

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

**First extraordinary session
Chengdu, China – 23-27 May 2007**

ORAL REPORT

**by Mr Ousmane Diop Blondin
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Chengdu, 26 May 2007

Mr Chairperson of the Intergovernmental Committee,
Ms Françoise Rivière, Assistant Director-General for Culture,
Honourable Delegates,
Ladies and Gentlemen,

I should like to extend heartfelt thanks to the States Members of the Committee and to its Chairperson for the trust that they have shown in me by assigning to me the task of reporting on the debates of the first extraordinary session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage. I should also like to thank H. E. Mr Seiichi Kondo, Ambassador and Permanent Delegate of Japan to UNESCO and Chairperson of the Intergovernmental Committee, for having proposed that the rapporteur and the four Vice-Chairpersons elected at the end of the first ordinary session in Algeria should remain in office and continue their duties during the first extraordinary session, held in Chengdu in China.

I now wish to express my warmest thanks to the Chinese authorities for the impeccable organization of the extraordinary session of the Committee and for their great warmth and efficiency in welcoming all of the participants.

As rapporteur I shall report to you on the decisions adopted during the four days of our Committee's work and I shall reflect the substance of our decisions as faithfully and objectively as possible. Nevertheless I shall limit my report to a strict summary of the discussions and shall not tire you with all the details which you will find, together with the names of States that took the floor on the various agenda items, in the summary records which the Secretariat will send to you by the end of June and on which you will subsequently be required to decide. At the end of my report I shall call on the Secretariat to read out all of the decisions taken at this extraordinary session of the Committee so that they may be adopted formally as a whole.

I should now like to offer special thanks to the Chairperson of this extraordinary session, H. E. Ambassador WANG Xuexian, for the firmness with which he conducted the debates, which were very delicate and difficult at times. He nonetheless created a very relaxed working atmosphere, humourous and ever apposite in his response in dealing with such a heavy and complex agenda, in view of the major challenges faced and the interest shown by Member States.

Before turning to the substance of my report, I must express my gratitude for your open-mindedness and mutual understanding under all circumstances. We congratulate the Director-General wholeheartedly on the high quality of the documents submitted to us and once more commend the exemplary work, competence and responsiveness of the Secretariat team, in particular Ms Françoise Rivière, Assistant Director-General for Culture and representative of the Director-General, Mr Rieks Smeets and his team, Mr El Zein, Senior Legal Officer and Ms Kassim

from the Division of the Comptroller. Last, but not least, we thank all of the interpreters who have had a very difficult and, I know, very thankless task; yet they have once again risen to the challenge with unrivalled panache.

Item 1 : Opening of the session

The first extraordinary session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage began on Wednesday 23 May 2007 with an official opening ceremony chaired by H. E. Mr Sun Jiazheng, Minister of Culture of the People's Republic of China and Ms Françoise Rivière, representative of the Director-General of UNESCO, in the presence of Mr Zhou Heping, Vice-Minister of Culture of the People's Republic of China and of Mr Ge Honglin, Mayor of Chengdu. During the ceremony the following dignitaries took also the floor:

- H. E. Mr Jiang Jufeng, Governor of Sichuan Province
- H. E. Mr Zhang Xinsheng, Chairperson of the Executive Board of UNESCO and Vice-Minister of Education of the People's Republic of China
- Mr Koïchiro Matsuura, Director-General (by real-time video link).

**Item 2 : Election of the members of the Bureau of the first extraordinary session of the Committee
Draft Decision 1.EXT.COM.2**

At the morning session on 23 May 2007, on a proposal from Japan, the Committee elected its full Bureau unanimously and by acclamation, as follows:

Chairperson: H. E. Ambassador WANG Xuexian (China), Chairperson of the first extraordinary session of the Committee;

Rapporteur: Mr Ousmane Blondin Diop (Senegal), Rapporteur of the Committee;

Vice-Chairs: Belgium, Bolivia, Estonia and the Syrian Arab Republic.

**Item 3 : Adoption of the Agenda
Draft Decision 1.EXT.COM.3
Draft Decision 1.EXT.COM.12**

The agenda was adopted without amendment.

The meeting decided unanimously, however, to adopt the draft summary record of the Committee's first ordinary session held in Algiers in November 2006. As there was no item on the agenda on the subject, the Secretariat immediately drew up a draft decision (1.EXT.COM. 12), which was approved without amendment.

**Item 4 : Requests for Observer status
Draft Decision 1.EXT.COM.4 Rev**

Introducing item 4, the Chairperson said that Macao had requested Observer status, but Article 8 of the Committee's Rules of Procedure did not provide for participation by Associate Members. The document relating to the item had therefore been revised as ITH/07/1.EXT.COM/CONF.207/4 Rev.2 and contained a revised Draft Decision 4 Rev. Under this item the role and rights of those authorized to take part in Committee sessions as Observers, and the duration and consequences

of such authorization were discussed. The Chairperson finally proposed that those who had written in advance to request Observer status at the extraordinary session should be admitted on this particular occasion, while stressing the need to agree in future on a specific procedure for this issue. Draft Decision 1.EXT.COM. 4 Rev. was then adopted, after Article 8 of the Committee's Rules of Procedure had been suspended. Among other things, this debate resulted in a clear distinction between the "admission" and the "accreditation" of observers.

**Item 5 : Discussion on the nature of the lists
Draft Decision 1.EXT.COM.5**

The Chairperson then turned to item 5 and noting that no particular decision was required, but that it was nevertheless necessary to determine clearly the relationship between the two lists, invited the Secretariat to give a short outline of the document concerning the nature of the lists for which the Convention provided in Articles 16 (Representative List) and 17 (List of Intangible Cultural Heritage in Need of Urgent Safeguarding).

The outline dealt with the relationship between the two Lists, the total number and duration of inscriptions on each, and multi-State nominations for inscription.

The item gave rise to a long and lively debate, in which most of the States Members of the Committee spoke out in favour of open-ended and mutually independent lists, each with quite specific criteria. The debate facilitated considerably the discussions on the next item, which concerned the criteria used for inscription on the two Lists; it also enabled the Committee to provide more detailed guidance for the preparation of documents concerning the procedures for submitting and evaluating nomination files in future.

At the end of the discussion the Committee requested the Secretariat to submit at its second ordinary session in Japan a document containing draft procedural guidelines for use by States Parties when drawing up their nominations of items of the intangible cultural heritage for inscription on one of the two lists.

Draft Decision 1.EXT.COM. 5 was then adopted, as amended at the morning meeting on Thursday, 24 May 2007.

**Item 6 : Criteria for inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and the Representative List of the Intangible Cultural Heritage of Humanity
Draft Decision 1.EXT.COM.6**

The Secretariat introduced the item and gave the Committee details concerning the proposed criteria for inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and the revised criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity. The Committee was reminded that the criteria had been drawn up after preliminary discussions in Algeria at the first ordinary session of the Intergovernmental Committee, taking into account the comments received from States Parties and the discussions held at the recent meeting of experts in India.

In the ensuing debate many delegates gave their views on this very important point. The Chairperson and the Secretariat stated that the Committee was required to take a decision not on the explanatory notes but on the criteria as such, in particular, those with "U" numbers for the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and those with "R" numbers for the Representative List of the Intangible Cultural Heritage of Humanity.

It should also be emphasized that the proposal to establish a working group to update the explanatory glossary of terms used in the Convention did not receive general support during the debate. The extraordinary session had not been mandated to redefine or interpret the Convention's terminology.

The Intergovernmental Committee accordingly examined the criteria one by one and adopted Criteria U.1, R.4 and R.5, Criteria U.2 and U.5 as amended, Criteria U.3 and U.6 as amended in the English version and Criteria U.4, R.2 and R.3 as amended in the French version. The explanatory notes, and the comments made thereon during the debate, will be used in drawing up the working documents for the Committee's next session.

The draft decision was then adopted without further amendment.

**Item 7 : Incorporation of the Masterpieces of the Oral and Intangible Heritage of Humanity in the Representative List of the Intangible Cultural Heritage of Humanity
Draft Decision 1.EXT.COM.7**

Introducing item 7, the Chairperson invited the Secretariat to give a brief outline of the proposed document on the incorporation of the Masterpieces of the Oral and Intangible Heritage of Humanity in the Representative List of the Intangible Cultural Heritage of Humanity. The Secretariat referred to the provisions of Article 31 of the Convention, which requires the Committee to include Masterpieces of the Oral and Intangible Heritage of Humanity in the Representative List of the Intangible Cultural Heritage of Humanity, and then explained why it had raised for consideration by the Committee certain difficulties that actual implementation of this arrangement posed in practice.

The representative of the Office of International Standards and Legal Affairs gave the Committee background information on the Article providing for the automatic incorporation in the Representative List of Masterpieces that had been proclaimed to date and explained the legal issues to which incorporation gave rise, in particular the rights and obligations that such automatic incorporation entailed.

As the Members had received the working document on this item very late and wished to have detailed explanations in writing and in the two working languages from the Secretariat of the Committee (Rules of Procedure, Rule 40.3) and from UNESCO's Office of International Standards and Legal Affairs to enable it to make an informed decision, the Committee, on account of the complexity of the subject, considered that, at the extraordinary session, it could only make preliminary remarks on the item and would take a decision at the ordinary session in Tokyo.

Draft decision 1.EXT.COM. 7 Rev. was accordingly adopted as amended, due account being taken of the discussions on the item.

**Item 8 : Possible creation of an emblem of the Convention for the Safeguarding of the Intangible Cultural Heritage
Draft Decision 1.EXT.COM.8**

The Chairperson opened the meeting on Friday, 25 May 2007 and called on the Secretariat to explain the advantages of having an emblem for the Convention for the Safeguarding of the Intangible Cultural Heritage. All delegates who spoke were in favour of creating such an emblem, while stressing the need for clear instructions on the way in which it should be designed and used. Open competition should permit equitable geographical participation on as large a scale as possible. Delegations expressed concern about the adoption of appropriate mechanisms to that end, the establishment of a timetable, the use that could be made of experience gained in that regard under other Conventions, intellectual property issues and appropriate texts.

After a keen debate on the question of establishing a subsidiary body to guide and supervise the process, Draft Decision 1.EXT.COM. 8 on the creation of the emblem was adopted as amended in the light of the discussions.

**Item 9 : Draft Financial Regulations of the Intangible Cultural Heritage Fund
Draft Decision 1.EXT.COM.9**

The Chairperson introduced item 9 relating to the draft financial regulations of the Intangible Cultural Heritage Fund, stating that the main question was whether the Fund should be managed as a funds-in-trust or as a special account. After the Secretariat had briefly outlined the various articles of the Fund's draft financial regulations, the representative of UNESCO's Financial Reporting and Accounts Section pointed to the advantages of establishing a special account for the management of the Intangible Cultural Heritage Fund, in view of the multi-donor nature of the Fund and the experience gained in managing the World Heritage Fund established under the 1972 Convention.

Replying to the Committee's request for clarification of the concepts of "funds-in-trust" and "special account" and, in particular, on the acceptance of funds from governmental or private donors which might attach conditions; the Secretariat stated that if any condition was attached to such a contribution, then the donor would decide how the money was to be used – in which case that contribution could not be handled within the framework of the Intangible Cultural Heritage Fund. However, all contribution received without special conditions attached could be paid into the Fund and the Committee would then decide how to use the funds.

Replying to the question raised by many delegates as to whether the contradiction between the text of the Convention and the draft financial regulations of the Fund could be overcome, the Legal Adviser answered in the affirmative, referring to the precedent provided by the World Heritage Fund, which was managed as a special account despite being called a "funds-in-trust".

In response to the concern voiced by the Committee about those articles in the draft financial regulations which differed from the corresponding articles in the regulations of other Funds, the Secretariat said that the articles of the Fund's financial regulations were based on the standard model used for the financial regulations of all special accounts approved by the Executive Board and took account of the specific objectives of the Convention itself.

Draft Decision 1.EXT.COM. 9 was then adopted, as amended.

**Item 10 : Advisory Assistance
Draft Decision 1.EXT.COM.10**

This item was discussed in a private meeting, which was attended by the Members of the Intergovernmental Committee, States Parties to the Convention and UNESCO Member States that were not parties to the Convention. The Non-Governmental Organizations that had earlier been authorized, exceptionally, to participate in the Committee's work at the extraordinary session, were not admitted to the discussions on the item.

The Chairperson introduced the item by inviting the Secretariat to recall the original discussion on the matter at the Committee's first ordinary session in Algiers. At that session the Committee had invited States Parties to submit proposals on criteria for the accreditation and representation of practitioners of intangible cultural heritage, non-governmental organizations, experts and centres of expertise of recognized competence in the field of intangible cultural heritage.

The debate had shown that a large majority of the Committee was not in favour of suggesting that an umbrella body or any other mechanism should be established to coordinate all NGOs that

would be accredited by the General Assembly to assist the Committee. On the contrary, emphasis had been laid on the notion of plurality and on the need for flexibility and latitude in the organization of such assistance.

Furthermore, many of the delegates were concerned that document 10 dealt only with criteria for the accreditation of non-governmental organizations and not with practitioners, experts or centres of expertise. In that regard, the Legal Adviser pointed out that Article 8.4 of the Convention dealt specifically with those partners and stressed that they were not being excluded in any way; he also stated that Articles 8 and 9 of the Convention had different objectives.

After all those explanations and after the Legal Adviser had been requested to provide a precise definition of the term “NGO” as understood within UNESCO, the Committee examined paragraph 7 of the document on draft criteria for the accreditation of NGOs.

Paragraph 7 “Draft criteria for the accreditation of NGOs” was adopted, as amended.

(7(a) to 7(d) adopted as amended; 7(e) deleted; 7(f) became 7(e); 7(e)(i) and (ii) adopted as amended; 7(e)(iii) deleted; 7(e)(iv) adopted as amended; 7(e)(v) deleted; 7(g) and 7(h) deleted.)

At the morning meeting on 26 May 2007 the Chairperson resumed the debate in a private session, and turned to paragraph 8 “Draft modalities of accreditation of NGOs”.

The representative of the Director-General explained that the paragraph concerned draft arrangements for reviewing the accreditation of NGOs. The Committee decided accordingly to change the paragraph’s title to read “Draft modalities of accreditation and review of accreditation of NGOs”.

The Committee considered in that regard that the quality of relations with each advisory organization should be reviewed periodically and added to the provisions an evaluation mechanism allowing for the termination of relations with an NGO if necessary. That concern took the form of new articles added to paragraph 8.

A procedural item was added to the paragraph, specifying procedures for the accreditation of NGOs, which must be recommended by the Committee to, and approved by, the General Assembly. The item was added in the form of a new paragraph 7bis between paragraphs 7 and 8, reminding the Committee of its duty to respect the principle of equitable geographical distribution when evaluating NGOs’ applications for accreditation.

Paragraph 8 “Draft modalities of accreditation and review of accreditation of NGOs” was adopted, as amended (8(a), (b), and (c) adopted as amended; 8(d) and (e) deleted).

Following some intense discussions, a working group chaired by the Ambassador of Japan, H. E. Mr Seiichi Kondo, submitted a new Draft Decision 1.EXT.COM. 10 bis. Its new wording was an earnest attempt to accommodate all the various positions and was offered as a compromise among the various positions, by separating matters relating to the NGOs’ functions from those referring to Articles 8.3 and 8.4.

Draft Decision 1.EXT.COM 10 bis was adopted by acclamation.

The original Draft Decision 1.EXT.COM 10 was adopted as amended (keeping Articles 1, 2 and 3).

At the conclusion of this item the Chairperson of the Intergovernmental Committee, who had another engagement abroad, relinquished the chair to the Vice-Chairperson Mr Eduardo Barrios of Bolivia.

**Item 4: Accreditation/Admission of Observers
Draft Decision 1.EXT.COM.4 bis**

Introducing this item concerning the need for a procedure for the admission of NGOs to meetings of the Committee, the representative of the Director-General of UNESCO explained that earlier on the morning of Saturday, 26 May, a draft prepared by a group of States had been submitted to the Bureau. At that meeting of the Bureau the Chairperson had accordingly requested the Secretariat to draw up a text that would not provide a full solution to the question of the admission of observers, but would nevertheless prepare the ground for the matter to be discussed in Tokyo.

This draft document instructed the Secretariat to draw up lists of NGOs, in close cooperation with the Permanent Delegations and the National Commissions. The list of NGOs would then be submitted to the Committee so that it could decide on action to be taken to fill the legal gap.

After the Committee had raised a number of questions about the new document, the Legal Adviser reminded it of Rule 14.1 of its Rules of Procedure (Duties of the Chairperson), which provided that the Chairperson “shall exercise all other duties entrusted to him by the Committee”. He said that a distinction should be drawn between the accreditation of NGOs to the Committee in an advisory capacity and their accreditation as observers at the sessions of the Committee. Furthermore, the term “international” could be interpreted by the Committee somewhat flexibly, provided that the NGO in question could prove that it was directly involved in the fields of competence required.

The Committee considered that the agenda for its next meeting should include the amendment of the Rules of Procedure concerning the admission of observers.

The Chairperson then proposed that the Committee approve the new draft 1.EXT.COM. 4 bis paragraph by paragraph. It was adopted as amended.

**Item 11 : Discussion on the implementation of Article 18 of the Convention for the Safeguarding of the Intangible Cultural Heritage
Draft Decision 1.EXT.COM.11**

The Secretariat introduced this item, noting that the document invited the Committee to set out its views on Article 18 so that the discussions could serve as a basis for the preparation of the criteria required under Article 18.1 and the operational guidelines required under other provisions of Article 18. Appreciating the great significance of this article and in the light of the Committee’s first session in Algiers, several States Parties had, in their written comments, stressed the importance of Article 18. That article would make it possible to implement the Convention’s other articles. It was a useful means of persuading various partners to contribute to specific projects in support of the intangible cultural heritage, while paying particular attention to the needs of the developing countries.

Many delegates spoke on the item and stressed the importance they attached to the article. The Committee considered that it was an indispensable means of implementing the Convention and should be the subject, not of a short list, but of a whole inventory, and all the available means should be used to disseminate it, including modern communication technology. It was essential to define good practices and to learn lessons from other, earlier activities in the field of the intangible cultural heritage. A number of delegates spoke of national or regional programmes, projects and activities that had been carried out in their respective countries and of their eagerness to disseminate those results and practices and to compare notes.

The Committee also considered that in drawing up such a list of projects and programmes the highest priority should be given to the establishment of interdisciplinary coordination and the introduction of a suitable methodology. It invited the UNESCO Secretariat to submit preliminary draft guidelines to it in Tokyo so that Article 18 could be implemented without delay.

At the Chairperson's invitation, the Committee adopted Draft Decision 1.EXT.COM.11 as amended.

I hope that without over-lengthy explanations I have managed to convey to you the main points of our wide-ranging discussions in the last few days of intense debate. I shall now give the floor to the Secretary so that he may read out the decisions adopted individually by the Committee and we may approve them as a whole.

Thank you for your attention.