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Intangible
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**UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION**

CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

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

Fourth session
Abu Dhabi, United Arab Emirates
28 September to 2 October 2009

Item 5 of the Provisional Agenda:
Adoption of the draft summary records of the third ordinary session of the Committee

Decision required: paragraph 2

1. This document contains the draft summary records of the third ordinary session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, held in Istanbul, Turkey, from 4 to 8 November 2008.
2. The Committee may wish to adopt the following Decision:

DRAFT DECISION 4.COM 5

The Committee,

1. Having examined document ITH/09/4.COM/209/5;
2. Adopts the summary records of the Committee's third ordinary session contained in this document.

SUMMARY RECORDS OF THE COMMITTEE'S THIRD ORDINARY SESSION

1. The third ordinary session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage was held at the invitation of the Turkish authorities from 4 to 8 November 2008 in Istanbul, at the Conrad Hotel. UNESCO thanked the host country authorities, the Ministry of Culture and Tourism, the Ministry of Foreign Affairs and the Permanent Delegation of Turkey to UNESCO.
2. Delegations from 21 States Members of the Committee attended the session: Belarus, Cyprus, Croatia, Cuba, Estonia, Gabon, Hungary, India, Italy, Jordan, Kenya, Mali, Mexico, Oman, Paraguay, Peru, Republic of Korea, Turkey, United Arab Emirates, Venezuela and Viet Nam.
3. The following attended as observers:
 - (a) Delegations from 34 States Parties not Members of the Committee: Algeria, Argentina, Azerbaijan, Belgium, Brazil, Bulgaria, China, Egypt, Ethiopia, former Yugoslav Republic of Macedonia, France, Greece, Guinea, Honduras, Indonesia, Iran (Islamic Republic of), Japan, Lithuania, Luxembourg, Madagascar, Monaco, Mongolia, Namibia, Nigeria, Norway, Panama, Portugal, Romania, Saudi Arabia, Slovakia, Spain, Switzerland, Syrian Arab Republic and Uruguay.
 - (b) Delegations from 11 States non party to the Convention but States Members of UNESCO: Argentina, Austria, Bahrain, Benin, Denmark, Libyan Arab Jamahiriya, Kuwait, Poland, Republic of the Congo, Czech Republic and Thailand.
 - (c) Three intergovernmental organizations: UNICRI, ISESCO and ECOWAS.
 - (d) Twenty-nine non-governmental organizations: National Institute of Archaeological Sciences and Heritage (ALINSAP), Association of Folk Theatre in Romania and the Republic of Moldova, Associazione Nazionale Città della Terra Cruda, Centro de Estudios Borjanos, Nasreddin Hodja and Tourism Association, UNESCO Centre of Catalonia, UNESCO Centre in the Community of Madrid, UNESCO Centre in Melilla, UNESCO Centre of San Sebastián, Chinese National Academy of Arts, International Council of Organizations for Folklore Festivals and Folk Art (CIOFF), CIOFF-Bulgaria, Comité Colbert, Conservatorio del Patrimonio de la Cultura Mexicana Gastronomic, Flemish Interface for Cultural Heritage-FARO, International Association for Falconry and Conservation of Birds of Prey (IAF), Gazi University Turkish Folk Sciences, International Council of Museums, International Council for Traditional Music, World Cultures Institute, Mediterranean Diet Foundation, Patronat del Misteri d'Elx, Prometra International, Società Geografica Italiana ONLUS, Teruel Existe, Traditions pour Demain, UNIMA National Centre of Turkey, Union of Cultural Centres (Chitalishta), World Martial Arts Union (WoMAU).
4. The session was conducted in five languages: English and French, the two working languages of the Committee; Arabic, owing to funding provided under the Prince Sultan bin Abdulaziz project for the development of the Arabic language and following the positive response from the Permanent Delegation of Saudi Arabia to UNESCO; in Spanish, owing to the generous support of the Spanish Government; and in Turkish, with the generous support of the Turkish authorities.
5. The Intangible Cultural Heritage Section of UNESCO provided the secretariat for the meeting. Ms Cécile Duvelle officially took up duties as Secretary of the Convention on 27 October 2008.

6. Members of the Bureau of the third ordinary session of the Committee:

Chairperson: H.E. Mr O. Faruk Loğoğlu (Turkey)

Vice-Chairpersons: United Arab Emirates, Hungary, India and Mexico

Rapporteur: Ms Hortense Nguema Okome (Gabon)

ABBREVIATIONS:

Committee: Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage

GA: General Assembly of the States Parties to the Convention for the Safeguarding of the Intangible Cultural Heritage

ICH: Intangible Cultural Heritage

USL: Urgent Safeguarding List

RL: Representative List

NGO: Non-Governmental Organization

IGO: Intergovernmental Organization

[Tuesday 4 November 2008, 10 a.m.]

ITEM 1 OF THE DRAFT AGENDA: OPENING OF THE SESSION

7. The third ordinary session of the Intergovernmental Committee was opened in an official ceremony presided over by His Excellency Mr Ertuğrul Günay, Minister of Culture and Tourism of Turkey, and Mr Koïchiro Matsuura, Director-General of UNESCO, in the presence of the President of UNESCO's Executive Board, His Excellency Mr Olabiyi Babalola Joseph Yaï, His Excellency Mr Osman Faruk Loğoğlu, Chairperson of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage and Mr Chérif Khaznadar, President of the General Assembly of States Parties to the Convention.
8. The **Chairperson of the Committee, H.E. Mr O. Faruk Loğoğlu**, said that he was pleased to be hosting the third session. He stressed that only six years after the adoption of the Declaration of Istanbul in September 2002, the Convention was fully operational in the field of intangible cultural heritage. Its implementation had raised awareness of the importance of the heritage and of dialogue between cultures. Intangible cultural heritage played a major role in bringing people together, and safeguarding it was essential to maintaining cultural diversity. The Chairperson also emphasized the importance of the session as the Committee was to start using its international assistance fund. He concluded by wishing the Committee every success in its work.
9. The **President of the General Assembly of States Parties to the Convention of 2003, Mr Chérif Khaznadar**, stressed that the intangible cultural heritage included all that humans possessed in terms of memory, social traditions and imagination, and recalled that the Committee was responsible for its preservation. He expressed the hope that the Convention would become an effective tool and then listed the major events of the session:
 - (a) the first entries in the representative list (RL) with the inclusion of 90 masterpieces. Those entries must be accompanied by a discussion of their future and the adoption of concrete measures to avoid any adverse effects such as fixing in time or the

museumification of the element, exploiting it solely for tourism and commercial purposes. The establishment of a database would be a necessary initiative that would give everyone access to the tools to discuss those effects and consequences;

- (b) selection of members of the subsidiary body tasked with assessing the nominations for inclusion in the RL. He stressed that the body had a great responsibility and needed to exercise great caution when interpreting the selection criteria.
10. The **Director-General of UNESCO, Mr Koïchiro Matsuura**, said he was deeply moved and expressed his heartfelt thanks to the Turkish authorities for their warm welcome. Recalling that Istanbul would be one of the three European capitals of culture in 2010, he stressed Turkey's deep commitment to heritage over the centuries. Turkey had paid special attention to the preservation of its tangible and intangible treasures, it had nine sites on the World Heritage List, and two Masterpieces of the Oral and Intangible Heritage of Humanity had been proclaimed in 2003 and 2005. He recalled the crucial role of the Declaration of Istanbul in giving rise to the Convention, which defined the intangible cultural heritage as a "mirror of cultural diversity." The Director-General also stressed that the third session was a historic moment, as the symbolic number of 100 States Parties to the Convention had been reached and the RL, showing 90 masterpieces from 70 countries would be established. He mentioned the important items on the agenda before thanking the former Secretary of the Convention, Mr R. Smeets, for his excellent work in the past and welcoming the new Secretary of the Convention, Ms Cécile Duvelle.
11. The **Minister of Culture and Tourism of Turkey, H.E. Mr. Ertuğrul Günay**, highlighted the positive but also negative effects of globalization. He stressed the need for awareness of the world's cultural riches and the need for joint efforts. The adoption of the Convention on 17 October 2003 was exemplary in that regard. He recalled that Turkey had played an active role in its preparation and had become a State Party on 27 March 2006. He told the Committee that in 1966 Turkey had set up a folklore documentation centre under the Ministry of Culture, which had been responsible for the filing and cataloguing work and preparing the nomination files for the Representative List of Intangible Cultural Heritage of Humanity. In conclusion, the Minister of Culture and Tourism mentioned some special events that had been scheduled the following few days to present some elements of the intangible cultural heritage (ICH) that were candidates for inclusion in the RL, including the Karagöz, and the two masterpieces that were already listed: the art of Meddah and Sema (Mevlevi ceremony).

INCORPORATION OF ITEMS PROCLAIMED MASTERPIECES IN THE REPRESENTATIVE LIST

Document [ITH/08/3.COM/CONF.203/1](#)
Draft Decision [3.COM.1](#)

12. The **Chairperson** stressed that the session constituted a vital step forward, as it would establish the Representative List of Intangible Cultural Heritage of Humanity.
13. The **Secretary of the Convention** then read out the list of 90 "Masterpieces", described one by one, and draft decision 3.COM.1. In addition to incorporating the 90 elements, the Committee requested the Director-General to invite States not parties to the Convention that had incorporated elements on their territory to give their express written acceptance of the rights and obligations under the Convention in accordance with the conditions and deadlines provided for in the Operational Directives. The decision called upon States not parties to the Convention to consider ratifying it as soon as possible in accordance with Articles [32](#) and [33](#).
14. To the applause of the Committee, the **Chairperson** officially declared that the 90 Masterpieces were duly incorporated into the Representative List of Intangible Cultural Heritage of Humanity.

[Coffee break]

15. The delegation of **Turkey** said that it was delighted that the 90 elements had been incorporated into the Representative List of Intangible Cultural Heritage of Humanity.
16. The delegation of **Hungary**, after thanking the Turkish organizers, said that it was honoured to be Vice-President in the beautiful city of Istanbul. It pointed out that Sema was only one of Turkey's many contributions to the ICH. Following the General Assembly (GA) held in June 2008, the Convention had finally reached the implementation stage. More than 100 States were parties and the Committee had a duty to continue its efforts to raise public awareness of the importance of the Convention of the Intangible Cultural Heritage.
17. The **Chairperson** then reported on the Bureau meeting held at UNESCO Headquarters in Paris on 20 October 2008.
18. The delegation of **Brazil** thanked the Turkish authorities for their hospitality. As a party to the Convention, it wished to attend Bureau meetings as an observer. Raising the question of the least developed countries that would be candidates for preparatory assistance, it suggested that the discussions relating to the Fund should be held by the Committee rather than the Bureau. It also considered that when the Bureau addressed substantive matters, as at its meeting on 20 October, the report should be distributed.
19. The **representative of the Director-General of UNESCO** said that all States Parties had been informed of the Bureau meeting of 20 October and that they could attend as observers. She also recalled that the Bureau was empowered by the Operational Directives to examine and authorize requests for international assistance for less than US \$25,000. It was the Committee's task to assess requests for higher amounts.
20. The delegation of **India** said it was pleased to be attending the meeting. Recalling its statement at the Bureau meeting of 20 October, it raised the question of assistance to developing countries, especially the least developed countries, and regretted that a Member State of the European Union had applied for \$6,000 in preparatory assistance to draw up a nomination file for the Urgent Safeguarding List, whereas the principle behind the establishment of the Fund was that it would be for developing countries. Members of developed countries should therefore refrain from using the resources of the Fund. In view of the confusion regarding the type of request for assistance, it also considered that the Secretariat should provide the Bureau with technical advice. It then pointed out that the Committee should discuss funding for NGOs.
21. The **Chairperson** suggested that substantive issues be discussed later.
22. The delegation of **Paraguay** thanked Turkey and the Secretariat. It endorsed the comments made by Brazil and India and stressed the concern expressed by its electoral group that practically no NGO from Group III had been proposed for accreditation.
23. The delegation of **Gabon** congratulated Turkey, the Chairperson and all members of the Bureau. It stressed the imbalance in representation of NGOs proposed for accreditation from Group Va, which only had one NGO as opposed to 23 States Parties. It wondered whether the States Parties had been unable to submit nominations for non-governmental organizations or whether their NGOs had been eliminated as a result of the selection criteria.
24. The delegation of **Italy** stressed its commitment to the Convention and its gratitude to Turkey for its hospitality and for organizing the meeting so well. It also called for the Chairperson's report to be distributed. [Report available in English and French on the Convention website <http://www.unesco.org/culture/ich/en/3COM/> the document code being [ITH/08/3.COM/CONF.203/INF.5](http://www.unesco.org/culture/ich/en/3COM/ITH/08/3.COM/CONF.203/INF.5)].

ITEM 2 OF THE DRAFT AGENDA: ADOPTION OF THE AGENDA

Document [ITH/08/3.COM/CONF.203/2](#)
Draft decision [3.COM 2](#)

25. The Committee adopted the agenda as it stood.
26. The **Chairperson** invited the Committee to consult the various electoral groups in order to nominate members of the subsidiary body, with due regard to equitable geographical distribution.

ITEM 3 OF THE AGENDA: REPLACEMENT OF THE RAPPORTEUR

Document [ITH/08/3.COM/CONF.203/3](#)
Draft decision [3.COM 3](#)

27. Referring to the membership of the Bureau, the **Secretary of the Convention** informed the Committee's Bureau of a letter dated 17 June 2008 in which the Gabonese authorities had informed the Secretariat that the elected Rapporteur had ceased to represent the Member State.
28. Pursuant to [Rule 16.2](#) of the Rules of Procedure, if the Rapporteur ceases to represent a Member State of the Committee, a Vice-Chairperson shall be appointed following consultation with the Committee. In addition, [Rule 12.1](#) stipulates that the Bureau must include a Chairperson, one or more Vice-Chairpersons and a Rapporteur, with due regard to the principle of equitable geographical distribution. Accordingly, if Rule 16.2 were applied to the letter, Group V(a) would not be represented at the Bureau during the session. It was therefore proposed that Rule 16 be suspended so that Ms Okome Nguema (Gabon) could be appointed Rapporteur.
29. Noting that there were no objections, the **Chairperson** suspended Rule 16 of the Rules of Procedure and proceeded to the adoption of the decision appointing Ms Hortense Nguema Okome as Rapporteur.

[Tuesday 4 November 2008, 3 p.m.]

ITEM 4 OF THE AGENDA: ADMISSION OF OBSERVERS TO THE PRESENT SESSION

Document [ITH/08/3.COM/CONF.203/4](#)
Draft decision [3.COM 4](#)

30. The **Secretary of the Convention** said that the item concerned the admission of observers to the current session, while item 12 addressed the question of their admission to future sessions. She stressed that the document had been prepared pursuant to Decision [2 EXT COM 15](#), adopted by the Committee in Sofia. Paragraph 3 reaffirmed Decision [2 COM 4](#), adopted in Tokyo, and paragraph 4 recalled the Committee's decision to apply the same procedure as that followed in Sofia in admitting observers to the current session.
31. Pursuant to Decisions 2 EXT COM 15 and 2 COM 4, the following were admitted as observers at the third session: 11 States not Parties to the Convention but States Members of UNESCO or the United Nations; 3 intergovernmental organizations and 29 non-governmental organizations and non-profit institutions working in the fields covered by the Convention as listed in Decision [3.COM 4](#).

ITEM 5 OF THE AGENDA: ADOPTION OF THE SUMMARY RECORDS OF THE SECOND EXTRAORDINARY AND THE THIRD EXTRAORDINARY SESSIONS OF THE COMMITTEE

Document [ITH/08/3.COM/CONF.203/5](#)

Draft decision [3.COM 5](#)

32. The summary records of the second and third extraordinary sessions of the Committee were adopted unamended.

ITEM 6 OF THE DRAFT AGENDA: DRAFT OPERATIONAL DIRECTIVES FOR THE USE OF THE EMBLEM OF THE CONVENTION

Document [ITH/08/3.COM/CONF.203/6](#)

Draft decision [3.COM 6](#)

33. The **Secretary of the Convention** said that at its first session the Committee had decided to devise an emblem to support its efforts and those of States Parties to promote the objectives of the Convention and had decided “to agree on the principle of an open competition based on wide publicity for the design of an emblem that best reflects the purposes and spirit of the Convention” (Decision [1 EXT COM 8](#)).
34. At its second session, the Committee adopted the guidelines for the design of an emblem for the Convention and established a subsidiary body to guide the Secretariat in organizing the competition (15 November 2007-17 March 2008).
35. At its third session on 16 June 2008, the Committee selected an emblem from the seven chosen by the subsidiary body from the 1,300 proposals received in total. The General Assembly selected the proposal submitted by Mr Kovacević, from Croatia, who thus won the competition. It also decided, on an interim basis, under Resolution [2 GA 9a](#), that only the statutory bodies of the Convention and the Director-General would have the right to use the emblem, and that they could not authorize other parties to use it until the Operational Directives had been adopted for that purpose. The General Assembly also decided, in paragraph 10 of the same resolution, that the emblem should be accompanied by that of UNESCO and governed by the Directives concerning the use of the name, acronym, logo and Internet domain names of UNESCO adopted by the General Conference of UNESCO at its 34th session. The Directives did not provide any specific details about the use of the UNESCO logo alongside the Convention emblem. It was therefore proposed that the Directives concerning the use of the emblem of the Convention should be as close as possible to those applying to the UNESCO logo, since the two Directives would apply simultaneously to any request to use the Convention emblem.
36. The Secretary recalled that a previous version of the draft directives had been submitted in Sofia. Seven States Parties had submitted written comments, which had been posted on the Convention website. They had been taken into account in the draft decision.
37. The delegations of **Mexico** and **Estonia** expressed their concern with regard to the promotional activities for which the Director-General could authorize use of the emblem. Following established practice for using the logo of the 1972 Convention, if possible a prior authorization form should be drawn up for organizations wishing to use it for commercial purposes, since some companies might misuse it. On the other hand, local communities should be able to use the emblem. It was necessary to determine clearly and precisely the circumstances in which its use could be permitted.
38. The delegation of the **Republic of Korea** proposed an amendment to the draft decision to enable the States Parties to identify the authorities responsible for deciding on the use of the

emblem at the national level and to ensure it was used appropriately and as widely as possible in order to raise the visibility of the Convention.

39. Given the complexity of the debate, the delegations of **India** and **Hungary** suggested setting up a small working group with the Legal Adviser. The **Chairperson** agreed to that proposal and established an informal working group that was also open to observers. Following a proposal by the delegation of **India**, **Italy** agreed to chair the group.
40. The **representative of the Director-General of UNESCO** said that in Sofia there had been a preliminary discussion and consultation with States Parties that had given rise to seven comments. She also recalled that the World Heritage Committee currently had specific directives, which had not previously been the case. She recalled that the General Conference in 2007 had adopted directives on the use of the UNESCO logo, and that the directives governing use of the logo of the 1972 Convention sometimes clashed with those governing the use of the UNESCO logo. Consequently, it was decided to suggest that the document should contain proposed directives that were mutually compatible, given that the emblem of the 2003 Convention would always be associated with that of UNESCO, as decided by the General Assembly of the States Parties. Therefore she considered it necessary to reflect immediately on ways and means of harmonizing the directives on the use of the emblem of the 2003 Convention with those concerning the UNESCO logo.
41. The delegation of **Lithuania** (observer) referred to paragraph 20 of the draft directives concerning the rules for the graphic design, stating that they should be worded very precisely. The delegation of **India** requested the Legal Adviser to give an opinion, as the Sofia discussions had not dealt with the substantive issues. It was specifically concerned about paragraph 21 of the draft directives concerning protection and considered that it was inappropriate to refer to instruments that pre-dated the establishment of the United Nations, such as the 1883 Paris Convention. India, for example, was under colonial rule in 1883 and was therefore not party to the Paris Convention.
42. The **Legal Adviser** explained that under Article 6ter of the Paris Convention (1883) the emblem could be registered and its illegal use prevented. The emblem of the Convention and that of UNESCO should be protected by the same international legal framework. He also assured members that those proposals were the result of extensive internal consultation.

[Continuation and end of the discussion of this item: Friday, 7 November 2008 in the morning]

43. The **Chairperson** of the working group, the Italian delegate, introduced the document drawn up by the working group on the basis of the document proposed by the Secretariat, and said that it was the result of a consensus within the group. In particular, he pointed out that in paragraph 6 of the draft directives, the working group had decided not to grant the National Commissions the right to use the emblem without permission, while still mentioning their role in paragraph 8 of the draft directives. In addition, he pointed out that in paragraph 14, other examples of activities had been added to the existing list, including performances and works embodying the ICH.
44. As to paragraphs 19 and 20 on the commercial use of the emblem, the working group considered that commercial use could be permitted as long as certain conditions were met, in particular with regard to use by practitioners whose ICH was their livelihood. The draft also required that the State concerned by an element included in the Convention Lists be consulted before any commercial use could be made.
45. The delegation of **India** thanked Italy for chairing the working group. Given that, on the one hand, some proposals were far-reaching and that visibility and the emblem issue were closely linked and that, on the other hand, contractual agreements needed to be analysed very carefully, particularly when a State did not agree to the use of the emblem (last line of

paragraph 19), it suggested that the discussion be postponed until the following session of the Committee and added that the document would form the basis for the discussion.

46. The **Chairperson** thanked Italy and the working group members for the enormous task that they had completed, which he saw as a very good basis for future negotiations. He also opined that, given the important issues relating to the commercial use of the emblem, it would be better to postpone discussion of this item to the following session. The new draft decision [4.COM.6](#) was adopted as proposed by the delegation of India.
47. The delegation of **Brazil** (observer), supported by that of **Turkey**, thanked Committee members for their decision and pointed out that the sacred and sometimes spiritual nature of ICH made it necessary to consult States, NGOs and ICH holders before taking any important decision on the commercial use of the emblem.
48. The delegations of **Japan** (observer) and the **Republic of Korea** thanked Italy for chairing the group but were disappointed with the decision and regretted that States had not voiced their concerns during the working group meeting. They were nevertheless committed to playing an active role in future discussions.
49. The delegation of **India** said that a discussion of such importance should be held by the Committee rather than by a working group.
50. The delegation of **Gabon** also thanked Italy for chairing the working group and said that the matter should be deferred to a future session. It requested the Legal Adviser to comment on the use of emblems of other UNESCO conventions and stressed that the sacred, holy nature of ICH could not be sold off cheaply. Like other continents, Africa was very sensitive to the issue of commercial use of the emblem.
51. The **Legal Adviser** pointed to the need to distinguish between tangible and intangible heritage, particularly as far as commercial use of the emblem was concerned.
52. The delegation of **Italy** proposed that the Secretariat should provide information on the financial benefits to be derived from the commercial use of the World Heritage logo, which would make it possible to see whether it would be appropriate to follow the same model as for the 1972 Convention, or whether the ICH required a different approach.
53. The delegation of **Paraguay** agreed to defer the decision until the following session, recalling that at that session the Committee would be called upon to include in the RL new elements for which clarification on the use of the emblem would be required. The Operational Directives should thus be broadened to cover more than merely commercial matters. However, inclusion in the RL or the USL could bring benefits and recognition to the holders.
54. The **representative of the Director-General** of UNESCO highlighted the need for the rules governing the use of the UNESCO logo and that of the 2003 Convention to be compatible, stressing that the economic impact could be enhanced owing to such dual use and recalling that a concerted approach was being taken to all of the conventions.
55. The delegation of **India** expressed reservations about using the 1972 Convention model for the 2003 Convention and highlighted the specific nature of the use of the 2003 emblem. Use of both the UNESCO and the 2003 logos would require harmonization of their directives in order to reflect the unique character of the 2003 Convention.
56. The delegation of **Jordan** thanked Italy for its proposals on the use of the emblem and reminded the Committee of the need for vigilance to ensure that the mistakes made with the World Heritage logo were avoided.

ITEM 7 OF THE AGENDA: OPERATIONAL DIRECTIVES ON VISIBILITY

Document [ITH/08/3.COM/CONF.203/7](#)

Draft decision [3.COM 7](#)

57. The **Secretary of the Convention** said in her introduction that the Convention paid particular attention to the need to raise awareness of safeguarding intangible cultural heritage locally, nationally and internationally, particularly among the younger generations. She reminded members that the item had been included in the Committee's agenda in Sofia, but that it had been decided, owing to the limited time available, to discuss the matter at a future session. Furthermore, the General Assembly had deemed it to be of prime importance and, in Resolution [2.GA 5](#), had requested the Committee to submit for approval at its third session, supplementary directives on, inter alia, visibility. The Secretary then said that the document proposed some operational directives which could help to develop a number of tools and programmes to educate the general public about the objectives of the Convention.
58. Referring to paragraph 6 of the draft operational directives on cooperation links to the national and international media, the delegation of **Mexico** stressed that, in forging such links, consideration should be given to the need to protect the cultural expression concerned and ensure that it was beneficial to the holder communities. It proposed that a working group be established to discuss the matter.
59. The delegation of **India** pointed out that when the issue had been raised the discussion had not focused on promoting the Convention through the UNESCO website, but rather on promoting the Convention at the local, regional and international levels. The Secretariat's document was superficial as it only addressed developing the website or creating databases, without mentioning essential aspects such as community involvement. The delegation said that the reference to visibility was made in such a way that it was not directed to grassroots communities and requested the Committee to first discuss in depth exactly why there was a need for operational directives in this area. It also said that the minutes of the Committee meeting in Sofia should be consulted in order to identify any interesting ideas that might be taken on board in the discussions. It stressed that, while the website was useful, it did not address the broader issue of promoting the Convention.
60. The delegation of **Estonia** endorsed the view that there was no link between the proposals and the communities and stressed the important role that the State Party needed to play in order to contribute to the process of dealing with matters relating to involving communities at the local level. Best practices could then be identified and shared at the international level.
61. The **Chairperson** conceded that the document was too superficial to deal with the various issues surrounding the visibility and promotion of the Convention and suggested that the States Parties should make specific proposals in this regard.
62. The **representative of the Director-General** agreed with Committee members that it would be very useful to know the views of the States Parties on the issue so that the draft operational directives could be improved. She also said that the subject of visibility had not yet been discussed by the Committee, as the session in Sofia had decided to postpone discussion on the subject to the present session.
63. The delegation of **Peru** said that it was not merely a matter of the visibility of the Convention, but also the visibility of the various forms of cultural expression of the intangible cultural heritage; that aspect was not sufficiently clear in the document proposed by the Secretariat. It supported the **Mexican** proposal to establish an informal working group or to defer discussion of that very important issue to a future session of the Committee. The lack of visibility of the intangible cultural heritage was a factor that played against its viability.

64. The delegation of **India** said that the issue had not been discussed in Sofia as part of any specific agenda item, but in later discussions on means of increasing resources for the Fund. It suggested States Parties, NGOs and ICH practitioners be requested to give their views. The thrust of the first group of directives were somewhat different and it was necessary to refocus the document.
65. The delegation of **Gabon** highlighted the disparity of the actors in the paragraphs of the document referring to the Committee, States Parties and the Secretariat, which made the text vague, and called for the roles to be identified more clearly. The **Chairperson** then stressed how useful and beneficial it was to discuss the issue which was of such crucial importance to the Convention.
66. The delegation of **Hungary** wished that the Committee would have a real debate on the issue so that an exchange of views could take place and it argued against the establishment of another working group, considering that it would be better for the Committee to reflect on the matter in depth and then to turn to the States Parties for advice and fresh ideas in order to draw up a more comprehensive document for the next session.
67. The delegation of the **United Arab Emirates** stressed that it was the duty of the States Parties to promote the Convention and that forms of cultural expression should be promoted by organizing events and supporting publications in a wide range of languages.
68. The delegation of **Turkey** reminded members that the establishment of national inventory systems was the first step towards making the intangible cultural heritage visible. In this process, community involvement was crucial and the contribution of centres of expertise working in the field was essential. It particularly emphasized the importance of education, saying that Turkey had recently organized a meeting of experts on Education and the Intangible Cultural Heritage of Turkish-speaking countries; the meeting had established that government institutions and centres of expertise had insufficient knowledge of the Convention. It might be useful to post the inventories on the website, but the most important thing was to establish an education network for primary schools. It also mentioned the Turkish Government's proposal to invite experts from the Committee and UNESCO to a meeting on "Intangible Cultural Heritage and Education" in 2009.
69. The delegation of **Kenya** considered that the intangible cultural heritage had the potential to promote dialogue and cultural diversity throughout the world and appealed to the Committee to take account of the spirit of the Convention and give special status to communities, which were the main actors. It also highlighted the key role that development agencies could play in the safeguarding process. Translating the Convention into different indigenous languages could improve the visibility of the Convention among local communities, facilitate the organization of information meetings at the local level and teach young people the values of intangible cultural heritage in order to enhance peace and tolerance. The delegation was in favour of deferring in-depth discussion of the issue to the following session.
70. The delegation of **Cuba**, after expressing support for the work that had been done in Mexico and Peru, highlighted the promotional activities carried out by the Cuban Intangible Heritage Council. Referring to accomplishments under the project implemented to safeguard the Tumba Francesa, it stressed the importance of involving ICH holders and the need to prepare communities to carry out promotional activities in order to protect them from the adverse effects of excessive visibility.
71. The delegation of **Belarus** supported Gabon's view that the role of all of the various players should be defined precisely and said that paragraphs 1, 2 and 3 could be merged.
72. The delegation of **Italy** noted that the Committee could produce educational tools in cooperation with the States Parties in order to make them more easily understood. It said

that it was unnecessary to establish a new working group and that the current text could be substantially improved by the Committee.

73. The delegation of **Lithuania** (observer), while agreeing that visibility was linked to ways of increasing resources for the Fund, expressed concern about the negative impact of such visibility on a sometimes fragile heritage. The reference in paragraph 4 of the operational directives to the distribution of information material to the general public, for example, required closer analysis; the delegation said that it would be useful to have contributions from the States Parties. The distribution policy debate at UNESCO might also be useful in this regard.
74. The delegation of **Brazil** (observer) expressed its agreement with India's position but said that the Committee had addressed the issue several times under various agenda items. It endorsed the view of Gabon and Turkey that the Secretariat's role was not sufficiently clear. It also considered that implementation of the Convention was the best way of promoting intangible cultural heritage and referred in that regard to Chapter III of the Convention for the Safeguarding of the Intangible Cultural Heritage at the national level. The delegation believed that inventories, the establishment of institutions responsible for managing intangible cultural heritage, documentation, training, public information activities and community involvement were all measures linked to the promotion and visibility of intangible cultural heritage as a whole and could be taken into account by the Committee. It concluded by recalling that there were many examples within the United Nations system, such as the Convention on Biological Diversity, the Permanent Forum on Indigenous Issues and the Commission on Sustainable Development, on which UNESCO could draw in promoting the Convention and local communities.
75. The delegation of **Japan** (observer) said that the issue of visibility of intangible cultural heritage was of great importance and that the success of the 1972 Convention had been secured through efforts to raise visibility, mobilize the media and promote cultural tourism. It was an honour for a country to have an element of intangible cultural heritage included in the Representative List, but inscription alone was not enough. In Japan, many initiatives had been undertaken by local communities, which attached great importance to keeping their heritage alive through festivals, exhibitions of traditional crafts, academic seminars and other types of events, sometimes media-oriented, which raised the profile of their heritage considerably at the local level. Those examples had enabled communities and the general public to gain ownership of the intangible cultural heritage, not only in Japan but throughout the Asia and the Pacific region. In that regard, Japan spoke of the agreement between UNESCO and the Japanese Asahi publishing group as a good example of cooperation, which would raise the visibility of the living heritage. Finally, Japan said that the document submitted by the Secretariat did not provide satisfactory answers to the many questions posed by the visibility of the Convention and suggested that the Secretariat should first collate best practice in the field and disseminate it among the States Parties to the Convention.
76. The **Chairperson** added that the States Parties' practice with regard to visibility could be very useful and that it could be collated by the Secretariat to be shared by the States Parties.
77. The delegation of **Jordan** stressed the importance of the visibility of the Convention in the media, including newspapers, television and other audiovisual media, and the need to focus on youth. It noted that in Jordan courses had been organized to bring the Convention to the attention of students and wondered if UNESCO might help institutions working at the national level to share their experience with other countries.
78. The delegation of **Romania** (observer) stressed the sensitive nature of visibility issues, the large number of players involved and the lack of any reference to the holders of intangible cultural heritage. In Romania there were networks where communities could exchange views

and experience. Visibility campaigns were, of course, useful but must take account of the risk of removing elements of intangible cultural heritage from their context. The visibility campaign must be carried out in conjunction with formal and informal education and be backed up by awareness campaigns. Like other delegations, it believed that a more comprehensive document should be prepared by the Secretariat for the following session and that it should reflect the exchange of ideas held within the Committee.

79. The delegation of **India** said that it was difficult to continue the debate on the basis of the document submitted by the Secretariat and suggested that the States Parties be consulted on the issue and that the outcome of the consultation made available to the States in an online document. The delegation of the **Republic of Korea** supported India's proposal.
80. With regard to the method, the delegation of **France** (observer) was against the establishment of a working group as that would ultimately dilute the debate. With regard to the substantive issues, it agreed with Brazil that the best guarantee of visibility for the Convention was its implementation at national level, involving the communities and with the support of centres of expertise and research institutes. Finally, it suggested that the text should be redrafted, although it did concede that a document on the subject could not be exhaustive.
81. The delegation of **Mongolia** (observer) requested that the document be redrafted substantially. Although the 1972 Convention could provide some interesting examples in terms of visibility, the delegation considered that the 2003 Convention which addressed a living heritage that was directly related to community life should be taken into account; visibility efforts should therefore reflect that experience. There should be greater synergy between the Convention and United Nations sustainable development programmes, and ICOMOS could play an important role in implementing the Convention with regard to the relationship between monuments and cultural heritage.
82. The delegation of **Turkey** reminded members that it was only after the 2003 Convention that the term "intangible heritage" had entered current usage, although some countries had acquired considerable experience in the area of safeguarding, as was the case of **Japan** and Turkey. Noting that the Convention provided a general framework for States Parties to plan for promotion of their intangible cultural heritage, it believed that it was too early to assess the results.
83. The delegation of **Croatia** suggested that the Secretariat should identify local experience that could be shared with the States Parties.
84. The delegation of **Belgium** (observer) recognized the importance of the issue of visibility at the national and international levels, but felt that it should first be a matter for the local communities, which were the true bearers of intangible cultural heritage. Since 2002 Belgium had been striving to publicize the Convention at the community level and the delegation suggested that the document that had been submitted should be enriched with the debates of the current session and reviewed again at a later session.
85. The delegation of **Algeria** (observer) agreed with France that implementation of the Convention would be the best means of ensuring its visibility. It agreed with Turkey's stance on the key role of education systems in safeguarding intangible cultural heritage as a means of ensuring that the holders of the tradition could pass on those assets; they were the guarantors of the continuity of the heritage and of the evolution of intangible cultural heritage in general.
86. The delegation of **Switzerland** (observer) stated that the draft operational directives, as submitted, should be developed further in order to define the objectives and determine who

was going to work with the Convention and why. It expressed support for the idea of a consultation of States Parties in order to examine the issue in light of the suggested ideas.

87. The delegation of **Monaco** (observer) highlighted the living nature of the intangible cultural heritage, which called for a specific approach in order to avoid taking inappropriate action. It supported the proposal made by Peru and Cuba and called for in all action to be envisaged within the framework of sustainable development, taking into account the opinion of the Committee and avoiding any folklorization. It considered that the knowledge contained by peoples should be introduced into education systems in order to ensure mutual enrichment.
88. The delegation of **Iran** (observer) expressed support for India and Japan and stressed that initiatives to promote intangible cultural heritage had been launched in its country.
89. **Traditions pour demain** (observer), speaking as a member of the NGO-UNESCO Liaison Committee, welcomed the participation of the many NGOs in the debate. It then said that visibility was of vital importance to implementing the Convention and noted that bearer communities still had very little knowledge of the Convention. Finally, it emphasized the important role played by NGOs in the process and encouraged States Parties to rely on them when implementing the Convention.
90. The **representative of the Director-General** concluded from the discussions that a substantial redrafting of the Secretariat's document was required. She noted that many delegations had noted the importance of involving local communities, the bearers of the intangible heritage, the role of formal and non-formal education and the training needed for the bearers of the heritage. She also noted the need for the role of the States Parties to be defined clearly, but stressed that the Convention already provided some suggestions in that regard. She welcomed Turkey's proposal for a meeting of experts on intangible cultural heritage and education, and fully agreed with Japan on the need for visibility and promotion of intangible cultural heritage, while bearing in mind that care was needed with that fragile type of heritage. She also noted the need to involve the media in the awareness-raising campaigns. Regarding the role of the Secretariat, it should serve as a platform to raise awareness of the players and holders, and seek other possible consultation mechanisms to increase community involvement in the implementation of the Convention. She said that a consultation of States Parties on the issue of visibility would be necessary in order to improve the text substantially. The new document produced would thus provide a basis for the Committee's discussion at the following session.
91. The **Chairperson** summarized the discussion and concluded that the document submitted by the Secretariat should be improved and that it was best not to form a working group during the session. He therefore announced that discussion of the issue should be deferred to the following session, by which time the Secretariat would have sent a questionnaire to consult the States Parties, NGOs and other agencies on the matter. A new document should thus be submitted at the following session. He also proposed that the title of the document should reflect the objectives of the operational directives. As the term "visibility" was no longer suitable, the Chairperson expressed his preference for the word "touchability".
92. **Hungary** welcomed the exemplary manner in which the Chairperson had led the discussions and agreed that a new document should be submitted.
93. The **Chairperson** closed the debate on the item, which was thus deferred without decision to the fourth ordinary session of the Committee

[Wednesday 5 November 2008, 10 a.m.]

ITEM 8 OF THE AGENDA: DRAFT OPERATIONAL DIRECTIVES ON THE MEANS TO INCREASE THE RESOURCES OF THE INTANGIBLE HERITAGE FUND

Document [ITH/08/3.COM/CONF.203/8](#)

Draft decision [3.COM 8](#)

94. The **Secretary of the Convention** said in her introduction that the Fund was financed mainly through compulsory and voluntary contributions from the States Parties to the Convention and that two countries, Italy and Monaco, had already made voluntary contributions to the Fund in addition to their mandatory contributions. [Article 7](#) of the Convention provided that one of the duties of the Committee was to seek ways of increasing its resources and to take the requisite steps to that end, in accordance with [Article 25](#). She also stressed that, as with the previous item on visibility, the item had also been on the provisional agenda of the Committee at its second extraordinary session in Bulgaria, but it had been decided, owing to time constraints and the busy agenda, to discuss the issue at a future session. In addition, in its Resolution [2 GA 5](#), the General Assembly had requested the Committee's second session to submit for approval at its third session supplementary directives on, inter alia, ways of increasing the resources of the Fund. Introducing the working document, the Secretary of the Convention said that the draft directives referred to the arrangements that the Committee could make in order to increase the Fund's resources in general, which were to be used in accordance with the plan for use of the Fund's resources, subject to approval by the General Assembly.
95. The delegation of **Cyprus** asked whether contributions can be made by private companies directly to National Commissions for UNESCO, and whether recognition as contributors under paragraph 13 of the document can be given to private companies and businesses at the local and national levels.
96. The delegation of **Italy** stressed that the mention of "exclusive events" under paragraph 14 was against the idea of transparency, and proposed to speak of "special events".
97. The delegation of **Estonia** brought to the attention of the Committee a possible contradiction between paragraph 3, which encourages States Parties to make voluntary contributions "in order to contribute to the safeguarding of elements inscribed on the Urgent Safeguarding List", and paragraph 8.a. which provides that voluntary donors have no say in how these contributions are to be used.
98. Concerning paragraph 3, the delegation of **India** wondered what inspired the drafting, expressing concern that it might discourage developing countries from submitting nominations to the Representative List, as it invites them to make contributions that they will not be able make.
99. The delegation of **Cyprus** asked whether paragraph 3 implied that contributions were not possible unless a State Party had an element inscribed on the Representative List.
100. The delegation of **India** further pointed out that in paragraph 14 the word "patron", in some countries, has a pejorative connotation, and requested a clarification between the words "patron", which implies that money is given, and a "contributor".
101. The **representative of the Director-General** recalled that the uses of the Fund are were approved by the General Assembly of States Parties and that it was not possible to make financial contributions with specific conditions attached outside of the framework of the Fund. She further mentioned that this document drew upon ideas expressed in various Committee debates such as the one on the use of the Fund, and was innovative in the sense that it

proposed a hierarchy of contributors, which the Committee, however, was free to reject. If the Committee wanted private entities to make donations, it would have to give something in exchange, and it was proposed to offer different designations. In reply to the delegation of **Italy**, she recognized that the term “exclusive events” may not be well chosen and could be replaced. Referring to paragraph 3, and as noted by **India**, she recalled that the funds could be specifically earmarked and that donors could choose which activity they wished to support. This suggestion had come up in the course of various debates on the relationship between the two Lists, and one of the possibilities proposed had been to encourage – and not force – States Parties to make a contribution when an item was inscribed on the Representative List, without earmarking that contribution.

102. With regards to paragraph [7](#), the delegation of **Gabon** expressed concern about the origins of the contributions and the need to verify whether these were not made from entities that, for example, violated existing human rights instruments.
103. The **representative of the Director-General** later replied that paragraph 7 stipulated that “no contributions may be accepted from entities whose activities are not compatible with the aims and principles of the Convention, with existing international human rights instruments, with the requirements of sustainable development or with the requirements of mutual respect among communities, groups and individuals.” She explained that these guidelines would be implemented based upon existing United Nations guidelines that indicated the principles that must be complied with in accepting donations.
104. The delegation of **Paraguay** proposed that all three categories of contributors be called “patrons” and to make distinctions within this generic term.
105. The delegation of **India** stressed that establishing distinctions would go against the spirit of multilateralism, as it implied creating a difference between rich and poor countries. If poor countries made a small contribution, they would not fit in any of the categories and would not be named.
106. The delegation of the **United Arab Emirates** concurred, considering that everyone was a “supporter”, but suggested that two categories of “patrons” and “contributors” might be considered for those contributing respectively more than \$1 million and more than \$500,000.
107. The delegation of **Italy** argued against a hierarchy and in favour of having only one category regardless of the contributed amount which could then be announced on the web and in the newsletter, etc., while specific distinctions would only be made during Committee sessions.
108. The delegation of **Turkey** pointed out that distinctions for States Parties were not necessary, but they may be useful with regard to private donors in order to encourage them to make contributions.
109. The delegation of **Mali** stressed that NGOs or practitioners were mostly not able to contribute such large amounts as referred to in the present document. It further proposed to delete the entire paragraph 3 which would create a moral obligation that should be avoided.
110. As to paragraph 13, the delegation of the **Republic of Korea** warned against creating another distinction between North and South if States Parties were addressed as well. It therefore proposed to indicate that this paragraph refers to entities “other than States Parties”.
111. With reference to paragraph 2, the delegation of **Brazil** (observer) feared that the Convention might be tied exclusively to rich and private companies, neglecting voluntary contributions from individuals.

112. The delegation of the **Syrian Arab Republic** (observer) supported **India** and the **United Arab Emirates** in their insistence on the need for clarity and to proceed slowly. It also stated that many efforts are underway in the Syrian Arab Republic to inform about the Convention in the press. It further referred to Articles [20](#) and [21](#) of the Convention regarding the earlier question of financial contributions for items on the Urgent Safeguarding List, asking whether UNESCO would provide financing to protect these elements and how it would be possible to deal with these issues with information provided only in French and in English. The delegation also suggested that UNESCO could hold press conferences for those who wished to contribute, which would also help developing countries.
113. The delegation of **Japan** (observer) argued that the difference between public and private contributions may deserve distinction, considering it necessary to address private entities and donors that could make large contributions and have great impact on the safeguarding of ICH elements. It further commented on paragraph 8(b), noting that some kind of reporting would be necessary in order to encourage donors and enable them to be informed about the use and impact of their contributions.
114. The **Legal Adviser** commented on various points raised by some delegations. The term “entity” was a very general one covering all donors, in particular those of the private sector. The document was also inspired by the United Nations Global Compact with its ten universally accepted principles in the area of human rights, labour, environment and anti-corruption, but this was not detailed here as it was also up to the Committee to make its own decision about accepting funds. He further noted that paragraph 8 was in conformity with [article 25](#) of the Convention and agreed with Japan’s viewpoint on the issue of reporting. He also suggested that this paragraph could be deleted as it only spoke about narrative reporting, while formal reporting was covered by the agreements. As to paragraphs 13 and 14, he explained that their purpose was to address the kinds of reward and recognition the Committee wished to give to outside donors. The categories were mainly established in terms of “sponsorship” and hierarchy was not obligatory. He also recalled that in many countries donors were motivated in part by the possibility of a tax exemption for their donation.
115. The **representative of the Director-General** recalled that no individual reports were foreseen when accounting for expenses under special accounts. She also recalled the limited resources available, that there was a need to find funds and that it was possible to collect a large number of small contributions, as was recently seen during the funding of the electoral campaign of Barack Obama. With reference to the Legal Adviser’s remarks, the Committee could further study the forms of recognition according to the contributions made. Alternatively, it could be envisaged that all contributors could be referred to under the same category, but that exceptional contributors donating very high amounts could be distinguished.
116. The delegation of **Viet Nam** appealed to the Committee to avoid elaborating a text that it would feel uncomfortable with, and to remain focused on the question of how funds from the private sector could be mobilized, and how these contributions could be publicized.
117. The delegation of **Italy**, concurring with the Delegation of **Mali**, proposed to delete paragraph 3, as it was already covered by paragraph 2, and to delete paragraph 12 that establishes a hierarchy that is contrary to the spirit of the Convention. The delegation of **Estonia**, however, recalled the seeming discrepancy between paragraphs 3 and 8, but did not wish to delete it. The need to encourage contributions showed that the Urgent Safeguarding List was the most vital part of the Convention, and paragraph 3 would rather notify a State Party of the option of this possibility to make a contribution. The delegation of **Jordan**, supported by **India**, concurred that the proposed donor categories should be dropped, arguing that there were cases in which small contributions could be more efficient than large ones. It further stressed that some donors may wish their contributions to remain confidential. The delegation of

Cyprus remarked that it might be useful to have a paragraph stating that States Parties should find innovative ways of increasing the resources of the Fund, for example by issuing stamps.

118. The **Chairperson** proposed to review each paragraph and asked whether to delete paragraph 3 entirely or to keep it, retaining only its generic sense of encouragement. While the delegation of **Estonia** spoke in favour of the latter, it concurred with the concerns expressed by the delegations of **Mali** and **Cyprus** and agreed to the deletion of this paragraph. The Chairperson then noted that no changes had been proposed for paragraphs 6-9. With regard to paragraphs 10-15, the Chairperson concluded from the debates that categorization along the lines of contributed amounts should be avoided, but that distinctions between public and private sectors should be reflected.
119. The **representative of the Director-General** pointed out that according to the suggestion by the **Legal Adviser** of not focusing on the levels of contributions at this stage, paragraph 12 could be deleted and paragraph 13 revised. This would make another debate necessary on the amount of contributions and the way they were recognized. The Committee could, for example, commit itself to recognizing them in particular ways which would need to be clarified at a later stage.
120. The delegation of **Italy** proposed also to delete paragraph 11 because it related to the use of the emblem and relevant operational directives that did not exist yet.
121. The delegation of **Mexico** proposed to indicate, in paragraph 13, that the form of recognition should be specified by the General Assembly, not by the Committee. The **Legal Adviser** replied that this would nevertheless require that the Committee propose to the General Assembly specific forms of recognition. The delegation of **India** concurred, recalling that the Assembly was authorized to make changes. The revised paragraph 13, co-drafted by India and Brazil, should take into account this new perspective which encouraged private funders, many of whom did get tax exemption. It further agreed that there was a need to be innovative, but in a manner that was not discriminatory, in particular to developing countries.
122. The **Chairperson** summarized the debates, noting it should be reflected that a recommendation on how to recognize contributors would be made later. The delegation of **India** insisted that a date should be indicated in order to avoid postponing this endlessly. The delegation of **Italy** noted that the proposal by the Chairperson did not exclude the paragraph proposed by **India** and **Brazil** relating to possible incentives for individual contributors that could benefit from tax deductions.
123. The delegation of **Madagascar** (observer) noted the highly symbolic value of this Committee session to the Zafimaniry community and the people of Madagascar and underlined the importance of giving the Convention the means to efficiently support the communities in their efforts to safeguard their ICH. He underscored that he was honoured to participate in the Committee session as representative of the Zafimaniry community, whose woodcraft tradition has been inscribed, on this session's first day, on the Representative List, recalling that already its proclamation as Masterpiece in 2003 was felt as an immense pleasure by the community. He further recalled the safeguarding plan of the woodcraft tradition, financed by UNESCO and Japanese Funds-in-Trust, which allowed creating an association of Zafimaniry craftsmen, training young practitioners and transmitting to them the importance of that knowledge and skills. The plan also contributed to raising awareness about the impact of deforestation on culture, and on the need to protect the wood. Despite these efforts, he stressed that much remained to be done to safeguard this culture and expectations were high with regard to these operational directives.
124. With regard to the issue of categories of contributions, the delegation of **Saudi Arabia** (observer) suggested having a category "A" for contributions above \$1 million, a category "B"

for contributions above \$500,000, then a category “C” with less than \$500,000, which would avoid naming contributors with particular notions.

125. The delegation of **France** (observer) recalled that the initial purpose of the document was to increase the resources of the fund and expressed its regret that paragraph 3 was deleted. It further concurred that hierarchy among contributing States Parties should be avoided, while for private donors, however, this would make sense.
126. The delegation of **Panama** (observer) pointed out that the present document implied that contributions were only possible “in cash”, but suggested that it may also be useful to introduce the possibility to make contributions “in kind”.
127. The **representative of the Director-General** said that the directives as drafted should imply that paragraph 11 would be modified at the next session of the Committee so that a coherent set of directives could be submitted to the 3rd session of the General Assembly, understanding that paragraph 11 would be replaced. As pointed out by India, the document would therefore come back to the Committee in order to finalize it before submission to the Committee.
128. Decision 8 was adopted, as amended.

ITEM 9 OF THE AGENDA: ACCREDITATION OF NON-GOVERNMENTAL ORGANIZATIONS

Document [ITH/08/3.COM/CONF.203/9](#)

Draft decision [3.COM.9](#)

129. Introducing the agenda item, the **Secretary** reported that the Secretariat, in conformity with Decision [2.GA.6](#), had widely disseminated information regarding the criteria and procedures for NGOs wishing to be accredited to provide advisory services to the Committee. Information was sent to all 360 organizations listed in document INF.4, and 92 entities had submitted requests before the deadline of 1 September 2008, the majority of which were incomplete and required additional information. Of these 92 requests, 69 were completed on or before 25 September and were examined by the Secretariat. The Secretariat’s recommendations regarding these 69 entities were presented in Document 9. The **representative of the Director-General** further reminded the Committee that document 9 related only to the accreditation of NGOs, not to the admission of observers, inasmuch as NGOs needed accreditation in conformity with [Article 9](#) of the Convention if they wished to act in an advisory function to the Committee. However, experts, centres of expertise or non-profit making institutions did not need to be accredited. She emphasized that the Secretariat had informed all organizations listed in document INF.4 of the possibility to be accredited. From the requests received, the Secretariat had drawn up a list of 48 NGOs that appeared to have met all the criteria. As all the requests summed up to about 3000 pages, only the names of the NGOs were listed in the document. In addition, there were six organizations regarding which doubts remained, as well as others that did not appear to be NGOs and did not need accreditation. Finally, a last category of NGOs referred to organizations that did not submit their requests or additional information in time.
130. The **Chairperson** proposed to discuss each paragraph of document 9, starting with paragraph 4 and the 48 NGOs to which it referred, noting that according to the Secretariat these had met the criteria and were recommended for accreditation. The delegation of **Estonia**, supported by **Belarus**, pointed to the imbalance of geographical representation and said that there were too many NGOs registered in electoral group I. However, it further noted that many international NGOs have their headquarters in a city of group I, while being generally active in countries of other regions as well.

131. The delegation of **Hungary**, supported by **Belarus**, recalled that this debate concerned the accreditation of NGOs with which the Committee would work to be in touch with communities and civil society, considering also, as discussed at previous sessions, the importance of the participation of different categories of participants that would be mutually complementary in the implementation of the Convention. It agreed that there was indeed a regrettable imbalance in the geographical distribution, and noted that it would be informative to compare the numbers of NGOs recommended for accreditation from the different regions and groups with the number of States Parties from each region (Group 1: 13 States Parties, 26 NGOs; Group 2: 18 States Parties, 2 NGOs; Group 3: 21 States Parties, 1 NGO; Group 4: 15 States Parties, 16 NGOs; Group V(a): 23 States Parties, 1 NGO; Group V(b): 14 States Parties, 2 NGOs). It should be kept in mind that NGOs would be important partners for UNESCO in the future, and the Committee should pay particular attention to this question.
132. The delegation of **Mali** noted that the list of NGOs recommended for accreditation did not include centres and research institutes, which as the representative of the Director-General had pointed out did not need accreditation. It was therefore crucial to inform them that they although they did not need accreditation, they could still be consulted by the Committee. The **Chairperson**, before closing the morning session, reminded the Committee of the importance and the need to encourage the creation of NGOs active in the field of intangible cultural heritage.

[Wednesday 5 November 2008, 5 p.m.]

133. The delegation of **Kenya**, supported by **Mexico** and **Gabon**, also expressed concern about the imbalance in distribution of NGOs, especially for developing countries. It noted that the Committee had an affirmative role in the process of accreditation. It further pointed out that in African countries NGOs did not operate as elsewhere, as they suffered from lack of resources while needing to work at the community level, considering also that intangible cultural heritage was a field to which not many African NGOs were as yet dedicated. Therefore, it called upon the Committee to urgently work with the Secretariat to facilitate the involvement of these community-based NGOs, for example through capacity building or awareness raising. Group V(a) should therefore consult further on how to involve NGOs more fully, through effective interventions.
134. The delegation of **Mexico** firmly concurred with **Kenya** and also concluded, after consultations with the countries of Group III, that there was a very inappropriate representation, the reasons for which would need to be addressed by the Committee in order to identify the procedure to be followed by all, to know where the mechanism failed, at least as regards Group III, and to look at how States Parties and the Secretariat could work out a better process so that the expectations and the deadlines could be met. The delegation of **Belarus** referred to the situation in its own country and noted that many post-Communist countries had not been able to develop an NGO sector, with the consequence that NGOs active in the field of ICH did not yet have legal status. It therefore expressed hope that the list under discussion would not be closed and that adding some NGOs from its region would also contribute to the balance.
135. The **Chairperson** summarized the consensus on three points, i.e. the need for geographical balance, a recognition that the present list was not balanced, and agreement that the Committee must actively work towards rectifying this. He then asked the Committee whether it agreed to recommend accrediting the 48 NGOs recommended in paragraph 4.
136. The delegation of **Romania** drew attention to the fact that the *Asociația Teatrului Folcloric din România și Republica Moldova* was listed in document INF.4 as having its headquarters in Moldavia, but that in the document under discussion it was listed as a Romanian NGO. It was important to ensure a certain quality of the safeguarding activities carried out by NGOs. In that context, it must be underlined that in the term “folklore” was not used in Romania. This

NGO was not known to the Romanian delegation and was therefore not supported for accredited as a Romanian NGO. It was also necessary to consult with the national authorities on this NGO in order to learn more about it. The **representative of the Director-General** responded that the Secretariat would verify the apparent discrepancy.

137. The delegation of **Gabon** took the floor on behalf of the African group regretting that with only one NGO from Senegal, Africa was nearly unrepresented on the list of NGOs proposed for accreditation. In that regard it drew attention to the fact that in Africa, culture is mainly transmitted orally, that the concept of NGOs that existed in the western world was not universally shared, and that this neglect of African countries constituted a blatant injustice. It was therefore necessary to be flexible and to revise the criteria to give equal treatment to centres of expertise, research institutes, universities, individual experts and particularly the bearers of heritage – those who really knew and passed on such heritage; all should be taken into consideration. For instance, the criterion of having existed and carried on activities for four years in fact excluded Africa; the Africa group would be asking the General Assembly of the States Parties to re-examine this issue. The **Chairperson** recalled that these conditions were approved but could also be changed by the General Assembly, that the phenomenon of NGOs was a new one for many countries and that there was a need to think about how to ease the approach, since the Convention was relatively young and a little more experience would be useful to detect deficiencies that needed to be addressed.
138. The NGO **Traditions pour Demain** (observer) informed the Committee that most NGOs present had met to convey a common message. The NGOs supporting this message were: Association de Nasreddin Hodja et du tourisme, Centre UNESCO de Catalunya, Centre UNESCO de Melilla, Chinese National Academy of Arts, CIOFF, Comite Colbert, FARO Flemish Interface for Cultural Heritage, Gazi University Turkish Folk Sciences, International Council of Museums (ICOM), International Council for Traditional Music, International Council of Cultural Centres, Korea Cultural Heritage Foundation, Mediterranean Diet Foundation, Teruel Existe, Traditions pour Demain, UNIMA National Centre of Turkey, Union of Cultural Centres (Chitalishta), and World Martial Arts Union. These NGOs, through the representative of the **International Council for Traditional Music (ICTM)** (observer), remarked that they shared the Committee's concern for equitable geographic representation, but called to mind the many types of NGOs, local and international ones that were not always bound by a country or group of countries as used for UNESCO purposes, as illustrated by the example of the International Council for Traditional Music which had national committees in 38 countries and liaison officers in 39 countries, members from over 100 countries, was currently based in Australia but was likely to move to another country and continent in a few years. This applied also to many other NGOs. Noting that the representation of communities was a complicated issue, they further stressed that most NGOs had contact with the grass-roots level. Representing local communities was important as they often were not able to do so themselves in an international forum such as UNESCO. They further suggested that, as intangible cultural heritage included a wide range of items, the Committee include as many NGOs as possible that satisfy the conditions and use their expertise in this large field. They finally launched an appeal to the Committee to get on with the real work of safeguarding ICH, while expressing trust in the wisdom of the Committee, the Bureau and the Secretariat in choosing the right NGOs.
139. In reply to the earlier inquiry of **Romania**, the **representative of the Director-General** confirmed that the accreditation request from the Asociatia Teatrului Folcloric din România si Republica Moldova was technically complete, noting that the request had been sent directly to the Secretariat and had indeed not been submitted by Romania. She recalled that the Secretariat had broadly disseminated information on accreditation procedures as described in document 9. The request submitted by this NGO provided evidence the association has its headquarters in Romania, although it also operated in Moldavia. In reply to **Gabon**, she stressed that the Secretariat had only followed to the letter the Operational Directives and the relevant criteria as elaborated by the Committee and approved by the

General Assembly. The delegation of **Romania** welcomed the explanation of the representative of the Director-General but noted the discrepancy between document INF.4 and working document 9.

140. The delegation of **Brazil** (Observer) expressed its disappointment that none of the nine NGOs proposed by Brazil had been recommended for accreditation and that it would follow up on this with the Secretariat. It also recalled that the issue was about considering the accreditation of NGOs to serve in an advisory capacity to the Committee, not to represent the community, and the Committee should follow the procedures for accreditation to that end. On the other hand, the possibility for private persons, experts, or others to participate in the Committee's discussions was more open, and this could be regarded as positive discrimination.
141. After seeing the consensus of the Committee, and noting the remarks of Romania, the **Chairperson** declared the list of 48 NGOs recommended for accreditation approved. He then opened the discussion on paragraph 5, referring to six NGOs for which recommendations could not be given by the Secretariat.
142. The **Secretary** explained that for the six NGOs mentioned under paragraph 5, the Secretariat was not able to offer a recommendation. Referring to paragraph 88.e of the Operational Directives relating to the operational capacities, she explained that a first group of three of the NGOs concerned (i.e. the Associazione Musa from Italy, the Conservatorio de la Cultura Gastronómica Mexicana from Mexico, and the Interactividad Cultural y Desarrollo A.C. from Mexico) had been active for more than four years, but had established a legal personality less than four years ago. Regarding the three other NGOs (i.e. Conseil international des radios télévisions d'expression française (CIRTEF) from Belgium, the Società Geografica Italiana ONLUS from Italy, and UNESCO Etxea Centro UNESCO Euskal Herria from Spain), the Secretariat had not received sufficient information from them to determine that the activities and objectives of these NGOs were clearly linked to the safeguarding of intangible cultural heritage, as required in paragraph 88.a of the Operational Directives.
143. The **Chairperson** proposed to the Committee to consider two options, i.e. either to approve all of these six NGOs, or to approve only a few at this stage. Considering that the establishment of a legal personality at least four years ago was not explicitly required by paragraph 88.e and that the first three NGOs mentioned by the **Secretary** had carried out activities in the domain of intangible heritage for at least that time, he considered that they could be approved.
144. The delegation of **Estonia**, supported by **Gabon**, cautioned the Committee against going back on the criteria that had been agreed upon after vigorous debates. This would also be unfair to those NGOs that had not submitted their requests particularly because of not meeting that criterion. The **Chairperson** pointed out that under these circumstances, none of the six NGOs should be approved. The delegation of **Italy** argued in favour of the Chairperson's suggestion to approve the three NGOs, since they did not contradict the criterion to have been "existing" for four years, which was the case, for example, of the Associazione Musa that had existed and carried out activities since 2000 even if it had been formally incorporated later. This was a question of correctly applying the criteria as they existed. The **Chairperson** confirmed this observation, reading out to the Committee the criteria contained in article 88(e) of the Operational Directives.
145. The delegation of **Peru**, supported by **Gabon**, concurred with Mexico and Gabon regarding the representativeness of the list of NGOs but was further troubled by the need to ensure the reliability of the list. With reference to the nine Brazilian NGOs that did not appear at all, it was necessary to understand how the accreditation requests had been processed – not only for Brazil, but for everybody to be certain that all requests were being looked at. The

delegation of **Gabon** reiterated its support of the list of 48 NGOs recommended for accreditation, but requested that its previous intervention be duly included in the records of this session and transmitted to the General Assembly. The delegation of **Mexico** asked whether the Mexican organizations that had established their legal personality at a later date than implied by the Operational Directives could be approved provisionally.

146. With reference to the nine Brazilian NGOs, the **representative of the Director-General** stressed that all requests received by the Secretariat were incorporated in one of the categories of the document, including those NGOs that were to be considered at a later date. She further affirmed that the Secretariat had never received a request from any of these nine Brazilian NGOs and that clarification was necessary, but assured the Committee that the Secretariat had not left out any request received.
147. In reply to Mexico's question, the **Legal Adviser** responded that provisional accreditation was not possible according to the Operational Directives. Either the NGOs complied with all the criteria for the Committee to recommend accreditation, or they did not. As was the case for the Italian organization, the question for the Mexican ones was whether they had had four years of experience at the time of accreditation or not. There was a valid distinction that could be drawn between the legal personality in conformity with national law mentioned in paragraph 88 (e) (ii) of the Directives, and the provisions of paragraph 88 (e) (iii) which required the carrying out of activities related to the 2003 Convention for at least four years. It was up to the Committee to interpret the criteria in paragraph 88 to decide whether to accredit or not, and that interpretation would establish a precedent that should be applied uniformly to all organizations in the same situation.
148. The delegation of **Hungary** evoked its experience as Chair of UNESCO's NGO Committee and its work with international NGOs having headquarters in Europe, but that are active in Africa, Asia or Latin America. Therefore, it proposed to adopt this item but to have at the Committee's next session a general debate on the involvement of NGOs in the work of the Committee, considering also that some NGOs were financed and directed by governments and not always capable of carrying out work properly in the field.
149. The delegation of **Brazil** thanked **Gabon** and **Peru** for supporting its point raised earlier and clarified that the nine Brazilian NGOs concerned were mentioned in document INF.4 among those organizations recommended by States Parties. The Secretariat had addressed letters and e-mails to the NGOs, but they had not submitted requests for accreditation. A lesson to be drawn from this could be that the Secretariat should inform the relevant governments if no request was submitted so that it could assist either the Secretariat or the NGOs in completing it. It appeared that this was a matter of miscommunication.
150. The **Chairperson** pointed out an apparent conflict between the wish for greater involvement of NGOs in the implementation of the Convention on the one hand, and the critical approach of the Committee in applying the criteria on the other. In that context, it could be envisaged to approve all six NGOs listed in paragraph 5, although they had not met the criteria of paragraph 88 meticulously. As to the NGOs referred to in paragraph 6 and 7, he considered it likely that the Committee would accept the determinations made by the Secretariat.

[Thursday 6 November 2008, 10 a.m.]

ITEM 9 OF THE AGENDA [CONT.]:
ACCREDITATION OF NON-GOVERNMENTAL ORGANIZATIONS

Document [ITH/08/3.COM/CONF.203/9](#)

Draft decision [3.COM 9](#)

151. The **Chairperson** recalled that the Committee could choose to recommend all six NGOs listed in paragraph 5, or only the three that had carried out activities for more than four years but had not had a legal personality for more than four years. The other three had not provided enough information about their activities in intangible heritage and for this reason the Secretariat had not been able to come to a conclusion on their requests. Recalling that the Committee had to consider political aspects involved in this issue, he asked the Committee for any objections to the approval of all six NGOs; if there were objections, they would be discussed in two groups. The delegation of **Estonia**, supported by **Cyprus**, **Croatia** and **India**, reiterated its position that the Committee had set up certain rules and cautioned that it should not now decide not to abide by them, inviting the Committee to consider the possibility of rejecting all the NGOs under discussion. This was an option for which the Committee's opinion was sought, thus avoiding accrediting NGOs that did not satisfy the criteria, and discriminating against others that might have chosen not to apply. For the other three, the delegation saw no clear connection in their requests to the goals and activities of the Convention.
152. The delegation of **Italy** strongly supported the option to approve all six, re-emphasizing that the NGO Associazione Musa fully met the separate conditions of the criteria and the rules only needed to be applied as they were written. It expressed its consternation that the Società Geografica Italiana had not been recommended by the Secretariat, despite its long history of competence not only in natural sciences, but also in social sciences and anthropology. Even if it was not recommended by the Secretariat, it was recommended by Italy and should be accredited.
153. The delegation of **Gabon**, supported by **India** and **Kenya**, agreed that as many NGOs as possible should participate in the Committee's work, recalling that equitable representation should be a paramount principle. But it also referred to the criteria in the Operational Directives that some NGOs under discussion may not have met, and emphasized the importance of treating all NGOs equitably in determining whether or not they met the criteria; to do otherwise would be discriminatory.
154. The **Legal Adviser** reiterated his statement made the previous day that the Committee should consider the combination of the various criteria. In that respect the first three NGOs met the criterion of legal personality and could be accredited, since having been active for more than four years even without a legal personality posed no legal problem. There was no discrimination here, but this was a matter of interpretation and it was up to the Committee members to interpret as they saw fit. However, with regard to the latter three NGOs there was no legal question; the question concerned their competence in the field of safeguarding intangible cultural heritage and that was up to the Committee to determine.
155. The delegation of **Cyprus**, while agreeing with **Estonia** about applying rules that had been adopted, believed that here a question of interpretation was involved, and expressed its support to **Italy's** proposal to approve all six NGOs. The delegation of **Croatia**, also agreeing with **Estonia**, shared the view that this was a matter of interpretation and supported the option to accredit the first group of three NGOs. The delegate also noted that he was simultaneously a member of an NGO (ICTM) and a member of a delegation to the Committee and wondered whether that posed a conflict of interest.

156. The delegation of **India** agreed with **Estonia** that the criteria should be applied in a non-discriminatory way. It was satisfied with the argument laid out by the **Legal Adviser** with regard to the first three organizations, recalling that the Committee wished to have some flexibility to accommodate NGOs from developing countries. With regard to the last three requests where the questions centred on the content of their activities, it requested confirmation from the Secretariat that the difficulty was to obtain certainty on the ICH related activities. The delegation of **Kenya** also supported the view that the first three NGOs be considered on the basis of their competence, while the latter three should be dropped, or they could provide more information to convince the Committee; the latter could wait until such information was available. It cautioned that the Committee should endeavour to be inclusive every time States Parties and NGOs were engaged, providing a window, especially for developing countries, to participate in the Committee sessions.
157. The **Chairperson** noted that the remaining problem was to know whether the three NGOs had activities specifically related to ICH, making clear that it was the Committee, not the Secretariat, that should determine that.
158. The delegation of **Oman** observed that the criteria were not clear for the Secretariat either and appreciated the clarifications by the **Legal Adviser**, expressing support to accept the first group of three NGOs, while the other three NGOs were not directly active in intangible cultural heritage.
159. The delegation of **Hungary** stressed that it shared many of the views expressed by the Committee, noting that nobody is against the participation of NGOs, replying also to **Croatia** that there was no conflict in being both a member of an NGO and a member of a delegation. Following the remarks made by **Italy**, it expressed its full support to the accreditation of the Società Geografica Italiana, paying tribute in particular to the fact that it had been active for the last 141 years, an experience the Committee could not question. It therefore proposed to accept the Società Geografica Italiana, along with the first three NGOs, in recognition of that experience. The delegation of **Paraguay** expressed its support to considering favourably also UNESCO Etxea: Centro UNESCO Euskal Herria, which had advocated a lot in favour of the defence of languages, and that it therefore could not be argued that it was not closely related to the Convention.
160. The delegation of **Italy** stated that the Committee would go against its rules if the first three NGOs were not recommended for accreditation although they complied fully with the Operational Directives; for the others it was a question of their merits and the scope of their activities. Thanking **Hungary** for its remarks, it further referred to the request submitted by the Società Geografica Italiana and considered that the Secretariat may not have been able to adequately assess this society's activities, but appealed to the Committee to take note of the delegation's confirmation that its activities were indeed related to intangible cultural heritage.
161. The delegation of **Mali**, expressing concern that the criteria already discussed and adopted should again be under discussion, supported the advice of the **Legal Adviser** to approve three of the NGOs, and proposed that the decision on the three others be deferred if these did not comply with the criteria.
162. The delegation of **India** suggested that the Secretariat, in the future, provide an explanatory note on each particular NGO on which there are doubts from a technical, not a political viewpoint. The Secretariat had a duty to examine and give a technical assessment of why an NGO met the criteria or not. Thanking **Paraguay** for the valuable information on the focus on languages of UNESCO Etxea: Centro UNESCO Euskal Herria, and having learned that the Società Geografica Italiana was active in anthropological studies, it would be helpful to obtain from the Secretariat such information in order for the Committee to come to an informed

decision. It further reiterated its support to accept the compromise to approve the first three, and take a decision on the others at the next meeting.

163. The delegation of **Egypt** (observer) recalled that the Committee was still at the beginning of its work and of the implementation of the Convention, and that the term intangible cultural heritage was a new term. It might therefore be useful to define clearly the criteria to be used for the accreditation of NGOs, since in the future thousands of NGOs would seek accreditation and they should be encouraged in this.
164. The delegation of **Gabon** wished to know why the Secretariat did not include the first three under paragraph 5 with the 48 if the Legal Adviser confirmed that they complied with the criteria. In reaction to the remarks by **Hungary**, it recalled that all regions of the world were represented on the Committee and that, although being cautious when speaking on behalf of other countries, Gabon was a sovereign country. It was unacceptable that any other country tell Gabon what to say. The **Chairperson** sought to reassure **Gabon** that its sovereignty was not questioned.
165. The delegation of **Peru**, supported by **Hungary**, expressed support to **Paraguay** about accrediting UNESCO Etxea: Centro UNESCO Euskal Herria, insisting that if the Secretariat said that they met the criteria, they should be accredited. In reply to **Gabon**, the delegation of **Hungary** wished to make clear that it did not say that developing countries should wait for anything, and that it was rather for the Committee to wait for NGOs to participate. In agreement with **India**, it strongly suggested avoiding in the future the classification made by the Secretariat of NGOs for which no recommendation could be submitted. It formally proposed to add all six NGOs to the 48 NGOs listed in paragraph 4, making it a list of 54 NGOs. The **Chairperson** asked the Committee whether there was any objection to the proposal of **Hungary**. The delegation of **India** had no objection but wished to hear the reply to **Gabon** by the **representative of the Director-General**.
166. The **representative of the Director-General** stressed that she had made sure that the wording was done this way, otherwise the wording would have been that the Secretariat did not recommend these NGOs for accreditation. She further explained that the Legal Adviser wished to have further clarification from the Committee, which had now been received, about whether the question of legal personality and having existed for four years should be linked. Had this clarification been available earlier, the Secretariat would have recommended the first three NGOs, which now could be added to the 48 in paragraph 4. This showed, indeed, how seriously the requests had been examined based on the criteria. As to the three other NGOs, despite the additional information requested by the Secretariat, it did not allow the Secretariat to determine that they really did contribute to the safeguarding of ICH. Furthermore, she stressed that the additional information provided by these NGOs themselves did not correspond to the more detailed oral statements made here by **Italy** and **Paraguay**. Given the need to offer clear-cut categories of recommended and non-recommended NGOs, she noted that the Secretariat would have to prepare the Committee documents better in the future so they clearly explained why an NGO was not recommended.
167. The delegation of **Turkey** pointed out that Turkey belonged to Electoral Group I which had the largest number of NGOs requesting accreditation. Yet, it expressed disappointment that no Turkish NGO was among the recommended ones since they had failed to provide adequate information. Having heard the remarks made by the **Legal Adviser, Italy, Peru** and **Paraguay**, it supported **Hungary** to approve all six NGOs.
168. The delegation of **Kenya**, welcoming the explanation given by the **representative of the Director-General**, was apprehensive of approving all six NGOs since the Committee session was not the appropriate place to provide the information that was requested by the Secretariat. Such a practice would create difficulties for the Committee's work in the future, and it was necessary to use the mechanism established for the provision of information to

the Secretariat. Therefore, it would be acceptable to approve the first three NGOs, and to decide on the others later, considering also that there were many other NGOs that were not present there that did not present adequate information but that would present their request through the existing mechanism.

169. Noting that no consensus was reached for Hungary's proposal, the **Chairperson** proposed to approve the first group of three NGOs. Seeing no objection, he declared the first three to be approved. He then proposed that the other three should be asked to provide additional information on their activities in the field of safeguarding intangible cultural heritage, which meant that the Committee would not take a decision on them at this time.
170. The delegation of **Italy**, supported by **Paraguay** and **Hungary**, expressed its deep disappointment. It stressed that in the case of the Società Geografica Italiana, which had proven its competence, the Secretariat had made a gross and unacceptable mistake. Despite its appreciation for the work of the Secretariat, the latter was not infallible and in this case it was mistaken. The NGO's request was available to all of the members of the Committee, and it was clear that it should have been recommended. It therefore called for a vote on the Società Geografica Italiana. The delegation of **Paraguay** recalled that the Committee had accepted several Spanish UNESCO centres, but not in this case, stressing that UNESCO Etxea: Centro UNESCO Euskal Herria was very active also in Latin America. It appeared not to be in order to accept the Centre UNESCO de Catalunya while rejecting UNESCO Etxea: Centro UNESCO Euskal Herria. The **Chairperson**, seeking to resolve the issue, asked the delegation of Kenya whether it could waive its concern and agree to the inclusion of all six NGOs.
171. The delegation of **India** reminded the Committee that there was a process by which NGOs were to provide additional information, and that these NGOs clearly had not provided the same information as had the delegations of the States Parties concerned. There were also many other NGOs that had not yet provided additional information, and the Committee did not know about them. In reply to Hungary, it firmly rejected that the age of more than 140 years was a relevant argument, citing only the four years required in the Operational Directives, arguing also that many formerly colonized countries had not been in a position to create NGOs sooner. While rejecting the inclusion of the three NGOs under discussion, the delegation welcomed the proposal to have a vote and requested to include in the draft decision that the Secretariat had to be clearer in its technical advice to the Committee. The **Chairperson** cautioned against having a vote and called upon the Committee to accept that these three NGOs would be able to submit their request again in the next cycle. Clearly the Committee was not prepared to accept their requests at this time, and a vote would be regrettable; the Chairperson thus proposed moving on to the NGOs presented in paragraph 6.
172. The delegation of **Hungary** shared Italy's view that these NGOs had been victims of a wrong and bad judgement by the Secretariat, a fault that the Committee now had to repair. It was the worst possible signal that centres carrying the name of UNESCO were rejected, which also applied to the Società Geografica Italiana. It further expressed appreciation for the explanation given by Paraguay, and warned that the Committee was about to make the same mistake as the Secretariat.
173. The delegation of **Italy**, in reply to **India**, insisted that its argument was not based on the 141 years of activities, but that the Società Geografica Italiana did carry out important activities in the field of safeguarding intangible cultural heritage. It reiterated its remark that the Secretariat had made a big mistake, which made the debate a matter of principle; it therefore called again for a vote. It further invited the Committee to study the document provided by the organization in question which showed that nothing was missing. The **Chairperson** cautioned that such a procedure was not good for the future work of the Committee.

174. The **Legal Adviser** took note of the different viewpoints on the number of NGOs to be recommended for accreditation, and drew attention to the provision of [Rule 26](#) of the Rules of Procedures as a possible solution. After the proposal by **India** and **Kenya** to accredit the first three NGOs, opinion on the second group of NGOs was divided, with **Italy** insisting on a vote on only one particular NGO. If the other two NGOs did not provide the necessary information to the Secretariat, this was then a matter of interpretation of whether the NGOs were active in the field of ICH or not. The Secretariat did not want to run the risk of taking a decision on behalf of the Committee which was sovereign in interpreting such questions. He further recalled that the only remaining problem concerned the Italian NGO and that consultation during a coffee break might be useful, otherwise the Chairperson could proceed with a vote in conformity with [Rule 37](#) that foresaw a simple majority to be established through a vote by show of hands.
175. The **Chairperson** strongly urged the Committee to avoid having a vote on this and proposed to have a short coffee break, asking in particular the delegations of Gabon, Cuba, Viet Nam, Turkey, Paraguay, India, Oman, Italy and Kenya to consult on this matter.

[Coffee Break]

176. Following the coffee break, the **Chairperson** expressed concern that specific NGOs that may pose a particular problem should be discussed individually in such a manner. The Committee was not the right place for this and a mechanism should be established so that such matters could be taken up with the Secretariat beforehand. But he also recalled that the Convention was new and that the Committee would first have to gain its experience on certain matters. He then asked the Committee once more to agree to recommend the last three NGOs under discussion.
177. The delegation of **Gabon**, thanking the representative of the Director-General for the explanation in reply to its question, expressed its agreement concerning the first three NGOs, while for the three other NGOs, it considered it rather a matter of time that should be given to the NGOs to provide more information to the Secretariat so that at a forthcoming meeting the Committee could validate those three NGOs.
178. The **Chairperson** noted that still no consensus had been reached and proposed a vote as asked for by **Italy**, **India** and **Paraguay**. The delegation of **Italy**, with the support of **Hungary**, concurred, regretting also that so few NGOs from developing countries had received accreditation, but stressing that the Società Geografica Italiana should not pay for this lack and be victim of an evident injustice.
179. The delegation of **India**, supported by **Cyprus**, pointed out that if a decision on these NGOs was taken at the Committee's next session, it would not be problematic since it was to be submitted to the General Assembly in 2010. It informed the Committee that a written amendment for the postponement of the decision had been submitted to the Secretariat that should allow avoiding a vote. The **Secretary** read the amendment proposed by India.
180. The delegation of **Paraguay** stressed that although the Secretariat had noted that it had offered information regarding the Basque organization, it was providing that information as a sovereign state. The Secretariat should have mentioned that this organization really operated at a level transcending borders, providing valuable studies and knowledge in the field of languages, and it would be important for the Committee to say that these NGOs would be accredited at the Committee's next session. It would be an injustice to leave out UNESCO Etxea: Centro UNESCO Euskal Herria. It further noted that the delegation of Spain (observer) should be asked to pronounce itself on this issue.
181. The delegation of **Kenya** expressed its regret for this situation, although its previous remark sought to establish a smooth working system. It reiterated its welcome to all NGOs that could

contribute, and observed that the minimal criteria were established with that goal. It emphasized that there was time for the other three NGOs to communicate with the Secretariat with further information before the next General Assembly; nobody was being left behind. Instead of an injustice, it rather considered it to be very just for the Committee to have the opportunity to receive more information and see what these organizations were doing, offering a better basis for its decisions. At that time it had three very good organizations that had not yet provided the information needed for a decision. The delegation of **Mali** stressed that the Committee gave the impression of a tribunal, although it just had to see if the criteria had been met. In that sense, the first three NGOs had complied, while the other three NGOs would follow later. Even though LDCs were poorly represented, it recalled that Brazil had not complained the day before about its nine NGOs not being listed; the Committee should not be speaking in terms of national honour. The delegation of **Cyprus** also noted that giving more time to the last three NGOs for providing more information did not mean they are excluded, since the General Assembly met only in 2010.

182. The delegation of **Hungary** insisted that rather than defending a country's honour, this debate concerned a question of principle whereby the Committee would be punishing NGOs having submitted a request in due form, with the Secretariat regrettably not being able to recommend. Recalling his efforts as Chairperson of UNESCO's NGO Committee to treat NGOs from developing countries on an equal footing as those from Italy or Spain, he called for compromise. These NGOs should not be punished because of a mistake committed by the Secretariat; it should be repaired collectively and these NGOs should not be paying for that mistake.
183. The **Chairperson**, supported by **Cyprus**, appealed to the Committee to soften its rhetoric, avoiding words such as "punishment". The Committee was coming together to make the Convention work and should consider that neither the Secretariat nor the Committee were perfect, and that if there were mistakes they should be corrected together in a positive spirit.
184. The delegation of **Peru** took the floor on behalf of Group III supporting approval of the first three NGOs, but expressed its concern that UNESCO Etxea: Centro UNESCO Euskal Herria was not included, despite its work for the continuity of languages that were vehicles of cultural heritage, in particular its work on safeguarding the language of the Quecha people of Peru. Why did the Secretariat entertain any doubts about an NGO working in the area of languages? The delegation of **Viet Nam** agreed that the Committee should, in principle, strictly observe its rules, but supported the approval of all six NGOs concerned.
185. The delegation of **Estonia**, joined by **Cyprus**, reminded the Committee that a vote would harm the principle of the need for consensus, proposing that the delegations meet to consult in view of reaching such a consensus. It further noted that nothing had been said at that point about the Belgian NGO; the Committee was in a difficult position if . was nobody was in .a position to endorse a particular organization as it would be subject to discrimination.
186. The delegation of **Monaco** (observer) spoke in favour of accrediting Società Geografica Italiana, which had been carrying out anthropological and archival work for a long time. The delegation of **Japan** (observer) also warned against using strong language, recalling that much time had been spent since the session in Chengdu to work on the Operational Directives concerning NGOs, and now that the Committee had them and worked with them, it was very sad to see them being dealt with in such strong language. As pointed out by **Estonia**, these last three NGOs were lucky since they had countries supporting them in the Committee, which was not the case for NGOs from countries that were not States Members of the Committee or even States Parties, an unfairness which was sad to observe. Furthermore, the delegation of **Japan** rejected the justification that the title containing the name UNESCO was sufficient to merit accreditation, considering it more important to verify the quality of the information to determine that the NGOs worked in the field of ICH. It gave the example of ICOMOS which was working for monuments and sites, but could prove that it

worked on ICH, even if it was new to that field. If an NGO could not convince the Secretariat with written information, it could not convince the Committee with oral information or a title that included “UNESCO”. Japan had refrained from presenting certain requests because of such quality concerns.

187. The delegation of **Spain** (observer), thanking all the delegations supporting the inclusion of UNESCO Etxea: Centro UNESCO Euskal Herria and commending the Secretariat for its good work, also expressed its full support to the Centre stressing that it was not because it carried the name of UNESCO, but because it had ongoing work in the field of languages, which as other delegations had pointed out was very important for the safeguarding of intangible heritage. The delegation of **Belgium** (observer) generally supported the request by the NGO CIRTEF, but explained it had not taken the floor earlier since this NGO was not a Belgian but an international one concerning which it had no specific information or opinion, particularly as regards its work in intangible cultural heritage.

188. The **representative of the Director-General** recognized that the Secretariat certainly had made some errors due to time pressure both on the Secretariat and the NGOs, since it was only during the months of July and August that the files could be received, processed and completed with additional information. She further noted that some files had not been convincing, including the three in question; now the Committee had additional information that it had not had access to previously. In reply to **Peru**, as regards UNESCO Etxea: Centro UNESCO Euskal Herria, she called to mind that languages per se are not targeted by the Convention. She also drew attention to paragraph 7 of the present document which referred to an annexed list of NGOs that were required to submit additional information, underlining that it did not mean that these were rejected, but just that they didn't meet the deadline. Moreover, she recognized that lessons had to be retained from this debate, obliging the Secretariat to be cautious and more explicit in explaining to the Committee when the information received from an NGO was considered not to be convincing. She stressed that the Secretariat did not judge the files, but considered it necessary to wait for the Committee to give indications, which had now been given as regards the first three NGOs. Finally, she also cautioned against having a vote. Such a precedent could affect the Committee's future work when it would have to consider hundreds of such files in the future.

189. The delegation of **Japan** noted that an approval of the last three NGOs was problematic, and that a vote would likely produce an immediate “no” on their requests. It pointed to a possible solution by which these organizations could be taken out of the list and included in a paragraph stating that the Committee simply suspended its decision until the next meeting.

190. The delegation of **India**, supported by **Gabon**, proposed an amendment to the draft decision in paragraph 4, considering it necessary to make a distinction among these three organizations, since the Belgian delegation had confirmed that it had no information on its NGO. As discrimination should be avoided, the amendment proposed to re-examine their requests at the next session, while recognizing the positive recommendations expressed by some Committee members, while awaiting written information from the organizations concerned.

191. The **Chairperson** insisted that no delegation rejected these three NGOs, but that the Committee did not have the means to decide on them at this point since it needed to apply the Operational Directives. He further called upon Italy not to insist on a vote.

192. The delegation of **Italy** reassured that it was seeking a solution and proposed, in view of the Secretariat's mistake, an amendment by which the Secretariat was asked to review its examination, but not asking the Società Geografica Italiana to provide more information since in its view the information already provided by it was completely sufficient; if this were accepted it would withdraw its request for a vote.

193. The delegation of **Gabon** commended the Chairperson and India for the concrete proposal, and shared the appeal to have more moderate language. In support of the proposal by **India**, it proposed adding a paragraph 5bis, supported by **Italy**, which would give consideration to developing countries.
194. In reply to **Italy**, the delegation of **India** stressed that it was not possible for the Committee, despite an injustice, to examine three different requests that had not been treated equally. In that respect it could not be accepted to consider the Società Geografica Italiana differently only because it had been defended by one country, while the Belgian NGO had none to defend it. It agreed with **Japan** that a vote might result in global rejection for all of them, while the present proposal for a consensus would preserve the possibility of accrediting some of them later. The delegation of **Italy** welcomed the amendment of India, but offered its own alternative, asking the Secretariat to reconsider these three requests, taking into account the positive recommendations offered by some Committee members and any additional information that those NGOs might wish to submit.
195. The **Chairperson** noted that there was no essential difference between the Indian and the Italian proposal and asked whether India agreed with the Italian amendment. The delegation of **India** noted that the Italian proposal asked the Secretariat to revise its position, while the Indian proposal asked that detailed technical advice be provided, stressing that the Secretariat could not be expected to revise its position and decide on behalf of the Committee. The delegation of **Italy** concurred with India, and the Committee warmly welcomed the consensus that had been achieved.

[Thursday 6 November 2008, 3 p.m.]

ITEM 9 OF THE AGENDA [END]:

ACCREDITATION OF NON-GOVERNMENTAL ORGANIZATIONS

Document [/ITH/08/3.COM/CONF.203/9](#)

Draft decision [3.COM 9](#)

196. After the lunch break, the **Chairperson** opened the discussion on paragraph 6 of item 9, which contained a list of organizations that appeared not to be NGOs, noting that only NGOs needed to be accredited. The Secretariat had informed the Chairperson that no organizations disputed this determination, so not much discussion was needed.
197. The delegation of **Turkey** requested that the listed entities that were not to be accredited should be informed of that decision. Nevertheless, it should be noted that these entities might still be useful for consultative services to the Committee and it suggested that the Secretariat prepare a list of such entities to be made available on its website.
198. The **representative of the Director-General** confirmed that these organizations did not need accreditation and agreed to put them on the website. The **Chairperson** then referred to the 23 entities listed under paragraph 7 that had not sent complete requests by the deadline and 11 entities that had sent in their requests after the deadline, stressing that the Secretariat would continue to communicate with them. He then invited the Committee to adopt the draft decision 9 as amended and read out by the **Secretary**. The **Chairperson** then declared decision 3.COM 9 adopted.

ITEM 10 OF THE AGENDA: PROCEDURE FOR THE EXAMINATION OF NOMINATION FILES FOR THE URGENT SAFEGUARDING LIST AND INTERNATIONAL ASSISTANCE REQUESTS

Document [ITH/08/3.COM/CONF.203/10](#)

Draft decision [3.COM 10](#)

199. Introducing the item, the **Secretary** of the Convention said that the Operational Directives provided that nominations for inscription on the Urgent Safeguarding List must be examined, preferably by more than one examiner, as must requests for international assistance amounting to \$25,000 or more. The document thus proposed that the Secretariat should submit a list of potential examiners to the Committee for each nomination and request for international assistance to enable it to choose those whom it deemed most appropriate. With respect to the normal schedule of the Urgent Safeguarding List, the Secretary said that the Operational Directives provided that the Committee could appoint examiners at its ordinary session for applications submitted in March of the same year. She drew the Committee members' attention to the fact that the accelerated schedule for inscription in 2009 provided for the delegation of the Bureau's power to appoint examiners, thus obviating the need to hold an extraordinary session of the Committee. She also recalled that the General Assembly had authorized, on an exceptional basis in its Resolution [2 GA 6](#), the Committee to avail itself of the advisory services of accredited NGOs in the period before the third session of the General Assembly in 2010.
200. The delegation of **Mexico** stressed the "exceptional" nature of the authorization granted to the Committee's Bureau to implement that measure. The delegation of **India** drew attention to the fact that examiners from developing countries lacked the resources to travel and wondered whether the equitable geographical distribution rule applied. If such were the case, it requested that the decision clearly reflect that fact.
201. The delegation of the **Republic of Korea** wished to know which criteria would be used in selecting NGOs to carry out the examinations and whether individual experts and centres of expertise might be selected. The delegations of **Mali** and **Gabon** wished to know how centres of expertise, research institutes and other experts could become examiners in the nomination evaluation process and how equitable geographical distribution could be achieved.
202. The delegation of **Paraguay** highlighted the significant imbalance between the various regions compared to the number of accredited NGOs and suggested that the latter should be selected on the basis of their expertise in the area under the examination.
203. In reply to the delegation of Mexico, the **representative of the Director-General** confirmed that the Bureau's authority to select examiners was totally exceptional, as was implicit in the wording of the text of the draft decision: "until the next Committee meeting". She also said that the Fund of the Convention had provided for expenditure on advisory services rendered at the Committee's request and that equitable geographical distribution, highlighted at previous meetings of the Committee, would be a key issue in the procedure. The Secretariat was drawing up a list of NGOs, centres of expertise and individual experts likely to be proposed to the Committee for the assessment of nomination files. The Secretariat had so far received only one nomination file for the Urgent Safeguarding List and the deadline for submissions was 16 March 2009, leaving the month of May or June to plan a Bureau meeting and select the examiners.
204. The delegation of **India** was reluctant to give the Bureau the power of selection without giving it any specific instructions regarding selection criteria and wondered on what basis it would decide on international assistance requests equal to or in excess of \$25,000. It requested that the specific characteristics of each region be taken into account, in addition to equitable geographical balance, which was certainly not the case for accredited NGOs. The

delegation was against the idea of an international NGO dealing with applications from other regions and wondered what role centres of expertise and practitioners of intangible cultural heritage would play in the examination process, noting that they were not included in the draft decision. It said that the Committee should provide clear instructions on that point.

205. The **representative of the Director-General** said that document INF.4, compiled by the Secretariat, listed the centres of expertise and individual experts in intangible cultural heritage, there being more than 360 entities broken down into the following geographical groups: Group I: 152; Group II: 41; Group III: 36; Group IV: 111; Group V(a): 28; and Group V(b): 10. She concluded by inviting States Parties to the Convention to submit information about NGOs that could potentially provide advisory services for the Committee.
206. The **Chairperson** supported the call on the States Parties to encourage NGOs, research institutes, centres of expertise and experts to enroll on the Secretariat's list so that the requisite geographical balance could be struck and the range of skills available to the Committee could be enhanced.
207. **Hungary** considered that the selection of examiners would be an enormous responsibility for the Bureau.
208. The delegation of **Estonia** said that it was reasonable to assign such responsibility to the Bureau on an exceptional basis and suggested that the Secretariat should make an initial recommendation based on the list of NGOs, centres of expertise and individual experts. If the Bureau did not agree to the recommendation, it could suggest an alternative. Although, for the moment, there were only a few nominations, the procedure for the selection of future examiners should still be clarified.
209. **Gabon** stressed the need for equitable geographical representation and pointed to the specific situation of Africa, whose information technology (IT) facilities did not always enable access to the UNESCO website.
210. The delegation of **India**, supported by the delegation of **Belarus**, said that it was preferable for the Bureau to bear that responsibility in full, without requiring a recommendation from the Secretariat, and suggested that a phrase "and thus take into account, inter alia, specific regional characteristics and the need for equitable geographical balance", be added at the end of paragraph 5 of the decision and that a new paragraph 6 "Decides further to consider this matter at its next session and to establish guidelines for the selection of examiners in the future" be inserted.
211. The delegation of **France** (observer) stressed that the task had been delegated to the Bureau on an exceptional basis and for pragmatic reasons. It supported the amendment proposed by India, as a means not only of striking a geographical balance but also of achieving a good distribution of the various areas of intangible cultural heritage. A number of criteria should be taken into consideration in the selection process.
212. The delegation of **Peru** said that at the meeting of the subsidiary body on communities and centres of expertise, research institutes and individual experts, it had been decided that the Committee could consult such entities on any matter concerning the implementation of the Convention. It wondered whether centres of expertise, research institutions and individuals could be included in the decision in order to make maximum use of the opportunity afforded.
213. The **Chairperson** considered that, as the matter was being considered by the Committee for the first time, it should keep its options open for the future. The delegation of **Estonia** proposed that "in exceptional circumstances" be inserted into the first part of paragraph 5.

214. The delegation of **India** then proposed an amendment to paragraph 2 of the draft decision, adding “and, where appropriate, the participation of experts, centres of expertise and research institutes...”. It then mentioned the need to provide financial assistance to enable those entities to conduct the examinations on behalf of the Committee and suggested that the issue be considered at the Bureau’s forthcoming meeting.
215. The delegation of **Paraguay**, referring to the amendment proposed by India to paragraph 5, suggested adding the word “specialty”, saying that it was important that the entity be specialized in the field.
216. The delegation of **Jordan** called for specific features within one and the same region also to be taken into account. The delegation of **Gabon** then proposed the following amendment to paragraph 5: “taking into account regional specificities and particularities”, and the delegation of **Cyprus** proposed an addition to India’s amendment to paragraph 5: “among other factors’, regional particularity”.
217. The delegation of **Algeria** (observer) expressed its firm support for the proposals by India, Peru and Gabon. Decision [3.COM 10](#) was adopted as amended.

ITEM 11 OF THE AGENDA: ESTABLISHMENT OF THE SUBSIDIARY BODY FOR THE EXAMINATION OF NOMINATIONS FOR THE REPRESENTATIVE LIST

Document [ITH/08/3.COM/CONF.203/11](#)
Draft decision [3.COM 11](#)

218. The **Secretary of the Convention** introduced the item by recalling that paragraph 33 of the Operational Directives included a timetable for processing nominations for the Representative List. In this process, a key role was granted to the subsidiary body which the Committee was required to establish for reviewing nominations and assessing their compliance with the criteria for inclusion. It would also have to provide the Committee with a recommendation for inclusion or non-inclusion for each element, the Committee taking the final decision on inscription. She also said that the General Assembly would meet in June 2010, when half of the Committee’s members would be renewed, and the subsidiary body, in accordance with paragraph 33 of the Operational Directives, would meet every May. The Secretariat would then submit the subsidiary body’s nomination reports to the Committee. Document 11 proposed that the subsidiary body should cease to exist when the reports had been forwarded to the Secretariat, that is, in May 2010 and before the renewal of the Committee by the General Assembly in 2010. In September 2010, the new Committee would decide on the elements for inscription on the Representative List. The Committee would also set up a new subsidiary body for the following two cycles. The Secretary of the Convention said that a correction should be made to document 11, at the end of the third paragraph of the introduction, replacing the words “two years” with “two cycles”.
219. On the **Chairman’s** request, the representatives of the electoral groups proposed that the following countries be members of the subsidiary body:
- Group I: Turkey (proposed by Italy);
 - Group II: Estonia (proposed by Croatia);
 - Group III: Mexico (proposed by Peru);
 - Group IV: the Republic of Korea (proposed by India);
 - Group V(a): Kenya (proposed by Gabon);
 - Group V(b): the United Arab Emirates (proposed by Jordan).

220. In regard to the terms of reference of the subsidiary body, the delegation of **India** proposed that the Secretariat's advice should be of a technical nature and only concern the complete or incomplete nature of files; it was unnecessary to submit incomplete files to the subsidiary body.
221. The **representative of the Director-General** said that the Secretariat required precise instructions as to what it was being asked to do and the type of work that it was expected to carry out for the subsidiary body and the Committee. She said that the Secretariat had already received 111 nomination files for the Representative List and at that stage of the procedure it could not say which ones could be deemed to be complete. The first question was whether only those files considered to be "complete" or all files containing the requested additional information and the technical information required by the body should be forwarded. The second question was whether a meeting of the subsidiary body should be organized before the statutory meeting scheduled for May 2009. Finally, it would be useful for the Secretariat to know how the subsidiary body wished to submit its report to the Committee.
222. The delegation of **Turkey** suggested that the subsidiary body should meet first in Paris in December to discuss its working methods and draw up further helpful guidance for the Secretariat.
223. The delegation of **Mexico**, supported by **Estonia**, proposed that the subsidiary body should meet briefly during the session in order to take the discussions and preparations forward.
224. The delegation of **India** proposed to amend the terms of reference of the subsidiary body by adding "on the basis of a technical opinion provided by the Secretariat as to whether the nomination is in accordance with points 1, 2, 3, 4 and 5 of paragraph 19 of the Operational Directives". The delegation of **Estonia** then suggested the term "opinion" be replaced by the term "comments" in India's proposed amendment.
225. The **Legal Adviser** warned the Committee that the term "opinion" gave the Secretariat a role that was not provided for in the Operational Directives adopted by the General Assembly of States Parties. He said that "opinion" might raise procedural problems for the Secretariat in that it was the subsidiary body that was vested with authority to make the recommendation to the Committee. He said that the Secretariat's role was to provide the subsidiary body with the requisite technical information to enable it to determine itself whether the files complied with the inscription criteria. He stressed that the Secretariat should maintain its neutrality and objectivity.
226. The delegation of **India** disagreed with the Legal Adviser's interpretation regarding the Secretariat's opinion, considering that it already gave an opinion when the nomination files were first received and checked, which was also expressed in the letters requesting additional information from the applicant States.
227. The delegation of **Peru**, while expressing some reticence about the proposal by the delegation of India, said that it was the subsidiary body's role to evaluate the nomination files and the Operational Directives would be infringed if the Secretariat were to give a preliminary opinion. It had been clear from the discussions of the issue during the Committee's sessions that the final decision would be taken by the Committee, on the basis of the recommendations of the subsidiary body. It therefore suggested that the original version of the decision be retained.
228. The delegation of **Italy**, while sharing the reticence of Peru and the Legal Adviser, said that from a legal point of view it was the subsidiary body which ultimately would be required to determine whether the nominations complied with the inscription criteria. It therefore

proposed that the phrase “based on technical comments provided by the Secretariat” be added to paragraph 4 and that the paragraph be ended after that sentence.

229. The delegation of **Paraguay** concurred with the Legal Adviser’s view and stressed that the Operational Directives were very clear about the absolute independence of the subsidiary body in reviewing the nomination files and that any other interpretation would be contrary to the spirit of the text. It did not consider that Italy’s proposal was relevant at that stage, and agreed with Peru that the original terms of the draft decision should be retained.
230. The **Chairperson** wondered why there was no mention of any examination of files for the Urgent Safeguarding List. The **representative of the Director-General** explained that the subsidiary body was required to process only nomination files for inclusion in the Representative List.
231. The delegation of **Mexico** said that, as under the 1972 Convention, the Secretariat’s duty was to determine whether a file was complete or incomplete, but it was the subsidiary body’s duty to verify compliance with the criteria. It called for clarification on this point in order to avoid any overlap and to distinguish form from content.
232. The delegation of **Kenya** said that it was necessary to be pragmatic and to enable the Secretariat to provide comments as required to assist the subsidiary body in its work. As a first step, those comments could be of great benefit to the subsidiary body.
233. The **Chairperson** asked the Committee whether, apart from paragraph 4a of the subsidiary body’s terms of reference, all points in the text were acceptable. If so, the only question that remained to be decided was whether the Secretariat should give its opinion to the subsidiary body. It therefore proposed the following wording: “an evaluation of the nomination’s conformity with the inscription criteria as provided in paragraph 19 of the Operational Directives, drawing on the technical information provided by the Secretariat”.
234. The delegation of **Peru** expressed support for the Chairperson’s proposal. The delegation of **India** said that the Secretariat should not be allowed to decide what constituted a complete or incomplete file, and added that it should submit all nomination files, whether complete or incomplete, to the subsidiary body.
235. The delegation of **Estonia** said that the Secretariat’s comments should focus strictly on the technical issues. It recalled the representative nature of the List which implied that all elements that met the criteria should be included and that comparison with the 1972 Convention was not appropriate in that regard. If the subsidiary body were to deal with all of the technical details when evaluating the applications, it would find it very difficult to perform its task properly.
236. The delegation of **Viet Nam** mentioned the experience gained under the 1972 Convention which required States Parties to submit nominations and the Secretariat to check whether the files were complete or not. Nominations were then sent to the NGOs; the procedure was the same as that used for the Proclamation programme. The Secretariat played a key role in ascertaining that the file was complete, while the subsidiary body evaluated the content to determine whether the nominations complied with the selection criteria. The Secretariat should not play the role of evaluator, as its role was simply to facilitate the work of the subsidiary body.
237. The delegation of the **United Arab Emirates** stressed the importance of good cooperation between the Secretariat and subsidiary body, considering that their respective roles should be defined clearly in order to avoid confusion in future.

238. The delegation of **Paraguay** noted that it was clear from the Operational Directives that the Secretariat should request additional information, but that the latter should not refer specifically to the submission of complete or incomplete nominations. That, in its view, was a new role and it wondered whether, from a legal point of view, a new feature that was not provided for in the Operational Directives was being introduced. The delegation requested the Legal Adviser's opinion on that point.
239. The **Legal Adviser** explained that paragraph 33 of the Operational Directives referred to the Secretariat's role in checking complete or incomplete files, and the ICH-02 form stated that when additional information was needed, the Secretariat would request it from the nominating States. Conversely, the delegation of India had proposed that the Secretariat be allowed to give its opinion on the nomination file, which was not provided for in the Directives.
240. The delegation of **Gabon** opined that the Secretariat's work was very important and suggested that "where necessary" be added at the end of paragraph 4(e). It also suggested that complete files should be forwarded to the subsidiary body.
241. The delegation of **Turkey** supported the Chairperson's proposal, albeit with a slight modification to the first line of paragraph 4(a) "an assessment of the conformity of 'any' nomination", which meant that all nominations, whether complete or incomplete, should be submitted to the subsidiary body.
242. The delegation of the **Republic of Korea** agreed to Turkey's proposal. The delegation of **Estonia** said that, as the final decision must to be taken by the Committee, the subsidiary body, too, should forward all complete and incomplete files to the Committee.
243. The delegation of **India**, while supporting Turkey's proposal, decided to withdraw its amendment and said that the subsidiary body should indeed receive all the nomination files and that it was not the Secretariat's role to decide whether a file was complete or incomplete. The delegation of **Peru** called for a more in-depth discussion of the matter.
244. The delegation of **India** finally proposed to add, "if the subsidiary body so requests" at the end of the paragraph. The **Chairperson** decided to resume adoption of the decision at the following day's session. The meeting was closed.

[Friday 7 November 2008, 10 a.m.]

ITEM 11 OF THE AGENDA [CONTINUATION AND CONCLUSION]:
ESTABLISHMENT OF THE SUBSIDIARY BODY FOR THE EXAMINATION OF
NOMINATIONS FOR THE REPRESENTATIVE LIST

Document [ITH/08/3.COM/CONF.203/11](#)
Draft decision [3.COM 11](#)

245. The **Chairperson** opened the session and called on the Secretary of the Convention to read the decision containing the terms of reference of the subsidiary body. The decision was approved, as amended.
246. The **Chairperson** congratulated the members of the subsidiary body on their appointment and said that the first meeting of the body would be held on that very day in private.
247. The delegation of **Peru** congratulated the members of the subsidiary body but stressed that a difficult task lay ahead. It said that although the members of the body would be assisted by the Secretariat, the Committee should take initiatives to facilitate their review of the nominations by taking specific topics into account. To that end it proposed that a meeting of

experts on traditional knowledge relating to food systems and the intangible heritage should be organized as they were matters of concern to many States Parties to the Convention. In its view it would be appropriate to establish a study group on the subject, similar to the one set up by the subsidiary body to address the issue of community involvement, which had enabled the Committee to make progress on that score. In conclusion, it called for the meeting to be financed from a contribution made by a specific country.

248. The delegation of **Mexico** supported Peru's proposal and called on the Committee to support such initiatives to assist the Committee in its discussion of new themes. The delegation of **Italy** fully supported the proposal by Peru and Mexico, saying it was the Committee's duty to support such initiatives.
249. The delegation of **France** (observer) also supported **Peru's** initiative relating to the holding of a meeting of experts on the issue of food systems and the intangible cultural heritage and volunteered to organize the meeting in the same spirit as it had organized the subsidiary body's expert meeting on community involvement.
250. The delegation of the **Syrian Arab Republic** (observer) supported the initiative but highlighted the need to involve civil society in work relating to the Convention because of its great assistance in implementing the Convention. As to the accreditation of NGOs, it considered that the current rules were not sufficiently clear and that all countries should be treated on an equal footing. It pointed out that NGOs had already been working for more than 40 years in the Syrian Arab Republic in various areas of intangible cultural heritage and called on the Secretariat to give an explanation in response to its proposal regarding a number of Syrian Arab Republic NGOs, to which it had not yet received a reply.
251. The **representative of the Director-General** said that the Secretariat had received the Syrian Arab Republic's letter shortly before the session began in Istanbul and that the proposed NGOs would be included in the Secretariat's list.

ITEM 12 OF THE AGENDA: ISSUE OF ADMISSION OF OBSERVERS

Document [ITH/08/3.COM/CONF.203/12](#)

Draft decision [3.COM 12](#)

252. The **Secretary** introduced the item, which followed from extended discussions that the Committee had had at each of its sessions since the first extraordinary session. The proposed amendments to the Committee's Rules of Procedures seek to build upon the temporary procedures established by the Committee at those sessions to devise a durable solution to the question of admission of observers.
253. The delegation of **Estonia**, supported by **Hungary**, pointed out that the revised paragraph 8.3 did not mention NGOs anymore and asked what use would be made of the provisional list of NGOs established for the Committee session in Tokyo, and how to deal with NGOs from new States Parties, adding that NGOs from new States Parties should be able to be added to the provisional list. The **representative of the Director-General** replied that this rule was redrafted based on past experience, and explained that [Rule 6](#) of the Rules of Procedure legitimates the participation of accredited NGOs, but it appeared that another paragraph to that effect might need to be added in the draft decision on this item, inviting NGOs that had been recommended for accreditation to attend its fourth session as observers.
254. The delegation of **Paraguay**, supported by **Mali** and **Mexico**, expressed concern about the amendments to the Rules of Procedure, stressing the need to ensure that these were in conformity with the Operational Directives, in particular paragraph 86.3. In reply, the **Legal Adviser** recalled that paragraph 86 concerned any public or private bodies that the

Committee might invite to consult on specific matters, while this point of discussion dealt with entities that wished to participate as observers to Committee sessions, but without necessarily being consulted on specific issues. He further confirmed that the proposal by the Representative of the Director-General was a valid solution to the question raised by Estonia regarding those awaiting accreditation by the General Assembly. The language in the Rules should be understood broadly, and NGOs fell under the category of non-profit institutions.

255. The delegation of **Mali**, supported by **Gabon**, also wished to point out that [article 8.4](#) was not reflected in the paragraph and that some organizations were being left out. The delegation of **Mexico** recalled that practitioners were one of the key pillars of the Convention and that they should be included as well. The delegation of **Peru** concurred, proposing that organizations of practitioners be included in the revised paragraph 8.3. The delegation of **Gabon** stressed that the issue of equitable geographic representation should also be observed.
256. The **representative of the Director-General** noted that in order to be consistent, “experts, centres of expertise and unaccredited NGOs” could also be included in [Rule 8.3](#). She further suggested that the draft decision could refer to the next Committee session at which another batch of NGOs would be considered by the Committee, and offered an amendment to that effect, following which this provisional practice could end.
257. The delegation of **Brazil** (observer) requested clarification from the Legal Adviser on the distinction between observers to Committee sessions and advisory bodies, pointing out that accredited NGOs were more than observers, and asked whether accredited NGOs could participate ex officio as observers, or if these should follow the procedures for the admission of observers. The **representative of the Director-General** explained that accredited NGOs were neither observers nor members of the Committee, but rather a third category under which they were invited as “accredited NGOs”, therefore the mention “as observers” in the proposed addition to the decision could be deleted. The **Legal Adviser** clarified that Rule 6 clearly authorizes accredited NGOs to attend the meetings of the Committee. However, since at this point these NGOs had not yet been accredited by the General Assembly, he explained that it was up to the Committee to decide whether to invite them or not. He further recalled the distinction between the interest of an entity to attend the Committee sessions, and the wish of the Committee for the presence of an entity.
258. The delegation of **Cyprus** proposed that Rule 8.3 explicitly mention private persons and practitioners declared, “living human treasures”. The delegation of **Belarus** referred to Rule 8.3, recalling that the concept of non-profit making institutions also included traditional institutions of ICH practitioners, but proposed that the draft reflect the formulation of the Convention and only talk of individuals and practitioners of ICH. The **Chairperson** welcomed the recommendation of Belarus to hew closely to the language of the Convention. The delegation of **Peru** replied that mentioning institutions of ICH practitioners was in the spirit of the Convention, even if only symbolically. The delegation of **Mali**, strongly supported by **India**, recalled that it did not talk about traditional institutions, but rather proposed to maintain consistency with Article 8.4 of the Convention and chapter 3 of the Operational Directives, referring to experts, centres of expertise and research institutes. If these were not to be mentioned here, why had the Committee spent so much time on those directives? The delegation of **India**, supported by **Estonia**, stressed that the language of Article 8.4 of the Convention was sufficient and that new categories need not be added, disagreeing with the proposal made by Cyprus. The **Legal Adviser** agreed that the language of the Convention was already adequate and that adopting that language was the easiest solution to this question that had already been debated at length.
259. The **Chairperson** warned that the list of those persons or entities that could be invited could continue to grow longer and longer and that the text should rather be kept generic. The Chairperson then declared the decision, with the amendment suggested by **India**, adopted.

ITEM 13 OF THE AGENDA: DATE AND VENUE OF THE NEXT SESSION OF THE COMMITTEE

Document [ITH/08/3.COM/CONF.203/13](#)

Draft decision [3.COM 13](#)

260. The **representative of the Director-General** said that two countries, Estonia and the United Arab Emirates, had initially offered to host the fourth session of the Committee, but Estonia had in the meantime officially withdrawn its offer.
261. Committee members welcomed by acclamation the **United Arab Emirates'** proposal to host the fourth session of the Intergovernmental Committee in Abu Dhabi from 28 September to 2 October 2009.

[Friday 7 November 2008, 4 p.m.]

ITEM 14 OF THE AGENDA: ELECTION OF THE MEMBERS OF THE BUREAU OF THE FOURTH SESSION OF THE COMMITTEE

Document [ITH/08/3.COM/CONF.203/14](#)

Draft decision [3.COM 14](#)

262. As was the custom with the Committee, the host State would chair the proceedings. H.E. Mr Awadh Ali Saleh of the United Arab Emirates (Group V (b)) was elected Chairperson by acclamation.
263. The following were elected Vice-Chairpersons: Cyprus (Group I), Paraguay (Group III), India (Group IV) and Mali (Group V (a)). Ms Martina Križanić of Croatia (Group II) was appointed Rapporteur.
264. The delegation of the **United Arab Emirates** announced that its government would cover all participants' accommodation expenses in Abu Dhabi during the Committee's session. It also thanked the Government and people of Turkey for their warm welcome and the entire Secretariat for their excellent work.

ITEM 15 OF THE AGENDA: ANY OTHER BUSINESS

265. The delegation of **Estonia** informed the Committee that the subsidiary body had met for an hour and fifteen minutes. Ms Kristin Kuutma, Estonia, had been elected to chair the body and Mr Anami Silverse, Kenya, Rapporteur.

ITEM 16 OF THE AGENDA: CLOSING OF THE SESSION

Report by the Rapporteur

Adoption of the list of decisions

266. The **Rapporteur, Ms Hortense Nguema Okome**, gave a summary of the Committee's third session.
267. On behalf of GRULAC, the delegation of **Paraguay** thanked Turkey for its hospitality and the flawless organization of the session. It expressed its appreciation to the Spanish Government, which had enabled the Committee to provide interpretation in Spanish, thus demonstrating its generous solidarity with all Spanish-speaking countries. It hoped that Spanish would soon be officially recognized as a working language.

268. The delegation of **Gabon**, on behalf of Group V(a), thanked the Rapporteur for her excellent report, which was both accurate and complete. It also thanked the Chairperson for his excellent stewardship of the Committee's work, the Turkish authorities and all the people of Turkey for their hospitality, and the Secretariat and the Legal Adviser for their excellent work. The delegation concluded by acknowledging the valuable contribution of the NGOs, which had played an active role in the Committee's work.
269. The delegation of **Cyprus** commended the Chairperson and the Government of Turkey for facilitating the discussions both within the Committee and in the Bureau. It explained that, as it had acted as Rapporteur in other intergovernmental committees, the delegation had not been able to accept the role of Rapporteur at the Committee's forthcoming session. It concluded by thanking Croatia for agreeing to be the Rapporteur at the Committee's fourth session.
270. The delegation of **Viet Nam** echoed the previous speakers in congratulating the Chairperson on the quality of the work which had enabled progress to be made and provided a successful outcome. It also thanked the UNESCO Secretariat for its outstanding work.
271. The delegation of **Belarus** thanked the Chairperson for his exemplary stewardship of the proceedings. It congratulated the members of the new subsidiary body, especially Estonia, which had been elected Chairperson, and wished it every success in accomplishing its task.
272. On behalf of Electoral Group II, **Estonia** thanked the Chairperson and the "invisible hands" of the UNESCO Secretariat for their excellent organization which had contributed to the success of the meeting.
273. The delegation of **France** (observer), as President of the European Union, joined all of the delegations that had spoken previously in expressing its appreciation to the Chairperson for his wise stewardship of the Committee. It also thanked Turkey for its generous hospitality. It expressed its gratitude to the Rapporteur, the Secretariat, the Legal Adviser and the States Parties for the quality of their work, which had enabled the session to make good progress. The delegation wished good luck to the United Arab Emirates in organizing the next session of the Committee and to Estonia in the performance of its duties in chairing the subsidiary body. The delegation reiterated its proposal to hold a meeting of experts in France on food systems and the intangible cultural heritage.
274. The delegation of **Mali** thanked Committee members and congratulated the members of the subsidiary body on their appointment to a task that was crucial to the implementation of the Convention.
275. The delegation of **Indonesia** (observer), on behalf of the Asia and the Pacific Group, expressed heartfelt thanks to all of the organizers of the meeting, and to the Turkish Government and the Ministry of Culture, and congratulated the Chairperson on the professional manner in which he had led the proceedings. It also expressed its appreciation to the Secretariat for the excellent way in which the session had been prepared and organized and called on all participants to publicize the results of the Committee session in order to help to spread the word about the importance of safeguarding the intangible cultural heritage.
276. The delegation of **Algeria** (observer), like the previous delegations, expressed its appreciation for the results achieved by the Committee. It paid tribute to the Chairperson for his excellent work in conducting the discussions and to the entire Turkish delegation for their generous hospitality and for enabling the Committee to discover Turkey's rich heritage. It added its voice to those of other delegations that had endorsed Peru's proposal and thanked France for its offer to host a meeting of experts on food systems and cultural heritage. Finally, it commended the United Arab Emirates for hosting the next session of the

Committee and welcomed the spirit of compromise and consensus that had prevailed throughout the discussions.

277. The delegation of **Madagascar** (observer), through the delegate representing the Woodcrafting Knowledge of the Zafimaniry, said it was proud to have attended the session as a practitioner of intangible cultural heritage. It thanked the Committee and UNESCO for allowing it to take part and expressed heartfelt thanks to the Turkish Government for its generous hospitality. It hoped that the Committee would in future establish that essential link between the Convention and representatives of the communities that supported that fragile heritage.
278. To general applause round the room, the **Chairperson** thanked the representative of Madagascar, thus betokening the importance of his presence within the Committee.
279. The delegation of **Japan** (observer) congratulated the Chairperson on his professional stewardship of the Committee and the Secretariat on its excellent work. It looked forward to the positive fruits of the work of the subsidiary body, which would give new impetus to the Convention.
280. The delegation of **Spain** (observer) reaffirmed that country's keen interest in the Convention, as reflected by the large number of Spanish NGOs that had taken part in the session. It reiterated its commitment to the provision of further assistance needed to increase linguistic diversity in the Committee, with the Spanish language as a working language.
281. **ISESCO** (observer) took the floor to congratulate the Committee on its success and stressed the importance of a holistic view of UNESCO that integrated cultural, natural and genetic heritage. Protection of the environment, fauna and flora contributed to the safeguarding of intangible cultural heritage. It was pleased to note that the cultural heritage was not static but dynamic, and drew attention to the need for adequate protection of traditional skills.
282. The delegation of **Nigeria** (observer) thanked the organizers for the successful meeting and pointed to the need for the Secretariat to organize meetings to raise awareness of the intangible cultural heritage, of which too little was known at the local community level. It informed the Committee of a number of national-level initiatives taken by Nigeria to preserve indigenous languages.
283. The **World Martial Arts Union** (observer) also thanked members and organizers of the session for the success achieved and informed the Committee of its activities as an NGO based in the Republic of Korea and present in more than 35 countries.
284. The **Chairman of the Executive Board of UNESCO, H.E. Mr Olabiyi Babalola Joseph Yaï**, highlighted the clear success of the Committee session and expressed his admiration for Turkey's keen awareness of heritage. He said that the quality of the session's work represented great progress in the implementation of the Convention, particularly through the incorporation of Masterpieces of Oral and Intangible Heritage of Humanity, which had given rise to the Representative List. The Chairman of the Executive Board commended Committee members for the judicious decisions adopted at the session and said that he would act as its spokesperson during the Executive Board in attesting to the great work accomplished by the Committee at its session in Istanbul. Finally, he thanked the United Arab Emirates for hosting the forthcoming session.
285. The **President of the General Assembly of States Parties, Mr Chérif Khaznadar**, said that the achievements of the session in Istanbul were crucial, especially as regards the establishment of a subsidiary body for the Representative List, which would bring the Convention to life. He also wished the subsidiary body members good luck in their difficult task.

286. The **representative of the Director-General** wished, on behalf of the Director-General and of the entire Secretariat, to add her voice to all those who had thanked the Turkish authorities for the generous and eloquent demonstration of the Turkish people's awareness of their heritage. She then thanked all participants in the session and highlighted the large number: more than 70 States were represented and more than 30 NGOs and institutions involved. She emphasized that interpretation in five languages had been provided at the Committee's session for the very first time, which demonstrated the willingness of States Parties to contribute to linguistic diversity and thus to cultural diversity. She then expressed her special thanks to the new Secretary of the Convention for carrying out her duties in such a sterling fashion only one week after she had assumed her functions. She wished in particular to commend the Chairperson for the exemplary manner in which he had led the discussions, displaying wisdom, equanimity, skill, patience and humour. She highlighted an event of great importance that had occurred in Istanbul. owing to the extraordinary speed with which the general public had become aware of the intangible cultural heritage since 2003, namely the establishment of the Representative List in which 90 Masterpieces of the Oral and Intangible Heritage of Humanity had been included. She welcomed the initiative taken by Committee members to organize two expert meetings on food systems, education and cultural heritage. Finally, she proposed that a round table of intangible cultural heritage holders be held at the following session. She noted that this was the first time that the Committee had gained from the attendance of a participant who was also a practitioner of the intangible heritage and a true craftsman, thus demonstrating the potential of the innovative approaches likely to be taken by the Committee.
287. The delegation of **Turkey** thanked the delegations for their positive comments about Turkey and highlighted the undeniable success of the Istanbul session, which had marked the beginning of the implementation of the Convention. It emphasized in particular the spirit of consensus and collective wisdom in which the work of the Committee had been conducted, culminating in the establishment of the subsidiary body, with Estonia as chair. The Turkish delegation wished Estonia good luck in carrying out its work.
288. The **Chairperson** thanked all of the participants for expressing their unanimous commitment to safeguarding the intangible cultural heritage and stressed that the Istanbul session had been marked by the establishment of the Representative List of Intangible Cultural Heritage in which masterpieces had been included, thus constituting a remarkable step forward in the implementation of the Convention. Great achievements had been made: the Committee had accredited a large number of NGOs, it had elected new members to the Bureau and had established a subsidiary body to evaluate the nomination files for inscription on the Representative List in 2009. He concluded by expressing his sincere thanks to the Secretariat, Ms Françoise Rivière and her team, the Legal Adviser, the interpreters and technicians and to the Turkish authorities for organizing the meeting so perfectly.
289. The **Chairperson** declared the third session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage closed at 6 p.m.