Unit 11

**Nominations: Overview**

**Participant’s Text**

States Parties may nominate elements of the intangible cultural heritage (ICH) present in their territory for inscription on the Lists of the Convention for the Safeguarding of the Intangible Cultural Heritage.[[1]](#footnote-2)This unit covers the following topics:

* The two Lists of the Intangible Heritage Convention: the Urgent Safeguarding List (USL) and the Representative List (RL).
* The Register of Good Safeguarding Practices (Article 18).
* Number of files treated every year, procedures, timetables and criteria for submitting, evaluating and examining nominations to these Lists and proposals to the Register.
* Effects of inscription of elements on the Lists (USL and RL) of the Convention.

Relevant entries in Participant’s text Unit 3 include: ‘Evaluation Body’, ‘Elements of ICH’ and ‘Shared or cross-border heritage’.

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11.1 NOMINATIONS TO THE LISTS OF THE CONVENTION

The two Lists of the Convention, already briefly introduced in Participant’s text Unit 2, are:

* The Urgent Safeguarding List (USL) (in full: the List of Intangible Cultural Heritage in Need of Urgent Safeguarding).
* The Representative List (RL) (in full: the Representative List of the Intangible Cultural Heritage of Humanity).

As a general rule, nominations to the Convention’s Lists are presented by the States Parties concerned. They should be prepared with the full participation of the relevant communities and submitted with their consent. Only ICH elements, i.e. practices, expressions, knowledge and skills that meet the definition of ICH given in the Convention, may be submitted for inscription on the Lists. Associated objects or spaces and individual tradition bearers may be mentioned in a file, but they may not be the focal element of a nomination.

Nominations may be made to either of the two Lists of the Convention. An ICH element can be inscribed on only one of the Lists at a time.

The Secretariat of the Convention disseminates information on the ICH website about all inscribed elements on the two Lists. For each element, the information includes a short description, the complete nomination form, letters of consent from communities, inventory documents related to the element, photographs and videos.

See: <http://www.unesco.org/culture/ich/en/lists/>

11.2 URGENT SAFEGUARDING LIST

The USL is established by Article 17 of the Convention. The six criteria for inscription on this List are given in paragraph 1 of the Operational Directives (ODs) and discussed in Participant’s text, 11.7 and 11.8 below.

Inscription on the USL bears witness that the viability of the element concerned is at risk and that safeguarding measures are elaborated to perpetuate its practice and transmission by the communities concerned.

#### Inscriptions on the List

Submission of a nomination to the USL means that the submitting State recognizes the interest that the community concerned has in preserving the element and that it will take measures to assist the community in safeguarding it. Inscription means that the State Party concerned may profit from international cooperation for safeguarding efforts, including priority access to international assistance (OD 9(a)). States may also request International Assistance from the ICH Fund for making nominations to the USL. For more information on international assistance, see Participant’s text Unit 12.

To view all the elements inscribed on the USL, see:
<http://www.unesco.org/culture/ich/en/lists>

#### Independent Lists

The USL is independent of the RL and should not be confused with the List of World Heritage in Danger. Under the World Heritage Convention, all nominations made to the World Heritage List and properties may be transferred to its subsidiary List of World Heritage in Danger if the World Heritage Committee considers them to be at risk (see Participant’s text Unit 13.)

Inscription on the USL should in no way be seen as a sign of failure or as a punitive action: the Convention recognizes that there are many endangered ICH practices everywhere in the world and inscription aims to help in addressing the threats to which the inscribed elements are exposed. The ICH Fund is thus to be used in the first place to provide assistance for safeguarding measures for elements inscribed on this List, with priority given to requests from developing States.

11.3 REPRESENTATIVE LIST

The Representative List (RL) is established by Article 16 of the Convention. The five criteria for inscription on it are given in OD 2 and discussed in Participant’s text 11.7 and 11.9 below. The RL seeks to promote visibility for ICH in general and to raise awareness about it. In principle, the elements inscribed on this List have good viability.

To view all the elements inscribe on the RL, see: <http://www.unesco.org/culture/ich/en/lists>

#### Representative of what?

The term ‘representative’ is not defined in the Convention or the Operational Directives. It is variously interpreted to mean representative of the ICH of communities, States or regions, of the various domains of ICH or of human creativity.

The term ‘Representative List’ was preferred to several other terms that were discussed during the preparation of the Convention. The Convention does not wish to create hierarchies between elements by suggesting that some elements – for example, those inscribed on one List of the Convention or the other – are more important than other, non-inscribed elements.

This approach – avoiding hierarchies between elements – distinguishes listing under the Convention for the Safeguarding of the Intangible Cultural Heritage from listing on the World Heritage List, where the selection is based on the criterion of ‘outstanding universal value’. The elements inscribed on the RL and the USL are primarily of value to the communities that create, enact and transmit them.

The comparison between the Intangible Heritage Convention and the World Heritage Convention was introduced in Participant’s text Unit 2.4.The contrast between the listing systems of these two Conventions is discussed in greater depth in Participant’s text Unit 13.

11.4 WHICH LIST?

When deciding to nominate elements to the Lists of the Convention, it is important to consider which List (USL or RL) is most suitable. The main criterion for determining this is the viability of the element concerned. Elements suitable for inscription on the RL should be viable, while elements suitable for inscription on the USL face significant threats and risks to their viability. Often the choice between the two Lists is not easy to make. There is, of course, a continuum between thriving and almost moribund ICH and the same element may be viable in some places but threatened in others. This means that States have a certain degree of choice in selecting the appropriate List.

Nominations to both Lists require a detailed and up-to-date assessment of the viability of the element concerned. Elements suitable for nomination should already be listed in an inventory prepared under the responsibility of the State Party (criterion 5 for both Lists), so some information on the viability of the element should already be available. Even so, it is important to confirm the current state of viability of the element with community members and/or practitioners, if only because circumstances may have changed since information was collected for inventorying purposes. There will often be a diversity of opinions on the subject within the community.

#### Transfer or removal from the Lists

States Parties concerned may propose the transfer of elements from one List to the other if they become less endangered or vice versa (OD 38). Elements may also be removed from a list (ODs 39–40). The Committee may decide to remove an element if it considers that it no longer meets the criteria for the List on which it was inscribed.

Delisting an element from the USL, for example, can be justified either because it is no longer seriously endangered (and it may then be proposed for transfer to the RL) or because, in spite of all good efforts, it has ceased to be practised and transmitted by the community concerned.

OD 80(e) encourages States Parties to involve the communities concerned, as well as experts and their institutions, in decisions preceding the removal of an element from a List or its transfer from one List to the other.

#### Inscription on an extended or reduced basis

The inscription of an element on the Lists can be extended to other communities or reduced at the national and/or international level upon the request of the States Parties in whose territory the element is present, with the consent of these communities.

To do so, the States Parties concerned submit a new nomination showing that the nomination, as extended or reduced, satisfies all of the required criteria for inscription.

 If the Committee decides to inscribe the element as a new nomination file, the new inscription shall replace the original. Otherwise, if the new nomination is not inscribed, the original remains intact (OD 16-19).

11.5 COMMUNITY PARTICIPATION AND CONSENT

For both Lists of the Convention, the nomination forms (ICH-01 and ICH-02) require proof that the communities, groups and/or individuals concerned:

* have recognized the nominated element as part of their cultural heritage;
* have participated in the identification and definition of the element;
* have participated in inventorying of the element;
* have participated in the widest possible way in the development of the nomination (and any safeguarding or management measures presented in it);
* have given their free, prior and informed consent to the submission of the nomination; and
* will be involved in the implementation of the proposed measures and have the will and commitment to safeguard the element if required and if conditions are favourable.

The mechanisms for ensuring community participation in these activities will differ according to the characteristics of the communities and the ICH elements concerned.

11.6 MAKING A NOMINATION TO THE LISTS OF THE CONVENTION

#### Who can submit a nomination to the Lists of the Convention?

The initiative for the preparation of a nomination file can come from various actors, but whoever initiates it, the State concerned must submit it (or endorse the submission) and the community concerned must be asked for (and give) its free, prior and informed consent.

Various parties, including the States Parties concerned, may bring cases of extreme urgency to the attention of the Committee for inscription on the USL; such cases will be taken into account on an accelerated schedule and examined in consultation with the States Parties concerned (ODs 1 (U.6) and 32).

#### Shared Heritage: Multi-national nomination

The Committee encourages States Parties to submit multi-national nominations on elements shared by different communities to facilitate dialogue. Regarding elements already inscribed, States Parties are encouraged to consider resubmission on a multi-national basis when the element is practised by communities present outside the borders of the country.

Multi-national nominations are more complicated than nominations prepared by a single State Party, requiring close coordination among the States concerned and active participation by the respective communities. In this case, the countries concerned usually select a coordinating country to build up and finalize a multi-national nomination. The countries involved do their utmost to strike the right balance of information, particularly between the coordinating country and others participating.

Although multi-national nominations are encouraged when elements are found on the territory of multiple States, each State Party has the right to nominate elements found on its territory, regardless of the fact that they may also exist in other States. Such nominations can involve certain sensitivities and can inadvertently lead to misunderstanding rather than cooperation.**

See: ODs 13-15 and the entries on shared heritage in the Aide-Memoires for Completing Nominations to the USL and RL. (<http://www.unesco.org/culture/ich/en/forms>)

#### What forms can be used for submitting a nomination?

There are special forms for nominating elements to the Lists of the Convention: ICH-01 for the USL and ICH-02 for the RL. States Parties may request assistance from the ICH Fund for developing nominations for the USL (Form ICH-05), but not for nominations to the RL. In addition, Form ICH-01bis has been developed for USL nominations containing a request for international assistance.

The forms should be filled in using English or French, the working languages of the Committee. These forms and accompanying instructions can be found at the following link on the ICH website: <http://www.unesco.org/culture/ich/en/forms/>

The forms usually allocate a restricted number of words for responses to each question.

Ten recent photographs (no more, no less) are required with each file; a video is obligatory for both USL and RL nominations (maximum length ten minutes). ‘Cession of rights’ forms are also required for all audiovisual material submitted.

The Secretariat posts nominations as received for the current cycle on the website of the Convention in their original language. After the technical examination, if additional information is required, the Secretariat requests States to submit a revised nomination file. Once received, the revised requests are posted online and replace the original nominations received. Translations of the nomination files into English or French are also posted online as they become available. Files may be withdrawn by submitting States Parties at any time before the Committee takes a decision (OD 25).

11.7 CRITERIA for inscription: COMMON CRITERIA

The nomination forms for the USL, and the RL ask questions to enable the Committee to determine whether the proposed elements satisfy the relevant criteria. Nominated elements must meet all of the criteria given in ODs 1–2.

* There are six criteria for USL nominations (OD 1), U.1 to U.6.
* There are five criteria for RL nominations (OD 2), R.1 to R.5.

The criteria for the two Lists largely coincide; the differences between them reflect the different aims of the two Lists.

The following criteria are common to both Lists:

* U.1 and R.1: The element constitutes ICH as defined in Article 2 of the Convention.
* U.4 and R.4: The element has been nominated following the widest possible participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent.
* U.5 and R.5: The element is included in an inventory of the ICH present in the territory(ies) of the submitting State(s) Party(ies) (being) prepared by the State(s) Party(ies), as defined in Articles 11 and 12 of the Convention.

The explanation on the form indicates that the inventory in question may be a work-in-progress. Some practical information about the inventory is required on the form: where or how it can be consulted, what organization is responsible for it, the inventory entry number of the element in question and so on.

Documentary evidence needs to be provided in an annexe demonstrating that the nominated element is included in an inventory of the intangible cultural heritage present in the territory(ies) of the submitting State(s) Party(ies), as defined in Articles 11 and 12 of the Convention. This evidence shall include a relevant extract of the inventory(ies) in English or French, as well as in the original language if different. It may be complemented by a reference to a functioning hyperlink through which such an inventory may be accessed, but the hyperlink alone is not sufficient.

11.8 CRITERIA SPECIFIC TO THE URGENT SAFEGUARDING LIST

There are three criteria that are specific to the USL, namely:

* U.2(a): The element is in urgent need of safeguarding because its viability is at risk despite the efforts of the community, group or, if applicable, individuals and State(s) Party(ies) concerned; or
* U.2(b): The element is in extremely urgent need of safeguarding because itis facing grave threats as a result of which it cannot be expected to survive without immediate safeguarding.

This criterion requires that threats and risks to viability – and their gravity – be clearly indicated.

* U.3: A safeguarding plan is elaborated that may enable the community, group or, if applicable, individuals concerned to continue the practice and transmission of the element.

This criterion requires that detailed and realistic safeguarding measures be elaborated, with the community concerned, to address the threats to the element viability that have been identified under criterion U.2.

* U.6: In cases of extreme urgency, the State(s) Party(ies) concerned has (have)been duly consulted regarding inscription of the element in conformity with Article 17.3 of the Convention.

Criterion U.6 only applies if the element is in extremely urgent need of safeguarding. Cases of extreme urgency may be brought to the attention of the Committee by various parties, including the State Party or the community concerned. The Bureau of the Committee may invite the State Party concerned to submit a file for the USL that will then be taken into account on an accelerated schedule (ODs 1 (U.6) and 32). No such case has yet been considered by the Committee.

11.9 CRITERIA SPECIFIC TO THE REPRESENTATIVE LIST

The two criteria that are specific to the RL are R.2 and R.3:

* R.2: Inscription of the element will contribute to ensuring visibility and awareness of the significance of the ICH and to encouraging dialogue, thus reflecting cultural diversity worldwide and testifying to human creativity.

This means that States submitting an element for the RL must prove that the element, once inscribed, may be used to raise the visibility of the ICH and awareness of its importance in a larger framework of the promotion and protection of cultural diversity and human creativity.

* R.3 Safeguarding measures are elaborated that may protect and promote the element.

Note that the wording of R.3 is different from that of U.3: the first difference being the different levels of viability of elements proposed for the two Lists and the second is that RL requires ‘measures’ while the USL requires a ‘plan’. This criterion (R.3), given the generally healthy state of the elements inscribed on the RL, focuses attention on measures for promoting ongoing practice and transmission of the ICH elements concerned (especially after inscription) rather than on measures addressing serious threats to their viability.

With both types of nominations, it is important to reflect on the possible negative consequences of inscription on the element concerned and to foresee measures that may help mitigate such effects.

11.10 REGISTER OF GOOD SAFEGUARDING PRACTICES

The Register was briefly introduced in Participant’s text Unit 2.

Article 18 of the Convention (discussed in Participant’s text Unit 2.9) asks the Committee to select programmes, projects and activities aimed at the safeguarding of ICH, nominated by States Parties that best reflect the principles and objectives of the Convention. The Operational Directives explain that the Committee will disseminate the selected programmes of the Register of Good Safeguarding Practices and that it will further research the selected programmes and their effectiveness (OD 42, 44, 45, 46).

Proposals to the Register should be submitted using Form ICH-03. Preparatory assistance may be requested for preparing proposals to the Register using Form ICH-06.

The criteria used for the evaluation of these nominations are presented in OD 7. Other ODs inform the States Parties that the Committee particularly welcomes proposals concerning ongoing and completed programmes (OD 5) that involve international cooperation (OD 4) and that pay special attention to the needs of developing countries (OD 6).

After including programmes, projects and activities on the Register, the Committee and Secretariat promote them so that other countries and people working in the field may learn from the experiences.

Examples can be found on the ICH website.

See: <http://www.unesco.org/culture/ich/en/Register>

11.11 EVALUATION AND EXAMINATION OF NOMINATION FILES

An Evaluation Body, consisting of six experts qualified in various fields of ICH (representatives of States Parties non-Members of the Committee) and representatives of six accredited NGOs (OD 27), evaluates nominations to the USL, RL, proposals to the Register and international assistance requests of more than US$100,000.

For more about the Evaluation Body, see Participant’s text Unit 3.

#### Submission of nomination files and technical ASSESSMENT

Nominations for both Lists, proposals to the Register and international assistance requests of more than US$100,000 must be submitted to the UNESCO Secretariat by 31 March of every year. The processes of technical assessment and evaluation of files take two years. During the first year the Secretariat receives the files, it acknowledges receipt and assesses the technical requirements. If a file is incomplete, the Secretariat will invite the States Parties to complete it before 30 June. The States Parties will then have until 30 September to do so before the files are evaluated by the Evaluation Body (OD 54). The files are subsequently translated as appropriate so that they are all available in both English and French.

#### the evaluation process

Between December of the first year and May of the following year, the Evaluation Body considers nominations to the Lists, Register and international assistance requests (OD 27 and 54). By June, these bodies finalize their recommendations to the Intergovernmental Committee. The reports it prepares also summarize the body’s discussions and findings.

See the working documents of the Intergovernmental Committee from 2009 onwards at <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00009>

Later in the second year, the Committee members receive the reports and recommendations of the body, at least four weeks before their ordinary session, which usually takes place in November. The submitting States Parties also receive the report, and the recommendations concerning their files and they can withdraw a file at any time before examination (OD 25).

#### Examination and decision by the Committee

During its session, the Committee examines and decides about inscription (OD 35).

It has happened that the Committee’s decision deviated from the recommendation of the body, especially in cases where a referral was recommended. It is worth noting that the Committee’s discussions and decisions can be followed live online and are available even after the Committee meeting on the ICH website.

For all nominations, the Committee may decide:

* to inscribe the nominated elements on USL and RL or to select programme/project/activity for the Register of Good Safeguarding Practices;
* to refer them back to the States Parties concerned for completion (the files may then be resubmitted the following year: OD 35); or
* not to inscribe or select in which case the files cannot be resubmitted until four years have passed (OD 36).

11.12 REPORTING ABOUT INSCRIBED ELEMENTS

#### Reports about elements on the USL

Every four years, the States Parties are obliged to submit periodic reports to the Committee on elements inscribed on the USL (OD 160). These reports must include: (a) an assessment of the element, including impacts of safeguarding plans and participation of communities in their execution (OD 162); and (b) information on institutions and community organizations involved in the safeguarding effort (OD 163). A report on each element is due on 15 December every fourth year after the element is inscribed on the USL unless it is eventually removed from the List.

#### General periodic reports and Reporting about the elements on the RL

No separate reports are required exclusively for elements inscribed on the Representative List. However, States Parties have to submit to the Intergovernmental Committee a periodic report on the measures taken for the implementation of the Convention in which they must also report on the current status of all elements present in their territory that have been inscribed on the RL (Article 29; ODs 157–159). These detailed periodic reports must include information on the viability, and the activities implemented for the safeguarding of elements inscribed on the RL (OD 157). Periodic reports are due by 15 December six years after ratification, acceptance or approval of the Convention and every sixth year after that (OD 152).

There are a few States *not* party to the Convention that have in their territories an element – a former Masterpiece – included on the RL. They, too, have an obligation to inform the Committee about the state of viability of these elements (ODs 60, 168 and 169).

The main difference in reporting about the elements inscribed on the USL and RL lies in the assumption that, in the case of USL, the inscription should result in strengthening the concerned community’s capacity to safeguard and enhance the viability of the endangered element of ICH. In the case of the RL the inscription should enhance visibility not only of the inscribed element but also of ICH in general at local, national and international levels and to encourage dialogue among communities.

1. 1. Frequently referred to as the ‘Intangible Heritage Convention’, the ‘2003 Convention’ and, for the purpose of this unit, simply the ‘Convention’. [↑](#footnote-ref-2)