigenous languages. That proposal would also provide better access to and broader participation in the listing systems for communities and other stakeholders. Furthermore, discussion around the procedural aspects of the Convention required a closer examination of the foundation of many of the follow-up procedures that had remained impenetrable to many practitioners and policy-makers. Those issues had also emerged as a result of the methodological mismatches and miscommunications in the Convention’s operations. Language and its interpretation, or misinterpretation, played a large part in undermining the expected achievements of both the nominations and safeguarding processes. Unnecessarily punitive language in the evaluation and decision-making process sometimes led to a desire to disassociate from the Urgent Safeguarding List, while vague terminology did not attract popular support for the Register of Good Safeguarding Practices. It was also important to use gender-neutral and inclusive language within the implementation of the Convention, avoiding such terms as ‘gentleman’s agreement’. Such a policy would show respect for the gender equality and inclusiveness mainstreamed in the Operational Directives and support their application within the overall framework of the 2003 Convention, UNESCO and the entire United Nations system. There was also a need to convene a separate expert meeting on the involvement of the various actors in providing additional information to the Evaluation Body.
6. The **Chairperson** thanked Ms Cummins for her presentation and invited Mr Léonce Ki from Burkina Faso, from Breakout Group 3, to present his group’s recommendations.
7. **Mr Léonce Ki** said that, in terms of the global approach to listing mechanisms, Breakout Group 3 recommended addressing the saturation of the listing system and avoiding the politicization of inscription, as other factors currently played a role in listing beyond the quality of the nomination files. The procedures must be simplified and lightened to facilitate inscriptions. The listing system should also be refocused on safeguarding. His group further recommended introducing a new listing system with cycles alternating between the Representative List and the Urgent Safeguarding List. With regard to the sunset clause, his group did not recommend limiting the time that an element spent on the list. A simplified process would allow for a separate ceiling for nominations to the Representative List. In terms of the global process and methodology, the current composition of the Evaluation Body should be preserved. When submitting multinational files, states parties should bear in mind the composition of the Evaluation Body. Its credibility was called into question when approximately half of its members had to withdraw to evaluate a file. In addition, the Committee should respect the recommendations of the Evaluation Body rather than rely on information provided during the session. The ‘gentleman’s agreement’ should be maintained and even applied on the basis of two criteria in order to give more weight to the Evaluation Body and more credibility to the Convention. His group recognized the cohesion and solidarity behind multinational files but cautioned that the communities concerned should be real, practising communities and not fictitious communities created solely for inscription. Lastly, the Evaluation Body should be allowed to use outside information, as the information provided in the files was often incomplete, thus hindering the evaluation process.
8. The **Chairperson** thanked Mr Ki for his presentation and reiterated his thanks to all three experts for providing an excellent basis for the discussions of the working group.
9. The **Secretariat** thanked the experts for their hard work and succinct summaries. He underlined that the expert meeting had been preceded by an expert survey, conducted in March and April 2021, the results of which had highlighted the need to better attune the nomination process to the realities and broader safeguarding intentions of communities, groups and individuals, as well as the need to enhance the monitoring of the changing viability of inscribed elements and their safeguarding status. He also drew attention to the issue concerning the number of files submitted and the prioritization system. Logistically, the listing mechanisms had become a victim of their own success, and the established prioritization system, including the ceiling on the number of files to be treated, was no longer compatible or sustainable in its current form. While the experts had taken that issue into account, their mandate had not been to address it specifically. He urged participants to keep that in mind during the discussions.
10. The **Chairperson** encouraged participants to pose questions to the experts.
11. The **delegation of Kuwait** congratulated the Chairperson on his election and thanked the experts and the Secretariat for their work. He asked whether Breakout Group 3 had discussed the use of technology to resolve some of the issues mentioned.
12. **Mr Ki** said that his group had not discussed technology with regard to the methodology.
13. The **delegation of Cuba** was pleased that Japan was chairing the meeting. It thanked the experts and wondered whether they had discussed the balance between national and multinational nomination files, since multinational files allowed Member States to bypass the policy that limited them to one nomination every two years.
14. **Ms Cummins** said that the balance between national and multinational nominations was not a question raised within her group; however, they did address the need to provide support to states parties not yet included on the Lists and to those in under-represented regions, particularly by ensuring the exchange of technical support.
15. **Mr Ki** said that, in terms of representation, his group had stressed the need for multinational nominations to focus on real, practising communities rather than virtual communities. Sometimes, a State party sought to connect with other communities to nominate an element simply because it existed in that state. His group felt that such a focus would reduce nominations meant to circumvent limitations.
16. **Mr Jacobs** said that any form of international collaboration and cooperation should be welcome. His group proposed web-supported forms of matchmaking to be used for multinational nominations to explore the development of Article 18. There were a number of possibilities for international cooperation that had not yet been mobilized, and his group encouraged participants to reconsider them. He also emphasized the importance of securing the consent of the communities and groups involved in multinational nominations.
17. The **delegation of Poland** congratulated the Chairperson on his election and was looking forward to working with him and the other members of the Bureau. It thanked the experts for providing the in-depth analysis necessary for the global reflection on the listing mechanisms. The delegation asked what could be done to involve more communities in the system for protecting intangible cultural heritage.
18. **Mr Jacobs** said that one possibility involved internet and web solutions, such as the current online meeting. His group proposed consulting with the World Intellectual Property Organization and learning from their experience, as representatives of communities and groups participated in their meetings.
19. **Ms Cummins** said that there were a number of suggestions to improve community involvement included in the report of the expert meeting. She stressed that the disconnect between communities and the official languages of UNESCO needed to be addressed internally. Since local or indigenous languages were not necessarily encouraged or used, they were not given equal parity when nominations were presented or finalized. Allowing for their inclusion was an important mechanism by which communities could be encouraged to participate. Her group also supported the development of an online platform or observatory that enabled members of the community, NGOs and various specialized groups to better participate in both the drafting and follow-up of nominations, as they were best placed to conclude whether an element was still viable or at risk. Furthermore, the involvement of communities was stressed in terms of the need to improve capacity-building and access to engagement tools. The use of online platforms, which was currently possible, would make it easier for members of communities to participate and share their knowledge. Her group proposed a special expert meeting to examine the possibility of allowing oral presentations when adding new material to previously presented nominations rather than limiting them to the text of the file. While some members of the community did not have the capacity to write in the lingua franca of international organizations, they certainly knew their element and were able to speak eloquently to its value.
20. **Mr Ki** said that his group was opposed to imposing time limits for elements on the Representative List because it would frustrate communities who would no longer be involved in safeguarding. In terms of drafting nominations, his group felt that forms should be submitted in the local language to allow communities to better understand the issue of safeguarding and truly ensure their free, prior and informed consent, as indicated in the Convention.
21. The **Chairperson** thanked the experts for taking the time to attend the meeting and for their presentations, which had provided an excellent basis for the discussions to come.
22. The **Secretary** said that the meeting would pause for thirty minutes to allow the Bureau to meet privately. The Bureau meeting would take place in the same meeting room, so all other participants would be sent to a separate breakout room and brought back to the main meeting room when the plenary meeting resumed.
23. The **Chairperson** adjourned the meeting for a thirty-minute break to allow the Bureau to meet.

*[Twenty-five-minute break]*

**ITEM 4 OF THE AGENDA**

**TOWARDS A REFORMED LISTING SYSTEM**

**Documents:** [*LHE/21/16.COM EXP/7*](https://ich.unesco.org/doc/src/LHE-21-EXP-7-EN.docx)

[*LHE/21/16.COM WG/3*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-3-EN.docx)

1. Moving to Agenda Item 4: Towards a reformed listing system, the **Chairperson** wished to establish the working methods for the discussion. According to the agenda, the discussion would begin with Item 4.a on the overall approach to the listing mechanisms. He wished to have a broad discussion in which states would comment on the main approaches identified by the experts and indicate which of the four they supported. Participants should also indicate whether they could support the five suggestions meant to encourage broader participation of communities, presented under paragraph 18 of working document 3. Those five items applied across the board, regardless of the approach supported. If participants could arrive at a consensus, those recommendations could also be included in the recommendations from Part I of the current meeting as other deliverables, bearing in mind that more time might be required to have detailed discussions on the proposals, such as the establishment of an arm’s-length body. He urged states to be as concrete as possible when explaining their position by emphasizing which aspects of the listing system they wished to change or improve, in order to find areas of convergence. The discussion would then move to Items 4.b, 4.c and 4.d, before returning once again to 4.a on the overall approach, and participants would have ample time to express their views. Participants were also asked to respond to the Committee’s specific request to address a limited number of priority issues. Under Item 4.b, the main focus should be on criterion R.2. The Chairperson noted that it would be possible to discuss the future of other criteria in Part II of the meeting. Under Item 4.c, the priority should be the removal of elements from a list and their transfer from one list to another. Under Item 4.d, the main focus should be on the procedure for extending multinational files. While the Chairperson hoped that it would be possible to achieve some consensus on those three items, he would not push participants to make a decision, recognizing the need for further reflection. The Chairperson also remarked that it would be possible to reopen items for discussion. He solicited comments or questions regarding the working method.
2. The **delegation of Senegal** congratulated the Chairperson on his election and wished to address the first suggestion for increasing community involvement, on providing nomination files in national languages. In Senegal, communities must necessarily be consulted in their language for an element to be listed on the national inventory. Nevertheless, it would be difficult to translate the forms into national languages. There were approximately twenty national languages in the state, some of which did not have an alphabet, and some communities were not able to read in their language. As a result, communities expressed themselves orally in their language when discussing their heritage and providing their consent, which was sought in an inclusive manner. Furthermore, the delegation had questions about the arm’s-length body. In Senegal, the state worked with NGOs, universities and stakeholders who were independent. It wondered whether the arm’s-length body would be a consultative body or an affiliate body, as was the case for other Conventions. Nevertheless, it was essential to have an inclusive approach involving communities throughout the process, from inventorying to inscription.
3. The **Chairperson** reminded delegations that he had not yet moved to substantive discussions and wished to hear comments on the procedural suggestions that he had made regarding the working methods.
4. The **delegation of Poland** fully supported the proposed methodology to first choose an option regarding the general approach to the reflection on reforms. It supported the repositioning approach.
5. The **delegation of China** congratulated the Chairperson on his election. With regard to the proposed methodology, it had no objection to the priorities under Items 4.b, 4.c and 4.d. With regard to the five points related to community participation, the delegation requested further clarification on the basis on which discussions would take place, as community participation was related to every stage of the listing mechanisms.
6. The **delegation of Norway** congratulated the Chairperson on his election, thanked the expert committee and the Secretariat for its excellent work, and expressed strong support for the reflection on the listing mechanisms. It supported the repositioning approach, which best answered the diverse challenges facing the Convention’s mechanisms, particularly the need to clarify the roles and reposition the two Lists and the Register. The most important challenge was to find ways to ensure more direct involvement of communities in order to place them at the centre of safeguarding efforts. Norway therefore supported all five points listed in paragraph 18 of working document 3, while noting that the suggestions needed to be further discussed, especially the arm’s-length body. States parties should hear communities’ opinions and divergent voices, and it was important to allow them to use local indigenous languages, as stressed by Ms Cummins. In addition, the working group should identify a more formal role or mechanism for the involvement of communities and NGOs in the listing processes, including the evaluation of nomination files. It should also explore the potential of Article 18 to develop a safe space for communities, NGOs, experts and civil society actors to share information on the monitoring of safeguarding plans and efforts.
7. The **delegation of Kuwait** fully supported the methodologies, with the understanding that details would be forthcoming.
8. The **delegation of the Netherlands** congratulated the Chairperson on his election and thanked Japan for its support for the current meeting. While community involvement was a very important issue, the delegation had difficulty understanding the implications of the five propositions and wished to hear more information before determining its position.
9. The **delegation of Slovakia** thanked the Secretariat for its initiative to improve the listing mechanisms. The experts had provided several pertinent recommendations, and it was important to stress the expert nature of the process as well as the common objective to harmonize decision-making. While the Representative List was the most visible, the Convention had other tools that were as important for safeguarding heritage. In that connection, the role of the Register of Good Safeguarding Practices should be emphasized. Slovakia therefore supported the repositioning approach, which would allow the Representative List to become more open and inclusive and allow for better interconnectivity among the three mechanisms.
10. The **delegation of Cuba** fully agreed with the proposed working method and wished to share a few concerns. While it was strongly in favour of greater community participation, participants must remember the intergovernmental nature of the system. There was already significant participation from communities and experts, which was an important element in the evaluation process as well. In addition, the delegation wished to have more information before creating a new evaluation body for communities or any other mechanism. Within UNESCO, the 2003 Convention was the most modern, had the most stable system and gave communities the strongest voice. Lastly, the delegation congratulated the Chairperson for his expert management of the meeting.
11. The **delegation of Austria** thanked the Secretariat and the Government of Japan for making the current exchange possible. It also thanked the experts of the category VI meeting for determining different options to improve the listing system, as well as the Secretariat for the excellent documents. The most important issues to be discussed were the monitoring and follow-up of inscribed elements, community involvement, the procedure for the removal and transfer of elements and the contributions of safeguarding measures to sustainable development. As the experts had pointed out, the greatest weakness of the current inscription process was the heavy political and diplomatic context of new inscriptions. While reaffirming the overall success of the upstream dialogue process, the delegation felt that the relationship between the Committee and the Evaluation Body should be discussed. Hopefully, a resilient and viable solution could be found, as the so-called gentleman’s agreement was not extensive enough. The delegation noted that a better term might be used to describe the agreement. While the upstream dialogue process in the examination of nominations should be maintained, some fine-tuning might be required. Clear guidelines would help both the Evaluation Body and the Committee in their deliberations. Given that safeguarding was at the heart of the Convention, the inscription process for the Register of Good Safeguarding Practices should be simplified to make it more accessible to the communities themselves, while continuing to allow audiovisual tools. Sustainable development, particularly the 2030 Agenda for Sustainable Development, was of significant importance for intangible cultural heritage, and the elements’ contributions to sustainability should be recognized in the nomination files. Recent committee discussions and the debate in the expert meeting had revealed that the follow-up and monitoring of inscribed elements was necessary. In that regard, the proposed arm’s-length online platform, in which communities themselves were involved in the monitoring of inscribed elements, could be an interesting idea. A more specific proposal would be highly appreciated. Further discussion was also needed on the issue of the transfer and removal of elements to establish clear and specific procedures and criteria. In that regard, it might be possible to discuss consequences for the evaluation of new nomination files when states parties had not fulfilled their reporting duties. The delegation was in favour of combining elements from the fine-tuning and repositioning approaches and simplifying some criteria, such as R.2; however, it did not support an approach that allowed for a nearly unlimited number of inscriptions, including elements that were not in line with the overall objectives of the Convention but rather pursuing touristic, economic or even nationalist ends. States parties must ensure that all elements met the spirit of the Convention and upheld the values of UNESCO, such as fostering peace and human rights.
12. The **Chairperson** said that, although he had attempted to focus on the methodology, some statements had already touched on substantive issues. In response to the statements made by the delegations of China and the Netherlands, he noted that the five suggestions on community involvement and the three priority items had been identified to attempt to determine any convergence of views during Part I of the meeting. He acknowledged that more explanations on the arm’s-length body would be required before states could decide whether to implement it. As there was no opposition to the methodology he had proposed, the Chairperson moved to the substantive discussions under Agenda Item 4.a.

**ITEM 4.A OF THE AGENDA**

**OVERALL APPROACH TO THE LISTING MECHANISMS**

**Documents:** [*LHE/21/16.COM EXP/7*](https://ich.unesco.org/doc/src/LHE-21-EXP-7-EN.docx)

[*LHE/21/16.COM WG/3*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-3-EN.docx)

1. The **Secretariat** said that, under Item 4.a, on the overall approach to the listing mechanisms, the most relevant Committee decision was 13.COM 10, which explained the initial reasons for convening the working group to reflect on the listing system. Paragraph 10 stated: ‘an intergovernmental open-ended working group … would be called to reflect on, *inter alia*, the nature and purposes of the Lists and the Register established under the Convention and on the relevance of the various criteria for each of these mechanisms, in particular criterion R.2 in relation to the nature and purpose of the Representative List of the Intangible Cultural Heritage of Humanity.’ Working document 3 presented the four main approaches identified by the experts, the large majority of whom suggested focusing on the fine-tuning and repositioning approaches, bearing in mind that they were not mutually exclusive approaches but rather served as guidelines.
2. The **delegation of Switzerland** thanked the Secretariat and the experts who had contributed to the reflection, as well as the Government of Japan for its contribution. The work to be done would require much patience, knowledge and meticulousness. The delegation supported the working method and wished to underline the importance of the quality of nominations and the pertinence of inscribed elements. That quality should be based on the central role of communities as well as experts. In addition, the work of the Evaluation Body and other experts must be respected. Participants should bear in mind that the reflection process had several objectives that were not necessarily convergent, differing in terms of content, accessibility to the Lists, adherence to the spirit of the Convention and ease of collaboration, as well as in terms of the procedures, resources available to states and the Secretariat, the number of nominations and prioritization. Consequently, the approaches presented were not mutually exclusive. States parties should consider all of the proposals made under the fine-tuning and repositioning approaches to find their own path. The delegation favoured the fine-tuning approach while including some ideas under the repositioning approach. It also supported the five suggestions concerning community participation but highlighted the need for more information concerning proposals (c), (d) and (e).
3. The **delegation of Brazil** supported the proposed working method and thanked the Chairperson for his method of conducting the meeting, the Secretariat for the opportunity to discuss the issues and the experts for their presentations. Much importance was placed on inscribing elements but less on protecting them; safeguarding was often forgotten. As a result of modernization, several cultural elements were at risk of disappearing and required protection. In contrast to the 1972 Convention, safeguarding was generally well received, and states did not object to listing at-risk elements. Discussions should include transferring an element between the Lists, and safeguarding and protecting elements should be given sufficient weight.
4. The **delegation of Portugal** congratulated the Chairperson on his election and thanked all participants contributing to the discussions. It also supported the working methodology and favoured the fine-tuning approach with some elements of the repositioning approach. It was important to enhance the safeguarding potential of the mechanisms, specifically for the Urgent Safeguarding List, and to improve the relationship between the two Lists and the Register to establish a more dynamic, open-ended system. With regard to the five suggestions on community involvement, the delegation was open to having a fruitful discussion but required more information.
5. The **delegation of Estonia** congratulated the Chairperson on his election and noted the importance of further clarifying the purpose and aims of each mechanism of the listing system. The Register of Good Safeguarding Practices required the most changes and would certainly benefit from a repositioning approach, while the Lists would perhaps be better served with solutions from both the repositioning and fine-tuning approaches. It could be beneficial to initiate a separate reflection on the implementation of Article 18 in its entirety in order to discuss other, lighter ways of promoting and disseminating good safeguarding practices. Over the years, the listing procedures had become heavier and forms more detailed in an effort to clarify them; however, communities continued to struggle, and the forms demanded more than the criteria entailed. The complexity of forms should therefore be reduced to make the listing mechanisms more accessible to communities around the world. Safeguarding intangible cultural heritage should also be prioritized in the listing system, and participants should consider how to make the Urgent Safeguarding List more attractive for states parties, including through the provision of financial and expert assistance to communities. Consideration must also be given to the ceiling mechanism and possible solutions to address the existing competition between mechanisms. Discussions should be guided by the principle of improving community involvement in all processes. In that regard, the delegation wholeheartedly supported proposals (a) and (c) but would appreciate more information to understand the benefits of the proposals to establish formal mechanisms or structures.
6. The **delegation of Japan** thanked the Secretariat for organizing the working group. Japan had been supporting the important process to improve the current system and looked forward to fruitful discussion on issues such as evaluation criteria and the transfer and removal of elements from the Lists. The increasing number of files examined had gradually been putting pressure on the entire evaluation process. The delegation supported the repositioning approach, as it would be very difficult for the Secretariat to maintain the current pace of evaluations with the existing number of files and backlogs. Given that the main purpose of the 2003 Convention was to safeguard intangible cultural heritage, increasing the number of files could encourage communities to recognize their heritage. Such a solution would require a balanced system, simplifying the evaluation criteria without impacting the core purpose of the Convention. The delegation was in favour of broader participation of communities, as expressed in paragraph 18 of working document 3, but required clarification on components such as the arm’s-length body.
7. The **delegation of the Netherlands** thanked the experts for their valuable report and the Secretariat for the clear documents provided. The discussion on the listing mechanisms, the follow-up of inscribed elements and the evaluation of nominations was of great importance for the future of the Convention and its impact. The Netherlands had been slow in nominating elements for the Lists, focusing instead on capacity-building; the exchange of good practices for safeguarding; the cultural diversity of inventories; and cross-cutting themes, such as intangible cultural heritage in education and in emergencies. The national policy on intangible cultural heritage had always focused on safeguarding, visibility and respect for its cultural and social meaning. The Government employed a bottom-up approach, working with communities to determine how to safeguard their intangible cultural heritage and what support they needed. Nominations to the Lists were meant to support safeguarding, mobilize international cooperation and raise awareness among states parties and communities around the world about the diversity and importance of living heritage and the need to safeguard it. First and foremost, nominations must support communities in their safeguarding efforts, and their input should be taken seriously. Communities were clearly not satisfied, and their expectations were not being fully met. Addressing this issue required action, not just supportive words on their importance. Communities could be more involved in the listing system to ensure their needs were being met. In addition, the delegation wished to discuss the different possibilities to address the interrelated issues facing the Lists, including the listing mechanisms, the evaluation of nominations and monitoring. Rather than choose between the fine-tuning or repositioning approaches, the delegation felt that there could be a more dynamic, inclusive listing mechanism with more interaction between the Lists, lighter procedures where possible, a sunset clause for the Representative List, reflection on criterion R.2, and direct participation for communities and NGOs in the listing and evaluation processes in Committee meetings. Such solutions could also achieve a geographical balance in the mechanisms. Furthermore, both the Urgent Safeguarding List and the Register of Good Safeguarding Practices were underused.
8. The **delegation of Sweden** extended its sincere thanks to the esteemed experts from all over the world that had taken part in the deliberations, as well as to the Government of Japan for its continued support for the process. It also appreciated the high-quality work of the Secretariat. Regarding the overall approach to the listing mechanisms, the delegation preferred a combination of the fine-tuning and repositioning approaches, as the two options had many advantages. Nevertheless, it had specific questions about some of the points and wished to discuss them further.
9. The **delegation of Colombia** congratulated the Chairperson on his election and thanked the Secretariat and the experts for the important documents provided. The fine-tuning approach was a likely option for Colombia, but many elements from the three other approaches could be integrated to improve the efficiency of the listing mechanisms. Safeguarding was the most important aspect of the Convention but was sometimes forgotten. In that regard, community participation was important, and states parties had a responsibility to encourage safeguarding at the national level, especially to find linguistic solutions for the communities concerned. The 2003 Convention was the most modern, and its mechanisms favoured local and community expertise over external experts’ views, which was one of its strengths. States parties should take advantage of this very important opportunity to evaluate themselves as well as their management of the Convention. They should be very thorough and ethical in their desires for the listing system, bearing in mind the gentleman’s agreement but using a different term. The goal must truly be to safeguard all of humanity’s heritage.
10. The **delegation of China** thanked the Chairperson for his guidance, as well as the Secretariat and the experts who had provided their input for the presentations. It also thanked the Government of Japan for its contribution to make the working group possible. Since the adoption of the Convention in 2003 and its operationalization in 2008, the listing mechanisms had been functioning well and had made a significant contribution to achieving the objectives and principles of the Convention. There were already 584 elements inscribed by 131 countries. The listing mechanisms had also greatly contributed to raising the visibility and awareness of safeguarding for intangible cultural heritage and to gaining a broader consensus worldwide. Nevertheless, for various reasons, including limited human or financial resources, the listing mechanisms continuously encountered greater challenges and cross-cutting issues. The reflection process was of great importance to the health and sustainable development of the 2003 Convention. In that connection, the delegation felt that some of the recommendations from both the fine-tuning and repositioning approaches were complementary and preferred not to choose one approach. Participants should reflect on whether they had already done enough or what work remained to be done to ensure the listing mechanisms functioned perfectly. According to Articles 7 and 18 of the Convention, the Committee should provide guidance on best practices and make recommendations on measures for the safeguarding of intangible cultural heritage. It should also accompany the implementation of such projects, programmes and activities by disseminating best practices, using means to be determined by it. In that regard, much work remained to be done, and the delegation would make its own proposals to address specific issues.
11. The **Chairperson** remarked that a slightly larger number of states supported the repositioning approach, although many delegations felt that discussion should focus on individual measures from both approaches. He once again solicited general comments about the five suggestions regarding community involvement.
12. The **delegation of Poland** strongly supported the general direction of all five points and wished to have more detailed discussion to determine how the suggestions could be implemented in practice. There were many solutions to address the different constraints of states with a variety of languages and other obstacles that might be encountered. The delegation encouraged discussion on those details to turn words into practice regarding community involvement.
13. The **delegation of Sweden** supported the overall direction of the five suggestions on community involvement. Sweden fully supported the strong involvement of civil society and believed that practitioners and bearers had a fundamental role to play in ensuring that intangible cultural heritage remained alive and dynamic. It also placed great importance on enabling communities to read about their heritage in their own language. The creation of new mechanisms to further involve civil society and communities in inscribed elements, such as an arm’s-length body and the special forum, could certainly benefit the implementation of the Convention but would require more information. The delegation therefore supported options (a) and (c) and required additional clarification on (b), (d) and (e).
14. The **delegation of Colombia** thanked the experts for their very interesting approach and strongly supported their proposals. Colombia had long promoted community participation in many ways. Nevertheless, additional details regarding the implementation and viability of the proposals were necessary, as resources presented some of the biggest challenges at the national level. The delegation also wondered how to guarantee that all members could participate in the Convention.
15. The **delegation of Senegal** supported the five suggestions on community involvement but felt that the implementation of an arm’s-length body required further discussion, particularly in connection with the existing Evaluation Body. A number of issues had been considered when the Convention was drafted, particularly with regard to Africa, which was under-represented in the 1972 Convention.
16. The **Chairperson** said that he had a very good idea about the feelings regarding the overall approach and would move on to the next item in the afternoon. Participants would have another opportunity to discuss Item 4.a, following discussion on 4.b, 4.c and 4.d. He adjourned the morning session.

*[Thursday, 08 July 2021, afternoon session]*

**ITEM 4.B OF THE AGENDA**

**ISSUES RELATED TO THE INSCRIPTION CRITERIA**

**Document:** [*LHE/21/16.COM EXP/7*](https://ich.unesco.org/doc/src/LHE-21-EXP-7-EN.docx)

[*LHE/21/16.COM WG/3*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-3-EN.docx)

1. The **Chairperson** opened the afternoon session and turned to Item 4.b to discuss issues related to the inscription criteria.
2. The **Secretary** welcomed back the participants, reminding them that the inscription criteria formed the backbone of the listing system. It was important to bear in mind that the criteria, as defined in the Operational Directives, were not set in stone. The text of the Convention itself was silent on the specificities of the criteria, and Articles 16 and 17 of the Convention stipulated that the Committee was expected to draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of the Representative List and Urgent Safeguarding List, respectively. The reflection process on Item 4.b should give priority consideration to the issues related to criterion R.2. On numerous occasions, notably in paragraph 12 of [Decision 14.COM 14](https://ich.unesco.org/en/decisions/14.COM/14) and paragraph 9 of [Decision 14.COM 10](https://ich.unesco.org/en/decisions/14.COM/10), the Committee had pointed out that the criterion caused recurrent challenges for communities, states parties and the Evaluation Body, despite changes made to Form ICH-02. The Evaluation Body and the experts consulted in the framework of the global reflection had pointed out that criterion R.2 was perhaps problematic because it obliged communities to take on an external point of view and project possible future consequences of an eventual inscription on aspects of the element that were well beyond their control. With regard to the inscription criteria, the fine-tuning approach proposed rewording and simplifying certain criteria primarily to address recurrent challenges around R.2, R.3 and U.3, to underline safeguarding more strongly and simplify the corresponding parts of the nomination form. Form ICH-02 might be revised to focus on how inscription would contribute to encouraging dialogue and mutual respect rather than raising the viability of intangible cultural heritage and raising awareness of its significance. Another proposal was to link the questions to sustainable development, asking how inscription on the Representative List might contribute to issues such as reducing poverty, supporting inclusive social development, mitigating climate change or promoting gender equality.
3. The **Secretary** explained that, under the repositioning approach, the criteria for the Representative List and the Register would be significantly reduced. Criterion R.2 could be removed, with relevant portions incorporated into criteria R.1 and R.4. Once an element was considered to be intangible cultural heritage under criterion R.1, it could be assumed that its inclusion on the Representative List would increase awareness about intangible heritage in general. Portions of R.2 would be placed under R.4 with community consent, to ensure that communities properly understood the meaning of inscription, particularly that the element was not being inscribed as world heritage and that inscription did not imply exclusivity or ownership. In addition, criterion R.3 would become optional, depending on the viability of the element, and criterion R.5 would be largely simplified and aligned with the periodic reporting mechanism. Since inventorying was one of the obligations for states that had ratified the Convention, the issue could be addressed in detail during the periodic reporting and simplified during nominations. Such an approach would establish a direct link between nominating elements and fulfilling periodic reporting obligations every six years. The Urgent Safeguarding List would receive enhanced attention to support communities in fulfilling criterion U.3, as well as through the fund of the Convention. Each approach had different implications. The reduced number of criteria and correspondingly shorter nomination form advocated by the repositioning approach would certainly liberate a significant amount of time and workload for the Evaluation Body, the Committee and the Secretariat, as approximately 80 per cent of the resources and time spent on inscription-related tasks went to the Representative List. On the other hand, while the fine-tuning approach might address some of the imbalances, the overall workload would likely remain the same. Under both approaches, experts advocated for deleting criterion P.9 for the Register of Good Safeguarding Practices.
4. The **Chairperson** thanked the Secretary for his detailed explanation and stressed the importance of finding a solution to the issues related to criterion R.2 as a matter of priority.
5. The **delegation of Palestine** thanked the Secretariat for the working documents and the presentation. The majority of states parties had agreed that the current formula for the Evaluation Body was functioning very well, especially with the addition of the dialogue process. The delegation hoped that it would be reinforced and felt that change was unnecessary. With regard to the criteria for the Representative List, it proposed a hierarchy in which criteria R.1 and R.5 would be eliminatory. Criterion R.1 concerned the definition of the element as intangible cultural heritage, and criterion R.5 was stipulated in the Convention. The idea had been proposed before but there had not been enough time to explore it in depth, and it would need to be examined by the experts. In addition, some criteria must be simplified, particularly criterion R.2, which had frequently caused problems. Such a solution could also be applied to the criteria for other listing mechanisms as well.
6. With regard to the criteria for the Representative List, the **delegation of Switzerland** said that the issues surrounding criterion R.2 were well known, particularly the problems arising from the wording. Nevertheless, the criterion should be kept. Raising awareness about the importance and visibility of intangible cultural heritage should be maintained, but the criterion could be simplified by removing the distinction between the three levels and clarifying the intent of the nomination. It also made clear that inscription did not place any element above the others. It was important to move beyond viewing inscription as an end and understand that it was the means to contribute to safeguarding, cooperation and sustainable development. In that regard, the delegation was in favour of establishing a direct link with sustainable development, particularly the 2030 Agenda and the Sustainable Development Goals, under criterion R.2 or another criterion. With regard to the repositioning approach, it would be counterproductive to make criterion R.3 optional. Safeguarding was essential regardless of the status and viability of the nominated element. Such a reflection would validate the efforts communities had undertaken and would help to begin a concrete project with concrete measures and a dialogue between communities and the authorities. Therefore, criterion R.3 should remain obligatory for the Representative List. With regard to the proposed sunset clause and hall of fame, it was unclear what purpose those proposals would serve and what impact they would have on communities. The delegation requested further clarification from the experts or the Secretariat.
7. The **delegation of the Netherlands** felt that there could be more interaction between the Urgent Safeguarding List, the Representative List and the Register, which would increase consistency. The Representative List could be a light mechanism that states parties used to greatly improve the visibility of intangible cultural heritage. Once they had fulfilled simplified versions of criteria 1, 3, 4 and 5, criterion 2 would no longer be necessary. The elements on the Representative List would naturally foster global visibility and link to the network of elements to be created according to one of the experts’ suggestions. With such a mechanism, the Evaluation Body and the Committee would not require as much time to evaluate nominations. In addition, the sunset clause would limit the duration of elements on the list, requiring less time for monitoring and follow-up. As a result, the ceiling for nominations would no longer be necessary, and states parties would no longer have to choose among the Lists. States parties, bodies and communities would therefore have more time to focus on the Urgent Safeguarding List and the Register. Furthermore, if the criteria for the Urgent Safeguarding List and the Register could be simplified, they would also be more easily accessible for communities.
8. The **delegation of Japan** said that criterion R.2 had always been one of the most difficult and confusing criteria for communities and states parties. It would therefore be beneficial to either simplify the criterion or to remove it and include the relevant portions under criterion R.4. The delegation was in favour of deleting criterion P.9 and simplifying criterion R.5 but felt that careful discussion was needed in terms of making criterion R.3 optional. Given that the purpose of the Convention was to protect intangible cultural heritage, safeguarding measures should still be verified in some way. Rather than make the criterion optional, a good solution might be to simplify the submitting form to lighten the workload for both the submitting states and the Secretariat.
9. The **delegation of Austria** thanked the Chairperson for elaborating on the inscription criteria. It fully supported the inclusion of the Sustainable Development Goals in the nomination process as well as questions related to sustainable development. The delegation was also in favour of a stronger focus on safeguarding, which was at the core of all Lists, and therefore did not support the idea of making criterion R.3 optional. Additionally, it supported simplifying the questions under criterion R.2 and finding lighter ways of sharing safeguarding measures. With regard to the Urgent Safeguarding List, the delegation supported the proposal under which a new safeguarding plan could be submitted after eight years if the original one had not proven successful. Furthermore, simplifying access to and inscription in the Register of Good Safeguarding Practices would possibly make it more attractive to communities and could promote its importance for the Convention. With regard to the Representative List, access to the list should be facilitated, particularly for smaller communities and groups that had less visibility but were of great value to the list’s diversity. Nevertheless, in broadening the baseline, there should be a firmer approach to recommendations by the Evaluation Body in order to avoid further politicization.
10. The **delegation of Saudi Arabia** echoed the statements made by other states parties and supported the repositioning approach, which addressed issues related to the criteria that posed the most challenges, particularly criterion R.2. The delegation was also in favour of lightening the workload of the Evaluation Body, which was closely linked to the issues raised in Item 4.d on the methodology for the evaluation of nominations.
11. Although the inscription criteria for the Representative List and the Urgent Safeguarding List adequately reflected the principles of the Convention, **the delegation of Estonia** found that there was still room for lightening the heavy procedures. Criterion R.2 was not a fair question and should be changed. As the Evaluation Body had pointed out, it expected communities to take an external and abstract point of view and predict what would happen in the future regarding the awareness and visibility of intangible cultural heritage in general. Nevertheless, it was very important to underline the need to encourage dialogue and mutual respect, which was also a fundamental part of criterion R.2. Perhaps those issues could be addressed under criterion R.1, as the two criteria were interconnected. The delegation also questioned the rationale for maintaining criteria U.2.b and U.6 to describe an extremely urgent option, which had not yet been used. It was very difficult to differentiate between urgency and extreme urgency and might not be very practical given the lengthy procedures. There was also potential to reduce the level of detail currently required under criteria R.3 and U.3, as the forms demanded more than those criteria entailed. Questions under criteria R.5 and U.5 could also be lightened to merely ensure that the element was included in the national inventory, while the procedure would be described in detail in the state’s periodic report. With regard to the Register of Good Safeguarding Practices, the criteria for selection could be reduced and merged to facilitate access, as proposed under the repositioning approach on page 6 of working document 3. Lastly, it would be beneficial to initiate a separate reflection on the implementation of Article 18 in its entirety in order to discuss other, lighter ways of promoting and disseminating good safeguarding practices.
12. The **delegation of Brazil** agreed with the proposal made by the delegation of Palestine with regard to criteria R.3 and R.5 and felt that they were essential to inscription on the Representative List. Whether or not a hierarchy was imposed, nominations should not be accepted if they did not meet those two criteria. The delegation was also against removing criterion R.3, as safeguarding was an important principle of the Convention. Furthermore, its removal would leave only four criteria, and it was uncertain how that would impact the gentleman’s agreement. In that connection, the delegation noted the experts’ recommendation regarding the term and hoped that a new expression could be used. With regard to criterion R.2, the main problem stemmed from its subjectivity. Any new draft of that criterion should therefore seek to eliminate its subjective nature. Lastly, the delegation agreed with the proposal to remove criterion P.9.
13. The **delegation of Kuwait** thanked the Secretariat and the experts for their very comprehensive report. It also commended the Chairperson for his approach to the meeting and urged all participants to adhere to the suggested working method. Concerning the inscription criteria, criterion R.2 should be eliminated because the objective of the 2003 Convention to raise awareness of intangible cultural heritage had been met. While some delegations had proposed shifting portions of R.2 to criteria R.1 and R.4, the delegation of Kuwait worried that such a proposal would simply shift the problems concerning R.2 to other criteria and preferred instead to remove it.
14. The **delegation of Colombia** wished to thank the experts for the wonderful job of distilling their discussions and rich analysis into a one-and-a-half-page abstract. Concerning the Representative List, it was more inclined to the solutions proposed in the fine-tuning approach. Rather than delete criterion R.2, it should be refocused on encouraging dialogue and mutual respect. As mentioned by the delegation of Brazil, the criterion had a subjective nature that made it very difficult to answer the questions. In addition, criterion R.3 should not be optional or deleted, as it provided a vision for the future safeguarding of the element. Safeguarding was at the centre of the Convention, and states parties should have some way to protect the proposed elements. As mentioned by the delegation of Switzerland, the nomination process was not an end but a means to safeguarding. Many of the proposals made by the experts were very detailed and complex, and the delegation wished to know more about how they would be implemented. Although it was more inclined to support the proposals under the fine-tuning approach, many elements of the repositioning approach should be considered, and states parties must find a path that mixed both proposals in an effort to fulfil their responsibility to represent their countries, communities and bearers.
15. The **delegation of Bangladesh** congratulated the Chairperson for representing the Group of Asian and Pacific States and had full confidence in his ability to move forward in the difficult task ahead. It also thanked the Secretariat and the experts for their work, which had allowed participants to begin discussing the issues immediately. The delegation supported the position of the delegation of Kuwait that criterion R.2 was the vaguest and most difficult for Member States to respond to and understand. As the delegation of Palestine had pointed out, there was a need for some compulsory criteria. Criteria R.1 and R.5 should be given much higher priority if a hierarchy was established. Regarding criterion R.3, safeguarding measures were truly at the heart of the Convention and should remain, with possible changes to the wording. Furthermore, the order of the criteria should be overridden, with R.1 followed by R.5. Criterion R.2 might then be eliminated, or the first part omitted, given that its inclusion would continue to create a problem for the national experts drafting the file and the experts undertaking the evaluation. Criterion R.4 was the most important but could also be clarified with regard to determining an acceptable level of community participation.
16. The **delegation of Germany** supported the delegations of Switzerland, Colombia and others in underlining the importance of safeguarding measures in criterion R.3, which was essential and should not be made optional. It also supported the request to change and simplify criterion R.2, for which the repositioning approach proposed by the experts could be a serious option. The delegation stressed the need to simplify the criteria for the Register of Good Safeguarding Practices, given that the experts considered some of them to be too detailed, which could explain why fewer communities made proposals for the Register. The removal of redundant criteria, as proposed in the repositioning approach, should also be given further consideration.
17. The **delegation of China** recalled that the criteria for the Urgent Safeguarding List and the Representative List had been applied for over ten years, having first been drafted in 2007 at the first extraordinary session of the Committee. Although criterion R.2 was especially difficult for states parties to satisfy, as it referred to potential future events that were not completely in the control of submitting states, it remained very important. It had been drafted according to the articles of the Convention, and the delegation would be quite conservative in reforming the criterion, preferring that it remain the same. Nevertheless, the nomination forms could be further revised and simplified so that submitting states had fewer difficulties in fulfilling the criteria.
18. The **delegation of Sweden** joined other delegations in supporting the deletion or simplification of criterion R.2, the important elements of which could be incorporated into criterion R.4, as suggested in the repositioning approach. Those elements should be retained, as they related to Article 16 of the Convention on the visibility of intangible cultural heritage and dialogue that respected cultural diversity. In support of the delegation of Estonia, the delegation of Sweden wished to incorporate the importance of dialogue into another criterion, should R.2 be removed. It also supported the suggestion to revise Form ICH-02 to include a question under R.1 on the compatibility of elements with existing international human rights instruments, as well as with the requirement of mutual respect among communities, groups and individuals. The delegation supported the deletion of criterion P.9 and felt that the Register of Good Safeguarding Practices embodied the spirit of the Convention and should be further enhanced in the future.
19. The **delegation of Portugal** agreed that criterion R.2 should be addressed and would support either revising and simplifying the questions or removing the criterion. It also supported a revision of criterion R.1 to include a question on the compatibility of proposed elements with existing international human rights instruments, as proposed under the repositioning approach. The delegation was in favour of preserving criteria R.3, R.4 and R.5 and sought further explanations regarding the sunset clause suggested under the repositioning approach.
20. The **delegation of Slovenia** reiterated its support for revising criterion R.2; however, it was not in favour of making significant changes to criterion R.5 and strongly supported the emphasis on safeguarding measures. It also encouraged the development and strengthening of the Register of Good Safeguarding Practices, which represented a significant challenge for Slovenia at the national level as well. Furthermore, the delegation supported the inclusion of compliance with international human rights documents under criterion R.1.
21. On matters related to the Register, the **delegation of Poland** supported the proposal to initiate a separate reflection on the implementation of Article 18, as the Register encountered significant problems that could not be easily solved by deleting some problematic criteria, such as criterion P.9. The experts had presented more pertinent ideas, such as renaming the Register to better recognize its purpose and provide equal standing with the Lists. They received more attention and recognition than the Register, perhaps owing to the language, as the Register was perceived as less important and interesting.
22. The **delegation of Colombia** posed a methodological question about the discussions, wondering whether it was better to speak quickly about each list or to provide an overall impression of the discussion. It wondered how the conclusions of the discussion would be determined.
23. The **Chairperson** reiterated his suggestion to draw a conclusion on criterion R.2 but reminded participants that they could also discuss other criteria as well.
24. The **delegation of Colombia** fully supported the statement made by the delegation of Poland regarding the Register of Good Safeguarding Practices.
25. The **delegation of Jamaica** supported the statements made by Colombia and Poland and supported removing criterion R.2. It noted that states parties also had issues implementing criterion R.5 and requested clarification on the sunset clause.
26. The **delegation of France** generally supported the proposals made under the repositioning approach and was in favour of including elements from criterion R.2 in criterion R.4; however, it opposed making criterion R.3 optional. It was also not in favour of revising criterion R.5, as national inventories should be a prerequisite to an element’s inclusion on the list. The delegation also requested more information about the proposed hall of fame.
27. The **delegation of Senegal** agreed with the delegation of China. The criteria were established pursuant to the articles of the Convention, and each criterion represented a principle within that document. Despite the issues related to comprehension and interpretation, the delegation was in favour of reformulating but not of removing certain criteria. Criterion R.2 should be simplified and rewritten, since issues arose following inscription. On the other hand, criterion R.3 should be maintained in its entirety. Given that its full title was the Convention for the Safeguarding of the Intangible Cultural Heritage, safeguarding should be maintained or even expanded to incorporate questions concerning sustainable development and the 2030 Agenda.
28. The **delegation of Norway** supported the proposals made by the delegations of Poland and Colombia and agreed that Article 18 should be examined more deeply to explore its underused potential.
29. The **delegation of Peru** agreed with several other delegations about the importance of criterion R.3, under which safeguarding measures were identified and applied by communities. The Representative List was clearly an efficient safeguarding mechanism that raised awareness about intangible cultural heritage, hence its popularity among communities. Criterion R.4 was therefore essential, since it illustrated how communities shared their voice. Given the difficulties in responding to criterion R.2, it should undergo some small changes. Lastly, criterion R.5 should be linked to the periodic reporting.
30. The **Secretary** thanked the delegations for their statements and wished to respond to some of the questions raised. With regard to the sunset clause and the hall of fame, those solutions had been considered to lighten the administrative load for maintaining the Representative List. If the list was opened to more elements, the reporting and follow-up would become unmanageable. Considering that intangible cultural heritage was dynamic, it had been argued that an element on the Representative List would not require active monitoring after a certain period and could go into the proposed hall of fame, acknowledging that it had been on the Representative List.
31. On the issue of sustainable development, the **Secretary** noted that any specific reference to the 2030 Agenda in the criteria would have a limited lifespan. References to the principles of sustainable development, however, could extend beyond 2030. Concerning criteria R.5 and U.5 and the link to periodic reporting, inventorying was indeed one of the obligations of states parties to the Convention. Under the proposal, the periodic reporting would provide an in-depth look at the inventorying systems in order to lighten the criterion during the evaluation process. That proposal could allow states greater access to inscription, as the process would be lightened while still maintaining the obligation of inventorying.
32. The **Chairperson** gave a broad summary of the discussion. On the issue of criterion R.2, while some delegations supported its deletion with some elements integrated into criteria R.4 or R.1, a greater number of states wished to maintain it, while acknowledging the need for simplification. A suggestion had been made to make criterion R.3 optional, but a number of delegations felt that it should be maintained, as safeguarding was the most important theme in the intangible heritage scheme. No suggestions had been made to delete the other criteria. There had been discussion on establishing a hierarchy in which criteria R.1 and R.5 would receive priority treatment, but there was no convergence of views on that point. In addition, many states had stressed that the criteria for the Urgent Safeguarding List should be simplified to encourage more elements to be listed there, which had not been disputed. Some references had been made to the need to address Article 18.
33. The **delegation of Portugal** thanked the Chairperson for his summary, noting that some delegations had been in favour of the first suggestion under the repositioning approach to include a question under criterion R.1 on the compatibility of proposed elements with existing international human rights instruments.
34. The **delegation of Senegal** thanked the Chairperson for his excellent summary and agreed with the Secretary that references to the 2030 Agenda would be limiting. It therefore wished instead to highlight language regarding sustainable development in connection with safeguarding measures.
35. The **Chairperson** said that delegations had engaged in a very good discussion, of which the Secretariat had taken good note and would provide more precise summaries at a later stage. He adjourned the meeting for a thirty-minute break.

*[Thirty-minute break]*

**ITEM 4.C OF THE AGENDA**

**ISSUES RELATED TO THE FOLLOW-UP OF INSCRIBED ELEMENTS**

**Documents:** [*LHE/21/16.COM EXP/7*](https://ich.unesco.org/doc/src/LHE-21-EXP-7-EN.docx)

[*LHE/21/16.COM WG/3*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-3-EN.docx)

1. The **Chairperson** moved to Item 4.c to discuss the issues related to the follow-up of inscribed elements.
2. The **Secretary** reminded the working group that the Committee had been very clear in its desire to include the issues related to the follow-up of inscribed elements in the global reflection on the listing system, as could be seen in its Decisions [13.COM 9](https://ich.unesco.org/en/decisions/13.COM/9) and [15.COM 7](https://ich.unesco.org/en/decisions/15.COM/7). In terms of monitoring, paragraph 5 of Decision 13.COM 9 indicated the need to enhance the follow-up mechanisms that would allow communities, groups and, where applicable, individuals to participate in the monitoring of inscribed elements. Paragraph 6 of Decision 15.COM 7 demonstrated the Committee’s readiness to discuss the possibility of restricting the evaluation of new nomination files for states parties whose reporting duties had not been fulfilled. The Committee had also taken a series of decisions, notably Decisions [10.COM 19](https://ich.unesco.org/en/decisions/10.COM/19), 12.COM 14 and 14.COM 14, which stressed the need to clarify the procedures for removing an element from a list and for transferring an element from one list to the other.
3. Concerning the follow-up of inscribed elements, the **Secretary** noted that two issues were common to both the fine-tuning and repositioning approaches. The first was a proposal to create an arm’s-length online platform of intangible cultural heritage. The experts had referred to the proposal as an observatory, which the Secretariat had then reclassified as an arm’s-length online platform. It would not be involved in the evaluation of nominations. Rather, it would serve as a space to address issues in the follow-up of inscribed elements before they were passed on to formal statutory mechanisms. The second proposal was that more direct and systematic support should be provided to elements that would be transferred from the Representative List to the Urgent Safeguarding List, particularly from the Intangible Cultural Heritage Fund. Paragraph 14 of working document 3 contained additional details.
4. The **Secretary** explained that the fine-tuning approach would seek to improve the current system by making full use of the periodic reporting mechanism and international assistance. For example, a request for transfer might follow the periodicity established for reporting, every four years for elements inscribed on the Urgent Safeguarding List and every six years for those inscribed on the Representative List. Under the repositioning approach, no element would remain on the Urgent Safeguarding List for over four reporting cycles. After sixteen years, elements on the list would undergo a monitoring process and, depending on the outcome, would either be transferred to the Representative List, because viability had been sufficiently restored, or removed altogether from the Urgent Safeguarding List. The purpose of the proposal was to ensure that safeguarding plans were implemented expeditiously. For the Representative List, that approach could also involve the sunset clause, under which elements would be included on the list for a certain period of time and then moved to a hall of fame for posterity, without further reporting duties.
5. The **Chairperson** recalled that the transfer and removal of an element was one of the priority items for discussion.
6. Noting that the follow-up of inscribed elements was a cross-cutting issue, the **delegation of Switzerland** was in favour of proposals, mechanisms and methodologies that sought to improve follow-up, such as the establishment of an arm’s-length online platform. It was open to the three possible solutions for the transfer of an element: an automatic transfer, simplified procedures or a transfer request. On the other hand, the removal of an element required a more elaborate mechanism based on regulations and a clear decision-making process. A sufficient explanation had not been provided to justify the establishment of a sunset clause, and the delegation did not feel that it would significantly lessen the workload for the follow-up of elements. The hall of fame gave the impression of royalty or luxury, especially if the status was not linked to monitoring obligations. The term itself would imply a kind of hierarchy that contradicted the spirit of the Convention. Lastly, the delegation proposed a separate working group to address the issues under Article 18.
7. The **delegation of Poland** felt that a very clear procedure was needed for the transfer and removal of an element. It must prioritize the involvement of communities on the ground, as both scenarios would significantly impact them. When transferring an element between the Lists, the advisory mission proposed in the [report](https://ich.unesco.org/doc/src/52149-EN.docx) of Breakout Group 2 could assist communities and states parties. In the case of removal, the reconciliatory and educational potential of the Convention might be better served in the form of interim measures to help take more informed decisions and allow time for reflection. To that end, the experts had proposed consultative missions in the field to assess the situation on the ground. The delegation wished to hear the positions of other states parties regarding the transfer and removal of an element in order to find a solution that would be satisfactory for all stakeholders.
8. The **Chairperson** drew attention to the arm’s-length platform as another issue for discussion and encouraged delegations to refer to that point as well.
9. Regarding the arm’s-length online platform, the **delegation of Colombia** asked who would benefit from it and who would administer it. For the platform to be inclusive, it would need to be translated into other languages in addition to English and French, and it was not clear who would be responsible for maintaining the page. The delegation asked the Secretariat to clarify how the tool would be implemented. In terms of the fine-tuning approach, a limit of eight years on the Urgent Safeguarding List would encourage more dynamic safeguarding actions in urgent cases. Under paragraph 15.d of working document 3, additional clarification was needed to determine how the removal and transfer of an item would impact the periodic reporting, who would be responsible for making that decision and whether states parties and communities would propose it. In terms of the repositioning approach, under paragraph 16.a, states parties should also consider how safeguarding measures could provide some memory or record of elements that simply faded away. Concerning the removal of elements, interim measures were very important, as was evidenced by the previous case when a very difficult decision had been taken to remove an element from the list. Perhaps a friendlier option could be considered.
10. The **Secretary** wished to clarify the purpose of the arm’s-length online platform. The initial wording used by the expert group had been an observatory, although it was clearly meant to play a role in the follow-up of inscribed elements that went beyond a clearing house. Following brief discussion with the expert group, the Secretariat had taken the liberty of labelling it an arm’s-length online platform. Rather than serve as an evaluating body, it was intended to serve as a forum for discussing issues that would assist in the monitoring and follow-up of inscribed elements, including by allowing communities to engage and liaise. Nevertheless, the Secretariat would need to address some core questions in the future, such as who would administer the platform and who would have access to the resources available under the Fund. While there were real but not insurmountable issues to be discussed in terms of financing and administration, it might be useful to first understand the role and composition of the online platform.
11. The **delegation of the Netherlands** agreed with the suggestion of limiting time spent on the Urgent Safeguarding List, as well as transferring an element to the Representative List and the Register of Good Safeguarding Practices. Reporting obligations should be incorporated in the periodic reporting as much as possible. With respect to the follow-up of inscribed elements, the delegation valued the experts’ suggestion to provide technical and financial support from the Fund of the Convention to elements that needed to be transferred from the Representative List to the Urgent Safeguarding List. Regarding the arm’s-length platform, it wondered what the status of the platform would be within the listing system.
12. The **delegation of Kuwait** was more in favour of the repositioning approach for the follow-up of inscribed elements. While the arm’s-length platform was a very good concept, more details were needed on its modality. With regard to delisting, as had been evident during the fourteenth session of the Committee in Colombia, sometimes there was a clear case, and sometimes more investigation was necessary. Delisting should be dynamic. When the Convention was not met, the recommendation could come from the Secretariat and the decision could be made quickly. In situations that were not as clear, the Committee should have the option to seek the experts’ opinion on delisting.
13. The **delegation of Japan** said that the use of the periodic report to transfer an item from one list to another was a viable proposition, but it needed to be more concrete. The proposed process to remove or transfer an element from the Urgent Safeguarding List after sixteen years was also interesting; however, more careful and detailed discussion on the sunset clause was needed to determine the benefit of moving inscribed elements from the Representative List to a so-called hall of fame. The delegation was in favour of the arm’s-length online platform but wondered how it would be financed and looked forward to a more detailed discussion once the platform had been realized.
14. The **delegation of Austria** considered the current topic essential in the reflection process. Establishing a monitoring system was urgent for both the Representative List and the Urgent Safeguarding List in order to evaluate the effectiveness of inscription in terms of successful safeguarding. The delegation also supported restricting the evaluation of new nomination files for a State party that had not fulfilled its reporting obligations. As the delegation of Switzerland suggested, another working group might be necessary to discuss those delicate issues in greater detail. In addition, the delegation of Austria was in favour of establishing separate, clear and specific procedures and criteria for the removal and transfer of an element. The establishment of an arm’s-length online platform to involve the communities themselves in monitoring was an interesting idea; however, some questions would have to be addressed, as had been pointed out by the delegations of Colombia and the Netherlands, as well as by the Secretariat.
15. The **delegation of Senegal** welcomed the idea of an arm’s-length online platform, which would provide the opportunity for cultural actors, NGOs and academics working on the ground to exchange experiences and participate in the monitoring process. Their opinions should be important. Senegal had undergone an exercise to restore its pilot inventory established with UNESCO and had published a representative list containing fifty-nine elements on its platform. That process had sparked a national discussion on the platform involving the communities, which included practitioners as well as academics, doctors and others who valued the elements. A supplementary inventory had been envisioned to update the list. With regard to the transfer or removal of an element, the delegation agreed that precise procedures were needed. It was important to note that elements inscribed on the Urgent Safeguarding List required specific safeguarding measures to re-establish their viability. If, for whatever reason, the experts deemed that an element was not able to establish its viability after a certain period of time and still did not meet the principles of the Convention, it should be removed. Whether the limit was sixteen years or another amount of time, an element could not remain on the Urgent Safeguarding List forever.
16. While the **delegation of Brazil** recognized that it was important for the Secretariat and the Committee to have an idea of the general opinion of states, it stressed that it was sharing its opinions in theory, as more information was needed. Ideally, a text based on more complete proposals would be provided. The delegation was in favour of transferring and removing an element. The issue had arisen during the fourteenth session of the Committee in Bogotá, and states parties should be prepared for those situations. In theory, the delegation supported the idea that an element should not remain on the Urgent Safeguarding List forever, as that would mean that it was not receiving the necessary protection measures. Nevertheless, it was important to work with concrete proposals, and the delegation would need time to discuss with the National Heritage Institutes. The observatory was an excellent idea. Direct contact with communities was essential, as was having their immediate responses.
17. The **delegation of Poland** supported the observatory as a means of embracing the diversity of actors who were not currently heard. An open platform was very much needed to address issues that could not be handled during the regular meetings of the various bodies because of obstacles, a lack of time or a lack of procedures. The platform would also fulfil the need to maintain dialogue and allow communities a place at the table. While quick and dynamic decisions were needed in the transfer or removal of an element, it was also important to consider the emotions and identities of communities on the ground. The process required time and an understanding of the situation in the field and should introduce reconciliatory measures, such as providing additional benefits rather than simply fast-tracking a decision to remove an element from the list.
18. With regard to the follow-up of inscribed elements, the **delegation of Sweden** stressed that continued reporting was needed to monitor ever-changing intangible cultural heritage. It would support lowering the priority for the examination of nomination files for states parties that had failed to fulfil their reporting obligations under the Convention. A clear and simple process for transferring an element between the Lists would be welcomed, but the criteria for inscription should still apply. In addition, the delegation agreed that an arm’s-length online platform could be a good idea and supported the engagement and inclusion of diverse voices, as mentioned by the delegation of Poland. It thanked the Secretariat for the explanations provided but felt that more clarification was needed, especially since resources were limited. The delegation was hesitant to support a sunset clause or so-called hall of fame, agreeing with the points made by the delegation of Switzerland.
19. The **delegation of China** had long been deeply concerned by the imbalance of elements inscribed on the Lists. The Urgent Safeguarding List deserved more attention, given that those elements required urgent assistance. The delegation supported the proposal for a dynamic list on which elements would not be listed permanently. In that regard, the current nomination form should be optimized to reduce the complexity and difficulty of preparing nominations. An assessment system based on the quadrennial periodic report of elements on the Urgent Safeguarding List should be introduced. If the element’s viability had improved after three or four reports, its transfer to the Representative List would be encouraged, with the prior, free and informed consent of the communities concerned. Favourable measures or mechanisms should be drafted in order to facilitate such a transfer. On the other hand, if the assessment determined that the element’s viability had not improved, it would be removed from the list. For example, sometimes elements no longer responded to the environment or modern society. Lastly, the delegation suggested including that issue on the Committee meeting agenda for further discussion.
20. The **delegation of Estonia** joined other delegations in advocating for care in procedures regarding the transfer and removal of elements. Paragraph 16.a of working document 3 proposed a system by which no element would remain on the Urgent Safeguarding List for over sixteen years. The delegation wondered what would happen if the monitoring process found that the criteria for the Urgent Safeguarding List were still met. It also wondered what message would be sent to the communities and the State party if the element did not meet the criteria for the Representative List but was still removed from the Urgent Safeguarding List. Although sixteen years might seem like a long time, intangible cultural heritage was passed down from generation to generation.
21. The **delegation of Portugal** joined previous delegations in the opinion that inscription on the Urgent Safeguarding List should not be permanent. On the other hand, there should be no time limit for an element’s inclusion on the Representative List. It therefore did not support the notion of a hall of fame. The transfer of elements should be linked to periodic reporting and, in the case of elements on the Urgent Safeguarding List, to the international assistance that should be provided during the process. The idea of an arm’s-length platform was interesting, but clarification was needed on whether the proposed forum would be linked in any way to the processes and procedures for transfer and removal.
22. The **delegation of Belgium** was acutely aware of the need to establish dynamic transfer and monitoring procedures for the Lists. As the delegation of China had mentioned, periodic reports played an important role. Although communities were asked about their implementation of the Convention, they were not asked whether they wished to continue to be listed for the next six-year cycle. The periodic report was also a good tool to take stock of whether they subscribed to the ethical rules and recommendations of the Convention. The delegation also noted that the best practices from periodic reports were rarely showcased, despite the fact that they could serve as models for others. It would also be interesting to know whether those examples continued to be seen as good practices.
23. Responding to the question from the delegation of Portugal, the **Secretary** said that the arm’s-length platform would be related to the transfer and removal process. Otherwise, it would simply be a classic UNESCO observatory and would not fall under the current discussion. The experts’ proposal, which many delegations had found interesting, was to provide a space to explore and discuss the issues of transfer and viability and to facilitate networking for inscribed elements. It still needed to be connected to the formal mechanisms. In addition, since the Evaluation Body was clearly overloaded with inscriptions, the Secretary wondered where the space for the follow-up would occur. If participants wanted communities to have a voice in the follow-up, the arm’s-length platform could provide a solution. It would also be able to inform the Secretariat, the Committee and potentially the Evaluation Body of the evolving viability of certain elements or other related issues. That concept did not exist within UNESCO and was very different from the process under the 1972 Convention. While there were many implications yet to be determined, the Secretariat noted the importance of exploring that possibility in the course of the current discussion.
24. **The delegation of Norway** supported the suggested platform for stakeholders to share information on the monitoring of safeguarding plans and methods. It also supported the proposal to transfer elements from the Urgent Safeguarding List to the Representative List as well as to the Register of Good Safeguarding Practices. Such a mechanism could encourage the development and sharing of good safeguarding methods.
25. In summarizing the discussion, the **Chairperson** said that all delegations wished to have a very cautious approach to the removal of an element. The process would have to be very dynamic and would require time, clear procedures and an interim process. Nevertheless, all delegations had recognized the need for such a process, acknowledging that an element could not remain on the Urgent Safeguarding List forever. Delegations were more flexible on the issue of transfer, for which a simplified process enjoyed more support. Perhaps a more constructive approach would be possible. While delegations found the suggestion of an arm’s-length platform to be interesting, they required more information about its role. Nevertheless, all delegations saw the value in involving communities on the arm’s-length platform and had emphasized the importance of periodic reporting as well. Although many doubts had been expressed about the issue of the sunset clause, it still required additional discussion.
26. The **Secretary** pointed out that a number of states had spoken about the issue of transferring an element from the Urgent Safeguarding List to the Representative List; however, working document 3 also contained ideas to encourage states and communities to transfer from the Representative List to the Urgent Safeguarding List, with the benefit of fast-tracked access to the Fund of the Convention for safeguarding plans. The participants were all weary of the correlations with the listing mechanisms of the 1972 Convention and the connotation placed on the Lists, but the 2003 Convention had never been meant to be seen in that sense. The experts therefore felt the Urgent Safeguarding List should be made attractive to communities that might wish to garner attention, even if they were already on the Representative List, by making it a better guarantor of access to funding through the international assistance mechanism of the Fund. A much larger portion of the Fund of the Convention was dedicated to international assistance to support safeguarding because it was not being used for monitoring purposes.
27. The **delegation of Colombia** supported the Secretary’s statement concerning the Urgent Safeguarding List. Under the World Heritage Convention, Colombia had voluntarily moved one of its elements to the List of World Heritage in Danger, which had provided a good opportunity to improve the protection of the site, and allowed the site to be moved back to the World Heritage List. As a result, the delegation felt that the approach was very positive and encouraged states parties to support making the Urgent Safeguarding List more dynamic to improve safeguarding for elements in urgent need of assistance. The arm’s-length platform was a very good idea, and the delegation would be awaiting the details of its implementation to ensure that it achieved its intentions.
28. In response to the statement made by the Secretary, the **delegation of Senegal** said that elements inscribed on the Representative List should also be monitored. States parties often viewed inscription on the Representative List as prestigious, but then they did not follow through. Communities were often disappointed because local plans had been developed with them and they expected certain things to happen following inscription. In the end, however, those communities were left wanting because the State party did not have the means to respect its commitments. It was not possible to provide safeguarding assistance on the Representative List. Communities should therefore be allowed to decide to move their element to the Urgent Safeguarding List in order to take advantage of the implementation of safeguarding measures. That process would be guided by the communities’ wishes and would have no connection to the listing mechanisms of the 1972 Convention, under which the Committee decided to place sites on the List of World Heritage in Danger.
29. The **delegation of Cuba** thanked the delegation of Senegal for the points it had raised but recalled the intergovernmental nature of the listing mechanisms. While it was very important for communities to be able to take action on safeguarding, in the spirit of the Convention, it was also important to remember that national institutions played a role in safeguarding intangible cultural heritage. Every state must establish a mechanism to listen to and work with communities; however, the Member State itself should interact with the bodies of the Convention and the Secretariat. If Member States were not able to carry out their work, then the Secretariat or the Fund of the Convention should take measures to provide assistance to those states. The delegation was therefore against giving communities the power to work directly with the bodies of the Convention.
30. The **delegation of Brazil** agreed with the delegation of Cuba that National Heritage Institutes must be a part of the process. The ideal situation would be to have a discussion in which all parties participated according to their specific role, including the communities, the Evaluation Body, the delegations of Member States and the National Heritage Institutes.
31. The **Chairperson** wished to determine the path forward concerning three points. First, in terms of removing an element from a list, all delegations had mentioned the need for caution, time, clear procedures, a dynamic process and a potential interim process. Second, the participants acknowledged the need for a solution to the issue but wished to take a very cautious approach. Many delegations had pointed out that a process for transferring an element between Lists could be very helpful. If enough protection was not extended to a particular element, the national commission or perhaps the local community might wish to move the element from the Representative List to the Urgent Safeguarding List. With enough improvement, the element could then move back. Such a process would be very constructive and helpful and should entail a more simplified procedure. Third, further consideration should be given to simplifying the requirements and mechanism for the transfer of an element.
32. The **Chairperson** noted that the arm’s-length online platform was a useful tool to involve local communities, but national entities, experts and NGOs would not be excluded. In the World Heritage Committee, the transfer from one list to another could be an extremely big issue; however, the same system did not apply to intangible cultural heritage. There was no shame in moving from the Representative List to the Urgent Safeguarding List. The platform could be used very constructively to extend more protection to an element. A more concrete proposal would be drafted to guide discussions about the platform, which would facilitate the exchange of views for the follow-up of already inscribed elements. More detailed discussions would be held at a later stage, possibly in September for Part II of the meeting. The Chairperson asked whether his proposal met the expectations of delegations.
33. The **delegation of Cuba** supported the Chairperson’s proposal but noted that there was not yet consensus on the relevance of an arm’s-length body for monitoring. Perhaps the Secretariat could play that role with strengthened capacities. States parties had dedicated a significant amount of time to establishing the current Evaluation Body, equally composed of NGOs and Member States. The delegation was not sure that creating a new monitoring mechanism would resolve the issue. Perhaps additional mandates should be assigned to the Evaluation Body instead, or the Secretariat should receive capacity-building in terms of human resources. Nevertheless, the delegation agreed to continue the reflection in September but was not fully convinced of the value of the proposed arm’s-length online platform. States parties should work more closely with NGOs, which were doing great work in the framework of the Convention, along with the UNESCO chairs.
34. The **Chairperson** acknowledged the position of the delegation of Cuba and noted that a conclusion had not yet been reached. Without any preconditions, more concrete proposals could provide a better understanding and basis for assessing the proposal.
35. The **delegation of Norway** suggested including the proposal to transfer elements from the Lists to the Register of Good Safeguarding Practices in the further discussions, as it would be beneficial in highlighting good safeguarding practices.
36. The **Secretary** wished to clarify an idea related to the elements that had been successfully safeguarded in the context of the Urgent Safeguarding List. The community could choose to move to the Representative List, but, at the same time, the successful safeguarding plan and related activities could automatically be included in the Register of Good Safeguarding Practices. It was important to differentiate from the implications of the List of World Heritage in Danger under the 1972 Convention, as an urgent safeguarding nomination could potentially lead to two separate listings.
37. The **delegation of China** was not convinced of the feasibility of establishing an arm’s-length online platform and echoed the statements made by the delegations of Cuba and Brazil, recalling that the State party itself as well as other relevant stakeholders should play the primary role in the safeguarding process. The delegation also urged participants to consider the Ethical Principles for Safeguarding Intangible Cultural Heritage when discussing the possibility of establishing the platform, particularly paragraphs 6 and 9. According to paragraph 9: ‘Communities, groups, local, national and transnational organizations and individuals should carefully assess the direct and indirect, short-term and long-term, potential and definitive impact of any action that may affect the viability of intangible cultural heritage or the communities who practise it.’ The value of a community’s intangible cultural heritage should not subject to external judgements.
38. The **delegation of Barbados** noted that Member States had expressed concerns about moving an element from the Representative List to a hall of fame and wished to flag that issue for further discussion. It was unclear what would happen when an element was removed from the list. The delegation wondered whether special provisions or actions applied, whether there needed to be a transition into the hall of fame and what such a transition would resemble. Additionally, the online platform would be very useful for involving more key stakeholders from communities, national entities and experts in the discussion. It would also provide a space in which that discussion could take place before the follow-through to the formal body.
39. In connection with the possibility of multiple transfers among the two Lists and the Register, the **delegation of Hungary** asked who could initiate such a transfer, whether it was only the State party or the Committee itself. It also wondered who would draft the file to transfer an element from the Urgent Safeguarding List to the Representative List and who would draft the file detailing the successful safeguarding plan for the Register of Good Safeguarding Practices.
40. The **Secretary** said that the first request for a transfer, which had come from a state, had triggered the entire reflection process. The Operational Directives contained some guidance on removal but no indications on how the transfer should occur. It was clear that they had been drafted on a theoretical basis without any real application. As a result, it had been necessary to first remove the element and then undergo a process to reinscribe it. The information had been presented to the Evaluation Body, as the only body in a position to undertake the assessment. It had been contained in the periodic report. On that basis, it had been decided to remove the element from the Urgent Safeguarding List. Then a new nomination file had been submitted for re-inscription on the Representative List. The procedure had been cumbersome and heavy, and neither the Evaluation Body nor the Committee had been pleased with it. There was a clear need to simplify the process to avoid rewriting multiple files. There was also a question of who would undertake the evaluation. The discussions of the expert meetings had suggested the need for better consideration, perhaps even missions, although the question remained as to who would undertake them. One solution had been the online platform, to bring together all stakeholders. It was important to think beyond the examples of the 1972 Convention, which was necessarily expert driven. The Evaluation Body had brought up the issues concerning who would write the reports and whether a report or a dialogue process was needed. Perhaps audiovisual technology could be used for a better understanding. The reflection process was an opportunity to think outside the box, bearing in mind the framework of the intergovernmental Convention, as had been mentioned by multiple delegations. The questions posed were the core questions facing the Secretariat as it attempted to make proposals on how to execute the transfer and removal of elements.
41. The **Chairperson** wished to reformulate his earlier statement. The participants had discussed the removal of an element with serious problems or in which the local community was no longer engaged. While a very cautious approach was necessary, the need for a process to remove an element from the Urgent Safeguarding List was recognized. On the other hand, the proposal to move an element from the Representative List to the hall of fame was not very popular. Nevertheless, discussions could continue, as Barbados had suggested. In addition, certain caveats must be considered on the issue of the arm’s-length online platform, which could make use of modern technology to reduce the burdens of the Evaluation Body and the Secretariat. It was also important to note that the proposal was not meant to circumvent the role of national entities. Perhaps more concrete proposals could be developed regarding the platform in order to have more detailed discussions in September to determine the value of the idea. Lastly, the Chairperson noted that discussions would resume the following day at 9.30 a.m. to address Item 4.d: Methodology for the evaluation of nominations, for which the priority item was multinational files. The Chairperson adjourned the meeting.

*[Friday, 09 July 2021, morning session]*

**ITEM 4.D OF THE AGENDA**

**METHODOLOGY FOR THE EVALUATION OF NOMINATIONS**

**Documents:** [*LHE/21/16.COM EXP/7*](https://ich.unesco.org/doc/src/LHE-21-EXP-7-EN.docx)

[*LHE/21/16.COM WG/3*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-3-EN.docx)

1. The **Chairperson** welcomed the participants back to the working group meeting and moved to Item 4.d: Methodology for the evaluation of nominations.
2. The **Secretary** said that, according to the expert consultations, the current evaluation process was largely satisfactory, including the composition of the Evaluation Body, its working methods and timetable. Nevertheless, some suggestions had been made that would be applicable to both the fine-tuning and repositioning approaches. First, the extension of multinational files to include other states parties should be simplified whenever possible. Experts had stressed that, in line with the spirit of the Convention, community consent should remain a key requirement in the extension process, particularly to indicate the willingness of the newly joining and original communities to be associated with one another. In addition, a new procedure should be established, under which the submission of a full nomination file would not be required for portions concerning the original communities, with a view to reducing the burden on the Evaluation Body. For example, the states already on the nomination could provide evidence that the original communities had provided their free, prior and informed consent for the extension of the nomination to other communities while also confirming that no major development had taken place that would alter the nature of the element or the information previously submitted. The Secretary reminded participants that the Committee had directly requested that the procedure for extending multinational files should be addressed, as indicated in its Decision 14.COM 14.
3. With regard to outside information, the **Secretary** mentioned the proposal to allow the Evaluation Body to consider outside information that its members had identified, whether gathered through the body’s own experience, proactive research or correspondence received by the Secretariat. Some experts felt that such information could indeed be used after verifying its reliability, if all twelve members came to a full consensus on its use. It should also be accounted for in the report of the Evaluation Body and the draft decisions concerning the file. On the other hand, other experts had questioned the desirability of the proposal, as it might complicate the evaluation process because of the different types of information available for different elements. Lastly, the experts had highlighted the importance of using gender-neutral and inclusive language within all aspects of the implementation of the Convention, both in the files and in the debates. The term ‘gentleman’s agreement’ had been singled out as an area for change.
4. The **Chairperson** thanked the Secretary for identifying the three major topics to be covered under the reflection theme and invited participants to share their views.
5. The **delegation of Switzerland** thanked the Chairperson for his handling of the debates and looked forward to building on that good model. Although considering outside information could allow for a more detailed analysis, it could also complicate and lengthen the evaluation process. It might also impact the ability to ensure fair treatment for nominations, owing to the highly variable quality and quantity of information available. The delegation therefore did not support the use of information that was not provided in the files. On the other hand, it would support a process that allowed communities to submit information more directly and easily, notably through the use of digital tools. The delegation would be in favour of a model that employed a hearing between the Evaluation Body and community representatives in order to strengthen the upstream dialogue process. Furthermore, it welcomed the simplification of the process for extending multinational files in the spirit of cooperation for a shared living heritage. Nevertheless, the will and consent of communities must be at the centre of any extension. States parties must be careful not to create fictitious communities but rather base nominations on transnational practising communities, as the expert Léonce Ki had pointed out the previous day. Multinational files required special attention and support, and the delegation reiterated the request it had made at the previous Committee meeting to set up specific hotlines for that type of nomination, which had not been sufficiently considered in the first phase of the reflection.
6. The **delegation of the Netherlands** had always valued the expertise and work of the Evaluation Body and felt that its decisions should be respected. The evaluation process could be enriched by community views; however, information outside of the nomination file likely should not be used. With regard to extending nominations, the Netherlands had invited other countries to join its nomination on the craft of the miller with a view to exchanging knowledge and skills on safeguarding at the international level. Although the nomination procedure could be simplified, a new procedure was not necessary. Most importantly, all communities involved from all states parties should give their consent.
7. The **delegation of Japan** agreed with the need to simplify the process of extending nominations to include other states parties. It also wished to simplify the modalities for extending nominations to newly identified communities following inscription, either within or outside of a state. One possible solution was to allow the nomination to be extended during the periodic reporting. Furthermore, external information should be actively used if it helped to deepen the understanding of the proposed element or determine whether the criteria for inclusion had been met.
8. The **delegation of Algeria** congratulated the Chairperson on his election. While the involvement of national communities in the inscription process was important, it should not call into question the central role played by national institutes and experts. The process of consulting communities to extend nominations to other states parties must also be simplified. It was not always easy to obtain the consent of all the communities, which were sometimes numerous.
9. The **delegation of Poland** expressed its full support and appreciation for the work of the Evaluation Body and felt that the evaluation process might be enhanced by occasionally seeking additional information. In that connection, the delegation wished to draw the attention of states parties to the growing ICH NGO Forum and the expertise contained within. On the use of gender-neutral and inclusive language, the Convention was a new and inspiring document, which made it a good forum to begin the discussion. The term ‘gentleman’s agreement’ dated to colonial times, and another term such as ‘verbal agreement’ or ‘non-formal agreement’ could be used instead.
10. The **delegation of Kuwait** felt that it was important to have an online platform for the nomination and evaluation process. Technology should be used throughout, beginning with the submission of the file. Member States could then access the information at any time, and the process would be more transparent. In addition, Committee Members could examine the history of the files, the information provided and the outcome of all stages when they made a decision. It would also be beneficial to simplify the procedure for extending multinational files, bearing in mind community involvement. The number of experts on the Evaluation Body should be dynamic and based on the number of files. As the Convention continues to evolve, states parties should not restrict themselves to a specific number of experts, which would create a backlog in the future, as was currently the case. With regard to the use of outside information, the delegation felt that it would create further complications. It wondered whether the information would be validated by Member States and what would happen if it contradicted the information they had provided. The dialogue process in which the experts could discuss issues with Member States was preferable, and decisions should not be based on information that was not provided by states.
11. The **delegation of Brazil** said that simplifying the evaluation process was a very important issue; however, the evaluation must be based on the file. It supported the proposal made by the delegation of Kuwait that the role of the dialogue process be expanded to incorporate additional information coming from communities. Nevertheless, all information should be present in the file.
12. The **delegation of Bangladesh** agreed with the statement made by the delegation of Kuwait. It was a good idea to have extensive dialogue with communities; however, all communities were not on equal footing in terms of language. States parties sometimes also faced issues in representing communities in the files. Inscription was merely a language game, nothing else. While there should definitely be close collaboration and cooperation with communities, communication should go through Member States, because the government process made it easy and accessible to the experts. Participants should not support a solution in which direct communication might impact the importance of the element or efforts to provide good and effective information. An information gap could be created if all parties were not involved, including the State party and even the relevant NGOs. In the name of simplifying the process, it should not be made more complicated.
13. The **delegation of Romania** said that its state had always respected and appreciated the recommendations of the Evaluation Body. Nevertheless, it could be challenging to obtain more information from different sources, as there was a significant amount of information that was inaccurate or contradicted the communities’ point of view. Direct communication with communities was the best source for additional information. Furthermore, the delegation fully supported a simplified process for the extension of nomination files, especially for the original communities and states parties. Romania was in the process of joining a newly inscribed nomination. It was likely frustrating for the original states parties and communities to undergo another process after just one or two years, although they were very generous in their commitment. The delegation agreed with the delegation of Poland that it would be possible to preserve the principle of the gentleman’s agreement while finding a better term, such as ‘informal agreement’.
14. The **delegation of Colombia** fully supported access to additional information during the evaluation of nominations but noted that the file provided the main information. Since the process did not involve outside experts, as was the case for the World Heritage Convention, the proposed solution could improve efficiency when additional information was needed. There had been several situations in the past in which access to additional information could have been useful. The delegation acknowledged that it would be complicated to determine the extent to which outside information could be used. It should complement the nomination file, not replace it. Additionally, the process of joining a nomination could be simplified, whether it was shortened or followed a different timeline. Nevertheless, countries joining an already inscribed element must submit a complete file and go through the process with their communities to determine the safeguarding measures necessary for their situation, which would differ from those of the states previously included in the nomination file. The delegation agreed that ‘informal agreement’ or a more neutral term could be employed while maintaining the principles of the agreement, as suggested by the delegation of Romania.
15. The **delegation of Sweden** agreed that the process of extending nominations to include other states parties should be simplified while retaining a community-based approach. Attaching the greatest importance to the high-quality work of the Evaluation Body, the delegation trusted the experts and valued their contributions greatly. It supported the suggestion made by the delegation of Poland to include the ICH NGO Forum in providing additional information to the Evaluation Body, as the forum had proven the quality of its deliberations. The delegation also supported gender-neutral, modern language.
16. The **delegation of China** urged states parties to bear in mind that all the listing mechanisms had been established to contribute to realizing the objectives of the Convention, which were to raise awareness of the importance of intangible cultural heritage, improve its visibility worldwide and encourage dialogue and international cooperation. Therefore, a very open approach should always be taken with regard to the listing mechanisms. The examination procedures should be simplified to encourage more states parties to submit nominations. In addition, the independence and expertise of the Evaluation Body should be respected. All states parties should be evaluated on an equal basis, which meant focusing only on the information in the nomination files rather than additional outside information. Given that the dialogue process and correspondence had already been introduced into the evaluation process, those two elements would help to improve communication between the Evaluation Body and the nominating states. As a result, they should be specifically addressed and clarified in the Operational Directives. Furthermore, the process of extending nominations should be simplified, while maintaining the need to seek the consent of the original communities. Lastly, the delegation proposed allowing the files to be extended to include more communities within a state, in connection with updated national inventories. States parties had to provide evidence of regular updates to their national inventory, which implied the involvement of additional communities in safeguarding elements. The delegation wondered whether it was possible to establish an interaction between the national inventory and the communities of already inscribed elements.
17. The **delegation of Bangladesh** said that the solutions might complicate the evaluation process. It was important to consider the intention and whether states parties wanted to be liberal about the nomination process. The evaluation of files would become too difficult if more and more criteria were imposed.
18. The **Chairperson** wished to offer some observations for a more focused discussion going forward. No one was opposed to simplifying the procedures for extending nomination files, so there was no longer a need to discuss that point, pending concrete proposals. With regard to outside information, many states parties were cautious and worried about complicating the process. They also expressed concerns about due diligence and the treatment of outside information in relation to national nomination files. Nevertheless, there had been some suggestions for acquiring additional information, including the involvement of NGOs and direct dialogue with communities using modern technologies. He encouraged participants to express their views on those two suggestions. No one had been opposed to the notion of gender-neutral language, and discussion had centred around the term ‘gentleman’s agreement’ as a typical example. Unless anyone had a strong view about gender-neutral language, the issue could be included in the working group’s recommendations.
19. The **delegation of Colombia** recalled that there had been long discussions regarding the involvement of accredited NGOs and how to increase their participation in the implementation of the Convention. It therefore supported the proposal made by the delegation of Poland to allow the NGOs to assist the Evaluation Body by providing external information; however, their role would need to be well defined and identified. Those accredited NGOs were regional representatives, and as such, they knew the local languages and English and could serve as a bridge between communities and UNESCO. Such a solution would also address the current situation in which only a few NGOs were able to serve on the Evaluation Body. Perhaps the Secretariat could determine a good way to integrate them without hindering the Evaluation Body. Nevertheless, the delegation stressed that the file submitted by the Member States must remain the main element of the nomination process.
20. The **delegation of the Netherlands** felt that more direct community participation was needed in all listing mechanisms. Communities, NGOs and researchers should also be able to make proposals for the Register. While an online forum would allow communities to provide their position on nominations and express concerns about transfers, questions remained about the mechanics for such a platform. The delegation wondered who would appoint members to the online platform, what its relationship to the ICH NGO Forum would be and how seriously the positions of communities and researchers would be taken into account.
21. The **delegation of Poland** expressed its gratitude to the delegation of Colombia for elaborating on the possibility of engaging the ICH NGO Forum, which was already rooted in the Convention. Rather than seeking outside information, where there might be a number of different sources, it might be possible to rely on the expertise of the NGOs that were already members of the forum, knew the spirit of the Convention and had relevant and extensive field knowledge. The delegation also proposed a separate procedure to discuss Article 18 of the Register to explore a clear procedural solution for the involvement of the forum.
22. The **delegation of Jordan** congratulated the Chairperson for his management of the discussion and thanked the Secretariat for organizing the event. It supported simplifying the process for extending nominations and felt that ungendered language should be applied throughout all documents related to the Convention, including the nomination files. The 2003 Convention was implemented with the collaborative participation of the States parties that had ratified it; however, the interests of the relevant communities might not coincide with those of state governments, especially for those comprised of ethnic or cultural minorities or displaced people. In cases where the mainstream and minority cultures had significant differences, the state’s safeguarding efforts might result in marginalization. Intangible cultural heritage could also be used by state governments for nation-building, thus creating political conflict. The delegation therefore supported the involvement of communities but wondered which channels and approaches would be best.
23. The **delegation of Brazil** welcomed the participation of NGOs while noting that improvements were still needed in terms of their geographical distribution and capacity-building. It was also important to increase the number of NGOs that could serve on the Evaluation Body. The intent to increase their participation was wonderful, but it had to be followed by a very strong capacity-building programme.
24. The **delegation of Poland** wished to support the statement made by the delegation of Brazil. Capacity-building and more balanced geographical representation among NGOs was very much needed and remained a significant issue for the ICH NGO Forum.
25. The **Chairperson** said that more concrete proposals were needed in terms of the process of involving NGOs. The delegations of Brazil and Poland had mentioned the issue of capacity-building and the imbalance in the geographical distribution of NGOs. The delegation of Jordan had spoken about complications regarding community involvement, and the sensitive nature of NGO involvement had been mentioned by the delegation of China. When national authorities drafted the registry, the assumption was that more NGOs and local communities were involved. The question of NGOs and direct communication with the relevant communities could merit further discussion.
26. The **delegation of Kuwait** echoed the delegations of Brazil and Poland regarding NGOs. It agreed with the delegation of China that the modality of working directly with NGOs and communities in the dialogue process could be complicated. As mentioned by the delegation of Jordan, it would be important to determine which NGOs were on the register and what information was provided, if it differed from that of Member States. The delegation felt that the concept was still premature.
27. The **delegation of Norway** supported the view of the delegations of Colombia and Poland and others on the involvement of relevant communities and NGOs in the dialogue process. It also supported the delegation of the Netherlands in the need for additional information and trusted the Secretariat to develop relevant procedures for their involvement.
28. The **delegation of Bangladesh** felt that it was still premature to make a decision regarding the involvement of communities and NGOs in the evaluation of nominations, particularly since the modalities were unknown. The current process was already complicated and allowed for discussion between the evaluators and the State party when there was an issue with the file. Engaging additional parties would therefore create problems rather than facilitate the overall process. Nevertheless, if the modalities could be identified, the idea was good. The technological development of the World Wide Web allowed for the establishment of an online platform where all participants could share their views. Such a solution could be included in the evaluation process to allow evaluators to have direct contact with communities, although the modalities would still need to be determined. It was important to avoid introducing additional problems into the process. The delegation would rather ensure more files could be evaluated for the Member States.
29. The **delegation of Poland** thanked all the delegations that had been discussing the involvement of communities and NGOs and wished to clarify its position. Despite the unbalanced geographical representation in the ICH NGO Forum, its involvement should not be postponed. That structural problem related to the financial resources of various countries and the way in which they supported NGOs. Postponing the process until balance was achieved might mean that it would never be possible to utilize the forum’s expertise. The delegation therefore suggested beginning the reflection process while investing in capacity-building, as proposed by the delegation of Brazil, to have further detailed discussions on the procedural aspects of NGO involvement.
30. The **Secretary** thanked the delegations for their stimulating and interesting comments. He noted that the resources of the Convention were limited and, unfortunately, there had been no solutions to that problem. With regard to NGO involvement, the Secretariat was currently working with the ICH NGO Forum Steering Committee on a mapping exercise to identify the capacities and resources available within the forum, which consisted of approximately 170 accredited NGOs of different shapes, sizes, orientations and capacities. While the NGOs had not specifically been implicated in the evaluation process, discussions were being held in that connection, and the results of the mapping exercise would be presented to the Committee. The Secretary also wished to highlight the statement made by the delegation of Bangladesh, which had said that inscription was a language game and nothing else. That was a concern within the current system. Lastly, the proposals would have to be costed, and, despite all the good intentions, the discussion did not give confidence that it would be possible to evaluate more nominations files.
31. The **delegation of Colombia** thanked the Secretary for his clarifications and recalled the impressive mapping exercise being undertaken with the NGOs. Perhaps geographical representation in the forum could also be addressed by promoting the involvement of NGOs in terms of providing external information or even capacity-building. Some NGOs might prefer to focus on safeguarding. Following the mapping exercise, perhaps the smaller NGOs could assist the nomination process in providing support, depending on the budget. Nevertheless, the proposal provided an opportunity to address geographical representation and the role of NGOs in the implementation of the Convention.
32. The **Chairperson** said that the use of modern technologies and online platforms could solve some of the cost issues. Direct dialogue with communities might not cost much if it were possible to make use of internet connections, videos or online information. The involvement of NGOs in the nomination process might not result in a great deal of cost either.
33. The **delegation of Brazil** wished to clarify that it had not meant to suggest waiting until geographic distribution had been achieved to begin working with the ICH NGO Forum, but rather that the situation required a different solution. Efforts to include more NGOs from other areas of the world had not achieved the intended results. The delegation encouraged participants to consider other solutions while bearing in mind that very important topic, which also needed to be addressed.
34. The **delegation of Bangladesh** said that, in the current era of technology, it was not very difficult to engage all stakeholders in the dialogue process, including NGOs, states parties and communities. Nevertheless, it wondered whether the current process was being completely overhauled. The delegation clarified that its earlier statement had not been meant to criticize but rather to highlight the importance of language in drafting and presenting the nomination file. If the communities were given the opportunity to work on the file in their own language, the responses might not be easy for the evaluator to assess. Several Member States had encountered issues in presenting their files, despite the fact that the elements were very important and had the qualities to be considered intangible cultural heritage. Additionally, it was important to employ gender-neutral language and language that could ensure the real involvement of communities.
35. The **Secretary** clarified that the reason he had cited the comment made by the delegation of Bangladesh was because he fully agreed and felt that it had touched on a very important point to be discussed in the current context.
36. Acknowledging the Secretary’s comment about finances, the **delegation of Kuwait** stressed that the purpose of the current discussion was to examine all options to improve the 2003 Convention. The financial resources could be explored later. For example, when the reform process had been deemed important, there had not been resources to undertake it. Japan had then provided the financial support to make progress. Therefore, if a solution could add value to the Convention, the participants should not allow the financial concerns to hold them back. Finding a solution to the financial problems was significantly easier than improving the Convention, the evaluation of nominations and the follow-up of inscribed elements. No commitments were being made, so all ideas should be explored. If Member States felt that an idea was useful, perhaps they would support it. Furthermore, the delegation was very committed to NGOs and communities but wished to ensure that the correct modality was employed to encourage their participation. It also pointed out that half of the Evaluation Body was comprised of NGOs. Given that Member States included communities and NGOs in their files, the delegation had no issue with allowing those stakeholders to engage in a dialogue with the Evaluation Body, as long as it was done constructively and transparently. Modern technology could be used to conduct online meetings and improve transparency. Many advances had been made during the COVID-19 pandemic and should continue to be implemented.
37. The **delegation of Saudi Arabia** echoed the statement made by the delegation of Kuwait and fully supported the use of an online platform to facilitate dialogue and increase transparency.
38. The **Chairperson** summarized the discussion concerning dialogue between the evaluators and NGOs and communities. A significant number of countries had said it was a useful initiative. Nevertheless, several countries had also taken a cautious approach, highlighting the need for transparency and clear modalities. The use of modern technology had been mentioned in that context. With regard to outside opinions, participants had been very negative; however, with good modalities and a transparent dialogue platform, it might be possible to draft a proposal for the involvement of NGOs or communities in the evaluation process. Perhaps the Secretariat could make some suggestions in the future, and the working group might be able to discuss those points in September. Furthermore, geographical distribution and capacity-building in the context of the ICH NGO Forum were very important topics. The Chairperson proposed continuing the discussion on the items mentioned, with more concrete suggestions.
39. The **delegation of Kuwait** supported the Chairperson’s suggestion and felt that the discussion was moving in the right direction.
40. The **delegation of Jordan** said that, while the 2003 Convention was based on the participation of communities, it purposely did not contain any concrete conceptualization of the expression ‘communities, groups and individuals’. A decision had been made to address the definition in the implementation phase, which had initiated a broad and complex debate on those concepts. In order to discuss community involvement in the evaluation process, participants needed to redefine the meaning of communities in the Convention itself. The document also did not specify what was meant by participation, how it was accomplished or who represented the communities and groups in a participatory process. Such issues should be discussed and debated before taking any necessary steps towards the participation of communities or representative communities in the evaluation process.
41. The **Chairperson** wished to clarify that no agreement had yet been reached regarding the involvement of communities. He had simply suggested that more concrete suggestions in terms of the modalities and transparency of such involvement would likely facilitate the discussion in September.
42. The **delegation of Algeria** said that dialogue with NGOs was important and should be used to facilitate the evaluation process. Clear modalities must be defined for the information collected in order to ensure an objective evaluation of the nomination files. The delegation therefore supported the Chairperson’s proposal to continue discussions.
43. The **delegation of Kuwait** noted that participants had expressed a desire to simplify procedures while maintaining community and NGO involvement. As a result, proposed solutions should not introduce complications. As a possible suggestion, the dialogue process could become a more concrete part of the evaluation process, and specific NGOs or communities could use the online platform to participate. If Member States supported that suggestion, perhaps it could be further discussed.
44. The **Chairperson** said that there was not yet a need to have a clear position. As the delegation of Kuwait had mentioned, the intention was not to add another layer to the process but to improve it. Sometimes experts did not have enough information about specific aspects of the nomination, and local communities or the NGOs in the field could be contacted to provide additional information. Nevertheless, as many had expressed reservations, there was a need for clear modalities and a transparent process using modern technologies. The statement made by the delegation of Kuwait would probably provide a good starting basis, and the Chairperson urged participants to continue the discussion with more precise mechanisms in mind.
45. The **delegation of Brazil** fully agreed with the proposal made by the delegation of Kuwait to use the dialogue process as an important tool to incorporate consultations with communities and NGOs. Participants should take advantage of the fact that the dialogue process was still taking shape and use it to implement the ideas being raised.
46. **Mr Marc Jacobs** referred the participants to the [report](https://ich.unesco.org/doc/src/52147-EN.docx) of Breakout Group 1, which emphasized the possibilities of connecting resources and needs. Resources could be money but also expertise from NGOs, as well as communities helping communities. The proposed platform would provide a space for improved connectivity and the pooling of resources. By thinking outside of the box, it would be possible to develop an interesting system.
47. The **Chairperson** closed the discussion on Item 4.d. He adjourned the meeting for a thirty-minute break, after which the discussion would resume on Item 4.a.

*[Thirty-minute break]*

**ITEM 4.A OF THE AGENDA [CONT.]**

**OVERALL APPROACH TO THE LISTING MECHANISMS**

**Documents:** [*LHE/21/16.COM EXP/7*](https://ich.unesco.org/doc/src/LHE-21-EXP-7-EN.docx)

[*LHE/21/16.COM WG/3*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-3-EN.docx)

1. The **Chairperson** returned to Item 4.a: Overall approach to the listing mechanisms. During the previous day’s sessions, the working group had begun substantive work on that item to gauge the general impressions of states vis-à-vis the experts’ proposals. Three technical aspects were then discussed: inscription criteria under Item 4.b, the follow-up of inscribed elements under Item 4.c and the methodology for the evaluation of nominations under Item 4.d. In light of the technical discussion, the working group would return to the overall approach to clarify anything requiring further elaboration and then, if time allowed, deepen the discussion on how to ensure broader involvement of communities, groups and individuals in the listing system, particularly the five suggestions from paragraph 18 of working document 3.
2. In terms of the overall approach, the **Chairperson** noted that there had been no clear agreement to implement the fine-tuning or repositioning approaches, the working group preferring to pick and mix elements from both. On issues related to the inscription criteria, the conclusion seemed to recommend maintaining all criteria for the Representative List and the Urgent Safeguarding List. The Register would be discussed in September. An agreement had been reached to delete criterion P.9, but the other criteria had not been discussed. In other words, the working group preferred to fine-tune the current system. On issues related to the follow-up of inscribed elements, the overall tendency was for a more dynamic system connecting the three mechanisms to encourage enhanced safeguarding efforts. In that case, the working group leaned more toward the repositioning approach. With regard to the methodology for the evaluation of nominations, the working group had more or less agreed on two ideas: the extension of files and the use of gender-neutral language. In terms of outside information, states had been quite cautious, but there had been a fruitful discussion on the use of a dialogue mechanism with accredited NGOs and the relevant communities.
3. The **Secretary** said that the Secretariat had been preparing the draft recommendations of Part I of the meeting and sharing them with the Members of the Bureau. He confirmed that the preference of the working group seemed to be a pick-and-mix approach to select the best of both worlds. Nevertheless, he felt it was his duty to call attention to some possible implications of that approach, particularly with regard to the number of files to be treated each year, which had been an extensive topic of discussion in various intergovernmental meetings. He directed participants to the table under paragraph 19 of working document 3 for consideration going forward. If the reform of the inscription criteria had been more extensive and in line with the repositioning approach, more of the time and resources currently engaged around the Representative List could have been liberated to address additional requests, not to mention follow-up requests. As a result, a higher number of nominations could have been included in each cycle. The Evaluation Body needed time to read all the files and discuss them properly. Under that proposal, the number of nominations would have been set at half the number of states parties to the Convention in order to ensure that each state could submit at least one file every two years, while continuing to apply the current prioritization system explained in paragraph 34 of the Operational Directives. However, the current direction of the working group would not significantly change the process. It was not only a question of resources but also of time for the Evaluation Body, the Committee and the Secretariat. The Secretary did not anticipate increasing the number of files given the current direction. The prioritization system was unsustainable; a high number of files, particularly multinational files, continued to be presented each year; and there were 180 states parties. As a result, alternative measures would have to be introduced, for example, to evaluate one file per submitting State party every three years; limit states to one national or one multinational file in a given cycle; or discontinue the principle of one file per state every two years and strictly apply the priorities set out in paragraph 34 of the Operational Directives, based purely on the number of files a state already had listed. The Secretary felt duty-bound to point out those implications, which must underpin the discussions going forward.
4. The **delegation of Kuwait** thanked the Secretary for raising that important issue but wished to explain its position. According to working document 3, the Evaluation Body needed a significant amount of time; however, that was in reference to the existing system. The working group was discussing reforms to make the nomination process easier with a view to accommodating more files. Additional international assistance was also available. The working group had to be dynamic. All United Nations bodies first examined the mandate and the need for any project, then sought experts and resources. One solution would be to increase the number of experts within the Evaluation Body to accommodate the changes being made, which would have implications on cost but not time. If the amount of human resources was increased based on the need, the time requirements would decrease. The delegation believed that Member States should not be limited in their submissions. UNESCO should accommodate all files and not hinder safeguarding or listing because of a lack of experts.
5. The **Secretary** noted that the working group wished to keep the current methodology for evaluating nomination files, which was to reach consensus among twelve experts who each read every file individually prior to meeting. Increasing the number of experts would not resolve the issue if each expert still had to read each file individually and then come together on a consensus; the methodology would need to change. As the Chairperson had pointed out in his summary, there had been no desire to change the methodology, which had its advantages in terms of geographic distribution and equity among NGOs and Member States.
6. The **delegation of Kuwait** thanked the Secretary for his clarification and noted that a number of new ideas had been proposed in the course of the current discussion. It also acknowledged that states parties would encounter the same issues in the future if they maintained the existing system.
7. The **delegation of Colombia** noted that increasing the number of experts would not necessarily improve the efficiency of the decision-making process, as had been seen in many other scenarios in UNESCO. Given the desire to maintain the quality of the nomination forms and expert discussions and have the best of both worlds, the delegation asked the Secretariat what solution could lessen the workload and provide more time for the Evaluation Body while eliminating limitations on nominations for states, which had a strong desire to showcase their communities’ heritage and creativity.
8. The **Secretary** thanked the delegations of Kuwait and Colombia for their questions. He did not believe it was possible to have the best of both worlds. It was not possible to have a more rigorous technical and technocratic approach to the listing system, modelled on the 1972 Convention, and have broader participation and represent more communities and elements. Determining the kind of representative list required was at the core of the reflection, whether it should be rigorously controlled in terms of safeguarding efforts, plans, inventories and related requirements or take a lighter repositioned approach to safeguarding. Under an approach that differed from the classic heritage approach, it would be possible to evaluate a larger number of files; however, such an approach would certainly require reducing criteria, requirements and procedures. The resulting representative list might be considered more truly representative, rather than of outstanding universal value.
9. While acknowledging the under-representation of many countries on the Lists, the **delegation of Brazil** reminded participants that safeguarding protection was also very important. The preoccupation with inscription, which was already happening in the context of the World Heritage Convention, gave cause for concern. If the energy was focused on the inscription process, safeguarding would be forgotten. That could not happen. While the delegation acknowledged that many countries were worried about inscribing more elements, especially those who had few or no elements on the Lists, there should be a balance between inscription and safeguarding.
10. The **delegation of Switzerland** noted that the impact of the fine-tuning and repositioning approaches, as described in working document 3, was based on conjecture and hypotheses. It wondered whether the repositioning approach would truly result in a reduced workload. Discussion on the methodology and resources should not be combined. Improving the quality of the elements and the efficiency of the Convention were distinct objectives. The quality of inscribed elements and the relevance of the Lists must prevail. Nevertheless, the delegation was sensitive to the challenges surrounding resources and reiterated its previous proposal to establish a separate working group to discuss issues related to the ceiling and prioritization.
11. The **delegation of Kuwait** echoed the delegation of Brazil and thanked the Secretary for his reply. The working group needed to think outside the box to address the number of files or perhaps hold another *ad hoc* working group. The delegation proposed that the Evaluation Body could have different groups representing each region, and each group could evaluate separate files. The entire Evaluation Body did not need to read every file. For example, the recent expert meeting had involved over thirty individuals who had been separated into three groups to examine a different theme. That same approach could be employed, in which all experts did not need to examine the same files. The financial implications of such an approach should not prevent the working group from moving forward. Participants simply needed to agree on a mechanism to increase the number of files and had already agreed to simplify the process for multinational files. Perhaps, for the evaluation, there could be two groups, with each group representing all six regions in UNESCO.
12. The **Chairperson** asked the delegation of Kuwait for clarification, as his proposal had not been debated previously. The number of experts would be increased, perhaps to eighteen or twenty-four, and they would be divided into several groups. Then, rather than moving to a plenary meeting, an expert examining a particular file would move to a subgroup of perhaps six or nine experts for the evaluation.
13. The **delegation of Kuwait** confirmed the Chairperson’s summary. Each group would cover all the regions and include NGOs. They would all read separate files and then come together, essentially creating several replicas of the existing system.
14. The **Secretary** said that those proposals were feasible, but they were connected to other discussions on issues such as the involvement of the ICH NGO Forum, broader platforms and the expansion of the current system. In terms of finances, he supported the approach of first defining the system and then seeking resources, including human resources. Nevertheless, the issues were interlinked, and some of the ideas discussed had implications on others. Nothing was off the table if states parties agreed to it and the Secretariat was given the resources to deliver.
15. Thanking the Secretary for his response, the **delegation of Colombia** said that it would be interested in pursuing the recommendation to conduct a study to understand the impact of inscription on the Representative List, as proposed in paragraph 15.b of working document 3. The outcome would help to determine whether the list should be lighter and more representative or more thorough. Colombia had also initiated a national reflection process, because sometimes expectations were not met or the challenges were greater than anticipated. In response to the comment from the delegation of Brazil on safeguarding, it was very important for all Member States to have stronger national policies. In 2010, Colombia had implemented a national policy to improve the quality of nominations, requiring all nominated elements to have a safeguarding plan in place. Other states might wish to consider such a policy if it was pertinent. Regarding the proposal made by the delegation of Kuwait, the delegation of Colombia wished to ensure that diversity was maintained in the nomination process and that the final decision would be taken by all members of the Evaluation Body.
16. The **delegation of Cuba** reiterated its concern regarding the increasing tendency to put forth multinational nominations. A balance should be maintained between national and multinational files. Not all countries had the same opportunities to join multinational files, whether for historical and geographical reasons. National files should therefore be prioritized. With regard to the proposal made by the delegation of Kuwait, the delegation of Cuba emphasized that a geographical balance had been maintained within the Evaluation Body. If the number of experts increased, it would be important to ensure that all regions remained well represented on the Evaluation Body.
17. The **Chairperson** clarified that the delegation of Kuwait had said that the geographical balance among experts would be maintained in its proposal.
18. The **delegation of Norway** pointed out that there were more roads to safeguarding than nominating elements to the Representative List, which already consumed a significant amount of resources from the Secretariat and the Convention, compared to the Urgent Safeguarding List and the Register. The delegation wished to see other or additional mechanisms developed to safeguard living heritage based on the underused potential of Article 18, as had been discussed previously. The periodic reporting system also provided opportunities to safeguard intangible cultural heritage.
19. The **delegation of China** said that safeguarding intangible cultural heritage was a joint effort in which each actor played a role. It was important to enhance collaboration and complementarity among the diverse stakeholders. The nomination of elements was one of the specific means for states parties to implement the Convention. According to the Operational Directives, states parties should ensure the widest possible participation of communities, groups, individuals and other stakeholders at every stage of the nomination process. Above all, communities were essential participants throughout the entire process. Nevertheless, the States parties had the obligation to submit the nomination file. The delegation was therefore unsure whether communities and NGOs should participate in direct dialogue with the Evaluation Body. It also noted that an open approach should always be taken to the listing mechanisms to encourage more states parties to submit nominations.
20. With regard to the evaluation process, the **delegation of China** proposed adjusting the current working methods of the Evaluation Body. First, requests for international assistance could be evaluated by the Bureau of the Committee, as it already examined requests under US$100,000. The Evaluation Body could then focus on nomination files for the Representative List, the Urgent Safeguarding List and the Register. Second, states would be able to submit two nomination files within three cycles, one for the Representative List and the other for either the Urgent Safeguarding List or the Register. The proposals would not necessitate a change to the overall mechanism or an increase in the number of Members of the Evaluation Body.
21. The **Chairperson** asked states to comment on the new proposals made by the delegation of China.
22. The **delegation of Japan** said that it wanted to maintain the spirit of the Convention while also increasing the number of files. As the delegation of Kuwait had mentioned, states parties should not have to choose. As had been discussed, it might be possible to increase the number of files by simplifying criteria R.2, R.5 and even R.3, without deleting them or making them optional. There were a number of potential solutions moving forward. Building on the proposal made by the delegation of Kuwait, the delegation of Japan suggested that the Evaluation Body be divided into subgroups that evaluated certain files. If they agreed on a solution, the file would move on. If they could not reach consensus, then the file could be debated extensively in the plenary. That small change in the evaluation method might alleviate some of the work and allow more files to be evaluated.
23. The **delegation of Sweden** thanked the Secretary for his direct and honest answers to the questions posed by Member States and expressed its appreciation for the willingness of all participants to find new and creative solutions. It agreed with the delegations of Brazil, Colombia, Norway and others that the primary goal of the Convention was not listing but rather safeguarding and transmitting intangible cultural heritage. Member States had a responsibility to protect the integrity of the Convention and its collection of elements. The Evaluation Body and the Secretariat were doing all they could to respond to the increase in nominations submitted by states, and it was up to Member States to lighten the load. The delegation therefore supported the experts’ recommendation to limit the submission of new files for states that were failing to meet their reporting duties. It would also like to discuss other solutions that could create a better balance between the Lists. In doing so, a better geographical balance between the elements could also be achieved.
24. The **delegation of Poland** thanked the delegation of Kuwait for its creative solution. While it might be a good way to think outside the box, states parties would need time to consider that new idea. The advantage of the current process, in which the twelve experts discussed all nomination files, was the level of intersubjectivity in their opinions and recommendations to the Committee. To maintain that intersubjectivity, a number of files could be shared according to the region, and the Evaluation Body could be opened to other stakeholders, such as regional experts elected by accredited NGOs and communities. The delegation supported the proposal made by the delegation of Japan; when the regional group did not support inscription or encountered issues in its assessment, the file could go to the plenary. That procedure was widely used in academia and in business and could be a fruitful solution to decrease the workload of the twelve experts and evaluate more nominations. Nevertheless, the new proposal certainly required more reflection and greater detail.
25. The **delegation of Poland** recalled the unanimous support for the need to hear the voices of communities, groups and individuals, without whom safeguarding could not happen. It asked what kind of informed choices communities could make if they were invited to participate but could not communicate. The proposal to submit nominations in the languages of communities, groups and individuals represented a true invitation to engage. It would present a challenge, but one that could be solved. In that connection, concerns had been expressed regarding the time needed to translate the nomination file into the local language, since states were working on the precise wording of nominations until the deadline. According to the schedule provided in paragraph 54 of the Operational Directives, the nomination deadline was at the end of March and the Secretariat had until the end of September to assess the nominations. If states needed more time, particularly for multinational nominations, they could use those six months.
26. The **delegation of Estonia** said that the working group could not have its cake and eat it too. While some participants had embarked on the journey with a clear objective to do away with limitations and ceilings, it was unrealistic to hope for a solution that enabled all states parties to present as many files as their communities wished, given the financial, operational and institutional implications. In the previous session, participants had spoken about their trust in the system, the Evaluation Body, its objectivity and independence. The delegation supported the statements made by the delegations of Brazil, Norway, Sweden and others that had underlined the fact that listing should not overshadow other important aspects of the Convention. Doubling the number of experts on the Evaluation Body would not make it possible to evaluate twice the number of files because the process itself still required a significant amount of time and energy. That proposal would not be the magic solution that participants would like to see.
27. The **Secretary** said that some very interesting issues had been raised. Since the beginning, the 2003 Convention had been in the shadow of the world heritage listing mechanism. At the conclusion of the expert meeting, the Secretary had felt that the Convention might have been better served with a representative list and a safeguarding list, removing the urgency so as not to constantly reinforce that connotation. It could be possible to have a highly inclusive representative list that was solely for representation and a safeguarding list focused on safeguarding efforts. Such a system could be read into the Convention, although it had not been applied that way. As mentioned by the delegations of Norway and others, the Convention was much more than the Lists. The Secretary felt that its biggest success was the number of national institutions and plans that had been established. Twenty years prior, very few countries had had programmes to safeguard intangible cultural heritage at the national level. In addition, the periodic reporting mechanism had been reformed and was showing great improvement. For example, the Latin American region had submitted over 80 per cent of its periodic reports, whereas the overall world rate had been 20 per cent a few years prior. Furthermore, there were examples in which the mechanisms could be linked. States reported on their inventorying obligation under the periodic reporting. That criteria could therefore be extremely light under the nomination file, allowing states to merely point to their inventorying system. There were ways to lighten the Representative List and make it about representation, or it could remain a safeguarding list. It would also be possible to increase the number of Members of the Evaluation Body and create subgroups, if the resources were available and states parties agreed. Nevertheless, the nature of the Lists was also at stake. If the Representative List remained a high cachet list, there would be no need to increase the Evaluation Body; however, if the intention was to make it representative, there would be a need to reduce the technocratic aspect of file production.
28. The **Chairperson** returned to the recommendations to be made by the working group. He pointed out a number of suggestions. The delegation of Kuwait had proposed increasing the number of experts on the Evaluation Body. The delegation of China had suggested that the Bureau of the Committee should make a decision about the request for international assistance and that states parties should be able to submit two files for every three cycles. The delegation of Sweden had mentioned that reporting obligations should impact the submission of new files. Those issues would be further discussed in the afternoon. The Chairperson then turned to the discussion concerning the five suggestions made in relation to community involvement in order to determine which recommendations would be made by the working group. With regard to the arm’s-length platform, many states had said it was an interesting idea, but more details were necessary. Some states had some reservations, questioning the need for an additional layer in the follow-up process that could require more resources. Additional discussion was needed on the other four items. Several states had supported the first item, on providing nomination files in the local language; however, deeper discussions would help to determine the extent of support. The Chairperson welcomed the participants’ views on those five items.
29. The **delegation of Kuwait** felt that all the items would add value to the Convention. While providing nomination files in the communities’ language was a great idea, some Member States with several local languages had expressed concern. The delegation wondered how to choose a language in that situation and suggested that perhaps the proposal could be encouraged but remain optional. The delegation was also strongly in favour of item (e), the creation of a special forum that would allow the governing bodies of the Convention to consult communities.
30. The **Chairperson** said that the spirit of the Convention was included in those five suggestions, despite the practical problems.
31. In response to the issue raised by the delegation of Kuwait, the **delegation of Poland** noted that the experts had provided clear recommendations for cases in which several languages were spoken by the communities concerned. There must be cooperation between states and communities throughout the entire nomination process, and the matter of language would necessarily be a part of that process. The use of different languages could also enhance communication in the so-called arm’s-length online platform. Given that advanced technological solutions were being developed very quickly as a result of the pandemic, perhaps automatic translation mechanisms could be used. The Intangible Cultural Heritage Fund could also provide funds for translation when needed, especially for countries with financial constraints.
32. The **delegation of Romania** supported the idea to include the nomination file in the communities’ language on the UNESCO website. In Romania, files were first prepared in Romanian to facilitate working directly with the communities, who would appreciate having that version on the website. The proposed network of inscribed elements for sharing safeguarding experiences would provide communities, groups and individuals the chance to learn directly from the experiences of bearers from other states in the region and beyond. Romanian communities often consulted the Representative List to search for similar elements with a view to improving their proposals. Nevertheless, the communities were sometimes unable to understand the jargon of the nomination forms and would benefit from more direct engagement with their peers. In order to create such a network, a good starting point would be to consider the Dive into Living Heritage interactive visuals, which were a great tool to demonstrate the connections between concepts, elements, different fields and domains of the Convention. Although it had been designed to show the connections between intangible cultural heritage and the Sustainable Development Goals, it also highlighted the interconnectedness of elements and could serve as a starting point.
33. The **delegation of Colombia** said that all nomination forms were translated into Spanish and had once been translated into an indigenous language. The suggestion would provide a great opportunity to include more multilingual material online, which already existed in many cases. With regard to item (c), the delegation wondered how the arm’s-length online platform would connect with communities that did not have access to the internet and encouraged that issue to be taken into account. Regarding the creation of a specialized forum to consult community representatives, perhaps it would be better to work within or expand the existing tools under the Convention rather than creating another forum. As had been mentioned by the delegation of Romania, the Dive into Living Heritage platform could perhaps be enriched or adapted. Community participation was essential, and the delegation wished to ensure that the entire process, whether for inscription or for safeguarding, was undertaken alongside communities and other stakeholders.
34. The **delegation of Brazil** said that it supported items (b) and (d). With regard to item (a), it was in favour of using the community’s language in preparing files in principle but would like more information on how the procedure would be employed to avoid additional complications for the evaluation process. On items (c) and (e), it might be better to begin with one single platform to address both themes, which would allow communities to participate in monitoring the viability of inscribed elements and allow the governing bodies of the Convention to consult with communities.
35. The **delegation of Jordan** said that, in the Arab world, Arabic was the official language, but some areas had hundreds of indigenous languages and dialects that were also considered a repository of culture. It was a wonderful idea to use indigenous languages in safeguarding plans and nominations. Communities, groups and individuals would be very proud to see their languages used in the implementation of the Convention. Nevertheless, states parties must be very careful in choosing between official languages and the indigenous languages concerned. The proposal should be precise to avoid relying solely on official languages. The use of indigenous languages would also contribute to preserving endangered languages and related intangible cultural heritage elements.
36. In response to the delegations of Brazil and Jordan, the **delegation of Poland** clarified that submitting files in the communities’ languages would not mean more work for the Evaluation Body, which must operate in English or French. It would honour and enhance the role of communities in the Convention and encourage them to play a more active role in the periodic reporting and monitoring processes. Paragraph 81 of the Operational Directives stated that communities should fully benefit from the Convention, which would be difficult without nomination files in their languages. According to paragraph 120, when publicizing and disseminating information on the elements inscribed on the Lists, care should be given to focusing on their value and meaning for the communities concerned; however, that could not be done without engaging with communities in their own languages. The legal classification of the language, whether official, indigenous or endangered, was not an issue, as long as it was the language used by the communities.
37. The **Chairperson** said that there had been no opposition in principle to the question of language, although there was a need to elaborate on the actual modalities of that theme. There also had not been any straightforward opposition to item (b). Audiovisual tools were a very useful instrument to gather information. Since many participants did not want to create another network or layer of dialogue, perhaps items (c), (d) and (e) could be combined into a single platform with multiple functions.
38. The **Secretary** agreed that creating one platform with different functions would be more efficient, although some of the proposals targeted different stakeholders. Combining the platforms would be more cost efficient, but there would still be a cost. Additional posts would also be required to maintain the platforms, but it was quite feasible. Nevertheless, some issues remained around determining the role it would play with regard to item (c).
39. The **Chairperson** invited Ms Janet Blake of the Persian Garden Institute for Living Heritage, representing the Steering Committee of the ICH NGO Forum, to offer a statement on the global reflection on the listing mechanisms of the 2003 Convention.
40. **Ms Janet Blake** said that the ICH NGO Forum had been following the debate closely and was pleased to hear the participants reference its potential contribution towards implementing the 2003 Convention. The forum was fully ready to support the global reflection on the listing system and cooperate with states parties in their efforts. In that connection, the forum also appreciated the proposals for capacity-building for NGOs. The NGOs accredited to the Convention enjoyed a range of expertise, global knowledge and diverse experiences that could make the forum a valuable partner in the process. In working with states parties and other relevant actors, the accredited NGOs could assist in the endeavour by: (a) supporting and engaging in dialogue with states parties, communities, groups, individuals and other non-state actors; (b) gathering, sharing and disseminating experiences and information on good practices related to safeguarding; (c) supporting the Evaluation Body in its work through the forum’s networks on the ground and their own specific range of expertise; (d) conducting studies, along with other relevant actors, on the impacts of safeguarding, inscription and other issues; and (e) undertaking studies to support the Secretariat in its work, such as the mapping of accredited NGOs and their expertise.
41. The **Chairperson** thanked Ms Janet Blake for expressing the willingness of the ICH NGO Forum to play an active role in the reformed listing system. In the afternoon session, he would summarize possible recommendations. The Bureau Members would then meet to discuss the conclusions of the working group, which would in turn be presented to the participants in writing for their comments. The Chairperson adjourned the meeting.

*[Friday, 09 July 2021, afternoon session]*

**Adoption of recommendations of Part I of the Open-ended intergovernmental working group**

1. The **Chairperson** welcomed back the participants and said that he would begin by mentioning the issues on which there was a convergence of views and then identify issues for further discussion in September. Following the Bureau meeting, the plenary session would resume discussing the preliminary text of the draft recommendations, which would guide the discussion in September. Nothing was being decided, and participants should not be too focused on the wording or structures. With regard to the inscription criteria, there was a general convergence of views on maintaining all criteria for the Representative List and the Urgent Safeguarding List. Criterion R.2 could be reformulated and simplified to focus on how the nominated element contributed to mutual respect and dialogue and the principles of sustainable development. Criteria R.4 and U.4 could be revised to ensure that communities understood that inscription on the Lists of the Convention did not place their element above others nor imply exclusivity or ownership of the element. Criteria R.5 and U.5 could be simplified by referring to the inventorying systems already identified in the periodic report. There had also been no objection to the deletion of criterion P.9 for the Register of Good Safeguarding Practices. The Chairperson reiterated that none of the recommendations were final, recognizing that states parties might need to consult with national experts. He invited delegations to comment on the formulation of the recommendations.
2. The **delegation of Portugal** added that there had been no objections to including a question under criterion R.1 on the element’s compatibility with existing international human rights instruments as well as with the requirements of mutual respect among communities, groups and individuals.
3. The **Secretary** said that a portion of the form already referred to Article 2 of the Convention and, in that sense, there was already a reference to international human rights instruments; however, it could be formulated more explicitly.
4. In terms of the follow-up of inscribed elements, the **Chairperson** said that there had been a convergence of views to encourage safeguarding efforts for elements on the Urgent Safeguarding List by fast-tracking and facilitating access to financial systems and technical support. Participants had also agreed to reinforce the monitoring system through the periodic reporting mechanism to ensure that safeguarding plans were implemented so that no element would remain on the Urgent Safeguarding List indefinitely.
5. The **delegation of Egypt** expressed its concern about safeguarding measures being included in the form. Some communities faced great difficulty in monitoring the implementation of safeguarding measures. While they proposed the safeguarding activities they wished to have, the government was responsible for implementation, not the communities or the nomination team. The delegation wondered how to monitor the implementation of safeguarding measures when it was not possible to tell communities that they were not safeguarding their elements.
6. The **Chairperson** clarified that the formulation of the proposal did not say that communities would implement safeguarding measures. It said that the monitoring system would be reinforced through the periodic reporting mechanism to ensure that safeguarding plans were implemented so that no element would remain on the Urgent Safeguarding List indefinitely. He understood the concern of the delegation of Egypt but stressed that the Member States issued the periodic reporting.
7. The **delegation of Egypt** wished to voice its concern because communities did not have access to governments to force them to implement safeguarding measures, yet they were obliged to include the implementation on the form.
8. The **Chairperson** felt that the concern expressed by the delegation of Egypt was perhaps applicable to other items as well and would bear it in mind. The next proposal under the follow-up of inscribed elements was to facilitate the transfer of elements between the Lists, which included adding successful safeguarding plans implemented under the Urgent Safeguarding List to the Register. Concerning the methodology for the evaluation of nominations, the first proposal was to simplify the procedure for the extension of multinational nominations, bearing in mind the importance of community consent. That item did not address the issue of balance between national and multinational nominations, as had been pointed out by the delegation of Cuba. The second item was 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’. Regarding the five proposals to ensure broader community involvement, there had been no opposition to the use of the community’s language or a language that was accessible to them in the preparation of nominations, although the details needed to be worked out. There had also been no opposition to the second proposal on the use of audiovisual tools to provide the information requested in the nomination forms or to communicate any concerns.
9. Moving to the issues identified for further discussion during Part II of the meeting in September, the **Chairperson** said that redundant criteria under the Register could be deleted pending a broader discussion on the implementation of Article 18 of the Convention. The second item corresponded to items (c), (d) and (e) on community participation, regarding the feasibility and functionality of creating a platform, network or forum for the following three items: an arm’s-length online platform with community participation, allowing for their engagement in the follow-up of inscribed elements, which corresponded to (c); a network of inscribed elements for sharing safeguarding experiences, which corresponded to (d); a special forum that would allow the governing bodies of the Convention to consult community representatives in a systematic matter, which corresponded to (e). Nevertheless, there was still a need to examine the modalities and arrangements in place before reaching an agreement. The next item for discussion was to consider the implications of the proposed arm’s-length online platform, with clarifications on its role and status within the follow-up of inscribed elements, including how it would be set up, who would maintain it, what its status would be within the Convention, how it would be funded and how it would interact with all stakeholders. The Secretariat would surely be able to draft more concrete suggestions for that item in the future. The next item was to initiate a reflection on the implementation of Article 18 of the Convention, including the possibility of setting up another independent working group. The following item was a specific procedure for removing elements from the Lists of the Convention, including the introduction of an interim step. While many delegations had expressed caution, there was a need to continue discussion on that difficult and controversial topic. The Chairperson recognized that there had not been much support for simplifying the removal mechanism but felt that discussions needed to take place.
10. The **delegation of Portugal** wished to clarify that if the proposal was linked in any way with the suggestion of a sunset clause for the Representative List, several participants would not be interested in pursuing it.
11. The **Chairperson** explained that he was only addressing items for discussion in September but had not mentioned items for which there had been no support, which included the sunset clause and the hall of fame. Removal from the Lists was therefore not related to the sunset clause. Nevertheless, it could be added if any participant wished to discuss it in September. The next item for discussion was simplified procedures for transferring elements between the Lists, which included transferring successful safeguarding experiences to the Register. That proposal had been heavily debated, and some difficulties remained. For example, the delegation of Hungary had wondered who would propose it and who would evaluate it. The next item concerned the possibility of obtaining additional information for nominations by using a dialogue process with accredited NGOs and the communities concerned. There had been several expressions of caution regarding the use of outside information not included in the file. As a result, the scope had been narrowed. The proposal could be discussed again in September with clearer modalities.
12. The **Secretary** said that there had been broad consensus for initiating a reflection on the implementation of Article 18 of the Convention, so that item could be included as a recommendation rather than an issue to be discussed in September.
13. The **Chairperson** said that, although no one had opposed the idea, an agreement had not been reached on the creation of a new working group. He asked participants whether to move the element to the recommendations with broad consensus or to keep it under pending issues.
14. The **delegation of Poland** supported the suggestion made by the Secretary.
15. The **delegation of Colombia** supported listing the item as a recommendation but asked for further clarification on the criteria for the Register. Although an agreement had been reached about criterion P.9, no agreement had been reached regarding the other criteria.
16. The **Secretary** clarified how the process would move forward. Several proposals had been taken from the expert meeting, which included lightening the current process for the Register. There had also been strong support for the need for broader discussion on the implementation of Article 18, which could go beyond the Register. Although that discussion needed be initiated by the Committee in December, there was nothing to prevent working on simplifying the Register as it existed. The proposal was to start with criterion P.9 and then discuss some initial further lightning in September if a consensus could be reached. The reflection process on Article 18 would take some time, so it could be possible to fast-track achievements, pending that broader discussion.
17. The **Chairperson** proposed including the item under general convergence of views rather than those pending further discussions. In the morning session, the delegation of Kuwait had proposed increasing the number of experts on the Evaluation Body and possibly having breakout groups among them to examine nominations. Although a consensus had not been reached, many delegations expressed interest in continued discussion. The Chairperson asked whether that proposal could be included for discussion in September.
18. The **delegation of Portugal** expressed its support for discussing that proposal in September and suggested that perhaps several options could be prepared in the interim.
19. The **delegation of Japan** was also in favour of discussing that item in September.
20. The **Chairperson** confirmed that, while it would be possible to discuss the item in September, it might not be possible for the Secretary to discuss it with the experts prior to the meeting.
21. In response to the statement made by the delegation of Portugal, the **Secretary** said that it would likely not be possible to have concrete proposals ready for September. The proposals that had been presented to the working group had been discussed extensively. While the proposal should remain on the agenda, the Secretariat might need more time to work on it.
22. Given the clarification provided by the Secretary, the **Chairperson** said that the item would be included for discussion in September. He recalled that the delegation of China had made two proposals: approval by the Bureau of financial and technical assistance and the submission of two files for every three cycles. The Chairperson proposed returning to the latter proposal once reform measures had been agreed upon. He asked whether there were any other points to be included in the draft recommendations, which would be discussed by the Bureau Members and then presented following the break.
23. The **delegation of Portugal** noted that support had been expressed for the proposal on page 7 of working document 3 suggesting that the priority for the examination of nomination files might be lowered for states parties that had failed to fulfil their reporting obligations.
24. The **Chairperson** apologized for overlooking that proposal and confirmed that it had received support. He asked whether the proposal could be included for discussion in September.
25. **Mr Marc Jacobs** asked whether the expert group would be expected to provide additional input on the platforms or the organs prior to the meeting in September.
26. The **Secretary** said that the Secretariat did not foresee the need for further expert consultations on the issues at that time. Everyone was in need of a bit of a summer break following the COVID-19-filled winter.
27. The **Chairperson** said that the Bureau Members would meet in approximately ten or fifteen minutes to allow the Secretariat time to include some of the elements in the draft recommendations. The plenary session would reconvene following the Bureau meeting, and participants were encouraged to remain on the link to be brought into the discussions at that time. The Chairperson closed the discussions to prepare the draft recommendations.

*[Fifty-five-minute break for Bureau meeting]*

1. The **Chairperson** welcomed the participants back to the plenary session. The last remaining point was to agree on the document, which began with several factual elements. Paragraph 1 referred to the fact that the meeting had been held. Paragraph 2 was simply a statement of fact as well. Paragraph 3 stated that the working group appreciated the experts. Paragraph 4 was also a factual statement. Paragraph 5 affirmed the principle of the working group. The elements discussed earlier in the plenary session began in paragraph 6; the chapeau explained that all criteria for the Representative List and the Urgent Safeguarding List would be maintained.
2. The **delegation of Austria** confirmed that the wording on the compatibility of the element with international human rights in paragraph 6(1)a aligned with Article 2 of the Convention.
3. The **Chairperson** said that the item had recently been included based on the suggestion by the delegation of Portugal.
4. The **delegation of Colombia** wished to confirm that a reference to sustainable development was not necessarily related to the 2030 Agenda.
5. The **Chairperson** confirmed.
6. The **delegation of Austria** wished to adjust the text that read ‘how the element contributes to the principles of sustainable development’ to better reflect the wording of Article 2 of the Convention by removing the phrase ‘to the principles of’ and simply leaving ‘contributes to sustainable development’.
7. With regard to paragraph 5, the **delegation of Cuba** wondered whether the wording should be ‘inscription process’ or ‘mechanisms’.
8. The **Chairperson** asked the delegation of Cuba to clarify.
9. The **delegation of Cuba** said that ensuring more active participation in all stages of the inscription mechanisms would include the Evaluation Body. It was unclear how the communities would participate in that mechanism. The delegation asked the Secretary to clarify whether the ‘stages of the inscription process’ was the same as a reference to the ‘inscription mechanisms’, which would include the Evaluation Body.
10. The **Secretary** said that there had been a mistranslation between the English and the French. The English document referenced the ‘listing mechanisms’ rather than ‘inscription mechanisms’.
11. The **Chairperson** returned to paragraph 6.
12. The **delegation of Austria** suggested amending the text in subparagraph b to more precisely reflect Article 2 of the Convention to read: ‘encourage mutual respect and dialogue among communities, groups and individuals’.
13. The **delegation of Poland** noted that the precise wording of the Convention was ‘among communities, groups and where applicable individuals’.
14. The **Chairperson** drew attention to subparagraph (2) to amend the criteria for the Register of Good Safeguarding Practices, including the deletion of criterion P.9.
15. Commenting on the statement made by the delegation of Poland, the **delegation of Austria** said that ‘and where applicable’ did not appear in its version of the Convention and asked the Secretariat to verify the wording of Article 2.
16. The **Secretary** confirmed that the phrase ‘where applicable’ did not appear in Article 2, as it did in other parts of the Convention. It could be assumed that mutual respect should apply to all individuals, communities and groups.
17. The **delegation of Austria** said that it would prefer not to redraft the Convention.
18. The **Chairperson** asked whether that solution was agreeable to the delegation of Poland.
19. The **delegation of Poland** said that its intention had not been to redraft the text. There had been a previous discussion to highlight that individuals were a part of the entire intangible cultural heritage system in some cases, but not all the time. The delegation of Austria was correct; ‘where applicable’ was not in the text of the Convention. Article 1 said ‘in some cases, individuals’. The phrase ‘in some cases’ should be used in order to be precise and stress that the proposal did not apply to all individuals but rather those bearers engaged in intangible cultural heritage.
20. The **Secretary** said that, in Article 1, mutual respect was mentioned twice. At the end of the text, it said ‘and individuals’; however, in the beginning, it said ‘in some cases, individuals’. While he was not sure whether the discussion constituted redrafting the Convention, he had no opinion on the wording.
21. The **delegation of Austria** said that it had a quite strong opinion on the issue. The text in Article 2 that said ‘in some cases’ referred to the definition of intangible; however, the proposal referenced the specific requirements of respect for and dialogue among communities. In that connection, the text was very clear in the last sentence of Article 2, which read: ‘as well as with the requirement of mutual respect among communities, groups and individuals’. The delegation strongly urged the working group to adhere scrupulously to the text of the Convention and not begin to redraft it, which was an absolute red line.
22. Not wanting to prolong discussions, the **Chairperson** nevertheless felt it necessary to seek the consent of the delegation of Poland.
23. The **delegation of Poland** said that it fully agreed.
24. The **Chairperson** thanked the delegation of Poland for its understanding and asked whether any delegation had an issue with subparagraphs b, c, d, e or paragraph 6(2)a. He then moved on to paragraph 7 about the follow-up of inscribed elements.
25. For paragraph 7.b, the **delegation of Colombia** wished to delete the wording ‘so that no element will remain on the Urgent Safeguarding List indefinitely’. The List should be dynamic and reinforce the monitoring system by providing an option for elements to be removed; however, there were some extreme cases in which elements might continue to require safeguarding. The delegation offered to propose an alternative wording, such as ‘to make the Urgent Safeguarding List a tool for improving the safeguarding of the element’.
26. The **Chairperson** said that the text could simply be deleted if the participants wished to remove the reference to time limitations for the Urgent Safeguarding List.
27. The **delegation of Bolivarian Republic of Venezuela** supported the proposal made by the delegation of Colombia to delete the phrase. While there was no desire to see an element remain on the Urgent Safeguarding List indefinitely, there were many challenges that could cause an element to remain for some time.
28. The **delegation of Egypt** also supported the proposal made by the delegation of Colombia to delete the phrase. Communities were not responsible for implementing safeguarding measures, and their listing should therefore not be restricted.
29. The **Chairperson** proposed deleting the phrase. He said that an expert had requested to make a statement and reminded participants that, while their views were well appreciated, the experts did not play a role in the decision-making process.
30. **Mr Marc Jacobs** said that the inclusion of subparagraph d under paragraph 7, which was specifically about inscribed elements, would limit its scope.
31. The **Secretary** confirmed that the paragraph did not fall under the follow-up of inscribed elements and should become a new paragraph 9. He thanked Mr Marc Jacobs for noting the error. The Secretariat had been in a rush during the Bureau meeting and had moved the item up from the list of points to be discussed in September.
32. The **delegation of Barbados** also supported the change to paragraph 7.b proposed by the delegation of Colombia.
33. The **Chairperson** asked whether paragraph 7 was acceptable with those amendments and moved on to paragraph 8 on the methodology for the evaluation of nominations.
34. The **delegation of Colombia** reiterated that the simplification of multinational nominations could be a double-edged sword. Nevertheless, the delegation agreed to the paragraph while stressing that every state needed to implement safeguarding measures based on its situation.
35. The **Secretary** said that, in fact, the recommendation sought to avoid requiring every state to have the same measures and requiring every submitting state to resubmit and align. The experts had agreed that it was important for communities in the original submission to understand and agree to extend the file to other communities and to work with them. It was not a question of aligning one measure for all states.
36. The **delegation of Japan** wished to include the extension of national files under paragraph 8 as well, changing the wording to read: ‘of multinational and national nominations’. Although the issue had not been debated extensively, the delegation hoped that the process to include new communities in a national nomination would be made easier at a later stage.
37. The **Chairperson** recalled that Japan had inscribed a number of local dances on the list, but there were more local dances that had approximately the same degree of value.
38. The **Secretary** said that the proposal could be reflected in a new paragraph 11 for possible discussion in September, bearing in mind that it had been agreed for multinational files.
39. **Ms Alissandra Cummins** said that the proposal in paragraph 8.b had not been intended to be confined within the methodology for the evaluation of nominations and should perhaps be placed elsewhere.
40. The **Chairperson** noted that the issue had been raised when discussing methodology but was indeed broadly applicable and suggested creating a new independent paragraph 9. He thanked Ms Alissandra Cummins for her constructive suggestion and asked whether there were any comments concerning paragraphs 8, 9 or 10 before moving on to paragraph 11.
41. In connection with paragraph 11.b, the **delegation of Kuwait** proposed using a more general term, such as ‘the use of technology’ or ‘technological tools’, rather than limiting the text to ‘audiovisual tools’.
42. The **Chairperson** proposed ‘modern technological tools’.
43. The **Secretary** proposed ‘the use of technology, such as audiovisual tools’.
44. The **delegation of Kuwait** agreed with the Secretary’s suggestion.
45. The **delegation of Bolivarian Republic of Venezuela** suggested adding ‘when possible’, since many communities had limited access or ability to use technology.
46. The **Chairperson** confirmed the suggestion made by the delegation of Bolivarian Republic of Venezuela to use the wording: ‘technology, such as audiovisual tools, where possible’. He invited the ICH NGO Forum to speak, bearing in mind the statement he had made previously regarding non-states parties.
47. **Mr Laurier Turgeon**, Secretary of the Steering Committee of the ICH NGO Forum, suggested using the term ‘digital technology’ in place of ‘technology’, which felt general and vague.
48. Bearing in mind the statement made by the delegation of Venezuela, the **Secretary** said that the text should not be limited to digital technology. Audiovisual might also include photos taken with a camera and printed out.
49. The **Chairperson** thanked Mr Laurier Turgeon and the Secretary for their contributions.
50. As a matter of procedure, the **delegation of Kuwait** asked who was able to amend the text, whether it included NGOs or only Member States.
51. The **Chairperson** said that independent paragraphs had been created as a result of the experts’ contributions. The Member States were the decision-makers, as he had stated when inviting the first expert to speak. Nevertheless, there was always value in listening to people with expertise. The Chairperson then asked whether an agreement had been reached on paragraph 11.b. The following paragraph included issues to be discussed in September. If an item was not included, it was assumed that it would not be discussed. The section on inscription criteria contained subparagraphs a and b.
52. The **delegation of Poland** said that the following sentence was unclear: ‘pending a broader discussion on the implementation, redundant criteria could also be deleted’.
53. The **Chairperson** asked whether the delegation of Poland had an alternate wording to suggest.
54. The **delegation of Poland** said that the recommendation concerned not only the deletion but also the reformulation of criteria and was not limited to the redundancy in criteria but also covered the repositioning of the Register as a whole. Perhaps it was not necessary to mention the redundant criteria because it was part of a broader topic to be discussed.
55. The **Secretary** suggested that maybe the word ‘redundant’ was problematic and invited Ms Fumiko Ohinata to propose an alternate wording.
56. **Ms Fumiko Ohinata** suggested: ‘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’. Perhaps the word ‘redundant’ was not needed, in light of the statement made by the delegation of Poland.
57. The **Chairperson** asked whether that rephrasing had addressed the issue.
58. The **delegation of Poland** confirmed that the solution was acceptable.
59. The **delegation of Bolivarian Republic of Venezuela** thanked the delegation of Poland and supported its proposed amendment.
60. The **Chairperson** asked whether there were further changes to subparagraph a and then moved to subparagraph b.
61. The **delegation of Bolivarian Republic of Venezuela** would prefer to replace the phrase ‘lowering the priority’ with ‘revising the priority’, so as not to prejudge the forthcoming discussion. That neutral phrase was more appropriate, since a decision had not yet been made regarding the presentation of reports.
62. The **Chairperson** called on the delegations of Portugal and Sweden, since they had raised the point during the discussions.
63. The **delegation of Portugal** expressed no opposition to a slight rephrasing while noting that the wording had come from the suggestion presented in working document 3.
64. The **delegation of Sweden** agreed with the delegation of Portugal. The phrasing had come from the experts’ suggestion. The goal would be some sort of change to use those measures to lighten the workload for the Secretariat and the Evaluation Body. Nevertheless, the delegation would be open to a slight change in the wording in order to progress in the discussion.
65. The **Chairperson** said that the simplest solution was to replace the word ‘lowering’ with ‘revising’ and asked whether subparagraph b was acceptable. Under subparagraph c, the Roman numerals i, ii and iii corresponded to items (c), (d) and (e) of the five points for community engagement. Subparagraph d specified issues in relation to the arm’s-length online platform. The Chairperson confirmed the consensus on those subparagraphs and moved to subparagraphs e and f.
66. The **delegation of Colombia** asked whether subparagraph f was similar to a paragraph that had already been agreed upon.
67. The **Secretariat** did not feel that the issue had been mentioned before. The participants had agreed on a need for simplified procedures but had not yet worked out the details of those procedures, which would be discussed in September. He asked the delegation of Colombia to specify which paragraph had been repeated.
68. The **delegation of Colombia** thought that perhaps it had been on the Lists.
69. The **Secretary** noted that, under paragraph 7.c, facilitating the transfer of elements between the Lists had been included as a concrete recommendation. It was included under subparagraph f because work remained to be done in September to determine the procedures. He suggested changing the phrase ‘facilitate the transfer’ to ‘propose simplified procedures’.
70. The **Chairperson** confirmed whether the changes were agreeable to Colombia and then moved to the methodology for the evaluation of nominations, subparagraphs g and h. The latter included the suggestion made by the delegation of Kuwait.
71. The **delegation of Colombia** requested to change the wording of subparagraph h, as it had not agreed to ‘reconsider the composition and the working methods’ of the Evaluation Body but would agree to discussing a possible change in the composition.
72. Taking into account the statement made by the delegation of Colombia, the **delegation of Poland** suggested the wording: ‘discussing the composition and the working methods of the Evaluation Body’. It also proposed clarifying that the idea focused on using regional groups, with a view to providing a clear message for those who had not participated in the meeting.
73. In support of the delegations of Colombia and Poland, the **delegation of Sweden** said that the wording was slightly different from what had been discussed. Since the recommendation had not been included in the experts’ deliberations, the delegation was a bit more hesitant, although there was value in continuing the discussion.
74. The **delegation of China** requested that its proposals be duly reflected in the recommendations, whether incorporated in subparagraph h or a separate paragraph. With regard to subparagraph f, the delegation wished to change the word ‘revitalize’ to ‘improve the viability of’ elements inscribed on the Urgent Safeguarding List.
75. The **Chairperson** asked China which proposal it wished to include in the document, the one related to international assistance or the one related to the submission of two files in three cycles.
76. The **delegation of China** requested that both proposals be reflected.
77. With regard to the wording of subparagraph f, the **Secretary** said that it would be more consistent to use the wording ‘successfully improve the viability of elements’. The two points raised by China and the point made by the delegation of Kuwait were meant to improve the file limitation, which had been a background issue to the expert meeting. The Secretary suggested a new section that addressed the number of files, including the composition of the Evaluation Body; the examination of international assistance requests by the Bureau; and the possibility of submitting at least two files per three years, alternating between the Representative List and the Urgent Safeguarding List or the Register.
78. The **Chairperson** agreed but asked for suggestions on the wording to be included in the document.
79. The **Secretary** said that the items should be moved under a new subheading entitled ‘Number of files per cycle’. Subparagraph h could be moved there, followed by a subparagraph that read: ‘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’. The last subparagraph would read: ‘Consider moving all international assistance requests to the Bureau’.
80. The **Chairperson** wished to ensure that the proposal made by the delegation of Japan was also included.
81. The **Secretary** said that the proposal made by Japan to apply the same simplified process to extending national nominations fell under the methodology for the evaluation of nominations, for items to be further discussed in September. He suggested adding the subparagraph: ‘Consider the possibility of simplifying the extension of national files to include more communities in a similar manner to that proposed for multinational files’.
82. The **Chairperson** thanked the Secretariat for its swift drafting capabilities.
83. The **delegation of Kuwait** thanked the delegations of Colombia and Sweden for their concern and suggested changing the wording of the beginning of the paragraph to read: ‘Reconsider the adaptability of the composition and the working methods’ and suggested adding the phrase ‘keeping in mind geographical representation’ at the end to address the concerns of the delegations of Colombia, Sweden and Poland. The delegation reiterated that the recommendation was simply to have more generic discussion on the proposal in September.
84. The **delegation of Estonia** thanked the delegation of Kuwait for its clarifications but still preferred a more general wording, as the proposal had not been discussed in detail. It had not yet been decided whether the proposal was possible or desirable, but it merited further discussion. The delegation suggested replacing the term ‘reconsider’ with ‘discuss’ to read: ‘Discuss the composition and working methods of the Evaluation Body to consider the possibility to allow for a higher number of files per cycle to be evaluated, keeping in mind geographical representation.’
85. The **delegation of Cuba** thanked the delegation of Kuwait for its addition regarding geographical representation on the Evaluation Body. The delegation asked whether the proposal to submit two files for every three-year cycle applied to multinational files as well as national files on the Representative List. It was still not clear how a balance would be maintained between national and multinational files, which also gave cause for concern.
86. The **Chairperson** asked whether there was any opposition to the proposal made by the delegation of Japan, in subparagraph h, or the second suggestion from China to move all international assistance requests to the Bureau.
87. The **delegation of Sweden** noted that the three suggestions under number of files per cycle had not been part of the experts’ suggestions. It would therefore prefer to keep the recommendations general and allow the experts to examine those proposals to assist the working group moving forward.
88. The **delegation of Portugal** suggested adding the phrase ‘Consider the possibility of’ to the beginning of the three proposals in order to address the concerns expressed.
89. The **Chairperson** suggested the following wording for the first proposal: ‘Consider the possibility of reviewing the adaptability of the composition and the working method of the Evaluation Body …’ and asked whether that formulation could be agreed upon. It was also possible to indicate that those proposals had not yet been fully discussed with the experts and were for discussion in September.
90. With regard to the statement made by the delegation of Cuba, the **delegation of Belgium** pointed out that states dedicated a considerable amount of time to preparing international files, sometimes over ten years, and care should be taken not to penalize them too harshly in the system to be implemented.
91. The **Chairperson** agreed that those issues would need to be discussed in September.
92. The **delegation of Norway** supported the proposal made by the delegation of Sweden to use more general language regarding the three proposals to be discussed in September.
93. The **delegation of Finland** also preferred a more general paragraph concerning those proposals. The discussion during Part I of the meeting had been based on suggestions prepared by the expert group and included in the text provided. While the three proposals were interesting, they had arisen in the course of the current meeting. It was perhaps premature to enumerate them in the document.
94. The **Chairperson** emphasized that the proposals were for discussion only, and nothing had been agreed upon. He asked whether an agreement could be reached on the formulation of subparagraph i, regarding the composition and the working methods of the Evaluation Body. He moved on to subparagraph j, regarding the submission of two files every three years.
95. The **Secretary** said that the number of files that could be treated was linked to the evaluation methods and processes. The proposed recommendations could remain in the document for discussion in September, but the Secretariat did not have the time or the means to provide concrete proposals on those items. The issues discussed by the experts needed to be addressed first, and it was doubtful that all of the recommendations could be finalized in a two-day meeting in September.
96. The **Chairperson** said that the number of files to be evaluated should be considered following the completion of the reform process. Nevertheless, the recommendation could be kept, but it seemed that participants were not in agreement.
97. The **delegation of Sweden** thanked the Secretary for highlighting the lack of time to examine the proposals in detail. To address the states parties’ concerns, the delegation suggested replacing subparagraphs i, j and k with a more general paragraph that read: ‘Consider the possibility of discussing the working methods on the number of files, including geographical distribution, bearing in mind the discussions at the first part of the working group.’
98. The **delegation of Colombia** suggested adding a chapeau that read: ‘Other issues discussed during the meeting, to be borne in mind’, indicating that the recommendations had not been proposed by the experts, but states parties wished to consider them in the future.
99. The **delegation of Poland** wondered whether it would be possible to move Part II of the meeting to the end of September in order to allow sufficient time to prepare additional information after the holiday.
100. The **Chairperson** noted that the meeting had gone beyond the allotted time. If his proposal was not accepted, he would have to include the three the recommendations in brackets. The delegation of Sweden had suggested replacing the proposal made by China regarding the submission of two files every three years with the following text: ‘Considering the possibility of discussing the working methods on the number of files, including geographical distribution’. He asked whether there was any opposition to that proposal.
101. The **delegation of China** reiterated that the recommendations were simply to provide a basis for discussion during the next part of the meeting. No specific ideas had been agreed upon. The delegation therefore wished to include the specific proposals to duly reflect the ideas of the different participants of the working group, those of the delegations of Kuwait and China.
102. The **Chairperson** said that, because there was no agreement, his final suggestion was to include a chapeau that read: ‘The following new ideas proposed by the states will be discussed further in the process ahead’ and maintain the suggestions made by the delegations of China and Kuwait in brackets.
103. The **delegation of Sweden** said that, given that construction, the proposal it had made should be removed.
104. The **Chairperson** thanked the participants for their constructive participation and invited the Secretary-General of the National Commission of Sri Lanka to deliver his closing remarks.
105. The **Secretary-General of the National Commission of Sri Lanka** said that, as the **Chairperson of the sixteenth session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage**, it was a pleasure to convey the closing remarks of Part I of the open-ended intergovernmental working group. He conveyed his sincere thanks and heartfelt gratitude to all the delegations from various regions of the world for their active participation. They had drawn on their experience and expertise to engage in fruitful, constructive and open dialogue throughout the two-day meeting. He thanked the Chairperson for his excellent management; the Secretary for his able leadership, guidance and support; and all the members of the Secretariat for their hard work and dedication to the successful completion of the two-day session. He looked forward to the continuation of the meeting in September as well as to the sixteenth session of the Committee, to be held in December in Sri Lanka with possible concrete proposals. He was eagerly waiting to welcome all states parties to Sri Lanka, the most beautiful island in the Indian Ocean.
106. The **Chairperson** thanked the Secretary-General and looked forward to meeting him in his beautiful island country. He also expressed his heartfelt appreciation to all the interpreters and apologized for extending the meeting. In addition, he thanked the Secretariat team for their extensive assistance. The meeting had been met with reasonable success, and he hoped to conduct more fruitful discussions in September. The Chairperson adjourned the working group.

*[Closing of Part I of the Open-ended intergovernmental working group meeting]*

**SUMMARY RECORDS OF PART II OF THE OPEN-ENDED**

**INTERGOVERNMENTAL WORKING GROUP MEETING**

*[Thursday, 09 September 2021, morning session]*

**ITEM 5 OF THE AGENDA**

**OPENING**

**Documents:** [*LHE/21/16.COM WG/INF.1*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-INF.1-EN.docx)

[*LHE/21/16.COM WG/4*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-4-EN.docx)

[*LHE/21/16.COM WG/5*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-5-EN.docx)

1. The **Chairperson** welcomed the participants to Part II of the Open-ended intergovernmental working group meeting in the framework of the global reflection on the listing mechanisms of the 2003 Convention, convened at the request of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage. He looked forward to continuing the fruitful discussions from Part I, held on 8 and 9 July 2021, and thanked participants for supporting the reform. Côte d’Ivoire, Germany, Kuwait, Peru and Poland would serve as Bureau members and Rapporteurs, and he thanked them for their support and availability. He then invited the Assistant Director-General for Culture, Mr Ernesto Ottone, to deliver the opening remarks.
2. The **Assistant Director-General for Culture**, Mr Ernesto Ottone, welcomed participants back for Part II of the working group meeting and thanked them for attending virtually from various parts of the world and time zones. He acknowledged their steadfast commitment to advancing the reflection process and expressed his thanks to the Government of Japan for its financial support. During Part I, the working group focused on the three areas requested by the General Assembly of States Parties: a review of inscription criterion R.2, the procedures for removing and transferring elements and the procedures for the inscription of multinational nominations on an extended basis. Longer-term considerations also arose and would require further reflection, such as the broader implementation of Article 18 of the Convention for the Safeguarding of the Intangible Cultural Heritage (2003 Convention), for which Sweden had generously offered financial support. He invited participants to take a pragmatic stance and consider the budgetary implications of each recommendation put forward. He also urged states to be as concrete as possible in their proposed solutions and approaches. The discussions and decisions taking place during Part II should continue to focus efforts on placing the living heritage of communities at the centre of the reflection. He hoped that the recommendations would be finalized in preparation for the sixteenth session of the Intergovernmental Committee in December and looked forward to the results of the deliberations.
3. The **Secretary of the Convention**, Mr Tim Curtis, welcomed participants to Part II of the meeting and informed them that the working languages continued to be English and French, for which simultaneous interpretation was provided. The working documents were available on the dedicated [web page](https://ich.unesco.org/en/open-ended-intergovernmental-working-group-01167) of the Convention for the global reflection. He thanked the participants for their understanding and patience while the Secretariat had worked to respond to the requests from Part I of the meeting. The general information document (LHE/21/16.COM WG/INF.1) contained information on the technical set-up. The meeting would take place on the Zoom platform, with a maximum of 500 online active participants. Each State party could receive two active connections for the meeting. Representatives of the ICH NGO Forum and the category 2 centres had also received active connections. The meetings were being transmitted by webcast through the web page of the Convention. As had been the case for Part I, the recordings and summary records of Part II would be made public as soon as they became available. Building on those adopted during Part I, the working group would be adopting a set of recommendations, for which only states parties could propose amendments.
4. The **Chairperson of the sixteenth session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage** and **Secretary-General of the National Commission of Sri Lanka**, Mr Punchi Nilame Meegaswatte, thanked the Chairperson, the Secretary and the staff in Paris and welcomed participants to Part II of the working group meeting. During Part I, the working group had decided to further discuss procedures for the transfer and removal of elements from the Lists and for the inscription of elements on an extended basis. He strongly believed that those recommendations would provide more direct access to the Convention’s listing system for communities around the world. The Part II meeting would finalize the recommendations that would be presented at the sixteenth session of the Intergovernmental Committee, to be held in Colombo, Sri Lanka, in December 2021. He was confident that the population of Sri Lanka would be almost fully vaccinated, allowing for free movement within the state. He looked forward to the outcome of the deliberations and was anxious to welcome all participants to Sri Lanka in December.
5. The **Chairperson** thanked the Secretary-General for his encouraging words and support and hoped that the state would be successful in attaining its vaccination rate goals in time for the December meeting.
6. The **Secretary** said that LHE/21/16.COM WG/4 contained the agenda and timetable for the meeting. There would be four ninety-minute sessions each day, with a break in between the sessions. Part II was a continuation of Part I of the working group meeting. Agenda Item 5 (and the corresponding LHE/21/16.COM WG/5) assessed the results of Part I of the meeting. Item 6 (LHE/21/16.COM WG/6) focused on the three priority issues of the reflection: the procedures for the transfer and removal of elements, as well as inscription on an extended basis. Under Item 7 (LHE/21/16.COM WG/7) the working group would address other issues requiring further reflection, as identified during Part I of the meeting. Lastly, under Item 8, the working group would adopt its recommendations, which would also serve as the report to the Intergovernmental Committee.
7. With regard to the working method, the **Chairperson** said that the Bureau would meet at least once per day to oversee the progress of the meeting and adjust the draft recommendations, with the support of the Secretariat. The first meeting would take place online during the first break and, for the sake of expediency, meetings would not be open to the public. The main participants would be moved to another virtual room at that time. He explained that the draft recommendations included in LHE/21/16.COM WG/8 would build on those adopted during Part I, and he urged delegations to refrain from revisiting them. Although the working group was asked to address many subjects, he proposed focusing on the three priority issues identified in the decisions of the Committee: transfer, removal and inscription on an extended basis. The recommendations would be organized as a table, which would be displayed and edited during the discussions. Under Agenda Item 8, the working group would not reopen issues but rather adopt the text that had been agreed under Items 6 and 7. In order to achieve concrete results to present to the Committee, all participants must agree with the methodology. Furthermore, he wished to finalize discussion on the three priority issues under Item 6 before moving to Item 7, which might leave less time to discuss the latter. As a result, the Bureau members would consider adjustments to the timetable and discuss the way forward, including the possibility of an additional meeting of the working group. He asked whether there were any questions about the timetable or the methodology for the meeting.
8. The **delegation of China** was pleased to meet with the participants again and expressed its gratitude to the Government of Japan for its generous contribution to support the reflection process. It also acknowledged the Chairperson’s diligence in leading the working group and thanked the Secretariat for its efforts to prepare for the reflection. The delegation noted that there had been insufficient time to discuss many of the inspiring and complementary ideas and suggestions put forward during Part I and hoped that each topic identified by the working group would receive sufficient attention before the recommendations were reported to the Committee. Given that Item 7, with five issues to be discussed, had been allocated only three hours, the delegation kindly invited the Bureau to make appropriate adjustments to the timetable, agenda and working method. It would be a matter of great concern if every topic could not be discussed further.
9. In response, the **Chairperson** said that he fully appreciated the delegation’s position and intended to expedite the discussions as much as possible. Nevertheless, the working group would seek solutions to find more time to discuss Item 7 at the end of the meeting, if necessary. As there were many complex issues to address, he would depend on the participants’ cooperation to keep remarks concise and pertinent, with a maximum of two minutes. A timer was available if necessary.
10. The **Secretary** noted that the summary of Part I of the meeting was included in working document 5. Four main themes had been discussed: the overall approach, issues related to inscription criteria, issues related to the follow-up of inscribed elements and the methodology for the evaluation of nominations. The working group had recommended a combination of the repositioning and fine-tuning approaches. The recommendations from Part I were contained in the annex to working document 5, some of which were ready to be presented to the Committee. With regard to the meeting objectives for Part II, the working group would respond to the direct suggestions of the Committee to define concrete procedures for the removal and transfer of elements between Lists as well as the extension of multinational files, to be discussed under Item 6. It would also revisit some of the unresolved points raised in Part I to determine whether concrete suggestions could be made. He reminded states that amendments to the [Operational Directives](https://ich.unesco.org/en/directives) were complex and must be checked for their legality and technicality. They must then be recommended by the Committee to the General Assembly in June 2022; however, the Committee could endorse those recommendations that did not require amendments to the Operational Directives.

**ITEM 6 OF THE AGENDA**

**TOWARDS A REFORMED LISTING SYSTEM (PART II)**

**ITEM 6.A OF THE AGENDA**

**SIMPLIFIED PROCEDURES FOR TRANSFERRING ELEMENTS**

**Document:** *[LHE/21/16.COM WG/6](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)*

1. The **Chairperson** moved to Item 6.a on simplified procedures for transferring elements, drawing attention to paragraph 8 of LHE/21/16.COM WG/6 and the table contained therein. Step 0, ‘Upstream actions’, applied to transfers to both the Representative List of the Intangible Cultural Heritage of Humanity (Representative List) and the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (Urgent Safeguarding List). Step 1, ‘Preparation and submission’, involved a twenty-one-month cycle for transfers to the Representative List and a shortened eleven-month cycle for transfers to the Urgent Safeguarding List to facilitate urgently needed safeguarding measures. He asked whether delegations had any questions concerning step 0.
2. The **delegation of Poland**,thanking the President of the Committee for his announcement that Sri Lanka was ready to welcome participants to Colombo, expressed eagerness to return to in-person meetings. With regard to step 0, it suggested changing ‘Upstream actions’ to ‘Pre-submission actions’ to avoid connections with the 1972 World Heritage Convention.
3. The **delegation of Switzerland** recognized the Secretariat’s high-quality work in preparing the procedures for transfer, removal and inscription on an extended basis. It welcomed efforts to simplify and lighten procedures as much as possible and generally agreed with the guidelines presented. Nevertheless, it wished to highlight the importance of grounding them in existing bodies, such as the Evaluation Body, rather than the new monitoring structures to be discussed under Item 7. Expert opinions should be prioritized, particularly those of the Evaluation Body. The transfer or removal of an element could involve sensitive issues, and recommendations must be based on independent expertise to allow the Committee to make informed decisions.
4. The **delegations of Germany and Kuwait** supported the amendment proposed by the delegation of Poland to change ‘Upstream actions’ to ‘Pre-submission actions’.
5. The **Chairperson** thanked the delegations of Germany, Kuwait and Poland for serving on the Bureau.
6. The **delegation of the Philippines** also supported the proposal made by the delegation of Poland.
7. The **delegation of China** noted that several steps in the proposed procedures referenced the arm’s-length platform, which did not yet exist and would not be discussed until Item 7.
8. The **Chairperson** suggested returning to the first bullet point following the discussion on the proposed arm’s-length platform.
9. The **delegation of Austria** thanked the Government of Japan for enabling continued exchanges on the reflection process and commended the Secretariat for the excellent documentation. It also supported changing the title of step 0, as proposed by Poland. Given that monitoring was essential for both the Representative List and the Urgent Safeguarding List, the delegation welcomed the proposed link between periodic reporting and the initiation of transfer requests. It was also in favour of establishing separate procedures for the different types of transfers and felt that the transferred element should fulfil all criteria, as other elements on the List had done. In that connection, step 1 should include a completeness check conducted by the Evaluation Body as a whole.
10. The **delegation of Sweden** greatly appreciated the documentation related to Item 6. The proposals made under Items 6.a, 6.b and 6.c reflected the desire to clarify and simplify the procedures while maintaining respect for the criteria, which should continue to be fulfilled. The delegation supported the statement made by Switzerland concerning the role of experts and the amendment proposed by the delegation of Poland to change the name of step 0.
11. The **delegation of Japan** commended the Secretariat for its extensive work in preparing the documentation for the meeting and also supported the proposal made by the delegation of Poland.
12. The **delegation of the Bolivarian Republic of Venezuela** felt that communities, non-governmental organizations (NGOs) and civil society should be able to have a direct relationship with the Secretariat to share their concerns or other information; however, the current formulation of step 0 bypassed the State party and seemed to suggest that it was not attempting to protect an element on its register, an assertion that could be easily manipulated. The working group must therefore establish safeguards to ensure that the procedures did not allow the Convention to be politicized.
13. The **Chairperson** noted that step 0 was optional and occurred before the formal process. As stated in step 1, the process to transfer an element from one List to another would be initiated by the state party.
14. The **delegation of the Bolivarian Republic of Venezuela** felt that, in its current formulation, step 0 was presented as an alternative to step 1. To address that concern, it proposed including an additional bullet point that would facilitate communication between the communities or NGOs concerned and the State party before the Secretariat reported the expressions to the Committee, thereby allowing them to work together and avoid politicization.
15. The **Secretary** noted that there was already a mechanism in place to share correspondence received by the Secretariat with states parties as part of the nomination process. He suggested amending the language to read: ‘If communities submit letters or audio-visual materials 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,’ rather than ‘report to the Committee’. Such a change would be better aligned with the spirit of the procedure in [Decision 7 COM 15](https://ich.unesco.org/en/Decisions/7.COM/15) on treating third-party correspondence concerning the nomination of a file.
16. The **delegation of Colombia** echoed the congratulatory messages of the preceding delegations. While it shared the concerns expressed by the delegation of the Bolivarian Republic of Venezuela, it supported the amended text proposed by the Secretary, which changed the intention of the second bullet point. The delegation also supported the amendment proposed by the delegation of Poland and noted that the information provided by the Secretariat on the associated costs and resources would also need to be revised to reflect any proposed amendments.
17. The **Chairperson** said that the cost implications included in working document 6 would not appear in the final recommendations.
18. The **delegation of Colombia** stressed that it was important to know the actual cost to the Secretariat.
19. The **Secretary** said that there would be some costs associated with providing expert advice, which would come from the Intangible Cultural Heritage Fund for preparatory assistance, as was currently the case when states submitted international assistance requests for nominations to the Urgent Safeguarding List. In addition, the staff time costs would increase if additional letters were received.
20. The **delegation of Jamaica** shared the concerns expressed by the delegations of the Bolivarian Republic of Venezuela and Colombia and appreciated the responses from the Secretariat in that regard. It hoped that the cost implications for step 0 would not have too onerous a burden. The delegation also expressed concern that step 0 could potentially undermine the trust that existed in some states parties between traditional communities and the officials responsible for the protection of intangible cultural heritage.
21. The **Chairperson** clarified that step 0 merely stated that the Secretariat would pass on any letters it received to the party concerned and inform the Committee accordingly. There was no value judgement. There might be some financial implications concerning the expert advice mentioned in the first bullet point, which could be addressed when the working group discussed the role of NGOs at a later stage.
22. The **delegation of Brazil** shared the concerns expressed by the Bolivarian Republic of Venezuela and Colombia and welcomed the suggestion made by the Secretariat. In order to highlight the essential role of communities in the Convention, it suggested adding ‘with the consent of the community(ies)’ to the text under step 1 to read: ‘The process is initiated by the state(s) party(ies) with the consent of the community(ies).’
23. The **delegation of Portugal** supported the Secretariat’s suggestion to amend the language in the second bullet point of step 0, concerning the letters received. With regard to the first bullet point, it would like more information about the expert advice provided by the Secretariat in other instances and whether the ICH NGO Forum already performed any role in that regard.
24. The **Secretary** said that the Secretariat had already established a technical assistance mechanism, which was most commonly used in the preparation of files with requests for international assistance, particularly those under US$100,000 that were evaluated by the Bureau. In some cases, the Secretariat might deem that assistance in preparing the request could facilitate approval by the Bureau. The Intangible Cultural Heritage Fund had a provision for providing funding for consultations, which usually happened online. Within the capacity-building unit of the living heritage entity, there was a network of facilitators from all regions of the world who were trained in the Convention. Although rarely used, that option was also available for states wishing to nominate an element to the Urgent Safeguarding List. The first bullet point concerning expert advice under step 0 was intended to extend that option to states wishing to request a transfer in their periodic report.
25. The **delegation of Belgium** suggested that a number of issues could be solved by reducing extra steps and complexity. The delegation suggested making full use of the periodic report to submit the transfer request rather than indicate the intention to do so. The periodic report would then mark the beginning of the process and could be used to conduct the evaluation. In addition, the arm’s-length platform could be used as a matchmaking system to help generate resources.
26. The **Secretary** said that periodic reporting was also meant to report on the implementation of the safeguarding plan. While there would be a heavier burden on the periodic reporting process, the proposed solution would also minimize procedures. Either option would be fine.
27. The **delegation of Cuba** expressed its gratitude and appreciation to the Chairperson and the Secretariat for the preparation of the working documents. It shared the concern expressed by the Bolivarian Republic of Venezuela and thanked the Secretary for his proposal, which was more in line with the spirit of step 0 and averted potential complications or misunderstandings.
28. The **delegation of Colombia** said that periodic reporting was a complex exercise that could potentially solve the problems at hand. It supported the amendment proposed by the delegation of Brazil to add the consent of communities to step 1, as it was an integral part of the process. The delegation wondered whether the category 2 centres or the Bureau could play a role in the transfer process.
29. The **Secretary** noted that the category 2 centres provided extremely valuable support to the implementation of the Convention. Given the imbalance in regional representation, the Secretariat had not suggested their full involvement in the process.
30. With regard to step 0, the **Chairperson** said that there was strong support for changing the title to ‘Pre-submission actions’, as well as for the Secretary’s proposed amended language for the second bullet point. He asked whether participants supported the addition of ‘with the consent of the communities’ in step 1.
31. The **delegations of Ecuador, Germany and Poland** supported the amendment proposed by the delegation of Brazil with regard to the consent of communities.
32. The **delegation of Jamaica** supported the amendment proposed by the delegation of Brazil but noted that the consent of communities was at the heart of the Convention and was therefore both implicit and explicit in the inscription and transfer processes.
33. Acknowledging that the consent of communities was already embedded in the Convention, the **Chairperson** said that the addition of ‘the consent of the communities’ would re-emphasize the importance of their involvement.
34. The **delegation of Belgium** suggested adding ‘with the consent of the communities, groups and, if applicable, individuals’, to be consistent with the language of the Convention.
35. The **delegation of Portugal** asked whether the addition meant that the State party could only initiate the process with the prior consent of the communities as a prerequisite.
36. The **delegation of Hungary** congratulated the Chairperson for his excellent management of the meeting and suggested adding ‘with the consent of concerned communities, groups and individuals’ in order to be precise.
37. The **Secretary** said that the consent of the communities, groups and, where applicable, individuals would need to be verified when a file was submitted. While the Secretariat could include a section on the form in which states indicated that they had sought consent, he would express concern about requiring the Secretariat to make a thorough check of the validity of such assertions, as the Evaluation Body would conduct a thorough examination under criterion 4.
38. The **Chairperson** proposed adopting the formulation: ‘The process is initiated by the State(s) Party(ies) with the consent of concerned communities, groups and where appropriate individuals,’ in line with the wording of the Convention. Discussion would continue on step 1 following the break.
39. The **Secretary** asked to the members of the Bureau to remain connected to the meeting room during the break. All other participants would be sent to a separate breakout room and automatically brought back following the Bureau meeting. When the Bureau was not in session, participants would not be moved to another virtual room for the break.
40. The **Chairperson** adjourned the meeting for a thirty-minute break to allow the Bureau to meet.

*[Thirty-minute break]*

**ITEM 6.A OF THE AGENDA [CONT.]**

**SIMPLIFIED PROCEDURES FOR TRANSFERRING ELEMENTS**

**Document:** [*LHE/21/16.COM WG/6*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)

1. The **Chairperson** resumed the discussion on step 1 of the simplified procedures for transferring elements, recalling that the first bullet point had been amended to read: ‘The process is initiated by the State(s) Party(ies) with the consent of the concerned communities, groups and where appropriate individuals.’
2. The **delegation of Poland** said that the same text should be amended in the second part of step 1, for transfers from the Representative List to the Urgent Safeguarding List.
3. The **delegation of Austria** wondered why the file for transfer to the Urgent Safeguarding List was submitted without a completeness check and what steps would need to be taken if the Evaluation Body received an incomplete file.
4. The **Secretary** said, given the urgency of the situation, the completeness check was omitted to fast track the transfer so that it could be completed within one year rather than two. The Secretariat had therefore proposed to lighten the form and the requirements but would be unable to undertake the completeness check within the time-frame. The dialogue option could be a potential solution to obtain the missing information. The working group would need to discuss the workloads and time available for the Evaluation Body at a later stage.
5. The **Chairperson** noted that there were two frameworks, one for transfers from to the Representative List and one for transfers to the Urgent Safeguarding List.
6. In order to simplify the process and lighten the burden of the Secretariat, the **delegation of Belgium** reiterated its previous suggestion to submit the transfer request with the periodic report and proposed to delete the sentence: ‘If the State(s) Party(ies) declare in the periodic report its/their intent to submit a transfer request, it/they can submit a transfer file by the 31 March statutory deadline in any year until the submission of the next periodic report.’
7. The **Secretary** clarified that the suggestion was to submit the transfer form with the periodic report in December, rather than have an additional process by 31 March. Therefore, a state that wished to transfer an element would complete its periodic report, provide an evaluation and submit the transfer request at the same time.
8. The **delegation of Kuwait** supported the suggestion proposed by the delegation of Belgium.
9. The **Secretary** suggested amending the text to read: ‘The State party will submit the transfer request form with its periodic report on the concerned element.’
10. The **delegation of Colombia** said that it supported the proposal of the delegation of Belgium if the twenty-one-month cycle would begin in March.
11. The **Chairperson** asked to the delegation of Belgium to confirm the new wording suggested by the Secretariat.
12. The **delegation of Belgium** approved the wording and noted that the transfer form could be even lighter because much of the information would be in the periodic report. It would only need to verify the consent of the communities, groups and individuals.
13. The **delegation of Poland** asked the Secretariat to clarify the link between the transfer form and the information in the periodic report.
14. The **Secretary** explained that once every four years, a state would assess the state of its element on the Urgent Safeguarding List and decide whether it was ready to request a transfer to the Representative List or whether the element should remain. That process would occur as part of the periodic report, which would eliminate an additional step and reduce the paperwork, although the work would need to be completed prior to 15 December in order to submit the file.
15. The **Chairperson** moved on to step 2, ‘Evaluation’, noting that there were three issues to examine: the composition of the Evaluation Body members for examining transfer requests, the reduced number of evaluation criteria and inclusion in the Register of Good Safeguarding Practices. The latter was particularly relevant for elements moved from the Urgent Safeguarding List to the Representative List. Regarding the first issue, the working group was to determine whether the initial assessment should be carried out by the Evaluation Body as a whole or only two members.
16. The **delegation of Belgium** supported the option of having two members of the Evaluation Body carry out the assessment; however, the text indicated that they would be ‘an accredited NGO and expert from the region concerned’. In some instances, it might be preferable to select the members for their expertise rather than their region. Furthermore, according to criterion R.4, consent must be sought from the same communities, groups and individuals that had initially agreed to the inscription. The delegation preferred the wording ‘the communities, groups and individuals concerned’ in case the original bearers no longer existed.
17. The **delegation of Poland** felt that only a few members of the Evaluation Body should evaluate the transfer request but wished to propose increasing the number from two to three to provide consistency and objectivity. The delegation suggested the wording: ‘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 accredited NGO and at least one individual expert).’
18. The **delegation of Brazil** supported the proposal made by the delegation of Poland. Three was the minimum number of members who could conduct the evaluation while retaining the technical framework necessary. Given that criterion R.1 referred to criterion U.2, the delegation wondered whether the updated version of criterion R.2 might also be included in the criteria to be examined for the transfer request.
19. The **Secretary** noted that all five criteria would have been examined during the original nomination for the Urgent Safeguarding List. The transfer process was meant to be lighter and currently evaluated only three criteria. Under criterion R.1, the state must provide an updated description of the element following its successful safeguarding efforts, which was the reason for its removal from the Urgent Safeguarding List. Criterion U.2 was mentioned because it had identified the threats that justified the element’s urgent safeguarding. He asked whether the delegation of Brazil also wished to add the new criterion R.2 to the evaluation during transfer requests, as the assessment of that criterion was not included in the current transfer process.
20. The **delegation of Brazil** merely wished to raise the subject for further consideration, since discussion was pending the new criterion R.2 and issues might arise that needed to be addressed in the future.
21. The **delegation of Austria** wished to include the new, simplified criterion R.2 in the evaluation of transfer requests. It was important to include issues related to sustainable development and ensure that new elements on the Representative List fulfilled the same criteria as the rest. At the same time, elements moving to the Urgent Safeguarding List should justify the need for urgent safeguarding, which was currently under criterion U.1 but would traditionally fall under criterion U.2. With regard to the inclusion of transferred elements in the Register of Good Safeguarding Practices, the same mechanism should be employed for all projects in the Register. The State party should therefore prepare the file, rather than an external party, to avoid generating additional costs and creating two categories of projects.
22. The **Chairperson** proposed adding a reference to criterion R.2 in brackets, pending the discussion of the new simplified version.
23. The **delegation of Czechia** preferred the option to have the Evaluation Body as a whole carry out the assessment. It questioned the necessity of pre-evaluation undertaken by three members if the entire Evaluation Body would discuss the request and make the final recommendation. It asked whether it would be simpler for the Body to follow its current working methods.
24. The **Chairperson** asked the delegation of Poland to clarify whether its proposal included an initial assessment to be collectively discussed or whether it intended to limit the scope exclusively to three members for the final evaluation.
25. The **delegation of Poland** said that the aim was to lessen the work on the Evaluation Body by allowing the three members to conduct an initial assessment and then present to the entire Evaluation Body. The final report would then be presented to the Committee.
26. The **delegation of Czechia** said that it was difficult to see the difference between the options if the Evaluation Body as whole would nevertheless be required to discuss the request in order to provide a final recommendation. It seemed simpler to allow the entire Evaluation Body to evaluate the transfer request from the beginning.
27. The **Secretary** explained that, according to the current working methods, every expert on the Evaluation Body assessed every criterion independently, and then they reached a consensus together. The proposal required only three members to complete a detailed assessment of all criteria, to be presented in September. While the twelve members would need to trust their colleagues’ work, there was still an opportunity for discussion when the Body met in June or September. Although the transfer requests would add to the overall amount of work, the proposal would alleviate some work.
28. The **delegation of Czechia** thanked the Secretary for his explanation and would align itself with the consensus. It would welcome the opinion of a member of the Evaluation Body on the efficiency of the proposed methodology.
29. The **delegation of Lithuania** said that it was useful to research all possibilities to make good use of the Evaluation Body’s time and therefore supported the proposal by the delegation of Poland to have three members conduct the initial assessment.
30. The **delegation of Kuwait** supported the amendment submitted by the delegation of Poland, noting that the extensive work would be done by three experts, but their recommendation would still need to be endorsed by the Evaluation Body as a whole prior to raising it to the Committee. Such a solution would save time and lessen the added workload for the Evaluation Body.
31. The **delegation of Colombia** also supported the proposal made by the delegation of Poland to increase the number to three members. It was important to have an odd number and the perspective of a regional expert. Since the element had already followed all procedures during its original inscription, a smaller group of experts could conduct the initial assessment, to be revised by the Evaluation Body as a whole, in order to alleviate the process for the rest. Nevertheless, the delegation expressed concern that the Evaluation Body had too great a workload and hoped a solution could be found when discussing the annual ceiling.
32. The **delegation of Germany** supported the amendment submitted by the delegation of Poland, agreeing that an initial assessment by three experts would lighten the workload.
33. The **delegation of Japan** expressed support for the amendment proposed by the delegation of Poland and noted that adding additional criteria would not lighten the process. It was unclear whether the workload would be increased by requiring an expert to draft the criteria-based justification for inclusion in the Register of Good Safeguarding Practices.
34. The **delegation of Slovakia**, drawing from its experience serving on and chairing the Evaluation Body, wished to know how the option of choosing three members to conduct the initial assessment would lighten the workload when all members were still expected to discuss the proposals collectively, for which they would need to read the file. The delegation also wondered whether the Secretariat expected a significant number of transfer requests to be submitted, given that there had not been many in previous years. It supported the option of having the entire Evaluation Body assess the files.
35. The **delegation of Jamaica** supported the proposal made by the delegation of Poland, which represented a combination of the original options (a) and (b) and would likely address the concern expressed by the delegation of Slovakia.
36. The **Secretary** said that the reasoning behind the proposal to have an expert draft the criteria-based justification for inclusion in the Register of Good Safeguarding Practices was that the decision could be made while the transfer request was assessed, and a separate file would not need to be submitted. Nevertheless, someone would still need to assess whether the safeguarding plan was indeed in conformity with the criteria for the Register. It could be a member of the Evaluation Body, but he reiterated that the Body was already extremely overloaded.
37. The **Chairperson** said that a number of countries had supported the proposal made by the delegation of Poland to have three members of the Evaluation Body carry out an initial assessment; however, at least two Member States had said that they would prefer having the entire Evaluation Body conduct the assessment. Although he would usually take the position supported by a larger number of states, the observation had been made by the Chair of the Evaluation Body. He therefore sought further comments on the issue. He also noted that there did not appear to be any objections to the criteria to be covered by the transfer request, following the inclusion of criterion R.2 in brackets.
38. The **delegation of Kuwait** thanked the delegation of Slovakia for expressing its concerns and noted that the Evaluation Body as a whole had already examined the file during the original nomination. The model of assigning a few members to examine an issue in depth and present their recommendations to the group was a common practice within the United Nations Educational, Scientific and Cultural Organization (UNESCO) and all United Nations bodies. Member States must trust that the three people chosen by the Evaluation Body would have the necessary technical knowledge and expertise, and the Body could still discuss their recommendation if necessary. The delegation therefore urged participants to join the consensus and allow the discussion to move forward.
39. The **delegation of Brazil** supported the proposal made by the delegation of Poland and agreed with the comments made by the delegation of Kuwait. Under the World Heritage Convention, some recommendations by the Evaluation Body had not been followed because states felt that the evaluation had not been conducted properly and there had been too few people analysing the files. The working group must find a solution to simplify the process or risk a similar situation in which recommendations lost their impact.
40. The **delegation of Colombia** also supported the proposal made by the delegation of Kuwait, although it was important to consider the experience of the Evaluation Body. The workload must be spread out, given that working document 6 contained proposals to add three additional procedures to the Evaluation Body. Having only three members review the file in detail would simplify and alleviate the work.
41. The **delegation of Belgium** expressed support for the proposal made by the delegation of Poland and agreed that it was a matter of trust, noting that the option to open a debate remained if necessary. The delegation also reiterated that consent for the transfer should not be limited to the communities, groups and individuals that had ‘initially agreed’ to the original inscription. Intangible heritage evolved, and the communities and groups concerned at that point in time should make the decision.
42. The **Secretary** asked whether it was acceptable to change the wording to: ‘consent from the concerned communities, groups and individuals that had agreed to the inscription’, in order to maintain a correlation with the initial inscription while allowing for those communities to evolve and change slightly.
43. The **delegation of Belgium** preferred to replace ‘that had agreed to the inscription’ with ‘concerned’ but would accept the working group’s decision.
44. The **delegation of Saudi Arabia** supported the proposal made by the delegation of Poland.
45. The **delegation of Austria** agreed that Member States should trust the Evaluation Body. As the delegation of Slovakia had mentioned, all members would need to familiarize themselves with the issues in order to discuss the recommendations. It would therefore be useful to know how the proposal by the delegation of Poland would alleviate the workload. Nevertheless, the delegation would agree to the consensus, with the understanding that the solution applied only to the transfer of elements and should not be taken as a precedent for any later discussion on the work of the Evaluation Body.
46. The **delegation of the Netherlands** would support the proposal made by delegation of Poland, although it fully understood the concerns expressed by the delegation of Slovakia.
47. The **delegations of Barbados** **and Portugal** also supported the proposal made by the delegation of Poland.
48. Given the support for the amendment, the **Chairperson** asked whether the other delegations could go along with the consensus.
49. The **delegation of Czechia** said that it was always in favour of consensus.
50. The **delegation of Slovakia** agreed to the consensus, saying that the Evaluation Body would attempt to cope with the decision.
51. The **Chairperson** hoped that the proposal would reduce the burden on the Evaluation Body. He explained that criterion R.4 had been reformulated, based on the suggestion from the delegation of Belgium. He then moved to ‘Inclusion in the Register of Good Safeguarding Practices’.
52. The **delegation of Switzerland** said that the criteria under which an expert could recommend inscription should be specified to avoid creating two categories of elements in the Register. In addition, the justification drafted by the Secretariat should be confirmed by the communities, who must be involved in the process. The delegation therefore suggested adding: ‘This justification must then be confirmed by the State party and by the concerned communities, groups and where appropriate individuals.’
53. The **Secretary** said that the communities, groups and, where appropriate, individuals concerned needed give their consent to the initial transfer request and could give their consent for inclusion in the Register at the same time. The Secretariat had not yet provided details on the criteria to be satisfied, given the pending broader reflection on Article 18, which was generously sponsored by Sweden.
54. The **delegation of Sweden** supported the suggestion made by the delegation of Switzerland to include the consent of the bearers.
55. The **delegation of China** asked whether the procedure for inscription in the Register applied only to elements that had been transferred from the Urgent Safeguarding List to the Representative List.
56. The **Secretary** said that the procedure was meant to inscribe in the Register an element that had been properly safeguarded by its inclusion on the Urgent Safeguarding List. It was not meant as another way into the Register, and the Secretary continued to encourage states to submit nominations to the Register through the usual process.
57. The **delegation of Poland** supported the amendment proposed by the delegation of Switzerland, as well as the inclusion of successful safeguarding practices in the Register.
58. The **delegation of Belgium** noted that a refence to the communities, groups and individuals, not just the state party, should be included in the text.
59. The **Chairperson** noted that the Secretariat would fine-tune and align the documents at a later stage. He moved to paragraph 9.
60. The **delegation of Colombia** suggested that states could perhaps recommend their practices for inscription in the Register during the periodic reporting as well. With regard to paragraph 9.b on multinational inscriptions, the working group must consider situations in which the element required urgent safeguarding in some states but not others. One possible solution would be to encourage states to share good practices and collaborate on safeguarding efforts, thereby improving international cooperation within the framework of the Convention. In addition, the delegation expressed concern that the Evaluation Body might not be able to handle the extra workload.
61. The **Secretary** said that there would be another reflection process on the broader implementation of Article 18, during which those matters could be discussed.
62. The **delegation of Czechia** noted that, under step 3 of the transfer process, the transfer request was to be examined by the Committee in the same year that it was submitted by the state party; however, states would now be submitting the transfer request on 15 December with the periodic report.
63. The **Secretary** thanked the delegation for noticing the error and suggested changing ‘in the same year’ to ‘in the next cycle’. He explained that the recommendations prepared by the working group would be used to draft the revised Operational Directives, and the Secretariat would fine-tune the recommendations prior to presenting them to the Committee.
64. The **delegation of Kazakhstan** paid its compliments to the Secretariat and firmly believed that the Chairperson would successfully navigate the discussions ahead. With regard to paragraph 9.a on the annual ceiling, transferring an element from the Urgent Safeguarding List to the Representative List was a great success for the State party and the 2003 Convention itself and should therefore not be treated as part of the approved annual ceiling. Perhaps assistance could be provided from the Intangible Cultural Heritage Fund to cover the cost of the additional files. With regard to 9.b on multinational files, the decision to transfer an element should be settled among the nominating states parties prior to submitting a request, in the same manner as submitting multinational files for inscription. An appropriate solution might therefore be found without needing to raise the issue to the Committee.
65. The **delegation of Portugal** agreed that a request to transfer an element to the Representative List should not be treated as part of the annual ceiling. With regard to paragraph 9.b, it would be difficult to split a multinational file, given that the states parties had inscribed the element together. They should be able to work together to promote a successful safeguarding plan and reach a point where a collective request for transfer could be made.
66. The **Chairperson** said that, with regard to paragraph 9.b on multinational inscriptions, it would likely be a very unusual instance and perhaps the states concerned could discuss the issue prior to applying for a transfer. He wished to continue discussion on paragraph 9.a on the annual ceiling in the afternoon. He adjourned the morning session.

*[Thursday, 09 September 2021, afternoon session]*

**ITEM 6.A OF THE AGENDA [CONT.]**

**SIMPLIFIED PROCEDURES FOR TRANSFERRING ELEMENTS**

**Document:** [*LHE/21/16.COM WG/6*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)

1. The **Chairperson** opened the afternoon session and resumed Item 6.a, noting that paragraph 9.a on the annual ceiling concerning the number of files would be discussed under Item 7. He therefore proposed postponing discussion on the number of files until that time.

**ITEM 6.B OF THE AGENDA**

**SPECIFIC PROCEDURES FOR REMOVING ELEMENTS**

**Document:** [*LHE/21/16.COM WG/6*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)

1. The **Chairperson** turned to Item 6.b on the specific procedures for removing elements. There were no comments regarding step 1, ‘Removal request or other information received about developments affecting the situation of an inscribed element’. He moved to step 2, ‘Transmission of information’.
2. The **delegation of Austria** said that, given the sensitive nature of removing elements, a clear and transparent decision-making process was important, particularly for cases in which the submitting entity wished to remain anonymous. In those cases, the Secretariat should follow the rules already established for anonymous interventions.
3. The **Chairperson** moved to step 3, ‘Preliminary check’, explaining that there were two procedures for removal requests, depending on whether they were submitted by the State party or a third party. In the latter case, it was highly likely that the State party concerned did not wish to remove the element from the List.
4. The **delegation of Japan** proposed an amendment to the text for cases in which the removal request or correspondence was submitted by the community concerned or a third party. To avoid politicization of the system, it proposed two options for the chapeau. Option 1 was to change the text to ‘in other cases’. Option 2 would limit the reasons for removal to the fundamental principles of the Convention, as stipulated under Article 2 and criterion R.1.
5. The **Secretary** said that option 1 was similar to what had been proposed; however, option 2 gave cause for concern. It would mean that an element could only be removed based on one criterion. In addition, someone would need to assess whether the removal request concerned the fundamental principles of the Convention before deciding whether to proceed to the Bureau.
6. The **delegation of Japan** recognized that option 2 might narrow the criteria for requests, but it was merely an attempt to avoid politicization.
7. The **delegation of Brazil** asked whether the procedure under ‘in other cases’ would apply for a case in which the Evaluation Body determined that the element no longer met the conditions to remain on the List during the periodic reporting.
8. The **Chairperson** confirmed that the scenario would fall under option 1 ‘in other cases’. In the case of option 2, it would meet the criteria only if the Evaluation Body’s assessment related to the fundamental principles of the Convention. He asked the delegation of Japan to continue with its proposal to clarify the intention behind its suggestion.
9. The **delegation of Japan** wished to suggest amendments to step 4, ‘Examination by the Committee’, under which the Committee could choose to maintain the element on the List, remove the element from the List, place the element under ‘follow-up’ status or remove the element from the List and place it in a ‘memory bank’. The delegation wished to maintain those options for a removal request submitted by the state party. If the request came from a third party, there should by two options: either maintain the element on the List or place it under follow-up status, in order to allow the State party an opportunity to reply to the request and be evaluated further.
10. The **delegation of Austria** expressed concern about the memory bank, which could easily be understood as a list of shame. Further consideration should be given before making the archive accessible online, especially since some communities or states parties might not welcome such a list.
11. The **Secretary** understood the position of the delegation of Austria and said that the memory bank was meant to preserve a record of elements that no longer existed.
12. Asking for clarification on the proposal by the delegation of Japan, the **delegation of Czechia** said that the Committee should perhaps have only the option to remove the element from the List if the removal request was submitted by the state party.
13. The **delegation of Japan** said that the four options had been suggested in working document 6, and the Secretariat would be better placed to respond to questions regarding removal requests submitted by states parties.
14. The **Chairperson** said that the delegation of Japan had proposed differentiating between removal requests submitted by the State party and a third party, with a more conservative approach for the latter, which would allow the element to go through the follow-up process before removal. Another issue was whether to create the memory bank to preserve a record of certain elements. In addition, the delegation of Czechia had suggested that, in the case of a removal request submitted by the state party, the only choice should be to remove the element from the List. He noted, however, that it might be relevant to include those elements in a memory bank, if the party concerned wished to do so.
15. The **delegation of Poland** supported the idea of keeping a record of previously listed elements for historical purposes and proposed changing the name of the ‘memory bank’ to ‘intangible cultural heritage memory register’.
16. The **Chairperson** said that the register might be useful if, for instance, there was a regime change in a particular state and the new government no longer wished to inscribe its intangible heritage.
17. The **delegation of Colombia** said that the memory bank or register would be an important tool to keep a record of elements that ceased to exist, noting that their inclusion would not mean that they had not been appropriately safeguarded. With regard to the term, the delegation preferred ‘archive’ or the original ‘memory bank’ but was not inclined to accept the term ‘register’.
18. The **delegation of Lithuania** supported the idea of having a memory bank, which would serve primarily as a source of information or archive. It preferred the term ‘memory bank’ over ‘register’. Elements that had been removed for other reasons should be included, not merely those that no longer existed.
19. The **delegation of Kuwait** supported the proposal made by the delegation of Japan to have two separate procedures under step 4, depending on the source of the request. It wondered whether the Committee had the legal grounds to reject a request from a Member State to remove an element. In addition, it supported the term ‘intangible cultural heritage memory register’ proposed by the delegation of Poland.
20. The **delegation of the United Arab Emirates** thanked the Chairperson for his efficiency in conducting the meeting and wished to support the proposal made by the delegation of Japan to distinguish the two paths forward depending on the source of the request.
21. The **delegation of Kazakhstan** was also in favour of the proposal made by the delegation of Japan. The criteria for inscribing intangible cultural heritage were very strict. The Representative List was therefore a treasure trove of centuries of heritage for humankind and did not depend on the views of any one government. The delegation fully supported maintaining an archive of elements that had been removed from the List and suggested consulting the Memory of the World Programme to learn from its good practices.
22. The **delegation of Thailand** supported the proposal made by the delegation of Japan, as well as the idea of maintaining an archive of formerly listed elements. It agreed with the proposal to change the term ‘memory bank’ but felt that the suggestion put forward was perhaps too similar to the UNESCO Memory of the World Register and might cause confusion. It proposed the term ‘archive’.
23. The **delegation of Germany** supported the statement made by the delegation of Thailand. The **delegation of China** urged caution in the discussions, as there had been only one element removed in the past. It appreciated the primary position of the State party in the implementation of the Convention, as well as in the procedures for transfer and removal. Under step 3, ‘Preliminary check’, the Secretariat should first forward any request from a third party, including the community concerned, to the state party, in accordance with the guidelines for the treatment of correspondence. The issue of whether to remove an element should first be resolved at the national level. It was not appropriate to raise it directly to the international level. The delegation argued that the correspondence practices should be taken advantage of before duly entering into the examination by the Committee under step 4. Furthermore, additional information on the new register proposed by the delegation of Poland would be welcome. Documentation and archiving were important mechanisms for safeguarding intangible cultural heritage, and many states already undertook such efforts, focusing particularly on elements that ceased to exist or were in danger. The delegation therefore wished to know what would be included in the international register under the framework of the Convention. The **Secretary** said that there was a correspondence system in place for situations in which the nomination of an element was contested; however, it had been drafted with a focus on the work of the Evaluation Body and would therefore need to be amended to the current context. He agreed that there should be an exchange with the state concerned. Noting that the details must align with [Decision 7.COM 15,](https://ich.unesco.org/en/Decisions/7.COM/15) he proposed the following text as a new first bullet point under step 3, ‘Preliminary check’: ‘The Secretariat shares the information with the State party and gathers its response.’
24. The **delegation of China** agreed that the text proposed by the Secretary responded to its concerns. Nevertheless, in the following bullet point, the information should not be reported directly for consultation with the Bureau, given that the issue could be solved at the national level with the state party.
25. The **Chairperson** asked whether the delegation of China wished to delete the wording: ‘and consults the Bureau of the Committee’.
26. The **delegation of China** requested more time to review the proposal.
27. The **delegation of Barbados** supported establishing a memory bank for elements that had been removed from the List. Under step 4, the Committee should have two options for removal requests submitted by a third party: place the element under follow-up status or remove the element from the List and place it in the memory bank. On the other hand, if a State party wished to remove an element, placing it under follow-up status might be a more adequate response than maintaining it on the List in spite of the request to remove it.
28. The **delegation of Zimbabwe** thanked the Chairperson for his leadership in the discussions. It supported the proposal made by the delegation of Japan as well as the statement made by the delegation of Barbados. If a State party had submitted the removal request, it would suffice to simply remove the element and no other options were necessary.
29. The **delegation of Portugal** supported the proposal made by the delegation of Japan. While it agreed that the option to maintain the element on the List could be removed for requests submitted by the state party, the other three options should be maintained.
30. The **Chairperson** noted that there had been no support for the option to maintain the element on the List when the removal request was submitted by the state party.
31. The **delegation of Hungary** asked whether the Committee had the option to remove an element from the List when the removal request was submitted by a third party. It supported the memory bank as an important tool to maintain a record of the elements inscribed on the List. According to step 3, ‘Preliminary checks’, the state party’s removal request was transmitted directly to the Committee, along with the reply from the State party and communities; however, there had been no mention of any exchange of letters between the State party and the Secretariat. More information on the reply would therefore be welcome.
32. The **delegation of Japan** confirmed that its suggestion did not include the option to remove the element for third-party requests. It would instead be placed under follow-up status for review by the Evaluation Body.
33. The **Secretary** acknowledged that the exchange of information between the Secretariat and the State party had not been included in step 3, and he would reflect on a solution.
34. The **delegation of Barbados** suggested removing the option to maintain the element on the List when the removal request was submitted by a third party as well.
35. The **Chairperson** adjourned the meeting for a fifteen-minute break.

*[Fifteen-minute break]*

**ITEM 6.B OF THE AGENDA [CONT.]**

**SPECIFIC PROCEDURES FOR REMOVING ELEMENTS**

**Document:** [*LHE/21/16.COM WG/6*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)

1. The **Chairperson** resumed the meeting, wishing to address one issue at a time for a more structured discussion. Based on the statement made by the delegation of China, the Secretariat had proposed adding an additional bullet point under step 3, ‘Preliminary check’, to read: ‘The Secretariat shares information with the State party and gathers its response’; however, that issue had been addressed under step 2, ‘Transmission of information’. He therefore asked the delegation of China whether it could accept the phrasing under the first bullet point in step 2.
2. The **delegation of China** agreed to the Chairperson’s suggestion to avoid the redundancy. It also emphasized the state party’s position in the removal process. The delegation proposed adding that the Secretariat could gather and share information with the State party and gather its response under step 2, prior to reporting to the Bureau of the Committee in step 3. The delegation continued to express concern about that issue and asked the Secretariat to consult with the legal adviser in that regard.
3. The **Secretary** proposed the following wording for step 3, ‘Preliminary check’: ‘The Secretariat may gather information ([possibly from the arm’s-length platform and/or the ICH NGO Forum], if appropriate, through a fast-track preliminary advice option), share the results of that information with the concerned State party and gather its response, if any’. He deleted the phrase: ‘and consults the Bureau of the Committee’.
4. The **delegation of China** thanked the Secretary for his assistance.
5. The **Chairperson** noted that a number of states had supported option 1 proposed by the delegation of Japan to change the chapeau in step 3 to ‘in other cases’. There had not been support for option 2 to limit the scope of third-party requests for removal. He asked whether the delegation of Japan wished to maintain option 2.
6. The **delegation of Japan** said that option 1 was acceptable.
7. The **delegation of Colombia** wished to incorporate the reference to criterion R.1 from option 2 into option 1 and suggested the wording: ‘The Secretariat may gather information, if appropriate, through a fast-track preliminary advice option, particularly in relation to criterion R.1, and share the results’.
8. The **Secretary** said that the suggestion would be acceptable since it did not limit the scope but rather highlighted the relevance of that criterion. Rather than mention criterion R.1, he suggested referencing Article 2 of the Convention.
9. The **delegation of Hungary** asked the Secretariat to clarify ‘the reply from the State party and communities’ mentioned in step 3.
10. The **Secretary** said that it was in response to step 2, under which the Secretariat might receive a removal request and transmit the information to the state party, the nomination contact person and the community representatives. If the State party had submitted the request, there would be a response from the communities.
11. The **delegation of Colombia** said that the two columns of the preliminary check under step 3 should be harmonized to reflect the changes made during the discussion.
12. The **Chairperson** said that the Secretariat would harmonize the changes to the text and moved to step 4. There was a strong call to remove the option to maintain the element on the List if the State party concerned had submitted the removal request. He noted that, in extreme cases, such as following a regime change, a new government might wish to remove an element that the international community as a whole wanted to maintain. He asked whether any delegation wished to keep the maintain option.
13. The **delegation of Hungary** was hesitant to remove the option to maintain the element on the List. The Convention had its own rules and procedures which should not be overruled by a state party’s wishes, particularly since intangible cultural heritage was owned by the bearers. It would not set a good precedent to allow a State party to remove an element from the List without their consent. Although the element would be maintained on the List only in very rare cases, keeping the option would align with the principles of the Convention.
14. The **delegation of Poland** agreed that legal support was needed with regard to step 4. While the state had a sovereign right to submit a removal request, it did not extend to determining whether an element remained on the List.
15. The **Secretary** said that he could not speak to its legality, but the spirit of the procedure was that inscription on the List was a decision made by the international community through the Committee. It would therefore follow that the decision to remove an element would also be made by the Committee. He could not say whether the procedure could be contested legally or what legal obligations the state had when signing the Convention and submitting elements to the List.
16. The **Chairperson** asked speakers to clarify concisely whether they supported keeping the option to maintain the element on the List.
17. The **delegation of Colombia** pointed out that the element would also remain on the List while it was placed under follow-up status. In the previous case in which an element had been removed, delegations had lamented the lack of time for discussion. The follow-up process would provide additional time and still allow for the options to either remove or maintain the element.
18. The **delegation of Brazil** preferred to keep the option to maintain the element on the List, thereby providing the Committee with the broadest choice of outcomes.
19. The **delegation of Poland** asked what the mandate would be for the arm’s-length platform and/or the ICH NGO Forum under step 4 and on what legal basis they would provide preliminary advice to the Committee, since the Secretariat was currently responsible for gathering preliminary advice. For the sake of clarity, the Secretariat should transmit all correspondence on the file to the Committee, which should decide where to seek additional advice.
20. The **delegation of Belgium** asked whether the mention of communities could be changed to ‘communities, groups and individuals’. According to step 4, during its examination, the Committee ‘may decide to’ choose one of the options, which meant that it could also decide to take no action, in which case the element would remain on the List as the default option. With regard to the ‘intangible cultural heritage memory register’, the delegation proposed deleting the phrase: ‘if the element is considered as no longer viable’, allowing elements to be removed from the List and included in the register under other circumstances, thereby strengthening the tool. It could even be used as a voluntary sunset clause. Such a solution provided the possibility to turn the procedure into a tool focused on safeguarding rather than the lack of it.
21. The **Chairperson** felt that perhaps the solution could be found in the phrase: ‘which may decide to’. If the Committee did not choose one of the options, the default option would be to maintain the element on the List.
22. The **delegation of Sweden** said that since the Committee made the decision on inscription, it should decide on the possible removal as well. It therefore supported keeping the option to maintain the element on the List.
23. The **delegation of a Lithuania** said that inscription on the List was not the goal but rather the means to safeguard the elements. If a state wished to remove its element from the List, it could no longer follow through on its safeguarding responsibilities.
24. The **Chairperson** said that a number of delegations wished to include the option to maintain the element on the List. It had also been suggested that the follow-up process could serve as a way to maintain the option in the longer term. The delegation of Belgium had also suggested that the element would remain on the List in the absence of any decision made by the Committee. He asked whether the delegations who supported the maintain option could accept the suggestion made by the delegation of Belgium or the argument that the maintain option would remain a potential outcome under the follow-up process.
25. The **delegation of Poland** stressed the need for legal expertise. If the removal process was opened, it needed to end at a certain point. As a result, the outcome of maintaining the element on the List must result from a decision made by the Committee.
26. The **delegation of Hungary** wished to add the term ‘concerned’ to ensure that the reply came from the ‘communities, groups and, if applicable, individuals concerned’. It joined those delegations that supported the inclusion of the maintain option. Under the Convention, the Committee was responsible for inscribing the elements. It was therefore logical that the Committee should also decide on their removal. Furthermore, a State party must have the consent of the bearers to inscribe the element and should therefore need their consent to remove it. The delegation hesitated to accept the argument of a default option, since the list under step 4 was an enumeration of the possible decisions that the Committee could make. With regard to the follow-up process, the goal was still to move towards the element’s eventual removal.
27. The **Chairperson** said that, unless either side made concessions, the discussion should be deferred until the following day to seek legal advice, since the request had been made. He stressed that further discussion would take place at the expense of discussion on other points.
28. The **delegation of Brazil** agreed to defer the discussion. Given the complex nature of the previous deliberations on the removal of the Aalst Carnival element, the issue was important and merited a broader discussion. It questioned whether the working group was the appropriate forum.
29. The **delegation of Thailand** agreed that advice from the legal adviser was needed. Although the decision rested with the Committee, the matter should be treated with the utmost care. The information received by the Secretariat must be accompanied by evidence, such as the consent of the community as well as proof that the element was no longer viable and impossible to safeguard. The Committee could not make a decision without such evidence.
30. The **delegation of Kuwait** said that it had no objection to including the option to maintain the element on the List, provided there was no legal concern. Otherwise, the working group could return to the discussion the following day.
31. The **delegation of Poland** agreed to postpone the discussion until the following day, noting that the procedure for removal was an administrative, legal action that must be taken by the Committee. As a result, it must have the option to maintain the element on the List.
32. The **delegation of Colombia** proposed reordering the options to prioritize placing the element under follow-up status. As the least likely outcome of step 4, the option to maintain the element could be moved to the end but would nevertheless remain as a possible decision to be made by the Committee in relevant cases.
33. The **Secretary** said that he would consult with Legal Affairs that evening to determine whether the Committee had the right to maintain an element on the List if the state requested its removal. He reminded participants that the Secretariat would be working with Legal Affairs to examine the recommendations proposed by the working group to ensure that they were legally compliant for inclusion in the Operational Directives, which would then be presented to the Committee and finally to the General Assembly in June 2022.
34. The **Chairperson** said that, pending the legal advice, he wished to change the order of the options, as per the suggestion made by the delegation of Colombia.
35. The **delegation of Czechia** said that, during the preliminary check under step 3, for ‘in other cases’, the Bureau could determine whether to recommend placing the case on the agenda of the Committee. It would be useful to learn whether that solution could also apply to removal requests submitted by the state party.
36. The **Chairperson** was unsure whether the function of the Bureau should be expanded to that extent.
37. The **delegation of Saudi Arabia** supported reordering the options, as suggested by the delegation of Colombia, but preferred to remove the option to maintain the element on the List under step 4. It would nevertheless remain an option under step 6 if the Committee determined that there was insufficient ground for removal during the follow-up process.
38. The **Chairperson** said that, if Legal Affairs confirmed that the Committee could maintain the element on the List, he suggested keeping the option under step 4 with the order proposed by the delegation of Colombia. He moved to discussion on the issue of the intangible cultural heritage memory register. While the overall majority supported the concept, the name remained an issue. He noted that ‘archive’ had been suggested by several delegations.
39. The **Secretary** was hesitant to begin archival work, which had a specific set of procedures and directives and fell outside of the scope of the 2003 Convention. The memory bank was originally intended for elements that no longer existed, although could be opened to others, as a place to maintain a record of the files and documentation associated with the element during its inscription process, including any periodic reports.
40. The **delegation of Colombia** said that the legal adviser should also provide information about the option to place the element under follow-up status, which could also result in a decision to maintain it on the List. The Secretariat should clarify the intention behind the proposed memory bank because there was a discrepancy between the French and English texts. The delegation would like to know whether it was intended for elements that were no longer viable or those that ceased to exist, which would impact the kind of tool being discussed. It supported the original term ‘memory bank’, which existed in Spanish, since archival work was not the goal and ‘memory register’ would be too similar to Memory of the World.
41. The **Secretary** said that the memory bank was initially intended for elements that no longer existed; the term used in the Convention was ‘viability’.
42. The **delegation of Japan** agreed that ‘memory register’ would be too similar to the Memory of the World Register and therefore preferred the original term ‘memory bank’.
43. The **delegation of Belgium** said that the intention was to have a record of elements formerly inscribed on the Representative List. It could be a very basic solution, such as a list or a website rather than an archive. The proposal also created an elegant possibility for removing elements that stakeholders might wish to delist for other reasons while maintaining a record of their inscription.
44. The **delegation of Poland** agreed with the statement made by the Secretary that archival work was not appropriate for the Convention. Nevertheless, it felt that the word ‘bank’ was not appropriate for its financial implications. Regarding the legal advice, the delegation also wished to inquire into the competencies of each body engaged in the preliminary check under step 3, specifically the role of the Secretariat and whether it actively sought to make decisions before the Committee had examined the correspondence.
45. The **Chairperson** said that the working group had yet to agree on the role of the arm’s-length platform or the ICH NGO Forum, noting that the discussion would take place under Item 7.
46. The **delegation of Kuwait** proposed the term ‘memory repository’.
47. The **delegation of Jamaica** would welcome clarification on the meaning of the term ‘memory repository’ and wished to know whether it would create a separate record-keeping section of the Secretariat.
48. The **delegation of Poland** suggested the term ‘intangible cultural heritage repository’, removing the word ‘memory’ to avoid any confusion with the Memory of the World Programme.
49. The **Secretary** said that the intention was to find a space on the website to maintain all the documentation that had been accumulated during the element’s time on the List. It would not be possible to start a new listing mechanism, register or archive.
50. The **Chairperson** asked participants whether they accepted the term ‘intangible cultural heritage repository’.
51. The **delegation of Colombia** said that including all the documentation on the website would be a very easy solution. The Secretariat should also identify the situation that had led the element to be included in the repository.
52. The **delegation of Hungary** said that if the Member States wished to include all removed elements in the repository, the two remove options could be combined to read: ‘Remove the element from the List, if it considers that the information is complete and there is enough ground for removal, and place it in a repository of intangible cultural heritage, if the element is considered as no longer viable.’
53. The **Chairperson** said that there may be cases in which states no longer wished to maintain a record of the element, as had happened in the past, and it was therefore worth maintaining both options.
54. The **Secretary** said that information on the reason for the element’s removal would be included in the documents connected to the removal request and would therefore be documented in the repository.
55. The **Chairperson** moved to the second half of step 4, to the two options for the Committee’s decision under ‘in other cases’, noting that some delegations had suggested deleting the option to maintain the element and leaving only the follow-up option.
56. The **delegation of Japan** said that the Committee should have the option to maintain the element if there were insufficient grounds for removal, since the request was from a third party.
57. The **delegations of Kuwait and Hungary** agreed that the option to maintain the element on the List should be kept.
58. The **delegation of Brazil** also supported maintaining the option in order to provide the Committee with the broadest range of possible decisions.
59. The **delegation of Jamaica** also supported keeping the maintain option and suggested elaborating on the reasoning to make it clear what informed the decision. It proposed the wording: ‘Maintain the element on the List, if it considers that the information conforms to the criteria for the inscription’.
60. The **Secretary** said that those were substantive issues to be addressed through the evaluation process rather than procedural issues to be examined by the working group. For that reason, the Secretariat had written ‘if the information is sufficient’, rather than providing specific details on the criteria.
61. The **Chairperson** said that it would be preferable not to mention details about the criteria to avoid discussing substantive issues.
62. The **delegation of Jamaica** thanked the Chairperson and the Secretary for the clarification.
63. The **delegation of Zimbabwe** supported maintaining both options, as well as the original wording.
64. The **Chairperson** said that there was no opposition to keeping the maintain option and moved to step 5, ‘Enhanced follow-up’. The working group must decide which body would carry out the follow-up process: the arm’s-length platform and/or the ICH NGO Forum, under option 5.a, or the Evaluation Body, under option 5.b.
65. The **delegation of Poland** said that it was not possible to combine the non-existent arm’s-length platform with the well-established ICH NGO Forum. In addition, the Evaluation Body was already carrying a huge burden. Rather than choosing one of those options, the delegation supported a combination of the Evaluation Body and the Forum, with the latter providing advisory functions.
66. The **delegation of Colombia** supported increasing the involvement of the ICH NGO Forum and would therefore be inclined to choose option 5.a; however, as the delegation of Poland had mentioned, it was difficult to choose that option without having discussed the role of the Forum. Nevertheless, the Evaluation Body was overburdened and would not be able to take on more work.
67. The **delegation of Jamaica** was inclined to support option 5.a, with the opportunity to discuss further the role of the bodies when the opportunity arose.
68. The **delegation of Czechia** supported the statement made by the delegation of Poland and preferred option 5.a, with the ICH NGO Forum.
69. The **delegation of Sweden** preferred option 5.b, as there might not be many removal requests to add to the workload of the Evaluation Body. Nevertheless, there was a need to balance its resources and workload.
70. The **delegation of Switzerland** strongly supported option 5.b. The Evaluation Body had the independence and expertise necessary and already conducted the evaluation for inscriptions. There would be very few cases per cycle, which would not increase its burden.
71. The **delegation of Barbados** wished to see how the ICH NGO Forum would function and therefore supported option 5.a.
72. The **delegation of Lithuania** supported option 5.a, specifically the ICH NGO Forum, for the reasons mentioned by previous delegations.
73. The **delegation of Saudi Arabia** wished to support option 5.a, with an added bullet point stating that the follow-up should be carried out by the Evaluation Body in cases with insufficient information.
74. The **delegation of Estonia** preferred option 5.b and felt that the Evaluation Body was best placed to conduct the work. Its workload would not be too heavy, as there would not be many cases.
75. The **delegation of Austria** supported option 5.a, for the reasons mentioned by previous delegations.
76. The **delegation of Belgium** said that the body that would carry out the follow-up should be determined on a case-by-case basis and therefore supported options 5.a, 5.b and any other option.
77. The **delegation of Namibia**, thanking the Chairperson for the progressive manner in which he conducted the proceedings, supported option 5.b.
78. The **delegations of Brazil, Brunei Darussalam, China, Germany, Japan, Kazakhstan, Kuwait, Portugal, Zimbabwe** also supported option 5.b.
79. Noting that the participants were very divided, the **Chairperson** said that he would attempt to formulate a suggestion prior to resuming the discussion the following morning and adjourned the meeting.

*[Friday, 10 September 2021, morning session]*

**ITEM 6.B OF THE AGENDA [CONT.]**

**SPECIFIC PROCEDURES FOR REMOVING ELEMENTS**

**Document:** [*LHE/21/16.COM WG/6*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)

1. The **Chairperson** welcomed the participants back to the working group meeting and resumed discussion on the procedures for removing elements, under Item 6.b. Under step 5, the working group needed to determine which body will carry out the follow-up. During the previous discussion, seven Member States supported option 5.a for the arm’s-length platform and/or the ICH NGO Forum, and thirteen Member States supported option 5.b, for the Evaluation Body. In addition, the delegation of Poland was undecided, and the delegation of Belgium preferred a case-by-case approach. Following the recap, the Chairperson asked whether any delegation wished to indicate its preference.
2. The **delegation of Poland** was open to further discussion and was inclined to support option 5.b.The **delegation of Ecuador** tentatively supported option 5.a, pending more information.
3. The **delegation of Romania** preferred option 5.b.The **delegation of Brazil** said that it had supported option 5.b because it was important to resolve the problem of geographical distribution among the NGOs before increasing their role. In addition, the workload of the Evaluation Body was not a reason to avoid assigning it more cases.
4. The **delegations of Azerbaijan, Bangladesh and Thailand** supported option 5.b.The **delegation of Belgium** said that it was difficult to make a choice without knowing exactly what the arm’s-length platform would entail. It urged the Chairperson to leave the debate open and make a decision after having discussed the arm’s-length platform. The **Chairperson** recognized the need for further discussion on the role of the arm’s-length platform but emphasized the importance of establishing a general direction for structured debate.
5. The **delegation of Austria** expressed its preference for option 5.a but was open to further discussion and would join the consensus.
6. The **delegation of Colombia** would support either option to join the consensus and agreed that the arm’s-length platform required further debate.
7. The **delegation of Cuba** also recognized the need for further discussion on the arm’s-length platform but preferred option 5.b.
8. The **delegation of Saudi Arabia** expressed its preference for option 5.a but was willing to join the majority and could choose option 5.b at that time.
9. The **Chairperson** noted that the majority of Member States supported option 5.b, and many others had expressed flexibility. Given that removal requests should be very rare, the burden on the Evaluation Body was not a matter of concern. Furthermore, removal requests could be politically charged and therefore required caution. For those reasons, he proposed option 5.b as the basis for discussion. As many participants had indicated, the ICH NGO Forum or arm’s-length platform might still be needed. He suggested incorporating some elements from option 5.a, perhaps with regard to providing advice, with the understanding that the precise details and roles of the arm’s-length platform or ICH NGO Forum could be discussed under Item 7.
10. The **delegation of Kuwait** appreciated the flexibility of the Member States that were willing to shift their support to option 5.b. Since the working group had already decided that the Evaluation Body would examine transfer requests, the delegation urged participants to follow the same principle for removal requests. In the future, it would be possible to modify or fine-tune that approach, if necessary.
11. The **delegation of Colombia** asked whether delegations needed to choose one of the two options in the first bullet point under option 5.b to determine who would carry out the follow-up.
12. The **Chairperson** asked delegations to state their preferred configuration for the follow-up: option 5.b(a), the Evaluation Body as a whole, or option 5.b(b), two members of the Evaluation Body.
13. The **delegation of Czechia** wished to increase the involvement of the ICH NGO Forum and thanked the Chairperson for his flexible solution. If the Evaluation Body would carry out the follow-up, perhaps it could consult with colleagues from the Forum when their expert advice could be useful in determining its recommendation to the Committee.
14. The **delegation of Slovakia** thanked the Chairperson for his proposed compromise. It also supported option 5.b, given that the amount of transfer and removal requests would not result in a significant burden for the Evaluation Body. The follow-up should be carried out by the Evaluation Body as a whole.
15. The **delegation of Brazil** fully agreed with the delegation of Kuwait and supported the option under which the Evaluation Body carried out the follow-up.
16. The **delegation of Lithuania** supported the Chairperson’s solution. It was a good compromise to begin with option 5.b, with the possibility to consult the ICH NGO Forum.
17. The **delegation of Finland** thanked the Chairperson for successfully managing the meeting. It supported option 5.b but also looked forward to further discussions on the role of the arm’s-length platform and the ICH NGO Forum.
18. The **delegation of Japan** felt that it was appropriate to choose option 5.b and discuss the role of NGOs under Item 7. It also supported the option to have two or three members of the Evaluation Body conduct the follow-up, corresponding to the procedures for transfer.
19. The **delegation of Poland** supported the proposal to remain with option 5.b and further discuss the number of members from the Evaluation Body involved in the removal process. For consistency, the working group should adapt the solution that had already been approved for the transfer process. It would also welcome more information about the reasoning for increasing the involvement of the ICH NGO Forum.
20. Based on the delegations’ positions, the **Chairperson** suggested choosing option 5.b and further discussing the possible role of the arm’s-length platform or the ICH NGO Forum in the removal process under Item 7. He wished to focus the discussion on whether the follow-up should be carried out by the entire Evaluation Body or a few members.
21. The **delegation of Kuwait** wished to have the same composition used for the transfer process, with three members of the Evaluation Body, including at least one from the region.
22. The **delegation of Portugal** also supported the solution chosen for the transfer process.
23. The **delegation of Thailand** suggested that the Evaluation Body decide which composition was appropriate for the follow-up process on a case-by-case basis.
24. The **Chairperson** explained that there were now three options for carrying out the follow-up: the Evaluation Body as a whole, partial membership or leaving the decision to the Evaluation Body.
25. The **delegation of Saudi Arabia** acknowledged that there would be lengthy discussion on Item 7 and wished to support the option to have three members of the Evaluation Body carry out the follow-up, as suggested by the delegation of Kuwait.
26. The **delegation of Slovakia** expressed a preference for the option of the entire Evaluation Body but would join the consensus. It supported the proposal made by the delegation of Thailand to allow the Evaluation Body to decide.
27. The **Chairperson** asked whether the suggestion made by the delegation of Thailand to leave the decision up to the Evaluation Body was acceptable for those delegations that supported the option for partial membership.
28. The **delegation of Kuwait** was flexible and would support the suggestion from the delegation of Thailand in order to move the discussion forward and reach consensus.
29. As there was no opposition to the proposal made by the delegation of Thailand, the **Chairperson** said that the decision would be left to the Evaluation Body.
30. To align the text with the proposal, the **Secretary** suggested the following wording: ‘Follow-up is carried out by the Evaluation Body as a whole or by three members of the Evaluation Body, to be identified by the Evaluation Body itself.’
31. The **delegation of Jamaica** said that the amended text seemed acceptable, subject to further discussion. It was flexible on the issue and felt that the proposal was a reasonable compromise.
32. The **delegation of Poland** asked whether the working group still needed to choose between option (a) or option (b), which now included the amended text.
33. The **Chairperson** said that his suggestion had been to allow the Evaluation Body to choose, so the working group no longer needed to select an option.
34. For clarity, the **Secretary** suggested amending the text to read: ‘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.’
35. The **delegation of Colombia** thanked the delegation of Thailand for its proposal and the Secretary for the clear wording. It wished to know whether it would be important to highlight criterion 2 in step 5, as had been done in step 3.
36. The **Chairperson** moved to the second bullet point, which described the form of the follow-up.
37. The **delegation of Portugal** wished to include a reference to the ICH NGO Forum, amending the bullet point to read: ‘On a case-by-case basis, follow-up can take the form of written correspondence and/or online consultation with the State party and communities and the ICH NGO Forum’.
38. The **Chairperson** thanked the delegation of Portugal for its suggestion, which would be kept in brackets, pending the discussion on the role of the ICH NGO Forum under Item 7.
39. In response to the delegation of Colombia, the **Secretary** suggested the following wording: ‘A follow-up report is transmitted to the Secretariat, with particular attention given to Article 2 of the Convention, and with the recommendation to the Committee.’
40. The **delegation of Colombia** thanked the Secretariat for its suggestion and supported the proposal made by the delegation of Portugal to include a reference to the ICH NGO Forum.
41. The **delegation of Poland** also supported the amendment proposed by the delegation of Portugal, which fulfilled the expectations of the many delegations that wished to provide a role for the ICH NGO Forum.
42. The **delegation of Kuwait** agreed with the suggestion to highlight Article 2, made by the delegation of Colombia. It also supported the involvement of the Forum in consultations.
43. The **delegation of Belgium** wished to add ‘groups and where appropriate individuals’ to the mention of ‘communities’ and was pleased to note that the composition of the Evaluation Body would be decided on a case-by-case basis.
44. The **delegation of Slovakia** supported the proposal made by the delegation of Portugal and highlighted the importance of the ICH NGOs in the consultation process. It was also in favour of adding a reference to Article 2, as proposed by the delegation of Colombia.
45. The **delegation of Hungary** wished to add ‘concerned’ to the mention of ‘communities, groups and individuals’.
46. The **Secretary**, wishing to clarify the amendment concerning Article 2, suggested the following: ‘A follow-up report, paying particular attention to Article 2 of the Convention, is transmitted to the Secretariat with a recommendation to the Committee.’
47. The **delegation of Lithuania** strongly supported having both amendments to the text include references to the ICH NGO Forum and Article 2.
48. The **Chairperson** noted the overwhelming support for both amendments, as well as the need to discuss the role of the ICH NGO Forum and the possible involvement of the arm’s-length platform. As a result, he left the reference to the Forum in brackets.
49. The **delegation of Kuwait** supported both amendments and suggested that the reference to the ICH NGO Forum did not need to remain in brackets, given the support for its involvement. The working group could return to step 5 to add a reference to the arm’s-length platform following the discussion on Item 7, if it desired.
50. The **delegation of Switzerland** said that it was important to have consistent references across the various steps, some of which mentioned specific criteria while others mentioned Article 2.
51. The **Secretary** said that step 6 highlighted the importance of criterion 1, which was in conformity with Article 2, as well as criterion 4, which related to the consent of communities. He acknowledged that it was perhaps redundant but did not feel that it was inconsistent to have references to both Article 2 and the specific criteria.
52. The **delegation of Czechia** supported the proposal by the delegation of Kuwait to remove the brackets on the mention of the ICH NGO Forum. A reference to ‘or other relevant bodies’ could be included but did not need be added prior to discussion on the arm’s-length platform.
53. The **Chairperson** asked the delegation of Switzerland to comment on the clarification by the Secretary.
54. The **delegation of Switzerland** said that it did not oppose references to Article 2; it simply wished to request that the Secretariat pay particular attention to consistency when fine-tuning the final version of the recommendations.
55. The **delegation of Poland** also strongly supported the inclusion of the ICH NGO Forum as a consultative body. It also reiterated the suggestion made by the delegation of Hungary to add the word ‘concerned’ to the mention of ‘communities, groups and, where appropriate, individuals’.
56. The **delegation of Jamaica** asked whether a specific reference to the Forum was necessary, given that it was already represented in the Evaluation Body.
57. The **Chairperson** explained that, while half of the membership of the Evaluation Body came from NGOs, the Forum was a separate organization.
58. The **delegation of Belgium** said that there was no formal connection between the ICH NGO Forum and the Evaluation Body and therefore supported the inclusion of a separate reference.
59. The **delegation of Poland** said that the Forum was a separate body with a range of expertise and geographical representation, and an NGO serving on the Evaluation Body was not necessarily active in the Forum.
60. The **delegation of Colombia** stressed that specific cases might require local insight, which could be sought from the ICH NGO Forum.
61. The **Chairperson** said that, in view of the discussions, there was overwhelming support for removing the brackets and including the reference to the Forum. He then moved to step 6, ‘Follow-up report to the Committee’, noting that the Secretariat had sought legal advice as to whether the Committee could maintain an element on the List despite the wishes of the Member State concerned.
62. The **Secretary** said that Legal Affairs had sent an email to address whether the Committee had the right to maintain an element on a List when the state concerned had requested its removal. It pointed to paragraph 1 of Article 16 of the Convention, which stated: ‘In order to ensure better visibility of the intangible cultural heritage and awareness of its significance, and to encourage dialogue which respects cultural diversity, the Committee, upon the proposal of the States Parties concerned, shall establish, keep up to date and publish a Representative List of the Intangible Cultural Heritage of Humanity.’ A similar reference was made to Article 17.1 on the Urgent Safeguarding List. As a result, in line with the spirit of the Convention, it followed that the Committee held the authority to establish such Lists and also keep them up to date in the interest of humanity as a whole. Legal Affairs therefore had no legal objection to amending the Operational Directives to reflect the decision that the Committee could decide to maintain an element on a list when the state concerned had requested its removal.
63. The **Chairperson** returned to step 4, ‘Examination by the Committee’. Since the option to maintain the element on the List conformed to the advice provided by Legal Affairs, he asked whether the participants could agree to maintain it as the final option on the list of decisions available to the Committee.
64. The **delegations of Kuwait and Saudi Arabia** agreed with the suggestion made by the Chairperson.
65. The **delegation of Poland** said that, although it might not be incredibly important, the order of the options held meaning. The maintain option should therefore be first, as the preferred outcome, followed by the follow-up option and the two removal options.
66. The **Chairperson**, recalling that Colombia had proposed reordering the options as a compromise, did not wish to begin the debate again in order to move the maintain option to the top of the list.
67. The **delegation of the Bolivarian Republic of Venezuela** took issue with the option to maintain the element on the List and suggested placing it in brackets. It was problematic that the Member State’s wishes would be overridden by that proposal.
68. The **delegation of Colombia** said that removing the maintain option under step 4 but keeping it under step 6 could be a compromise, since placing the element under follow-up status could still lead to a decision to maintain the element.
69. The **Chairperson** said that the maintain option could be placed in brackets for the time being for the sake of moving on to step 6.
70. The **delegation of Hungary** noted that, as a result of the amendments to the text, the option to remove the element from the List and place it in the repository was missing the clause that provided the conditions for doing so. It also reiterated its preferred solution to merge the two options to remove the element from the List while acknowledging the lack of support for its suggestion.
71. The **Chairperson** said that the Secretariat would amend the text accordingly. Following the break, he would resume the discussion by moving to step 6 before concluding the discussion on step 4. He adjourned the meeting for a thirty-minute break.

*[Thirty-minute break]*

**ITEM 6.B OF THE AGENDA [CONT.]**

**SPECIFIC PROCEDURES FOR REMOVING ELEMENTS**

**Document:** [*LHE/21/16.COM WG/6*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)

1. The **Chairperson** welcomed the participants back to the meeting and moved to step 6, noting that the order of the options had been changed for consistency with step 4.
2. The **delegation of Colombia** agreed with the suggestion to remain consistent with step 4. Given that step 6 was the final stage, the delegation supported highlighting criteria 1 and 4 specifically, rather than referencing Article 2.
3. The **delegation of Kuwait** said that the text of step 6 addressed all its concerns.
4. The **delegation of Poland** asked whether the recommendation mentioned in the chapeau was included in the follow-up report. In addition, reconciliatory/mediatory measures were mentioned only under the option to continue the follow-up process; however, such suggestions from the Evaluation Body and other entities might be useful in other cases as well and should be included in the follow-up report.
5. The **Secretary** said that the dialogues and reconciliation would take place under step 5. The follow-up report would be based on that process, and then the recommendation would follow. The report was the justification for the recommendation, but the recommendation would provide the text for adoption.
6. The **delegation of Switzerland** said that its previous statement had been intended to encourage consistency as a matter of procedure; it had no objection to the proposal made by the delegation of Colombia to include references to Article 2 or the criteria.
7. The **delegation of Brazil** supported the proposal made by the delegation of Colombia and explained that some participants had experienced a connection issue prior to the break.
8. The **delegation of Poland** suggested rewording the title of step 6, ‘Follow-up report to the Committee’, because it was not relevant to the actions that followed.
9. The **Secretary** suggested ‘Follow-up report to the Committee and its decision’.
10. The **Chairperson** noted that there was no opposition and therefore declared that step 6 was agreed. He returned to step 4 and the remaining issue of whether to keep the option to maintain the element on the List.
11. The **delegation of Estonia** understood that most participants had agreed to keep the maintain option provided there were no legal objections. The Committee was sovereign in the decisions it made on behalf of humanity and should therefore have that option.
12. The **delegation of Czechia** agreed with the delegation of Estonia and would appreciate more information on who would be responsible for safeguarding measures in cases in which the State party wished to remove the element from the List and the Committee decided to maintain it.
13. The **Secretary** said that there were a number of different cases that could appear, but it was primarily the communities who safeguarded their element. According to the Convention, the state would continue to be responsible for assisting communities in safeguarding their heritage because it had made a commitment to humanity to do so. The Committee and the international community also had a responsibility to assist communities.
14. The **delegation of the Bolivarian Republic of Venezuela** said that it was not feasible to keep the maintain option. Perhaps the wording could be changed so that the removal request was made with the consent of the communities concerned. A State party could not be held accountable for an element it had requested to remove. In addition to the issue of sovereignty, the state might not have the capacity or resources to continue with safeguarding efforts or periodic reporting.
15. The **delegation of Portugal** preferred to keep the maintain option in step 4 during the first examination by the Committee.
16. The **Chairperson** said that a greater number of participants wished to keep the maintain option; however, the delegation of the Bolivarian Republic of Venezuela wished to place the element under follow-up status first. He asked whether any delegations agreed with the delegation of the Bolivarian Republic of Venezuela.
17. The **delegation of Thailand** said that clarification on the meaning of the term ‘complete’ would be welcome in the following phrase: ‘Maintain the element on the List if it considers that the information is complete’.
18. The **Secretary** said that, if the information was complete, it meant that the Committee was making a fully informed decision. It was aware of all issues related to all criteria, including the consent of communities, and had decided that there was insufficient ground to remove the element.
19. The **delegation of Thailand** would like to rephrase the sentence to reflect the clarification made by the Secretary.
20. The **Secretary** said that removing the phrase ‘if it considers that the information is complete’ would give more power to the Committee and allow it to make a decision even if it was not fully informed.
21. The **delegation of Chile** agreed with the delegation of the Bolivarian Republic of Venezuela that the state should be considered throughout the process. It had been unable to participate in the discussion earlier as a result of a problem with the internet connection.
22. The **delegation of the Bolivarian Republic of Venezuela** said that the maintain option would impose an impossible burden on states and impact their ability to plan for the various elements they had inscribed. The decision to submit a removal request would not be made lightly and should be respected. In seeking a comprise, the delegation wished to revisit the solution proposed by the delegation of Colombia to initiate the follow-up process first in order to allow more time for evaluation and ensure that all parties involved were satisfied with the removal procedures.
23. The **Secretary** said that it might help to clarify the reasoning behind the maintain option and suggested the following wording: ‘Maintain the element on the List, if it considers that the information is complete – in particular in relation to criteria R.1/U.1 and R.4/U.4 – and that there is insufficient ground for removal.’ Alternatively, reference could be made to Article 2 of the Convention.
24. The **delegation of Hungary** reiterated its support for keeping the maintain option, particularly after having heard the legal advice. It strongly supported the text as amended by the Secretary and would prefer specific references to criteria 1 and 4 rather than Article 2 of the Convention. In addition, it proposed changing ‘information is complete’ to ‘information is sufficient’ in order to address the concern expressed by the delegation of Thailand.
25. The **delegation of Czechia** remained in favour of keeping the maintain option but reiterated its concern regarding the safeguarding measures and wondered whether they could perhaps be mentioned in the text.
26. The **delegation of the Bolivarian Republic of Venezuela** expressed concern that it was easier to leave the organization than to remove an element from the List. Step 4 must include a dialogue between the State party concerned and the Secretariat while awaiting the decision from the Committee. Given that a removal request would be motivated by some problem that impeded safeguarding measures, it would not be feasible for the State party to ensure safeguarding for that element. The delegation asked to hear the proposal by the delegation of Colombia again.
27. The **delegation of Lithuania** was flexible and supported the amended text to include mention of the criteria. While it understood the importance of keeping the maintain option, no one would wish to create a system in which the Committee maintained an element without the state party’s willingness or ability to implement safeguarding plans.
28. The **Chairperson** said that the positions were not very different; the working group merely needed to find a suggestion for the text.
29. The **delegation of Colombia** said that participants who had attended the fourteenth session of the Committee would agree that removing an element from the List was not an easy decision. Participants had wished for more time to discuss the issue or to give the State party an opportunity to make changes. Recognizing that the Committee would not make such a difficult decision in haste, the delegation recalled that there was also an option to place the element under follow-up and suggested keeping the maintain option for easier cases. The delegation kindly asked the delegations of Chile and the Bolivarian Republic of Venezuela to be flexible and keep the maintain option in order to move forward. The working group had not yet reached Item 7, which many participants were very interested in discussing.
30. The **delegation of Kuwait** said that the Committee would not make the decision lightly; that was why the working group had decided to list the follow-up option first. If the Committee had any doubt, it would choose the more conservative approach. The delegation also noted that the chapeau of step 4 could be strengthened to include more dialogue among the Member States, the Committee and the Secretariat in order to address the concerns of the delegation of the Bolivarian Republic of Venezuela.
31. The **Secretary** recalled that information had already been gathered in step 3, under which the Bureau must decide whether to include the case on the agenda of the Committee. He proposed adding ‘in exceptional cases’ to the maintain option, noting that it would be very rare for an element to be maintained in step 4. References to Articles 1 and 2 of the Convention could also be added.
32. The **delegation of Colombia** said that further information would likely always be needed to decide to maintain the element. Therefore, the addition of ‘in exceptional cases’ could be a nice compromise. The delegation asked how long the six-step process would take.
33. The **Secretary** said that, under step 5, the Committee would determine how much time it would need and when to revisit the case.
34. The **Chairperson** was beginning to think that it was not necessary to keep the maintain option in step 4, as it would be a very difficult decision, particularly with regard to safeguarding. Nevertheless, the option could be kept if the participants agreed with the formulation proposed by the Secretary to include ‘in exceptional cases’. He asked whether participants wished to discuss step 6 again.
35. The **delegation of Colombia** wondered whether it would be possible to simplify step 4 by removing all options except for the follow-up status and decide whether to maintain or remove the element under step 6.
36. The **Chairperson** said that it was not necessary to delete the two options to remove the element from the List under step 4.
37. The **delegation of Colombia** said that if the Committee could remove an element, it should also be able to maintain it. Legally, they were the same. The working group could have a two-step process by which simple cases could end in step 4 and complex cases would end in step 6, at which point the decision would be made to either remove or maintain the element.
38. The **Chairperson** said that legally, the options were the same; however, removing the element as per the state’s request was easier than maintaining it against the state’s wishes. Therefore, it made sense to remove the maintain option in step 4.
39. The **delegation of the Bolivarian Republic of Venezuela** said that the option to maintain the element, with the addition of ‘in exceptional cases’, would be better represented under step 6. If the Committee decided to maintain the element under step 4, the process would end even though there were still other possible steps. The delegation wished to include an addition to the text that allowed the Member state to reintroduce its request for removal after having addressed the concerns of the Committee. Such a solution would continue to facilitate dialogue and interaction with the State party and the community.
40. The **delegation of Thailand** said that, under step 4, the Committee should initiate a negotiation with the State party concerned prior to deciding to maintain the element, so that the Member State could understand and accept the outcome. The sovereignty of the Member State should be respected, despite the legality of the procedure.
41. The **delegation of Lithuania** supported keeping the maintain option with the addition of ‘in exceptional cases’ and agreed with the delegation of Thailand on the need for dialogue with the state party. In the spirit of the Convention, a dialogue process should be sought to find common ground.
42. The **delegation of Portugal** strongly supported the maintain option with the addition of ‘in exceptional cases’. As a compromise, it suggested limiting its scope to elements on the Representative List.
43. The **Chairperson** acknowledged the statements made on the need for consultations and for differentiating between the two Lists; however, the various suggestions indicated that the working group needed to take a very cautious approach to maintaining an element against the wishes of the state party. Under step 4, for third-party requests, the Committee could either maintain the element or place it under follow-up status. There was no option to remove it. By that same logic, the maintain option could be removed for requests from states parties, allowing for more time to consult and assess. Despite going against many of the views expressed, he suggested eliminating the maintain option in step 4.
44. In order to move forward, the **delegation of Kuwait** agreed to take a conservative approach, given that such cases would be very rare.
45. The **delegation of Lithuania** strongly supported the Chairperson’s proposal since the Committee could nevertheless decide to maintain the element at a later stage.
46. The **delegation of Brazil** supported the proposal in the interest of moving on, provided that the Committee still had the possibility to maintain the element after the follow-up.
47. The **delegation of Hungary** was puzzled by the direction of the discussion. On the previous day, it had been agreed that the maintain option would be kept if it aligned with the advice from Legal Affairs. The delegation strongly wished to keep the maintain option with the formulation suggested by the Secretariat referencing exceptional circumstances and criteria 1 and 4.
48. The **delegation of the Bolivarian Republic of Venezuela** agreed with the Chairperson’s proposal, which responded to the issues it had raised. If the decision to maintain an element on the List was made at a later stage, it must be done feasibly to ensure that the Member State had the capacity to follow through on its safeguarding responsibilities.
49. The **Secretary** explained that if the maintain option was removed in step 4, the Committee would still have the authority to maintain the element in step 6 after the follow-up process, as was its prerogative according to Legal Affairs.
50. The **Chairperson** acknowledged the position of the delegation of Hungary; however, a number of participants wished to take a more cautious approach and further amendments to the text would only prolong the discussion. He therefore proposed removing the maintain option in step 4 while keeping it in step 6.
51. The **delegation of Colombia** agreed to have the final decision be made in step 6 rather than step 4.
52. The **Chairperson** noted that there was no opposition to his proposal and removed the maintain option from step 4. With regard to step 6, he pointed out that criteria 1 and 4 were mentioned in the chapeau and perhaps no longer needed to be mentioned in the maintain option.
53. The **delegation of the Bolivarian Republic of Venezuela** still wished to include the reference to ‘in exceptional cases’ in the maintain option.
54. The **delegation of Japan** noted that the options in step 6 applied to requests from other parties as well and therefore the language should be neutral.
55. The **Chairperson** asked whether the phrase ‘in exceptional cases’ should be included in both options to maintain and remove the element or whether it should be removed.
56. The **delegation** **of Portugal** did not support the mention of ‘exceptional cases’ in step 6. At the final stage of the process, the Committee should have all options available for its decision, without the need to point to exceptions.
57. The **delegation of the Bolivarian Republic of Venezuela** thanked the delegation of Japan for its observation and agreed that ‘in exceptional cases’ did not apply. Given that step 6 marked the end of the process, it should establish a dialogue with the State party concerned to ensure that the element was safeguarded and to determine the next steps forward.
58. The **delegation of Brazil** agreed that ‘in exceptional cases’ was not appropriate for step 6.
59. The **Chairperson** removed the phrase ‘in exceptional cases’ and asked delegations to comment on the suggestion made by the delegation of Venezuela.
60. The **delegation of Colombia** pointed out that the dialogue process mentioned by the delegation of Bolivarian Republic of Venezuela would take place under step 5, ‘Enhanced follow-up’, and there was no need to repeat it in step 6.
61. The **Chairperson** noted that there was no opposition to the formulation of step 6.

**ITEM 6.C OF THE AGENDA**

**REVISED PROCEDURE FOR INSCRIPTIONS ON AN EXTENDED BASIS (MULTINATIONAL AND NATIONAL FILES)**

**Document:** [*LHE/21/16.COM WG/6*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)

1. The **Chairperson** moved to Item 6.c on the procedure for inscriptions on an extended basis.
2. The **Secretary** said that the table under paragraph 15 contained the proposed revised procedure for inscription on an extended basis, to include more states in an existing multinational file. Under the current procedure, all states were required to resubmit the file in its entirety when a new state joined. Under the simplified proposal, step 0 explained how states could announce their intentions and willingness to invite other states to join their file on the [web page](https://ich.unesco.org/en/) of the 2003 Convention. There was also an option to provide technical assistance for preparing files. The original lead state would remain the lead state, but newly joining states would need to demonstrate that they had met all required criteria. Existing states would only need to demonstrate that they had met criterion 4. The experts that had been consulted to develop the procedure had stressed the importance of obtaining the prior, free and informed consent of the original communities for the inclusion of the new communities. In addition, the delegation of Kuwait had submitted an amendment to request that the Secretariat propose a similar procedure and draft amendments to the Operational Directives for inscriptions on a reduced basis, to be presented at the sixteenth session of the Intergovernmental Committee. Under the current provisions, if a state wished to withdraw from a multinational nomination, all states would be required to withdraw. The Secretariat had not yet drafted the steps but would do so in time for the Intergovernmental Committee meeting.
3. The **Chairperson** adjourned the morning session.

*[Friday, 10 September 2021, afternoon session]*

**ITEM 6.C OF THE AGENDA [CONT.]**

**REVISED PROCEDURE FOR INSCRIPTIONS ON AN EXTENDED BASIS (MULTINATIONAL AND NATIONAL FILES)**

**Document:** [*LHE/21/16.COM WG/6*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)

1. The **Chairperson** opened the afternoon session and resumed Item 6.c on the revised procedure for inscriptions on an extended basis. At the outset, he expressed his intention to complete the work necessary to draft reasonable recommendations, even if that meant extending the meeting beyond its scheduled ending time. He changed the title of step 0 from ‘Upstream actions’ to ‘Pre-submission actions’.
2. The **delegation of Kuwait** said that the second bullet mentioned ‘inscription on an extended or reduced basis’; however, there was no mechanism for the latter.
3. The **Secretary** said that the reference to the reduced basis was an error and should be removed.
4. The **delegation of Poland** called for consistent wording throughout the procedure to ensure that all references to ‘communities’ include ‘groups and, where appropriate, individuals’.
5. The **delegation of Austria** would like to know why the second bullet point highlighted the possibility of seeking expert advice to prepare the file if it was available for all nominations.
6. The **Secretary** said that the reference had been included because expert advice was not available for nominations to the Representative List.
7. The **delegation of Estonia** was pleased with the proposal to simplify the procedure outlined in working document 6. The consent of all the communities, groups and individuals involved in the extension was essential, and care should be taken to ensure their participation in the agreed safeguarding measures, including possible new measures proposed by newly joining bearers. Only the newly joining states parties should be required to demonstrate that their inclusion in the extension satisfied all required criteria for inscription.
8. The **Chairperson** declared that step 0 was approved with the amended text. He moved to step 1.a on the extension of multinational files to communities in other states.
9. The **delegation of Belgium** reiterated that references to ‘communities’ should also include ‘groups and individuals’.
10. The **delegation of Austria** agreed that the burden on the original states was much lighter if most of the original information could simply be transferred to a new document. Nevertheless, existing communities might want to consider the updated file as an opportunity to develop new, up-to-date joint safeguarding measures. In addition, the consent of all communities involved was essential. The purpose of multinational files was to make connections between the various stakeholders for future collaborations.
11. The **delegation of China**, understanding that the goal was to simplify the procedure for extending national files, proposed amending the second bullet so that newly joining communities had to satisfy only criteria 3, 4 and 5. It wished to know when discussion would be held on the issue of inscription on a reduced basis.
12. The **Secretary** said that references to inscription on a reduced basis had been included in error. Although Operational Directive 1.6 mentioned inscription on both an extended and reduced basis, the Committee’s request had only been for extensions. Nevertheless, the Secretariat could also work on a procedure for inscription on a reduced basis if it received a request to do so.
13. The **Chairperson** said that the procedure in working document 6 was for inscription on an extended basis, but the working group would need to discuss inscription on a reduced basis at a later stage, since the issue had been raised by a few delegations.
14. The **delegation of Slovakia** supported the suggestions made by the delegations of Austria and Estonia. It would be a pity to reduce the extension of files to merely receiving informed consent and copying the files to a new document. The real added value was the opportunity to facilitate and strengthen international cooperation and dialogue among communities. The delegation therefore wished to include language that encouraged states to propose new safeguarding measures or updates and suggested removing ‘if any’ from the third bullet to read: ‘the communities concerned are willing to participate in already approved and newly proposed or updated safeguarding measures’.
15. With regard to limiting the criteria for newly joining communities, the **delegation of Austria** said that it would not be possible to determine whether the element qualified as intangible cultural heritage without criterion 1. Furthermore, the newly designed criterion 2 would be relevant to all communities and would provide an opportunity to consider sustainable development measures, which had not been included in the criterion previously.
16. The **delegation of Colombia** stressed the importance of including criterion 1.
17. The **delegation of China** clarified that its proposal had been intended for the extension of national files under step 1.b.
18. The **Chairperson** declared that step 1.a had been agreed with the proposed amendments. He moved to step 1.b on the extension of national files to other communities within the submitting state.
19. The **delegation of Japan** proposed using a simplified form to alleviate some of the work for extending national files, given the similarities. It also wished to exclude extended national files from the annual ceiling, as they would involve a non-substantial modification of the file.
20. The **Chairperson** said that discussions related to the number of files would take place at a later stage.
21. The **delegation of Belgium** said that both national and multinational files should satisfy all criteria. In particular, the modified criterion 2 would highlight the need for sustainable development.
22. The **delegation of Colombia** agreed that it was important to maintain all criteria. While the communities within a state were similar, they likely had different processes or histories. It supported the proposal made by the delegation of Japan to use a simplified form to alleviate the work.
23. The **delegation of Slovakia** agreed that all five criteria should be mentioned.
24. The **delegation of Jamaica** failed to understand why all criteria should be included, particularly for communities within the same nominating state. Such a procedure would be duplicating the process rather than simplifying it.
25. The **delegation of Sweden** supported the inclusion of all required criteria and felt that a simplified form could be a good compromise.
26. The **delegation of Brazil**, while acknowledging the importance of all criteria, noted that the element’s value as intangible cultural heritage had already been recognized under criterion 1 for the national file. It therefore supported the proposal made by the delegation of China.
27. The **delegation of Saudi Arabia** supported the proposal made by the delegation of China as a way of simplifying the procedure, noting that criteria 1 and 2 had already been addressed in the original file.
28. The **delegation of Colombia**, in an effort to provide suggestions for the simplified form, proposed that criterion 1 highlight the specificities of the newly joining communities’ element, which would nevertheless share the general description included in the original file.
29. The **delegation of Jamaica** said that it could not be assumed that the element would have some specificity for all newly joining communities, as some elements were practised in the same way. It called for further reflection to ensure that the solution would simplify the process rather than introduce further complications.
30. Althougheager to find options to simplify the process for extending national files in order to promote inclusivity, the **Secretary** expressed serious concerns about not including criterion 1, which the Evaluation Body relied on to assess whether the newly joining communities were in fact practising the same element. Nevertheless, there were areas in which the process could be simplified. For example, criterion 5 could be heavily simplified since the system of inventorying would have been demonstrated in the original nomination.
31. The **delegation of Poland** recalled that the aim was to simplify the procedure for the communities that were already inscribed in the file. The newly joining communities should meet all criteria and undergo the same procedure so as not to create a double standard with more rigorous requirements for communities in the original nomination file.
32. The **delegation of China** said that, in extending a national file, the State party intended to include communities related to the element, not other communities. It did not share the Secretary’s concerns. The evidence provided under criterion 5 about the national inventory would prove that the communities were related to the elements. The delegation recalled that the purpose of amending the Operational Directives was to simplify the procedure and reduce the workload for the Evaluation Body.
33. The **Secretary** had no doubt that the intention was to include additional communities practising the same element. Nevertheless, there must be a procedure by which the Evaluation Body could make that determination. As a result, the file must include a description of the element; however, it could be done in a simplified manner and did not need to fall under criterion 1.
34. The **Chairperson** suggested that perhaps there was no need to specify the criteria to be included or reduced and to what extent. He suggested amending the text to read: ‘satisfies required criteria’ and focusing on the details of the simplified procedures.
35. The **Secretary** said that he was fully appreciative of the need for a reduced burden to encourage the process of extending national files to include all communities within a state. The procedure for transferring files could provide a possible solution, under which the process had been simplified to include only criteria 1, 3 and 4, while integrating aspects of other criteria.
36. The **Chairperson** asked delegations to show their support via the ‘raise hand’ function on the Zoom platform for each of the four proposed solutions to address the issue regarding the criteria. The first option proposed by China, to include criteria 3, 4 and 5, was supported by two delegations. The second option proposed by the Secretary, to include criteria 1, 3 and 4, was supported by twelve delegations. The Chairperson’s proposal to change the wording to ‘the required criteria’ was supported by fifteen delegations. The original wording of ‘all of the required criteria’ was supported by seven delegations. The text was therefore amended to include the Chairperson’s proposal as well as the suggestion by the delegation of Colombia. It read: ‘satisfies required criteria for inscription using simplified forms where the communities, groups and, where appropriate, individuals concerned can specify the specificities of the extended part of the element.’
37. The **delegation of Belgium** said that the phrase ‘the extended part of the element’ required clarification, as it related more to an extended inscription. The delegation preferred to mention only the simplified forms, the details of which could be addressed when they were drafted.
38. The **Chairperson** asked the delegation of Colombia to approve amending the text to read: ‘satisfies required criteria for inscription using simplified forms.’
39. The **delegation of Colombia** agreed to the amended text.
40. The **Chairperson** moved to step 2, ‘Evaluation and examination’.
41. The **delegation of Poland** asked whether the working group should consider allowing a reduced number of Evaluation Body members to evaluate the files to simplify the process.
42. The **delegation of Jamaica** recommended allowing the Evaluation Body to decide whether it would review the files as a whole or form a subgroup.
43. The **delegation of Austria** preferred not to reduce the number of Evaluation Body members. As mentioned on the previous day, all members would still need to consult the original file if the nomination required discussion.
44. The **Chairperson** said that most of the participants wished to leave the decision up to the Evaluation Body, so no amendment to the text was needed. He moved to the issue of inscription on a reduced basis, for which the delegation of Kuwait had submitted a proposal.
45. The **delegation of Kuwait** wished to ensure that inscription on a reduced basis was addressed but was flexible as to when the discussion took place. It could be during the working group meeting or at the Committee session, once the Secretariat had provided the documentation.
46. The **Secretary** said that the Secretariat would like to have more time to draft the procedure for inscription on a reduced basis and would seek to replicate the process for inscription on an extended basis as much as possible for both multinational and national files.
47. The **delegation of Jamaica** said that the proposed arrangement was satisfactory.
48. The **Chairperson** noted that paragraph 16 concerned the ways forward and would be addressed at a later point. He concluded the work under Item 6.c.

**ITEM 6 OF THE AGENDA [CONT.]**

**TOWARDS A REFORMED LISTING SYSTEM (PART II)**

**Document:** [*LHE/21/16.COM WG/6*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)

1. The **Chairperson** invited the President of the Steering Committee of the ICH NGO Forum, Mr Jorge Gustavo Caicedo Trevilla to address the working group.
2. The **President of the Steering Committee of the ICH NGO Forum**, Mr Jorge Gustavo Caicedo Trevilla, said that it was an honour to address the working group on behalf of the ICH NGO Forum, which was excited about the growing interest in expanding its advisory functions. The Forum welcomed the opportunity to amplify and extend the work of the Convention by responding flexibly and resourcefully to its emerging needs in tandem with states parties and the Secretariat. Its membership ranged from community-based organizations to NGOs engaged in national and international initiatives related to intangible cultural heritage, as well as policy development and collaboration with local communities. They also engaged with a wide variety of actors and stakeholders at multiple levels of heritage governance. As a result, the Forum was well equipped to serve as a key strategic partner for states parties in applying the participatory principle of the 2003 Convention. While its membership represented all six UNESCO regions and international NGOs, the Steering Committee was committed to expanding the number of accredited NGOs from under-represented regions, for which it had created a new working group.
3. The **President of the Steering Committee of the ICH NGO Forum** suggested that the accredited NGOs could take on new roles to address the increasing workload and limited resources of the Secretariat. They could offer targeted expertise in a wide range of areas; provide information on the status and impacts of safeguarding for inscribed elements, relying on the informed cultural knowledge and grass-roots experience of their members; conduct field visits and provide advisory services, including follow-up on listed elements; support the evaluation process as undertaken by the Evaluation Body by providing additional information, as requested; and serve as mediators among governmental and intergovernmental actors, bearer communities and civil society organizations. The Forum was a well-established body with a clear organizational structure and legal status that already played a role in implementing the Convention at the international level. Expanding the involvement of NGOs could increase capacity to implement processes for transferring and removing elements from the Lists and to evaluate the growing number of nominated files without further straining the capacity currently available. He thanked the participants for their attention.
4. The **Chairperson** thanked Mr Jorge Gustavo Caicedo Trevilla for his statement, which was well timed for the discussion on the role of NGOs.

**ITEM 7 OF THE AGENDA**

**OTHER ISSUES REQUIRING FURTHER REFLECTION**

**Document:** *[LHE/21/16.COM WG/7](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-7-EN.docx)*

1. The **Chairperson** moved to Item 7: ‘Other issues requiring further reflection’ and the corresponding working document. He noted that there were three suggestions from the expert community: an arm’s-length platform for the follow-up of inscribed elements, a network of inscribed elements and a special forum.
2. The **Secretary** said that working document 7 contained some of the unresolved issues from Part I of the working group meeting. It began with the suggestions that had initially been made during the expert consultations. First, the arm’s-length online platform, which had initially been called an ‘observatory’, was connected to the accredited NGOs through the ICH NGO Forum and could possibly provide input for the processes discussed under Item 6. Second, the network of inscribed elements would allow communities to share experiences across the world. It was not linked to the procedures for removal, transfer, inscription or follow-up. Third, the special forum would be similar to other UNESCO forums, such as the Indigenous Peoples’ Forum in the World Heritage Convention. The Committee could request input from the special forum, which would be provided by community members of inscribed elements. Those mechanisms had been recommended to enable greater community engagement with the Convention. Unfortunately, he needed to remind participants to consider that some of the proposals required ongoing and structured maintenance and would have associated costs. The second part of the document addressed issues related to the number of files.
3. The **Chairperson** said that, following the discussion of those recommendations, the working group would return to Item 6 to resolve the sections left in brackets.
4. The **delegation of Portugal** said that its primary concern with regard to the arm’s-length platform was to avoid establishing parallel advisory services. While it was unsure whether the platform would be useful, it fully supported reinforcing the contributions of the ICH NGO Forum. The network and special forum were both worth exploring and could also benefit from the support of the Forum.
5. The **delegation of Poland** said that the arm’s-length principle originated in economic law. The original term ‘observatory’ would provide a clearer picture of the mechanism’s intended role, which was to enhance the dialogue in the Convention and introduce new channels for communication.
6. The **delegation of Belgium** said that the recommended mechanisms were some of the more innovative ideas formulated by the experts and would serve to mobilize more resources from a broader network, including the ICH NGO Forum and other NGOs, category 2 centres, facilitators and UNESCO Chairs. The tools were already available on the internet, and such solutions would help to match resources with the people who needed them and to develop connections between the Lists and the Register. The delegation also noted that there would be a meeting of UNESCO Chairs that evening to debate strategies to enhance networking and create a matchmaking platform.
7. The **Chairperson** announced that a Bureau meeting would take place during the thirty-minute break.
8. The **Secretariat** said that all other participants would be brought back into the meeting room at 4.30p.m.

*[Thirty-minute break]*

**ITEM 7 OF THE AGENDA [CONT.]**

**OTHER ISSUES REQUIRING FURTHER REFLECTION**

**Document:** [*LHE/21/16.COM WG/7*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-7-EN.docx)

1. The **Chairperson** resumed the meeting, explaining that the working group needed to conclude its discussion on the new mechanisms in order to complete the discussion on Item 6 and determine the references to the arm’s-length platform. It also needed to agree on the way forward and how to address the items that had not been discussed. Lastly, it needed to finalize the recommendations to be sent to the Committee. Arrangements had been made so that the meeting could continue until 8.00p.m, but he would make an effort to finish as early as possible. Turning to Item 7, he asked whether the new mechanism should be involved in inscription-related processes or dialogue. That distinction would help to resolve the remaining issues under Item 6. Nevertheless, the references to the ICH NGO Forum would remain.
2. The **delegation of Brazil** preferred the dialogue option and was against involving the new mechanism in evaluating files of any kind, given the imbalance in the geographical distribution among the NGOs within the Convention. Other issues must first to be addressed, such as strengthening capacity-building to involve more NGOs from other regions.
3. The **Chairperson** asked the delegation of Brazil to clarify its position, since the working group already agreed to include the ICH NGO Forum.
4. The **delegation of Brazil** agreed that the Forum was important but should not serve as a parallel Evaluation Body.
5. The **delegation of Kuwait** agreed with the importance of balanced geographical representation and therefore preferred the dialogue option.
6. The **delegation of Estonia** thanked the representative of the ICH NGO Forum for his contribution to the debate. It was regrettable that the Forum’s expertise had not been used to its full potential by the statutory organs. The delegation therefore preferred to explore those options further before establishing a new platform; however, it recognized the merit of creating a network of inscribed elements to bring together communities for experience-sharing and capacity-building. The network would work best as a relatively light structure, and initiatives such as ‘Dive into ICH’ would be of great assistance.
7. The **delegation of Japan** also preferred the dialogue option. Creating a new entity that might act as a parallel advisory committee would create complications.
8. The **delegation of Thailand** agreed that the new mechanism should be for dialogue only. Creating additional bodies might complicate the system and make it difficult for new members to navigate.
9. The **delegation of China** expressed its appreciation for the statement made by the representative of the ICH NGO Forum. It valued the consultative services that could be provided by NGOs, as well as the participation of communities in the dialogue and follow-up processes for inscribed elements. Nevertheless, it was important to take a pragmatic approach to establishing a new mechanism, since it would require a significant number of resources to operate and maintain. In that regard, the delegation would appreciate additional information on a number of issues: (a) the definition of the arm’s-length principle in the context of the 2003 Convention, given that it was an economic principle that might be confusing to non-native English speakers; (b) the specific role and status of the platform and its connection to the Convention; (c) how funding would be guaranteed for human and financial resources; (d) how the use of indigenous languages would be encouraged while ensuring the widest possible participation of communities worldwide; (e) how the digital divide would be managed to ensure equal participation for communities with disparate services, infrastructure and access to technology; (f) how the information on the platform would be used while keeping states parties involved; how the platform would be maintained and address possible issues that were not compatible with mutual respect and dialogue; and (g) the persistent imbalanced geographical representation within the NGOs. In that connection, the delegation would welcome an update on the current geographical distribution of accredited NGOs. Lastly, extending the meeting to 20.00 in Paris was not very friendly to participants from East Asian states who would be participating late into the night.
10. The **Chairperson** acknowledged the late hour of the meeting for those in East Asia.
11. The **delegation of Saudi Arabia** hoped that the questions raised by the delegation of China would be addressed, and it supported the dialogue option for the new mechanism.
12. The **delegation of Switzerland** thanked the Secretariat for preparing the detailed document. It supported strengthening the participation of civil society and NGOs through a mechanism focused on dialogue rather than inscription in order to avoid the risk of duplicating and complicating the processes under the Convention. The new mechanisms could also focus on cooperation, safeguarding and the exchange of good practices. Nevertheless, the recommendations were interesting and should be given greater consideration. In that connection, the delegation proposed discussing them as part of the broader reflection on Article 18, which had been graciously supported by Sweden. Consideration should also be given to the related human and financial costs.
13. The **delegation of Romania** felt that it was too early in the discussions to assign the non-existent arm’s-length platform the important role of dealing with inscriptions; however, it could be used for dialogue, follow-up of inscribed elements and the exchange of good practices. Furthermore, a better name was needed, because ‘arm’s-length platform’ was confusing to non-native speakers of English. The delegation fully supported creating a forum or observatory in which communities could engage and asked the Secretariat to find a way to provide a proof of concept. Perhaps a trial period would be possible to see how the mechanism would work.
14. The **delegation of Poland** shared the concerns of many other delegations regarding the involvement of a non-existent body in complicated inscription-related procedures. It therefore proposed creating a dialogue platform, with the concept reflected in the title, that would involve various experts such as UNESCO Chairs and facilitators and expert institutions. The delegation stressed that, in contrast, the ICH NGO Forum was an established body. The Forum had created a separate working group to address the geographical imbalance. The Secretariat and the Intangible Cultural Heritage Fund could provide assistance to enhance accreditation in under-represented regions.
15. The **delegation of Austria** said that the proposed arm’s-length platform and special forum had significant potential, especially with regard to communication, follow-up of inscribed elements, community and NGO involvement and networking for stakeholders. Nevertheless, more information was needed. The delegation wondered whether the three mechanisms could be combined into one platform with the purpose of capacity-building and communication.
16. The **delegation of Brunei Darussalam** acknowledged the important role played by civil society organizations and NGOs in safeguarding efforts for intangible cultural heritage and shared the concerns about duplicating inscription procedures. In South-East Asia, states had a successful model for holding dialogues and exchanging safeguarding practices with dialogue partners from China, Japan and the Republic of Korea.
17. The **delegation of Belgium** said that it was too early to discuss the potential of the platform and yet too late in the meeting to give it sufficient attention. It therefore supported the proposal made by the delegation of Switzerland to continue exploring the possibilities during the discussion on Article 18, if Sweden would allow.
18. The **delegation of Portugal** said that there was no need to create a new platform, as there was significant potential for further enhancing the role of the ICH NGO Forum, which already coordinated contributions from accredited NGOs in an advisory capacity. It could also act as a platform for the contribution of UNESCO Chairs, category 1 institutes, community representatives and relevant expert institutions.
19. The **Chairperson** summarized the discussion, explaining that almost all states had made it clear that there should not be a parallel body involved in inscription-related procedures. Considerable reservations had been expressed regarding the need for an arm’s-length platform. In addition, suggestions had been made to continue discussions on creating a new mechanism during the discussion on Article 18. Nearly all participants agreed on the need for dialogue among concerned stakeholders to safeguard intangible cultural heritage. Lastly, a number of states stressed that the ICH NGO Forum was an established body with its own role to play and should not be combined with the mechanism to be created. Based on the positions expressed, the direction for Item 6 was relatively clear. The working group would try to remove references to future entities and keep references to the Forum. He suggested that the working group ask the Committee to include discussion on the new mechanism in the mandate of the working group to be created for discussion on Article 18. He asked Sweden for its view on that proposal.
20. The **delegation of Sweden** said that the state would finance the discussion on Article 18. Since NGO involvement was one of its top priorities, it would agree to such a solution. The delegation trusted in the Secretariat to help determine when and how the reflection would proceed.
21. The **delegation of Kuwait** thanked Sweden for its generous support and asked for clarification regarding what was to be discussed, suggesting that it should be a mechanism with a mandate focused on dialogue and networking rather than the concept of the arm’s-length platform.
22. The **Secretary** said that the arm’s-length platform would have required an amendment to the Operational Directives, but the other two mechanisms would require only Committee decisions. It would therefore be possible to add discussion on those recommendations to the reflection on a broader implementation of Article 18, which would likely occur once the reflection on the listing mechanisms had concluded.
23. The **Chairperson** concluded the discussion on Item 7 and returned to Item 6 to address the pending issues that had been left in brackets.

**ITEM 6 OF THE AGENDA [CONT.]**

**TOWARDS A REFORMED LISTING SYSTEM (PART II)**

**Document:** [*LHE/21/16.COM WG/6*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-6-EN.docx)

1. The **Chairperson** began with the procedures for transfers. Under step 0, ‘Pre-submission actions’, he suggested deleting the reference to the arm’s-length platform and maintaining ‘ICH NGO Forum’.
2. The **delegation of Poland** said that a reference to ‘groups and individuals’ should be added to ‘communities’. It asked whether the reference to ‘experts’ indicated only experts from the ICH NGO Forum.
3. The **Secretary** said that the intention was to include the possibility of the UNESCO facilitators that were not necessarily part of the ICH NGO Forum. The facilitator network was well established and very active in capacity-building and many other aspects of the work of the Secretariat. He suggested the phrase: ‘experts from UNESCO-recognized facilitators or the ICH NGO Forum’.
4. The **delegation of Kuwait** suggested removing the reference to the UNESCO facilitators, since the objective was to increase the involvement of NGOs.
5. The **delegation of Colombia** supported leaving both options. Recognizing the importance of increasing the participation of NGOs, it recalled the imbalance in the geographical representation within the Forum.
6. The **delegation of Kuwait** said that it was flexible and would join the consensus but felt that limiting the scope to the ICH NGO Forum might be a driving force to improve geographical representation. The system would not change if other experts were available.
7. The **delegation of Poland** said that the issue of geographical representation would take decades to resolve. The NGO was a very specific regional concept that did not function the same way across regions. In addition, funding was reserved for NGOs from developing countries, which prevented some developed countries from being represented in the ICH NGO Forum. Nevertheless, the delegation shared the belief that placing the Forum in the procedural system of the Convention was a clear acknowledgement of its role.
8. The **delegation of Belgium** supported the mention of the Forum and would like to include reference to the facilitator network as well, so that states parties could choose the most appropriate assistance for their needs.
9. The **delegation of Germany** suggested a compromise, allowing states parties to call upon the advice of other experts when necessary to ensure geographical representation.
10. The **Secretary** said that in the pre-submission step, the State party was able to choose whomever it wished to provide the type of support it would require.
11. Given the late hour, the **Chairperson** wished to take an inclusive approach and include both options.
12. The **delegation of China** proposed using more general terminology as a compromise, amending the text to: ‘technical assistance through the Secretariat’.
13. The **Secretary** thanked the delegation of China for its suggestion, which was the language typically used in the process for international assistance.
14. The **delegation of Poland** had reservations about the new wording. Delegations had wished to highlight the role of the ICH NGO Forum, but the reference would be removed. It was unclear whether the term ‘technical assistance’ included those NGOs.
15. The **Secretary** said that technical assistance could also cover the Forum. When it received requests for international assistance, the Secretariat would make proposals from the range of accredited NGOs and the network of facilitators, and then the state would choose the expert they preferred.
16. The **Chairperson** changed the wording to: ‘call upon technical assistance through the Secretariat’. For the second bullet point, the remaining text in brackets read: ‘directly or via accredited NGOs, the arm’s-length platform and/or the ICH NGO Forum’. He suggested amending the text to read ‘directly or via accredited NGOs’.
17. The **delegation of Belgium** asked to include ‘groups and individuals’ in the reference to ‘communities’.
18. The **Chairperson** said that those references would be harmonized in the final version.
19. The **delegation of Kuwait** asked whether it would be more appropriate to include the ‘ICH NGO Forum’ rather than ‘accredited NGOs’ in the second bullet.
20. The **delegation of Poland** supported the request by the delegation of Kuwait. It remained unclear why the mention of the Forum had been deleted in the first bullet point, since the goal had been to incorporate the Forum in the process.
21. The **Chairperson** proposed a compromise to include a specific reference to the ICH NGO Forum in the second bullet point, to read: ‘directly or via the ICH NGO Forum’. He moved on to step 1, removing references to the arm’s-length platform and keeping references to the Forum.
22. With regard to inclusion in the Register of Good Safeguarding Practices, the **Secretariat** recalled that the Evaluation Body would undertake the evaluation of the transfer request. It would therefore follow logically that a member of the Evaluation Body should draft the criteria-based justification to include the safeguarding measures in the Register, rather than an expert from the ICH NGO Forum. The text would then read: ‘a member of the Evaluation Body drafts the criteria-based justification to be confirmed by the State party and by the communities, groups and, where appropriate, individuals concerned.’
23. The **delegation of Kuwait** agreed with the Secretary’s proposal.
24. The **Chairperson** moved to step 3, ‘Examination’, removing references to the arm’s-length platform and maintaining references to the ICH NGO Forum. He then moved to the procedure for removing elements.
25. The **Secretariat** explained that the ICH NGO Forum was a representation of all accredited NGOs. As such, it would be preferable to gather information ‘through the ICH NGO Forum’ rather than ‘from’ the Forum, as a means of accessing its full membership.
26. The **delegation of Japan** said that the meaning of the term ‘fast-track preliminary advice’ was unclear.
27. The **Secretary** said that it was intended to be a quick, informal consultation. He suggested removing the reference to the fast-track preliminary advice option.
28. The **delegation of Kuwait** requested further clarification on the difference between ‘from’ and ‘through the ICH NGO Forum’.
29. The **Secretary** said that the Forum was itself a kind of NGO that consisted of the membership of all accredited NGOs. It had a Steering Committee and a President. The term ‘from the ICH NGO Forum’ could be interpreted to indicate only those people on the Steering Committee or at the Forum meeting. The proposal intended to approach the Forum as an institution. Therefore, the phrase ‘through the ICH NGO Forum’ would include its entire membership of accredited NGOs, not just those that served on the Steering Committee.
30. The **delegation of Poland** questioned the use of the expression ‘if appropriate’ and suggested deleting it. It asked who would decide when it was appropriate to gather information from the Forum.
31. The **Chairperson** agreed to delete ‘if appropriate’ to simplify matters. The text would then read: ‘The Secretariat gathers information, possibly through the ICH NGO Forum, in particular in relation to Article 2’.
32. The **delegation of Japan** pointed out that, under step 4, the reference to ‘preliminary advice’ should be deleted.
33. The **Secretary** agreed and amended the text to read: ‘as well as any information gathered through the ICH NGO Forum’, to be consistent with the previous reference.
34. The **Chairperson** continued to harmonize the language in step 4 to reflect previous changes.
35. The **delegation of Poland** suggested the phrase: ‘all information received by the Secretariat’, rather than enumerating the various types of information at each mention.
36. The **Chairperson** reiterated that the purpose of the review was to approve the changes concerning references to the arm’s-length platform or the ICH NGO Forum. In the interest of time, he did not wish to make changes to other parts of the document. He moved on to step 5 and deleted option 5.a. He then announced that all references to the Forum or the arm’s-length platform had been addressed. Since the references to the cost implications had been deleted, the following line had been added: ‘Also takes note of the cost implications as indicated in document 6.’ He returned to step 2, under the procedure for transferring files.
37. The **Secretary** said that the delegation of Austria had recommended including criterion R.2 in the evaluation in step 2, for which the updated wording was: ‘Demonstrate 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.’
38. The **Chairperson** said that all items had been agreed upon in Item 6.

**ITEM 7 OF THE AGENDA [CONT.]**

**OTHER ISSUES REQUIRING FURTHER REFLECTION**

**Document:** [*LHE/21/16.COM WG/7*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-7-EN.docx)

1. The **Chairperson** said that further discussion was needed on the issues related to the arm’s-length platform, network of inscribed elements, and special forum.
2. In order to reflect the discussion on Item 7, the **Secretary** proposed the following: ‘The working group recommends that the initiative financed by Sweden on the broader implication of Article 18 of the Convention include the continuation of the discussion on how to enhance dialogue and communication amongst stakeholders of the 2003 Convention.’
3. The **delegation of Switzerland** said that it had put forward the idea spontaneously and thanked the Secretariat for the well-structured proposal.
4. The **delegation of Sweden** wondered whether it would be possible to clarify which parties were the intended focus, with a reference to the NGOs and the communities, groups and individuals concerned.
5. The **Chairperson** observed that it might be safer to say ‘stakeholders’ to include everyone.
6. The **Secretary** worried that, in identifying the parties, some might be unintentionally excluded. He proposed: ‘enhance dialogue and communication amongst stakeholders, including communities, groups and, where applicable, individuals’.
7. The **delegation of Sweden** agreed with the proposal and said that it wished to avoid confusion regarding the intended parties.

**ITEM 8 OF THE AGENDA**

**ADOPTION OF OVERALL RECOMMENDATIONS OF THE OPEN-ENDED INTERGOVERNMENTAL WORKING GROUP TO THE INTERGOVERNMENTAL COMMITTEE FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE**

**Documents:** *[LHE/21/16.COM WG/8](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-8-EN.docx)*

[*LHE/21/16.COM WG/8 Ways forward*](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-8-Ways_forward-EN-FR.docx)

1. The **Chairperson** moved to the document LHE/21/16.COM WG/8 Ways forward and invited the Secretary to introduce the document.
2. The **Secretary** said that the recommendations for the way forward contained the recommendations from Part I of the meeting that had not yet been addressed. The Secretariat had uploaded the document to the website.
3. The **delegation of Kuwait** asked the Secretariat to provide the link in the chat.
4. The **Chairperson** announced a fifteen-minute break to allow participants to review the document.

*[Fifteen-minute break]*

1. The **Chairperson** turned to discussion on the ways forward. First, the working group needed to recommend that the Committee extend its mandate to early-2022 to conclude discussion on the issues that had not yet been discussed. The document also specified those items to be discussed in the extended session. A small amendment to the document was needed to specify that the extraordinary session of the Committee would be held ‘if needed’.
2. The **delegation of Portugal** expressed its congratulations. The document perfectly captured the discussion and the way forward.
3. The **delegation of Kuwait** suggested moving the phrase ‘if needed’ to the beginning of the paragraph.
4. The **Secretary** said that ‘if needed’ should apply only to the possibility of holding an extraordinary session of the Committee, not extending the mandate of the working group.
5. The **delegation of China** appreciated the document on the ways forward, which comprehensively captured the topics to be discussed. It failed to understand why ‘if needed’ had been added, since the outcomes of the third part of the working group meeting would need to be reviewed by the Committee before being presented to the General Assembly.
6. The **Secretary** said that some of the issues did not require amendments to the Operational Directives and therefore an extraordinary session of the Committee might not be needed. The Secretariat had intended to allow some flexibility, but the phrase ‘if needed’ could be removed if it was problematic.
7. The **Chairperson** removed ‘if needed’.
8. The **delegation of Saudi Arabia** congratulated the Chairperson for his excellent leadership and thanked Japan for its generosity and the Secretariat for its hard work in producing the documents. It also thanked the Member States for their active engagement at such a late hour. During the previous General Assembly, the increasing number of files per cycle had been discussed. The working group must urgently resolve that issue rather than ‘consider the possibility’ of the proposed solutions, as stated in the Ways forward document. It must provide solid recommendations to be adopted during the General Assembly in mid-2022. The living heritage under threat around the world would not survive any further delays. The delegation therefore called upon participants to ensure that there was a clear work timeline and solid recommendations that could be adopted during the forthcoming General Assembly.
9. The **Chairperson** said that, although the timeline was not clearly stated in the document, the mandate of the working group would be for early 2022 in order to conclude the work prior to the General Assembly and the end of the current term of the sitting Committee members.
10. The **delegation of Saudi Arabia** said that discussion was not an outcome. Paragraph 2(c) should have a clear mandate for action, with a term such as ‘recommend’ or ‘decide’, not ‘discuss’.
11. The **Secretary** said that the next part of the working group meeting would take place in early-2022. To be explicit, the text could be amended to read: ‘The working group recommends that at its sixteenth session the Committee extend its mandate’. He agreed that the language was weak and suggested removing ‘consider the possibility of’, so that the working group’s mandate would be to discuss the processes and not just the possibility of those processes.
12. The **delegation of Kuwait** asked whether the Secretariat would provide a text on the three items to be discussed at the next part of the meeting.
13. The **Secretary** confirmed that it would prepare documents, as it had done for Parts I and II.
14. The **delegation of Saudi Arabia** reiterated its request to strengthen the mandate of the working group by using stronger language such as ‘recommend’ or ‘propose options’ rather than ‘discuss’ the processes.
15. The **Secretary** proposed the term ‘conclude’ in place of ‘discuss’.
16. The **delegation of Kuwait** asked whether it might be possible to hold the next part of the working group meeting as a side event during the sixteenth session of the Committee in Sri Lanka in December 2021.
17. The **Secretary** said that the working group could hold an informal meeting at that time, but the Secretariat would not be able to run both the Committee session and the working group, and there would not be sufficient time to produce the quality documents needed for the working group’s discussion.
18. The **delegation of Colombia** proposed an addition to the first bullet point under paragraph 2(c) to ensure that the solution to increase the number of files evaluated per cycle would not impact the quality of the nominations.
19. The **Secretary** said that it would be fine to include a reference to quality but recalled that the working group had already decided not to reduce the criteria.
20. The **delegation of Colombia** said that it was flexible on the issue, which did not need to be included if it was clear.
21. The **Chairperson** moved to the final issue to consolidate the recommendations in working document 8. He began with paragraph 5 on the proposed procedure for transfers, under which the earlier tables had been reproduced.
22. The **delegation of China** recalled that transfer requests would be made during periodic reporting in December and asked whether the length of the transfer cycles would remain twenty-one months and eleven months.
23. The **Secretary** agreed that the timing would now be different and suggested labelling them as ‘normal cycle’ and ‘shortened cycle’. The Secretariat would provide the exact number of months in the Operational Directives.
24. The **Chairperson** recalled that the procedure for inscription on a reduced basis would be presented directly to the Committee. If necessary, further discussions could take place during the extended session of the working group. The reflection on Article 18, which had been adopted in Part I, was amended to include: ‘and appreciates the offer made by Sweden to support this initiative.’
25. The **delegation of China** said that the recommendations should mention the need to discuss whether the files for transfer, removal and extension would be treated as part of the annual ceiling, which had not been addressed under Item 6.
26. The **Chairperson** suggested including the issue in the ‘Ways forward’ document.
27. The **Secretariat** said that the issue did not belong in ‘Ways forward’. He suggested including wording to indicate that the working group would be ‘taking into account the extra workload’, which was the underlying issue. He would ensure that the annual ceiling was included in the working documents.
28. The **Chairperson** said that the burden on the Secretariat and the Evaluation Body needed to be discussed. He declared the recommendations of the working group to be agreed and removed the word ‘draft’.
29. The **delegation of Kuwait** thanked all Member States for their commitment to work late on a Friday. It also thanked the Secretary and his team for their hard work and the Chairperson for his wisdom, professionalism, and guidance throughout the meeting.
30. The **Chairperson** expressed his heartfelt appreciation to all the participants of the working group for their constructive suggestions. He thanked the Secretary and his team for their contributions, as well as the technicians and interpreters. The Chairperson adjourned the working group.

*[Closing of Part II of the Open-ended intergovernmental working group meeting]*