Item 11 of the 8.GA Agenda – Update on the reflection on the listing mechanisms of the Convention

Reflections and recommendations approved by the ICH NGO Forum

At its thirteenth session in 2018, the Intergovernmental Committee launched a global reflection on the listing mechanisms of the 2003 Convention (Decisions 13.COM 6 and 13.COM 10). At the same session, the Committee requested that the Secretariat continue the reflection with accredited non-governmental organizations on the definition of the advisory functions; this reflection was initiated in 2017 (12.COM).

In response to these decisions, the ICH NGO Forum organized a workshop during 14. COM in Bogota (Colombia), with the aim of reflecting upon the nature and purposes of the Lists (Representative List and Urgent Safeguarding List) and the Register of Good Safeguarding Practices. The forum also assessed the relevance of the various listing criteria. The workshop considered enhancements of the methodology for evaluating and examining nominations through exercising potential advisory functions of accredited NGOs.

NGOs from all regions provided their views and made specific recommendations during the workshop in Colombia. They were then discussed and presented at the NGOs plenary meeting in Bogota (8 December 2019) and discussed once again at the ICH NGO Forum at its General Meeting (on-line) on 1 September 2020.

The workshop focused on three identified areas where NGOs could play an important role and pursue their potential advisory functions (in the sense of Article 9 of the Convention and paragraph 96 of the Operational Directives) as, *inter alia*, information and expertise brokers, bringing to the system of the 2003 Convention their field expertise, knowledge and understanding of diverse contexts. These three identified areas are:

1) reporting functions in the pre/post-inscription processes;

2) assessment of urgency of safeguarding an ICH element;

3) sharing of good safeguarding practices.

1. Reporting functions in the pre/post-inscription processes

Pre-inscription Process

The ICH NGO Forum underscores the need to increase involvement of communities, groups and individuals, and additionally the competence and experience of NGOs in pre-inscription

processes. Bottom-up strategies in pre-inscription processes as well as creating a space for this dialogue are needed.

Post-inscription Monitoring

 NGOs agree that post-inscription monitoring does not actually occur because there are no tools available to monitor individual elements after inscription. While the existing mechanisms support inscription, monitoring is absent once inscription occurs – obligatory report after the inscription that the State Party was obliged to submit. Post-inscription procedures, methods and protocols should include evaluation of whether and how safeguarding plans are implemented and assessment of their benefits to communities and groups. NGOs recommended fundamental change in the perception of what post-inscription monitoring entails and the creation of adequate mechanisms for carrying out post-inscription monitoring that also facilitates involvement of NGOs concerned along with communities, groups and individuals.

2. Assessment of urgency of safeguarding and ICH element

No methodology now exists to evaluate the level of urgency in evaluating whether an element should be included in the list of ICH in urgent need of safeguarding. Recognizing the relatively small number of USL applications, participants agreed that efforts should be made for States Parties to view USL nominations as a significant acknowledgement of safeguarding priorities that increases awareness of treasured ICH. Such a view of urgent safeguarding would provide a new incentive for nominations.

All USL nominations must engage community self-evaluation of whether their ICH element needs urgent safeguarding. However, there is little understanding of what "urgent" safeguarding means, and hence a need for more specific criteria for determining **whether** an element requires urgent safeguarding, and **when** it should be removed from the USL. Such criteria could include for example: diminishing number of bearers of an element, who are likely to be elderly; absence of opportunities for transmission, particularly a lack of non-formal transmission; lack of natural materials for craftspersons; loss of oral tradition; absence of support structures for practicing the element and extensive transformation of ICH for performance on the stage. The NGO Forum welcomes the development of the 'Dive into Intangible Cultural Heritage!' in this regard, presenting a map of threats to ICH on the basis of the 64 USL inscriptions.

It should also be recognized that ICH will inevitably and dynamically change over time due to creativity and adaptation to new social and cultural circumstances. Specific criteria need to be developed for the removal of an element from the USL. These would include – accordingly to identified risks – increased numbers of bearers practicing the element and new support structures for renewed practice.

The notion of empathy was also suggested when embarking on urgent safeguarding projects.

3. Sharing good safeguarding practices

The NGO Forum believes that the Register of Good Safeguarding Practices is not given the visibility it deserves. It observed that the whole listing system is now constructed in a manner

that does not attract proper and awaited level interest of States Parties in potential nominations to the Register, with the set criteria that are difficult to meet.

Even though the Operational Directives regarding the nomination procedure and the nomination forms have evolved since the first inscription cycle (2009), the inscription criteria themselves referring to the Register of Best/Good Safeguarding Practices, launched on the basis of Article 18, have only been subject to minor amendments. The amendment adopted by the third session of the General Assembly concerned criteria P.4 and P.5 : The objective of this amendment was to limit the Register to programmes, projects or activities that are already completed, and not to include those that are only at the planning stage (Resolution 3.GA 5). Since then the criteria were not subjected to broader discussion though the concerns regarding very low visibility of the Register as well as low interest of States to submit nominations (by now only 22 inscriptions) to it were raised by evaluation bodies on several occasions. Noting the underuse of the Register, the Committee called upon States Parties and the Secretariat to complement the Register with 'alternative and lighter ways of sharing intangible cultural heritage safeguarding practices' (Decisions 8.COM 5.c.1 and 10.COM 10 (paragraph 10))

The Register of Good Practices occupies last place in the listing mechanism informal hierarchy. States need to choose between the Lists (RL and USL) and the Register of Good Practices when submitting a file. This was found to be rather surprising since safeguarding rather than listing is of paramount importance for the 2003 Convention.

More networking is needed among those on the Register to help others willing to be inscribed and to raise visibility of the Register and to share safeguarding experiences in the international networks and communities around ICH and the UNESCO 2003 Convention. Existing criteria should either be articulated in more concrete terms and/or fewer criteria could be provided. *Aide-memoire* and tool kits need to be created to guide States in preparing their nominations. There is also a need to establish Capacity Building Training focused upon the Register.

While there are a substantial number of ongoing inspiring initiatives for **alternative, lighter ways of sharing safeguarding practices,** these initiatives are often not connected and safeguarding experiences are mainly being shared at the local or country levels. These observations are confirmed by the report, presenting the results of the recent survey on alternate, lighter ways of sharing safeguarding experiences (UNESCO 2019). There is a lack of clarity about who is to take an initiating or coordinating role for sharing instructive and exemplary practices on the international level. Recommendations from NGO Forum include building upon the rich variety of sharing initiatives already elaborated, and valorizing the dynamic enthusiasm of actors engaging and interested in sharing best practices. The NGO Forum recommends concentrating efforts on clustering and coordinating the networks and initiatives that already exist.

It is also underlined that alternative, lighter ways of sharing good ICH safeguarding practices do not constitute a solution to the identified problems related to the Register itself.

The importance of the **Twelve Ethical Principles** was highlighted throughout all processes related to listing mechanisms. During pre-inscription processes as well as post-inscription monitoring assessment must underscore the importance of free and informed consent, both prior and continuing, of the relevant communities, groups and individuals. Ethical principle 4 states that "all interactions with the communities, groups and, where

3

applicable, individuals who create, safeguard, maintain and transmit intangible cultural heritage should be (…) contingent upon their free, prior, sustained and informed consent."

***

The NGO Forum respectfully requests the General Assembly to consider these observations on the listing mechanisms and looks forward to working together with the General Assembly, Intergovernmental Committee, the 2003 Convention Secretariat, communities, groups and individuals concerned to discuss possibilities of implementation of the recommendations within the framework of the planned reflection process on the listing mechanisms:

- Increase the involvement of communities, groups and individuals and NGOs in pre-inscription processes, complementing and enhancing the efforts of States Parties, with dialogue about the process engaging all concerned actors on inclusive and equal basis.
- Create methods, procedures and protocols for post-inscription monitoring. The monitoring should integrally involve groups, communities and individuals, as well as NGOs concerned, and being carried out cooperatively with States Parties that would consult actively with the diverse stakeholders involved. It should evaluate whether and how safeguarding plans are implemented as well as assess their benefits to communities, groups and individuals.
- Methods should be developed to evaluate the degree of urgency of safeguarding in the evaluation of nominations for the list of elements in need of urgent safeguarding. USL nominations should be proactively encouraged and viewed as an acknowledgement of the value of endangered ICH. Criteria should be developed for determining whether an element warrants urgent safeguarding as well as the removal of elements from this list. Assessment of nominations and their monitoring in follow-up should incorporate the Twelve Ethical Principles and always include free, prior and informed consent of the communities, groups and individuals concerned.
- The Register of Good Safeguarding Practices should be given more visibility, in recognition of its importance. Criteria should be reevulated and made more accessible to potential candidates through either more concrete criteria, or possibly through decreasing the number of current criteria. *Aide-memoire*, training, tool kits and other aids to potential applicants should be provided.
- Alternative, lighter ways for sharing good safeguarding experiences should be clustered and communicated more effectively, with networks created among the international networks of NGOs, particularly ICH NGO Forum, communities, groups and individuals engaged in good safeguarding practices.

For further questions regarding the report please contact: dr Hanna Schreiber (Association of Folk Artists/University of Warsaw, Poland), hanna.s@uw.edu.pl.