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

**Open-ended intergovernmental working group**

**in the framework of the reflection on a broader implementation of Article 18 of the**

**2003 Convention for the Safeguarding of the Intangible Cultural Heritage**

**UNESCO Headquarters, Room XI**

**4 to 6 July 2023**

**Item 2:**

**A new reflection on a broader implementation of Article 18 of the Convention:**

**Progress to date and meeting objectives**

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| **Summary**In 2021, the Committee launched a reflection on a broader implementation of Article 18 of the 2003 Convention to explore the full potential of this provision (Decision [16.COM 14](https://ich.unesco.org/en/Decisions/16.COM/14)) and established an Open-ended intergovernmental working group. The present document summarizes the reflection process and outlines the objectives and working methods proposed for the meeting of the working group. |

**Background**

1. The present document aims to provide background information concerning the Open-ended intergovernmental working group, which was established by the sixteenth session of the Committee (Decision [16.COM 14](https://ich.unesco.org/en/Decisions/16.COM/14)), to reflect on a broader implementation of Article 18 of the Convention for the Safeguarding of the Intangible Cultural Heritage (hereafter ‘the Convention’).
2. With three paragraphs, Article 18 concerns the selection and sharing of programmes, projects and activities (or ‘programmes’) for living heritage safeguarding that best reflect the principles and objectives of the Convention:

Article 18

1. On the basis of proposals submitted by States Parties, and in accordance with criteria to be defined by the Committee and approved by the General Assembly, the Committee shall periodically select and promote national, subregional and regional programmes, projects and activities for the safeguarding of the heritage which it considers best reflects the principles and objectives of this Convention, taking into account the special needs of developing countries.
2. To this end, it shall receive, examine and approve requests for International Assistance from States Parties for the preparation of such proposals.
3. The Committee shall accompany the implementation of such projects, programmes and activities by disseminating best practices using means to be determined by it.

The Register of Good Safeguarding Practices as part of the listing system

1. Above all, Article 18 – and particularly its paragraph 1 – is implemented through the international listing system of the Convention, which is composed of three mechanisms:
* The Representative List of the Intangible Cultural Heritage (hereafter, ‘the Representative List’);
* The List of Intangible Cultural Heritage in Need of Urgent Safeguarding (hereafter, ‘the Urgent Safeguarding List’);
* The Register of programmes, projects and activities that best reflect the principles and objectives of the Convention (hereafter, ‘the Register of Good Safeguarding Practices’).
1. While Articles 16 and 17 clearly mention the Representative List and the Urgent Safeguarding List, respectively, Article 18 does not refer to the Register of Good Safeguarding Practices as such. The Register was established by the governing bodies of the 2003 Convention – the Intergovernmental Committee and the General Assembly – when they sought to find a way to put into practice the scope of Article 18 during the preparation of the first set of Operational Directives.
2. The idea of including the notion of ‘best practices’ in the future normative instrument in fact appeared early on in the preparation of the Convention. It was discussed in March 2002 during the second meeting of experts that UNESCO organized to prepare the drafting process of the Convention (Rio de Janeiro, Brazil, January 2002). The 2003 Convention was to be based specifically on the experience gained through the programme for the Proclamation of the Masterpieces of the Oral and Intangible Heritage of Humanity and on ‘best practices for safeguarding and protecting intangible cultural heritage’[[1]](#footnote-1). While the wording evolved during the different stages of the preparation of the Convention, the general understanding survived, surfacing in the form of a Register of Good [then ‘Best’] Safeguarding Practices when the second session of the General Assembly in 2008 approved the first edition of the Operational Directives of the Convention (in paragraph 54).
3. The Register became operational in 2009. After successive amendments, in the 2022 version of the Operational Directives, the functioning of the Register is specified under sub-chapter I.13 (paragraphs 42 to 46) and nine selection criteria were developed under sub-chapter I.3 of the Operational Directives (paragraphs 3 to 7) which determined the structure of Form ICH-03, to be used for submitting proposals of programmes, projects and activities for selection as ‘good practices’.

Underutilization of the Register of Good Safeguarding Practices

1. While it was innovative for a normative instrument to include a listing mechanism for sharing good practices, the Register has been underutilized compared to the other two listing mechanisms of the Convention. The Committee has so far inscribed a total of 676 living heritage elements, practised in 140 countries. The Representative List is the most used mechanism, containing 567 elements (83,88%; corresponding to 136 States Parties), while 76 elements are included in the Urgent Safeguarding List (11,24%; corresponding to 40 States Parties). Only thirty-three good practices (4,88%; corresponding to 31 States Parties) have been included in the Register so far. Full information on each of the inscribed elements and selected good practices can be accessed through the webpage of the 2003 Convention related to the listing mechanisms: <https://ich.unesco.org/en/lists>.
2. For the purpose of Article 18, the geographical distribution of the selected programmes, projects and activities has not been balanced across the regions, as demonstrated below. More than half of the selected programmes come from Electoral Groups I and II combined, while Electoral Groups V(a) and V(b) are significantly under-represented. The non-observance of the principle of equitable geographic distribution advocated in paragraph 6 of the Operational Directives is therefore of further concern.

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| Electoral Group | I | II | III | IV | V(a) | V(b) |
| Number of selected programmes[[2]](#footnote-2) | 13 | 8 | 6 | 5 | 1 | 1 |
| Percentage | 38.24% | 23.53% | 17.65% | 14.70% | 2.94% | 2.94% |

1. With reference to paragraph 2 of Article 18, the Operational Directives (paragraphs 21 to 23) provide that States Parties may request preparatory assistance, in consultation with the communities, groups and, where appropriate, individuals concerned, for the elaboration of proposals of programmes, projects and activities for selection in the Register of Good Safeguarding Practices. The amounts of the requests are normally in the range of US$5,000 to US$10,000 and they are typically for the purpose of conducting community consultations, preparing audio-visual materials or covering administrative or logistical costs related to the preparation of proposals. Following the global reflection on the listing mechanisms of the Convention, all preparatory assistance requests are to be submitted using Form ICH-05. This possibility has not often been utilized by States Parties as only 3 out of 26 requests for preparatory assistance granted so far relate to the Register of Good Safeguarding Practices.
2. Furthermore, Article 18 describes – through its paragraph 3 – the role of the Committee in accompanying the implementation of selected projects, programmes and activities by disseminating good safeguarding practices using means to be determined by it. The function of the Committee as regards Article 18 is also clarified in Article 7 (b) of the Convention in terms of the provision of guidance on good safeguarding practices and making recommendations on measures aimed at the safeguarding of intangible cultural heritage. These provisions are supported, in particular, by sub-chapter I.13 of the Operational Directives (paragraphs 42 to 46). Given the potentially extensive scope of Article 18, it might be important to consider its operationalization in conjunction with other provisions of the Convention, such as Articles 19 to 24, in terms of facilitating international cooperation and providing the States Parties and communities concerned with assistance for planning, implementing and following up their safeguarding efforts.

Earlier attempt: Alternate and lighter ways to share good safeguarding practices

1. When it was understood that the Register of Good Safeguarding Practices was not fully functioning as anticipated, an attempt was made to seek ‘alternate and lighter ways’ to share good safeguarding practices, to complement the Register. Following the requests by the Committee at its eighth (Decision [8.COM 5.c.1](https://ich.unesco.org/en/Decisions/8.COM/5.c.1), paragraph 5), ninth (Decision [9.COM 9.b](https://ich.unesco.org/en/Decisions/9.COM/9.b)) and tenth (Decision [10.COM 10](https://ich.unesco.org/en/Decisions/10.COM/10), paragraph 10) sessions, the Secretariat conducted a survey[[3]](#footnote-3) in 2018. The survey was disseminated to NGOs accredited under the 2003 Convention, indigenous peoples organizations, cities/local governments, national institutions, academic communities, UNESCO Chairs and Category 2 Centres.
2. The results of the survey, which were not conclusive, pointed to the following (see [here](https://ich.unesco.org/en/lighter-ways-of-sharing-ich-safeguarding-practices-00999) for the executive summary and the report of the survey):
* Good safeguarding practices are being shared in various ways, mainly at the local or country levels, followed by the regional level;
* While social media are the most frequently used channels, these modalities are not considered as the most meaningful way to obtain information from others;
* There was a widely shared preference for retaining the Convention’s Register but with a lighter filtering and validation mechanism through UNESCO.
1. The results of the survey were presented to the Committee at its fourteenth session (Decision [13.COM 5](https://ich.unesco.org/en/Decisions/13.COM/5); document [LHE/19/14.COM 5.b](https://ich.unesco.org/doc/src/LHE-19-14.COM-5.b-EN.docx)). The Committee decided to take these outcomes into consideration in the then ongoing global reflection on the listing mechanisms of the Convention (Decision [14.COM 5.b](https://ich.unesco.org/en/Decisions/14.COM/5.b)).
2. **Global reflection on the listing mechanisms of the Convention**
3. The reflection at hand to explore the full potential of Article 18 was initiated through the global reflection on the listing mechanisms of the Convention, which took place from 2018 to 2022[[4]](#footnote-4). The global reflection sought to make the listing mechanisms more dynamic and fluid by better connecting the two Lists and the Register. It is hoped that such a change would not only make the Register more attractive but also contribute to better raising awareness about the importance of safeguarding intangible cultural heritage for the sustainable development of the communities, groups and individuals concerned, as well as for the further flourishing of cultural diversity.
4. Regarding the Register of Good Safeguarding Practices, the ninth session of the General Assembly formalized two concrete outcomes of the global reflection on the listing mechanisms of the 2003 Convention (Resolution [9.GA 9](https://ich.unesco.org/en/Decisions/9.GA/9)), following consultations with experts as well as a three-part meeting of an Open-ended intergovernmental working group:

a. The deletion of criterion P.9[[5]](#footnote-5): It was considered that there was no clarity regarding how to evaluate ‘the needs of developing countries’. This criterion was also seen to give the misguided impression that developed countries can provide good examples to developing countries, but not vice versa. Consequently, criterion P.9 was deleted from paragraph 7 of the Operational Directives.

b The inclusion in the Register of good safeguarding experiences witnessed in elements inscribed on the Urgent Safeguarding List: new paragraph 39.3 of the Operational Directives opened up the possibility for the Evaluation Body to recommend – after evaluating a request to transfer an element from the Urgent Safeguarding List to the Representative List – that the Committee include a safeguarding experience successfully applied for an element inscribed on the Urgent Safeguarding List in the Register. The intention was to better interconnect the Lists and the Register, to recognize the actual safeguarding efforts made for elements inscribed on the Urgent Safeguarding List, while enriching the Register of Good Safeguarding Practices with inspiring examples, without necessarily going through the usual but heavier process of selecting good practices submitted by States Parties.

1. Another outcome of the global reflection on the listing mechanisms was that it led to a decision by the Committee (Decision [16.COM 14](https://ich.unesco.org/en/Decisions/16.COM/14); paragraph 9) to initiate a separate reflection to explore ways to more broadly implement Article 18 of the Convention. Given the complex and technical nature of the global reflection, and drawing upon the advice of experts and the Open-ended intergovernmental working group, the Committee considered that the global reflection had not yet explored the full potential of Article 18 since certain issues could not be addressed or covered in full. The idea was not only to continue discussing issues raised during the global reflection concerning the management of the Register of Good Safeguarding Practices, but also to pay attention to the implementation of Article 18 beyond it.
2. This new reflection was made possible thanks to a contribution by the Kingdom of Sweden in September 2021 and 2022 in the form of two rounds of additional contributions to the Regular Programme of UNESCO (document [LHE/21/17.COM/12](https://ich.unesco.org/doc/src/LHE-22-17.COM-12-FR.docxhttps%3A/ich.unesco.org/doc/src/LHE-22-17.COM-12-FR.docx)); the financial resources for the initiative are further complemented by the Fund for the Safeguarding of the Intangible Cultural Heritage. The general information about the reflection can be found on the [dedicated webpage](https://ich.unesco.org/en/reflection-on-a-broader-implementation-of-article-18-01302) of the Convention.
3. **The reflection process: timeline and topics**
4. The timetable for the reflection process, as approved by the seventeenth session of the Committee (Decision [17.COM 10](https://ich.unesco.org/en/Decisions/17.COM/10); see also the Annex of document [LHE/22/17.COM/10](https://ich.unesco.org/doc/src/LHE-22-17.COM-10-EN.docx)), includes a Category VI meeting of experts that was convened from 19 to 21 April 2023 (Stockholm, Sweden) to lay the ground for the discussions of the present meeting of the working group. After the meeting of the working group, the eighteenth session of the Committee (4 to 9 December 2023, Kasane, Republic of Botswana) will provide an opportunity for further intergovernmental discussions before the progress of the reflection is presented to the tenth session of the General Assembly (mid-2024, UNESCO Headquarters).
5. The table below summarizes the timeline of the reflection with the key milestones:

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| **Dates** | **Key milestones** |
| 13 to 18 December 2021(Online) | **Sixteenth session of the Committee**Item 14: Reflection on the listing mechanisms of the Convention and proposal for related revisions to the Operational DirectivesDecision [16.COM 14](https://ich.unesco.org/en/Decisions/16.COM/14)Endorsing the recommendations of Parts I and II of the Open-ended intergovernmental working group on the global reflection on the listing mechanisms of the ConventionInitiation of the reflection on Article 18 |
| 1 July 2022(Online) | **Fifth extraordinary session of the Committee**Item 4: The global reflection on the listing mechanisms of the Convention and proposed revisions to the Operational DirectivesDecision [5.EXT.COM 4](https://ich.unesco.org/en/Decisions/5.EXT.COM/4)Endorsing the recommendations of Part III of the Open-ended intergovernmental working group on theglobal reflection on the listing mechanisms of the ConventionReferring to the reflection on Article 18 |
| 5 to 7 July 2022(UNESCO Headquarters) | **Ninth session of the General Assembly**Item 9: The global reflection on the listing mechanisms of the Convention and proposed revisions to the Operational DirectivesResolution [9.GA 9](https://ich.unesco.org/en/Decisions/9.GA/9)Taking note of the reflection |
| 28 November to 3 December 2022(Rabat, Kingdom of Morocco) | **Seventeenth session of the Committee**Item 10: Update on the reflection on the broader implementation of Article 18 of the ConventionDecision [17.COM 10](https://ich.unesco.org/en/Decisions/17.COM/10)Identification of reflection topics and timeline |
| 19 to 21 April 2023(Stockholm, Sweden) | **Category VI meeting of experts**RecommendationsExpert consultationto lay the ground for the intergovernmental discussion |
| 4 to 6 July 2023(UNESCO Headquarters) | **Open-ended intergovernmental working group**Intergovernmental discussion |
| 4 to 9 December 2023(Kasane, Republic of Botswana) | **Eighteenth session of the Committee**Proposal on possible amendments to the Operational Directives and other decisions/endorsement  |
| Mid-2024(UNESCO Headquarters) | **Tenth session of the General Assembly**Possible amendments to the Operational Directives and other decisions/endorsement |

1. The overall goal of the new reflection is to consider how to share good living heritage safeguarding experiences more broadly and how to bring the voices of communities and their aspirations for safeguarding their living heritage to the fore. Based on Decision [17.COM 10](https://ich.unesco.org/en/Decisions/17.COM/10), adopted by the seventeenth session of the Intergovernmental Committee, and the outcomes of the Category VI meeting of experts, it is proposed that the working group’s discussion will be centered around the following three topics:

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| * Topic 1: Improving the access to and increasing the visibility of the Register of Good Safeguarding Practices
* Topic 2: Towards the creation of an online platform for sharing good safeguarding experiences
* Topic 3: Any other issues
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1. **Progress to date: Category VI meeting of experts**
2. Following the completion of the global reflection on the listing mechanisms of the Convention, the main progress with the new reflection on Article 18 was made through the convening of the above-mentioned Category VI meeting of experts (see the [dedicated webpage](https://ich.unesco.org/en/meeting-of-experts-category-vi-01306) for more details), which was hosted by the Ministry of Culture of Sweden, the Swedish National Commission for UNESCO and the Institute of Language and Folklore. The meeting was attended by twenty-one experts; they were identified through a call (3 to 24 February 2023) for States Parties to propose appropriate experts and complemented by the identification made by the Secretariat, taking into account their profiles and experience, as well as criteria such as geographical balance and gender. These selected experts participated in a private capacity and did not represent any particular government or organization.
3. The meeting was structured around the three aforementioned reflection topics. For Topic 1 (Day 1) and Topic 2 (Day 2), a short plenary session first outlined the main issues to be discussed; the experts divided themselves then into two breakout groups for further discussion, before bringing back the results of the breakout groups to the plenary session. For Topic 3 (Day 3), the discussion took place in the plenary only, without any breakout group work. On the final day, the experts discussed and adopted a report with the recommendations on all three topics which are put forward, as part of the set of working documents, to the present meeting of the working group (document [LHE/23/18.COM EXP/4](https://ich.unesco.org/doc/src/LHE-23-EXP_ART18-4_EN.docx)).
4. Above all, the experts considered that Article 18 has far-reaching potential to fully achieve the purposes of the Convention, while affirming the importance of placing communities, groups and, where appropriate, individuals at the centre of safeguarding efforts. Although the experts made several recommendations on the three reflection topics, the main points concern a) how to include more good safeguarding practices through programmes, projects and activities in the Register of Good Safeguarding Practices, b) possible revisions to the Register’s selection criteria and c) ways to connect to other international cooperation mechanisms, such as the periodic reporting mechanisms. Moving beyond the Register itself, the experts advocated for the creation of a moderated online platform for sharing good safeguarding practices, as essential for fully operationalizing Article 18. In addition, a series of concrete proposals were made to improve the participation of various stakeholders in the implementation of Article 18.
5. **Objectives and working methods of the present meeting**
6. The primary goal of this working group will be to reach a consensus on the overall approach for ensuring that the full potential of Article 18 of the 2003 Convention is met and also to agree on a set of changes required to achieve the agreed vision.
7. This is an in-person meeting (the moderators who are asked to report on the outcome of the Category VI meeting of the experts may, however, intervene online). For the meeting agenda and timetable, see working document [LHE/23/18.COM WG ART18/1](https://ich.unesco.org/doc/src/LHE-23-18.COM_WG_ART18-1.docx). States Parties to the 2003 Convention are the main participants of the meeting, while States not Party to the Convention and accredited non-governmental organizations and Category 2 Centres may participate as observers (see the [preliminary list of participants](https://ich.unesco.org/en/preliminary-list-of-participants-01309)). The debates of the meeting are open to the public and will be transmitted by webcast in real time through the [webpage](https://ich.unesco.org/en/article-18-open-ended-intergovernmental-working-group-01307) of the Convention.
8. On the first day, the working group will begin its work by electing the Bureau (a Chairperson and five Vice-Chairpersons, one from each of the remaining UNESCO electoral groups), who will remain in office until the end of the meeting. The Chairperson’s duties will replicate those of the Chairperson of the General Assembly of States Parties to the 2003 Convention. The five Vice-Chairpersons will assist the Chairperson in carrying out his or her duties and will also act as rapporteurs. The Bureau of the working group is scheduled to meet in private every day just before the beginning of the afternoon session to facilitate the discussions in the plenary.
9. The working group will discuss the three main reflection topics outlined in working document [LHE/23/18.COM WG ART18/3](https://ich.unesco.org/doc/src/LHE-23-18.COM_WG_ART18-3_EN.docx), which will take into account the advice given by the above-mentioned Category VI expert meeting held in April 2023 as well as the discussions that took place during the global reflection on the listing mechanisms of the Convention regarding the implementation of Article 18 of the Convention. The recommendations of the working group will be adopted by the end of the meeting, based on the draft structure presented in working document [LHE/23/18.COM WG ART18/4](https://ich.unesco.org/doc/src/LHE-23-18.COM_WG_ART18-4_EN.docx). The Bureau of the working group would be responsible for preparing the draft recommendations for discussion during the plenary session on the final day.
10. It is expected that some of the recommendations of the working group may require amendments to the Operational Directives by the General Assembly of the States Parties to the Convention, while others would require other kinds of decisions or endorsement of the Committee and/or of the General Assembly. In this regard, the recommendation of the working group would be presented, in the first instance, to the eighteenth session of the Committee to be held in December 2023; the working group may wish to request that the Secretariat prepare draft amendments to the Operational Directives in this regard. If the Committee so wishes, they may be transmitted to the tenth session of the General Assembly to be held in mid-2024, together with any other issues requiring its decision and/or endorsement.
1. International Meeting of Experts, Intangible Cultural Heritage: Priority Domains for an International Convention: [Final Report](https://ich.unesco.org/doc/src/00074-EN.pdf) (22 to 24 January 2002). [↑](#footnote-ref-1)
2. One selected programme concerns States from Electoral Groups I and II; for the purpose of this table, it is included under both Electoral Groups I and II. [↑](#footnote-ref-2)
3. For the executive summary and the report of the survey, see [here](https://ich.unesco.org/en/lighter-ways-of-sharing-ich-safeguarding-practices-00999). [↑](#footnote-ref-3)
4. See <https://ich.unesco.org/en/global-reflection-on-the-listing-mechanisms-01164>. [↑](#footnote-ref-4)
5. Criterion P.9: ‘The programme, project or activity is primarily applicable to the particular needs of developing countries’. [↑](#footnote-ref-5)