

Report on the tenth session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural heritage (10.COM), Namibia, 30 November - 4 December 2015

By Riëks Smeets, published in ACHS Intangible Heritage newsletter, February 2016

1. The Committee. The tenth session (10.COM) of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage took place in Windhoek, Namibia, from 30 November to 4 December 2015. The Committee, which functions under the control of the General Assembly (GA) of 163 States Parties¹, at present is composed of the following 24 countries: Group I: Belgium, Greece, Turkey; Group II: Bulgaria, Hungary, Latvia; Group III: Brazil, Peru, Saint Lucia, Uruguay; Group IV: Afghanistan, India, Kyrgyzstan, Mongolia, Rep. of Korea; Group V(a): Congo, Côte d'Ivoire, Ethiopia, Namibia, Nigeria, Uganda; group V(b): Algeria Egypt, Tunisia. Half of that number – their names are underscored - will be replaced at 6.GA (Paris, 30 May to 2 June 2016). The session's efficient and relaxed chairperson was Ms. Trudie Amulungu (Namibia); vice-chairs were Belgium (rapporteur), Hungary, Brazil, India, Tunisia.

2. The Secretariat. 10.COM, which marked the tenth anniversary of the implementation of the ICH Convention on the international level, followed a firmly established routine that has been developed by the UNESCO Secretariat, ably guided by Ms. Duvelle (France), who retired from the Organization just after 10.COM. Since 2008, Ms Duvelle and her team also managed to build up a comprehensive and well-functioning capacity-building programme for the States Parties while consolidating the place of the Convention within UNESCO's brief. Mr. Timothy Curtis (Australia) will assume the functions of Secretary of the ICH Convention, and head of the ICH section, in January 2016.

The excellent working and information documents prepared for 10.COM can be consulted at <http://www.unesco.org/culture/ich/en/10com>, where one can also find the decisions taken by 10.COM and a full audio-visual recording. One finds there also the recording of an impressive side-event, **Passing it on: Inventorying living heritage in Africa**. That event, which included a film, presentations and testimonies of community members and experts, demonstrated the extent of local expertise and interest in the capacity-building programme in a large number of communities in various African countries.

3. The agenda of 10.COM presented the usual items, such as the examination of the periodic reports of the States Parties, of nominations for inscription on the Lists of the Convention, and of requests for financial assistance; the amendment of Operational Directives (ODs) and the preparation of new directives; the accreditation of non-governmental organisations; establishment of the Evaluation Body, etc. Some items of the agenda and some general issues will be briefly reviewed here. As usual, much time was reserved for the examination of nominations to the Representative List, which prevented the Committee from holding itself detailed discussions on issues relevant for the further implementation of the Convention such as the modalities for a transfer of an element from one List to the other, or the preparation of a guideline on inventories (see para. 13 and 16

¹ At the moment of writing (early January 2016), the Convention for the Safeguarding of the Intangible Cultural heritage had 163 States Parties. Ireland and Cabo Verde ratified on 22/12/15 and 6/1/16 respectively; they will be States Parties three months after these dates of deposit of their documents of ratification – *footnote added after the publication of this report in the ACHS Newsletter.*

below). It draws the attention that the GA as a rule takes more time to discuss content matters than the Committee, with the result that texts are often considerably changed by the GA, while the Committee as a rule introduces only minor changes to the texts it finds in the draft decisions that are prepared for it.

4. The Evaluation Body. Up till 2015 the Committee received recommendations from two bodies: the Subsidiary Body that evaluated nominations to the RL (Representative List) and the Consultative Body that evaluated nominations to the USL (Urgent Safeguarding List) and the Register (of Best Safeguarding Practices), as well as requests for financial assistance exceeding 25,000 USD. At 10.COM, the Committee for the first time received recommendations for these four mechanisms from one single body, the Evaluation Body. After this first, experimental, round, the Committee (Decision 10.COM 10 para 4) already expressed “its satisfaction with the work of the newly established Evaluation Body as a single body which allows greater coherency and consistency in the evaluation across different mechanisms of the Convention”.

5. Of the 12 members of the Body, 6 are individual experts (representatives of States Parties non-Members of the Committee) and 6 are representatives of accredited NGOs. The Body as renewed for the 2016 round consists of experts from Portugal, Serbia, Venezuela, Japan, Kenya and Morocco and of representatives from NGOs established in Norway, Czech Republic, Brazil, China, Uganda and Syria (Decision 10.COM 12). Although all members of the Evaluation Body, once appointed, “shall act impartially in the interests of all States Parties and the Convention” (Decision 10.COM 12, annex 1), the individual experts must not come from States Members of the Committee, whereas the NGO-members of the Body may be based in such States.

6. Proposals to the Register. No proposals were received for inclusion in the Register of Best Safeguarding Practices. Although there are proposals in the pipeline for the following rounds (seven for the 2016 round), this mechanism does not live up to the original expectations, which is why the Committee decided (Decision 10.COM 6.a para 10) to request the Secretariat “to develop alternate, lighter ways of sharing safeguarding experiences to complement the Register of Best Safeguarding Practices”, thus echoing recommendation 12 of the IOS *Report of the evaluation of the Convention for the Safeguarding of the Intangible Cultural Heritage*, http://www.unesco.org/culture/ich/doc/src/IOS-EVS-PI-129_REV.-EN.pdf (UNESCO, October 2013).

7. Nominations to the USL and RL. In the 2015 round, the Evaluation Body evaluated 8 nominations for inscription on the USL (resulting in 3 recommendations to inscribe and 5 not to inscribe) and 35 nominations to the RL (resulting in 19 recommendations to inscribe, 15 to refer and 1 not to inscribe). The referral option only exists for the RL. As usual, the Committee endorsed – and hardly discussed – all recommendations to inscribe, while reversing some of the other recommendations.

8. As to the **USL**, two States before 10.COM withdrew nominations that had received an unfavourable recommendation. The Committee eventually honoured 5 out of the remaining 6 nominations, thereby reversing two negative recommendations for elements nominated by Colombia and Mongolia (a Committee member).

9. As regards the **RL**, the nomination that had received the recommendation not to inscribe, was withdrawn. From the remaining 34 nominations, the Committee honoured 23 with inscription, while 11 nominations were referred. Referral recommendations from the Evaluation Body for four nominations were changed by the Committee into decisions to inscribe; this concerned nominations by Bulgaria, Ethiopia, Saudi Arabia and a multinational nomination by Cambodia, Philippines, Rep. of Korea and Viet Nam (names of Committee members are underscored). So, while the overall percentage of reversed referrals proposed,

was 26,7 % (4 of 15), that proportion was significantly higher (3 of 6) for the referral proposals in which Committee members were concerned.

10. The Committee inscribed one **cultural space** on the RL, *the Majlis, a cultural and social space*, submitted by the United Arab Emirates, Saudi Arabia, Oman and Qatar. Earlier discussion in the Committee seemed to indicate that the Committee prefers nominations to be focussed on the traditions and expressions with which specific objects or spaces are related, rather than on such objects or spaces. In that vein, in 2010 the Committee requested Azerbaijan (5.COM) to change *The Azerbaijani Carpet* into *Traditional Art of Azerbaijan carpet weaving in the Republic of Azerbaijan*. The last-but-one inscription of a cultural space (Sulti Cultural Space, Latvia; USL) goes back to 2009. The year before, 90 so-called Masterpieces had been included on the RL, 9 of them cultural spaces.

11. Referral is used in principle when the Committee needs more information concerning one or more of the criteria to be able to come to a decision. At previous sessions the Committee warned against profuse use of the referral option. Policies have changed: the Evaluation Body and the Committee in the 2015 round made rather lavish use of the referral option, also in cases where substantial questions were left concerning three, four or – in three cases - all five inscription criteria. In many cases of referral, States Parties do not resubmit a referred file in later rounds, thus quietly withdrawing the file.

12. 10.COM decided to propose to the GA (Decision 10.COM 14.b) a change in the Operational Directives to the effect that the **referral option** will also be available **for the USL** (as well as for nominations to the Register and for requests for financial assistance). Such streamlining of procedures is all the more logical now that one body evaluates all nominations and requests.

13. Transfer. The Committee for the first time received a request from a State Party (Viet Nam) concerning the transfer of an element from one List to the other. OD 34 stipulates that transfers are possible, but so far no procedure has been worked out. The Committee decided (Decision 10.COM 19, para 10) to convene an open ended intergovernmental working group to discuss draft ODs on this issue and the related issue of the withdrawal of an element from a List. One hopes the outcome will be a light procedure. In fact, for a transfer from the USL to the RL, as requested by Viet Nam, an assessment of the improved viability of the ICH concerned, a management plan and proof of the consent of the community, group or individuals concerned, might be enough.

14. After 10.COM, the RL has 336, the USL 43 and the Register 12 inscriptions. UNESCO and the Committee repeatedly have expressed their discontent with the **greater attention** paid by the States Parties to the RL than to the **USL** – see, most recently, Decision 10.COM 10, para 6. UNESCO's IOS department, in its October 2013 report (para 211), claimed that States Parties are misunderstanding the RL, while Committee members, experts and the Secretariat have also time and again expressed their unhappiness with the way the RL is being implemented, including the long time it takes to evaluate and examine the RL nominations. States did have different considerations when they approved article 16 of the Convention (about the RL) back in 2003 and, accordingly, States Parties are now using this mechanism to some extent for different purposes. The relatively low level of success encountered by nominations to the USL may partly be the cause for the lesser degree of attention it - in the last four rounds 73,6 % of RL nominations against only 44,4% of USL nominations resulted in inscription. As with the requests for financial assistance, the Secretariat might consider providing its expertise, or experts, to States Parties who are preparing or intend to prepare a nomination to the USL. It might also be worthwhile experimenting with a shorter procedure for this list.

15. Recently, in *Télérama* (7/12/2015), the Secretariat of the Convention was quoted as suggesting that the present-day system for inscription on the **RL** might be replaced by a Wikipedia-like system. Any proposal for a **lighter, less prestigious and more inclusive system** that might better serve the goals of visibility of the RL and the aspirations of communities, is worth serious consideration. The nomination form might be simplified in such a way that practitioners and tradition bearers would have less problems in filling it in (and the confusing second criterion might be dropped). It is true that the form could then no longer be used – as has been increasingly the case - to steer the implementation of the Convention on the national level (see, for instance Decision 10.COM 10, para 20 and 23), but for that purpose the Committee has appropriate tools when it summarizes and comments on the reports that the States Parties periodically submit. A lighter system might be managed by a few NGOs under the control of the Bureau of the Committee. An approach that would lead soon to a large number of inscriptions would take the wind out of the sails of those who use the RL for prestige-related purposes and would diminish the damage incurred by elements of ICH, once they are inscribed.

16. Decision 10.COM 10, para 23 requests “the Secretariat to prepare a **guideline on inventories** for the States Parties ... taking into account the past decisions of the Committee and recommendations of the bodies, and to adjust the nomination forms accordingly”. In view of the phrase “in a manner geared to its own situation” (article 12.1 of the Convention) one hopes that possible directives for inventorying will be phrased as recommendations and that they will be submitted to the GA for approval, rather than being introduced through nomination forms (these have semi-official status but are nevertheless binding).

17. **Requests for financial assistance.** The Committee followed recommendations of the Evaluation Body (Decision 10.COM 10.c), by assigning to Malawi a grant for safeguarding Nkhonde, Tumbuka and Chewa proverbs and folktales and by requesting Kenya to submit a revised request concerning the safeguarding of three male rites of passage of the Maasai community, while delegating to the Bureau its authority to decide on the issue. This last part of the decision is in line with the increasing delegation of authority by the Committee to its Bureau. In the same vein, the Committee proposed to amend the ODs in such a way that the Bureau in the future may decide on requests for financial assistance up to 100,000 USD – now, that limit is placed at 25,000 USD (see Decision 10.COM 15.c, para 4).

18. **Accreditation of NGOs.** The Committee endorsed (Decision 10.COM 16) the proposal prepared by the Secretariat concerning the accreditation of NGOs. From 54 new requests 24 will be sent on to the GA for approval (15 NGOs did not meet the criteria; other requests were or remained incomplete, 1 was withdrawn). For 59 of the 97 NGOs that had been accredited in 2010 and that had to be evaluated at 10.COM, the Committee decided, as proposed by the Secretariat, to maintain their accreditation, as they satisfied the requirements set out in the Operational Directives (10 NGOs did not satisfy these criteria and 28 NGOs did not send in the required forms.) Among the NGOs whose accreditation was not maintained for this last reason, are ICOM and ICOMOS. Interestingly, whereas, following article 9.1 of the Convention, the GA accredits NGOs (as confirmed by OD 93), it is the Committee that decides about discontinuation of accreditation (OD 95).

19. After the Committee’s decision to discontinue 38 accreditations and the likely approval of the GA for the proposed 24 new accreditations, the **number of accredited NGOs** would go down from 178 to 164; in the act, the imbalance between accredited NGOs from different regions would only be marginally reduced (Group I: from 95 to 87; Group II from 11 to 13; Group III from 12 to 8; Group 4 from 38 to 30; group V(a) from 19 to 22; Group V(b) from 3 to 4.). Note that OD 93 expects the Committee to pay due attention to the principle of equitable geographical representation “in receiving and examining such requests” (i.e. for accreditation).

20. In view of these figures, it is not surprising that in texts produced by the Organs of the Convention, centres of expertise and research institutes are increasingly being mentioned, alongside NGOs, as important stakeholders in the implementation of the Convention. In this spirit, Decision 10.COM 10, para 20.b requires, for instance, that abstracts of inventories that are to be annexed by States Parties to their nomination forms, should “demonstrate that the inventory concerned meets the requirements laid out in Article 11 of the Convention with regard to the participation of communities, groups and relevant non-governmental organizations and if necessary, research institutes and centers of expertise, in the elaboration and updating of the inventory”. The phrase “and if necessary, research institutes and centers of expertise”, in view of the uneven spread and varying outreach of NGOs in different regions of the world, seems a wise extension of the wording of Article 11.

21. The Committee discussed and endorsed a new *draft chapter of operational directives on safeguarding intangible cultural heritage and sustainable development at the national level* (decision 10.COM 14.a). The draft is presented in the annex to the decision. After a preamble there follow 4 sub-chapters, entitled:

1. *Inclusive social development* (1.1 Food security; 1.2 Health care, 1.3 Quality education, 1.4 Gender equality, 1.5 Access to clean and safe water and sustainable water use);

2. *Inclusive economic development* (2.1 Income generation and sustainable livelihoods, 2.2 Productive employment and decent work, 2.3 Impact of tourism on the safeguarding of intangible cultural heritage and vice versa);

3. *Environmental sustainability* (3.1 Knowledge and practices concerning nature and the universe; 3.2 Environmental impacts in the safeguarding of intangible cultural heritage; 3.3 Community-based resilience to natural disasters and climate change);

4 *Peace and security* (4.1 Social cohesion and equity; 4.2 Preventing and resolving disputes; 4.3 Restoring peace and security; 4.4 Achieving lasting peace and security).

22. The draft contains many useful recommendations and caveats, but does not always make easy reading. The almost 4,000-word text would win much by being reduced to – say - half its volume. Eliminating the twelve-fold repetition concerning specific types of action that States Parties could undertake (“foster scientific studies and research methodologies, including those conducted by the communities and groups themselves...” and “adopt appropriate legal, technical, administrative and financial measures to...”), might contribute to that. In attempting to make the link between ICH safeguarding and sustainable development in a comprehensive way, the focus of the proposed ODs sometimes seems to extend beyond the aims of the Convention, viz. ICH safeguarding. What is more, not all sustainable development is ICH-driven, and some communities may consider a specific element of their ICH worthy of safeguarding even though that would not significantly contribute to their economic, societal or environmental development. The same might be true even when the element concerned may not be considered compatible with all conditions mentioned in the last sentence of the definition of ICH in article 2.1 of the Convention.

23. Some provisions and obligations in the text that will be sent on to 6.GA for discussion and approval, while laudable in intent, go beyond the existing obligations of States Parties to the Convention. Sometimes these provisions prescribe specific approaches to be taken at the national level, and combine non-binding *shall-endeavour* language and binding *shall-*language. For example, in OD 176 (emphasis added): “States Parties shall acknowledge the dynamic nature of intangible cultural heritage in both urban and rural contexts and shall direct their safeguarding efforts solely on such intangible cultural heritage that is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable

development.” Proposed OD 177 says (emphasis added), “States Parties are encouraged to recognize that inclusive social development cannot be achieved without sustainable food security, quality health care, quality education for all, gender equality and access to safe water and sanitation, and that these goals must be underpinned by inclusive governance and the freedom for people to choose their own value systems.”

24. Ethical Principles. The Committee also adopted (Decision 10.COM 15.a) a set of 12 *Ethical Principles for Safeguarding Intangible Cultural Heritage*. The Decision encourages “States Parties and other national and local organizations to develop, promulgate and update their own – national or sector-specific – codes of ethics based on these principles ...”. The heading of the set of principles states that they are: “complementary to the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage, the Operational Directives for the Implementation of the Convention and national legislative frameworks, ...”. The set is short, rich and balanced. The reminder contained in Ethical Principle 6 would not be out of place already now in the ODs: “Each community, group or individual should assess the value of its own intangible cultural heritage and this intangible cultural heritage should not be subject to external judgements of value or worth.” The same goes for principle 8: “The dynamic and living nature of intangible cultural heritage should be continuously respected. Authenticity and exclusivity should not constitute concerns and obstacles in the safeguarding of intangible cultural heritage.” One hopes that this short text will be made available on the website of the Convention in a considerable number of languages and that discussions around these principles may lead soon to a – brief - model code of ethics for safeguarding intangible cultural heritage that then will be taken up in the Convention’s ODs.

25. 11.COM will be held in Addis-Ababa, Ethiopia, from 28 November to 2 December 2016. The composition of the Bureau of the Committee, from 10.COM till the end of 11.COM is chair: Mr Yonas Desta Tsegaye (Ethiopia); rapporteur: Mr Murat Soğangöz (Turkey); vice-chairs: Algeria, Bulgaria, Republic of Korea, Saint-Lucia and Turkey. That session will no doubt be as fascinating as the Windhoek session.

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