**CONVENTION FOR THE SAFEGUARDING OF THE
INTANGIBLE CULTURAL HERITAGE**

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

**Fifth extraordinary session**

**Online**

**1 July 2022**

**Summary Records of the Open-ended intergovernmental working group meeting
in the framework of the global reflection on the listing mechanisms
of the 2003 Convention**

**Part III (25 to 26 April 2022)**

**SUMMARY RECORDS OF PART III OF THE OPEN-ENDED**

**INTERGOVERNMENTAL WORKING GROUP MEETING[[1]](#footnote-1)**

*[Thursday, 25 April 2022, morning session]*

**OPENING**

1. The **Chairperson** welcomed the participants to Part III of the Open-ended intergovernmental working group in the framework of the global reflection on the listing mechanisms of the 2003 Convention. He looked forward to continuing the fruitful discussions from Parts I and II, held in July and September 2021, respectively, and thanked participants for supporting the reform. Côte d’Ivoire, Germany, Kuwait, Peru and Poland would serve as members of the Bureau and Rapporteurs, and he thanked them for their support and availability. He then noted that the Assistant Director-General for Culture, Mr Ernesto Ottone, had been called into emergency meetings and would be unable to deliver the opening remarks.

**ITEM 9 OF THE AGENDA**

**AGENDA, OBJECTIVES AND WORKING METHODOLOGY (PART III)**

**Document:** [*LHE/22/17.COM WG/9*](https://ich.unesco.org/doc/src/LHE-22-17.COM_WG-9-EN.docx)

1. The **Secretary of the Convention**, Mr Tim Curtis, welcomed participants to Part III of the meeting and recalled that the recommendations of the working group had been presented to the sixteenth session of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage in 2021. The Committee had recommended that the ninth session of the General Assembly of States Parties, scheduled to meet in July 2022, should revise the [Operational Directives](https://ich.unesco.org/en/directives) for the implementation of the Convention for the Safeguarding of the Intangible Heritage (2003 Convention) ‘on the basis of and reflecting the spirit of the recommendations of the working group.’
2. **Ms Fumiko Ohinata** informed participants that the working languages continued to be English and French, for which simultaneous interpretation was provided. The working documents were available on the dedicated [web page](https://ich.unesco.org/en/open-ended-intergovernmental-working-group-01167) of the Convention for the global reflection. The [general information document](https://ich.unesco.org/doc/src/LHE-21-16.COM_WG-INF.1-EN.docx) contained information on the technical set-up of the meeting, which would take place on the Zoom platform and would be transmitted by webcast. Each State Party could receive two active connections for the meeting. Representatives of the ICH NGO Forum and the category 2 centres had also received active connections. As had been the case for Parts I and II, the recordings and summary records of Part III would be made public as soon as they became available. Building on its previous work, the working group would be adopting a set of recommendations, for which only States Parties could propose amendments.
3. The **Chairperson** said that, in its two previous sessions, the working group had focused on three core priority issues: inscription criteria, specific procedures for removing or transferring elements from and between Lists and the extension of multinational and national files. Following extensive discussions, a set of specific recommendations, some with new procedures, had been presented to the Committee. The working group had also recommended initiating a separate reflection on the broader implementation of Article 18 of the Convention to continue discussion on enhancing dialogue and communication among stakeholders of the Convention, with a particular focus on communities, groups and, where appropriate, individuals. Sweden had made a contribution in September 2021 to support that initiative.
4. The Chairperson noted that he did not intend to reopen discussion on the issues addressed during Parts I and II, given the technical and complex nature of those topics and because previous recommendations had already been made. He commended the working group for having addressed all the priority issues entrusted to it and also thanked the experts for their engagement and cooperation. There were a number of topics that the working group had not been able to address in previous sessions, and several new issues had been identified. The sixteenth session of the Committee had therefore extended the mandate of the working group to further discuss and reach a conclusion on those topics, which concerned issues related to the annual number of files, including the composition and working methods of the Evaluation Body, and some additional technical issues.
5. The **Secretary** said that [working document 9](https://ich.unesco.org/doc/src/LHE-22-17.COM_WG-9-EN.docx) contained the agenda, objectives and working methodology for the meeting, beginning with Agenda Item 9. Agenda Item 10 (and the corresponding [working document 10](https://ich.unesco.org/doc/src/LHE-22-17.COM_WG-10-EN.docx)) dealt with five discussion topics linked to the annual number of files, including the composition and working methods of the Evaluation Body, which would have implications on other recommendations. Agenda Item 11 (and the corresponding [working document 11](https://ich.unesco.org/doc/src/55171-EN.docx)) focused on the question of adjusting the order of priorities for states not having fulfilled their reporting obligations, the possibility of obtaining additional information regarding nominations, necessary procedures to examine exceptional cases and the possibility of introducing a preliminary assessment in the evaluation process. Lastly, under Agenda Item 12, the working group would adopt its recommendations, which would also serve as the report to the Intergovernmental Committee ([working document 12](https://ich.unesco.org/doc/src/LHE-22-17.COM_WG-12-EN.docx)).
6. With regard to the working method, the **Chairperson** noted that the number of files had been the most important issue and the focus of many discussions. Priority therefore had to be given to that item, which was topic 1, under Agenda Item 10. Since the Evaluation Body and the Secretariat had been working at maximum capacity, it would be necessary to make substantive changes to the current system in order to increase the number of files processed every year. Given that a number of other topics were related to the conclusions drawn from discussions on topic 1, he asked Member States to express their positions on the annual number of files and the related issues of the composition and working methods of the Evaluation Body and the Secretariat support. He hoped to address international assistance and the issue of backlog in the afternoon session, as well as present draft recommendations based on the morning’s discussions. He invited the Secretary to introduce topic 1.

**ITEM 10 OF THE AGENDA**

**TOWARDS A REFORMED LISTING SYSTEM (PART III): ISSUES LINKED TO THE ANNUAL NUMBER OF FILES**

**Document:** [*LHE/22/17.COM WG/10*](https://ich.unesco.org/doc/src/LHE-22-17.COM_WG-10-EN.docx)

1. The **Secretary** said that Agenda Item 10 concerned the primary mandate for Part III of the working group. Since the beginning of the global reflection and during recent intergovernmental discussions, some States Parties had advocated for increasing the number of files to be treated, while others had cautioned against focusing too much on the listing system at the expense of other safeguarding operations. The Convention found itself at an important crossroads which would determine its future direction. The 2021 evaluation conducted by the Internal Oversight Service (IOS) had identified the inadequate resourcing of the Secretariat’s support to the 2003 Convention as the first priority to be addressed. It had encouraged the governing bodies of the Convention to clarify the priority areas to be pursued in order to avoid jeopardizing the ability to respond adequately to both statutory requirements and programmatic work. The survey undertaken during the IOS evaluation had shown that Member States considered the lack of national policies or legislative frameworks for safeguarding intangible cultural heritage as the most pressing issue. As a result, the Secretariat has received a continuously increasing demand from States Parties for capacity-building support across all aspects of the Convention’s implementation. Working document 10 was structured in four main parts. Part A covered five topics: reviewing the composition and working methods of the Evaluation Body, examining two files per state every three years, moving all international assistance requests to the Bureau of the Committee, determining whether transfer requests should be considered within the annual ceiling and determining whether the requests for extensions should be considered within the annual ceiling. Given the issues identified by IOS and the time constraints faced by members of the Evaluation Body, the issue of reviewing the composition and the working methods of the Evaluation Body was the most significant. Once a clear conclusion had been reached in that regard, the working group would better understand how to address the other topics and conclude on the annual ceiling of nominations and the order of priorities. Part B presented an analysis of the issues related to the current system: the annual ceiling of nominations, the order of priorities and the situation regarding backlog files. The latter had been requested by the sixteenth session of the Committee. Part C provided an overview on the current composition and working methods of the Evaluation Body, including its workflow and the costs associated with the nomination process. Part D proposed two broad options for the annual ceiling and the order of priorities and their respective implications. Part E summarized those two options. The technical information provided in the document was complex and voluminous, and the Secretary remained ready to answer any questions in that regard.
2. Concerning the composition and working methods of the Evaluation Body, the Secretary said that the concerns raised were related to the quality and consistency of evaluation; the cost involved, particularly for the Secretariat; and the time-frame for the evaluation process. Doubling or splitting the Body might raise issues in terms of consistency and coherence. For that reason, the previous two-body system had been merged in 2015. Such a change would also double the organizational workload of the Secretariat, should it be expected to provide the same level of support. It would therefore need to be substantially and proportionately reinforced in order to have the capacity to absorb such an increase and provide adequate support. Furthermore, the production of the report of the Evaluation Body was intensive and had to be carried out within a three-month period in order to meet all statutory deadlines. The reports’ quality was of the utmost importance to the current and future credibility of the Convention, and it might be difficult to include substantially more files in a yearly cycle and expect the same level of quality within the same time-frame. Finally, concerning the possibility of outsourcing the work of the Evaluation Body, such a solution would raise a number of other questions regarding the parties chosen to carry out the task, the costs, the continuity and quality of evaluations, coherence with the principles of the Convention and fairness of treatment.
3. The **Chairperson** thanked the Secretariat for the preparation and presentation of the working documents. He invited participants to make general statements and share their position on topic 1, on the composition and working methods of the Evaluation Body.
4. The **delegation of Kuwait** thanked the Secretariat for preparing the documents. At the eighth session of the General Assembly, it had presented a draft resolution to increase the number of files evaluated for inscription, for which the working group had been commissioned to find a common-ground solution. With regard to concerns about a change in quality, the delegation questioned the connection between quality and the number of evaluators, noting that the number had been chosen simply to ensure equal representation of the six regions, with an additional six representatives from accredited non-governmental organizations (NGOs). In fact, according to the International Organization for Standardization, only three evaluators were needed at minimum to maintain a quality peer review. The delegation therefore supported a model in which six evaluators, three experts and three representatives from NGOs, examined half of the files, and then the twelve members approved the final recommendations. Such a solution would not change the structure or resources needed for the Evaluation Body, although additional resources would be required for the Secretariat.
5. The **Chairperson** asked delegations wishing to change the composition and working methods of the Evaluation Body to mention which option they preferred. The first proposed scenario was to divide the current twelve-member body into two groups of six members separately evaluating a different set of nominations. The second was to establish a second twelve-member body.
6. The **delegation of Switzerland** thanked the Chairperson, the Bureau of the working group and the Secretariat for their work in preparing for the discussions, particularly the detailed information regarding the institutional, organizational and financial implications of changing the number of files evaluated per cycle, which should be borne in mind. The working group must find a solution to adapt the evaluation processes to the challenges faced without destabilizing a functioning system, which would limit the scope of the 2003 Convention. The delegation was therefore in favour of maintaining the current annual ceiling of nominations and evaluation system while adapting the priority system in order to guarantee quality and equity and to improve the geographical representation of elements inscribed on the Lists.
7. The **delegation of Japan** was pleased to note the progress made during Parts I and II of the meetings of the working group, particularly with regard to the transfer, removal and extension of elements, and looked forward to continued fruitful discussions. It was fundamental to maintain the principle of one file per State Party every two years; the lack of a guarantee of regular inscriptions would diminish the visibility of the listing mechanisms and be counterproductive to safeguarding cultural heritage. While the proposal by the delegation of Kuwait could be effective, much time would be needed to calculate the necessary human and financial resources. Further discussion would therefore be required.
8. The **delegation of Burkina Faso** joined previous delegations in thanking the Secretariat for the work that had been done. With regard to the annual number of files, it was important to consider how a large number of nominations would impact the ability of the Secretariat and the Evaluation Body to produce quality work, particularly without the necessary means. It therefore suggested that Member States provide experts to lessen the burden and costs. Technical support should also be strengthened to assist States Parties in submitting quality nominations, which would naturally reduce the number of files submitted. Equal opportunities for all States Parties were also a priority. It thanked those states that had made voluntary contributions to support the achievement of the objectives of the 2003 Convention and called on Member States to support its candidacy to the Committee.
9. The **delegation of Saudi Arabia** thanked the Chairperson for his leadership and Member States for engaging in the work of the working group. It was pleased to note the acknowledgement of and strong collaboration on the need to increase the number of files. The delegation strongly supported the proposal by the delegation of Kuwait and felt that the quality of the evaluation process could be maintained with six experts evaluating each file.
10. The **delegation of Sweden** thanked the Secretariat for preparing the documents, which provided a good overview of all the interlinked issues. It was clear from those documents that additional resources were required. Considering the current working method to be sufficient, the delegation did not support the proposal by the delegation of Kuwait. Instead, it preferred option A, which maintained the quality, consistency and coherence of the Evaluation Body.
11. The **delegation of Austria** thanked the Secretariat and the Government of Japan for facilitating the continued exchange on the current topics. The core purposes of the 2003 Convention were to safeguard, ensure respect for and raise awareness of intangible cultural heritage, as well as to provide international cooperation and assistance. The listing mechanisms were simply one safeguarding tool, but much emphasis and resources had been placed on them at the expense of other activities such as capacity-building and thematic initiatives on sustainable development or response to emergency situations. Given the IOS recommendation to establish priority areas and the current yearly spending of over US$1 million on the listing mechanisms, it was difficult to justify further investments in that regard. Furthermore, duplicating or splitting the Evaluation Body might risk inconsistent evaluations within the cycle. Outsourcing, which might have a prohibitive cost, could lead to a loss of credibility or quality in the evaluation process. As the Secretariat had stated clearly, increasing the number of files would not be manageable. The working group must find a balance between the listing system and capacity-building efforts and thematic actions. The delegation therefore supported option A.
12. The **delegation of Thailand** congratulated the Chairperson and the Secretariat for having organized a successful online meeting for the third time. It would support either doubling or splitting the Evaluation Body, as long as quality could be maintained. It also emphasized the principle of equal opportunity and supported the view that all States Parties should be able to nominate elements to the Lists as they wished. Potential changes should perhaps also be accompanied by capacity-building mechanisms to improve the quality of nominations.
13. The **delegation of the Netherlands** thanked the Secretariat for its excellent preparation for the meeting and the Government of Japan for supporting the organization of the working group. It highly valued the work of the Evaluation Body and the consistency and quality of its reports and had always stressed the importance of following its recommendations to the extent possible. Furthermore, the highest priority should be given to countering the geographical imbalance in the Lists as well as in the ICH NGO Forum, for which strengthening capacity-building and simplifying the nomination procedures would be more impactful than increasing the annual ceiling. Considering the practicality and viability of the proposals, the delegation preferred to continue the current de facto system under option A.
14. The **delegation of Colombia** thanked the Government of Japan for facilitating the meeting and said that the current composition and methodology of the Evaluation Body was very effective and produced high-quality work. Furthermore, burdening the Secretariat with an additional workload gave cause for concern. The delegation therefore preferred to maintain the current system and strengthen capacity-building to improve the quality of submitted files. It joined the delegations of Austria and Sweden in calling for reinforcing other aspects of the 2003 Convention while acknowledging the importance of the listing mechanism for States Parties and their communities. It preferred option A, with some revisions.
15. The **delegation of the Bolivarian Republic of Venezuela** congratulated the Chairperson for his conduct of the meeting and thanked the Secretariat for the documents presented. While they provided a good overview of the current scenario, additional information was needed to facilitate discussion to identify a potential solution for the backlog. The delegation wished to know the years in which the backlog files had been presented. Since files from a few countries made up 50 per cent of the backlog, it might be more feasible to address the remaining files. It also wished to know whether a state that decided to withdraw a file from the backlog would then return to priority (0). Given that the number of files submitted to the Evaluation Body each year appeared to be plateauing, perhaps the creation of a specific strategy to address the backlog could provide a better solution than any changes to overhaul the entire evaluation system. The delegation preferred option A, with some revisions.
16. The **Secretary** said that the concern expressed by the Secretariat regarding the quality of evaluations was not related to the number of evaluators but rather to the time needed for drafting the report. The Secretariat would have the same amount of time to draft its report for double the recommendations. Additionally, the suggestion to divide the Evaluation Body into two groups raised the question of consistency. With regard to the backlog, an examination of the actual numbers showed that the issue was not as widespread as previously thought. The proposal to return backlog files to the submitting state after four years was based on the fact that some substantive issues might have changed and that older files might need to be updated to remain valid in aspects such as the consent of communities.
17. The **delegation of Lithuania** thanked the Secretariat, the Government of Japan and all Member States attending the meeting for the opportunity to discuss very relevant issues. With regard to the possibility of increasing the number of files, the delegation preferred the current system, given that no model had been proposed to provide the Secretariat and the Evaluation Body with the additional resources needed to raise the ceiling. The current system allowed for continued quality and consistency in the treatment of files. In addition, balanced geographical representation remained a high priority. The delegation was therefore in favour of option A.
18. The **delegation of Estonia** preferred to maintain the current evaluation system, which had proven effective over time, given that the results of the global reflection process had not shown a desire to make fundamental changes to the system. The coherence, consistency and fairness of the evaluation process was essential, given the consensus-based methodology employed. The proposed changes to the working methods of the Evaluation Body made by the delegation of Kuwait would not resolve issues regarding the workload, finances and human resources, because all members of the Evaluation Body would still be required to produce the final recommendation. Furthermore, additional resources would not be sufficient to address the additional workload of the Secretariat, whose administrative support was essential to the Evaluation Body. As a former member of that Body, Estonia highly appreciated the work of the Secretariat in providing technical assistance in that regard. Lastly, the listing system was only one aspect of intangible cultural heritage, along with capacity-building, safeguarding and international assistance. The delegation therefore preferred option A.
19. The **delegation of Norway** commended the experts and the Secretariat for the excellent work they had done for the global reflection on the listing mechanisms. It also thanked Japan and Sweden for financing the current working group and the follow-up meetings on Article 18, respectively. The delegation emphasized the importance of following the experts’ recommendations and ensuring equal treatment in the nomination process, which should be borne in mind when discussing the composition and working methods of the Evaluation Body. Given the cost, increasing the number of nominations or changing the composition of the Body would not be sustainable. The delegation therefore joined those states in favour of option A.
20. The **delegation of Peru** thanked the Chairperson for undertaking the preparatory work to hold the current meeting. It was important to find a solution that allowed the Evaluation Body to assess more files, while not diminishing the quality, coherence or consistency of its work. Although the delegation remained open to consensus, it supported option B to increase the number of files to more than sixty-five per year and any related changes to the composition or working methods of the Evaluation Body.
21. The **delegation of Mexico** congratulated the Chairperson and the Secretariat for conducting the current reflection. It stressed its support for option A and the importance of focusing on other issues related to the implementation of the Convention, such as evaluating the impact of inscriptions and strengthening capacity-building.
22. The **delegation of Finland** thanked the Secretariat and the participants of the meeting for the extensive work that had already been completed. Under the Convention, the listing mechanisms were one tool to safeguard intangible cultural heritage; however, many resources were dedicated to listing at the expense of capacity-building and other important functions. The delegation therefore supported option A.
23. The **delegation of China** expressed its gratitude to Japan for supporting the global reflection on the listing mechanisms, the Chairperson for leading the working group and the Secretariat for preparing the meetings. It was pleased to note that the working group had reached consensus on several issues in previous meetings and hoped for continued collaboration to achieve additional specific outcomes. With regard to the Evaluation Body, the delegation highly valued the quality and consistency of its work and greatly appreciated the valuable assistance provided by the Secretariat, which guaranteed the credibility of the listing mechanisms. It was therefore essential to bear in mind the implications of any changes to the current evaluation system.
24. The **delegation of the Republic of Korea** appreciated the contributions of the Chairperson, the Bureau and the Secretariat in organizing the meetings of the working group and looked forward to another constructive discussion. It preferred to continue the current de facto system with the possibility of a revised prioritization system. The delegation was not in favour of significantly increasing resources or burdening the Evaluation Body and the Secretariat with an excessive workload without the necessary resources in place. The workload would remain heavy; the working groups had decided to maintain all criteria for inscription, and the transfer of elements between Lists would add another burden to the workflow.
25. The **delegation of Slovakia** thanked the Secretariat and the Government of Japan for facilitating the discussion. As a matter of consistency, all files should be evaluated by the same group of people in the Evaluation Body. The delegation also supported improving the balance among the Convention’s mechanisms, with a focus on building capacity and ensuring better care for the elements already inscribed on the Lists. It was therefore in favour of option A.
26. The **delegation of Belgium** said that it was important to wait for the outcome of the reflection on Article 18 sponsored by Sweden, given that it also had implications for the Evaluation Body. It therefore supported option A, pending the results of that discussion.
27. The **delegation of Czechia** thanked the participants of the working group and those who had undertaken preparations for the meeting. Given the implications for the Secretariat and the budget, it would not be easy to change the composition of the Evaluation Body. In previous meetings, the working group had chosen not to introduce radical changes that would have lightened the listing system. Consequently, it did not have many options to increase the ceiling. While the delegation was not opposed to dividing the existing Evaluation Body into two groups, it acknowledged that the dynamics of each would likely differ, and that the consistency of evaluations might be impacted. However, it would not be possible to divide the work and expect all twelve members to validate all files within a cycle. Although the delegation acknowledged the important role the listing mechanisms played for communities and safeguarding efforts, it preferred to prioritize capacity-building and assistance for states implementing the Convention. It would also prefer to prioritize the regional balance among inscribed elements in the course of the discussions of the working group. Prior to offering its support for the proposal to divide the Evaluation Body, the delegation wished to know which budget items should be cut to secure the relevant resources to accommodate the additional workload for the Secretariat and the Committee.
28. The **delegation of Portugal** was open to the possibility of expanding the Evaluation Body and adjusting its working methods while recognizing that such a change would raise concerns that should be addressed. The Secretariat of the 2003 Convention was smaller than the Secretariat of the Convention Concerning the Protection of the World Cultural and Natural Heritage (1972 Convention). Given that the former provided greater support to its Evaluation Body, the added burden would represent the primary challenge. According to the IOS evaluation report, additional permanent human resources would be required to fulfil the rising demands of States Parties. The challenges could not be addressed by voluntary financial contributions or prioritization alone. The Secretariat must have the necessary foundation to grow in tandem with the Convention to support its continued successful implementation. Portugal joined those states wishing to maintain priority (0).
29. The **Chairperson** adjourned the meeting for a thirty-minute break.

*[Thirty-minute break]*

**ITEM 10 OF THE AGENDA [CONT.]**

**TOWARDS A REFORMED LISTING SYSTEM (PART III): ISSUES LINKED TO THE ANNUAL NUMBER OF FILES**

**Document:** [*LHE/22/17.COM WG/10*](https://ich.unesco.org/doc/src/LHE-22-17.COM_WG-10-EN.docx)

1. The **Chairperson** resumed the discussion of topic 1, on the composition and working methods of the Evaluation Body.
2. The **delegation of the Bolivarian Republic of Venezuela** asked when the files making up the largest concentration of the backlog had been introduced and how many new files, whether national or multinational, were added to the backlog each year. It noted that, in 2011, the Evaluation Body had collaborated with experts, which had allowed for the revision of a large number of files without additional costs to the Secretariat. Perhaps such a model could provide a solution within existing human and financial resources.
3. The **delegation of Panama** thanked the Chairperson, the Secretariat and the Member States for participating in the meeting. It strongly supported option A, although that proposal would also require further discussion. Under the Convention, it was essential to place importance on all aid processes, including financial assistance and capacity-building, which should not be secondary to the listing mechanisms.
4. The **delegation of Malaysia** commended the Secretariat for its initiative to conduct a global reflection on the listing mechanisms and the Government of Japan for its support. Capacity-building and monitoring of inscribed elements should be prioritized. The delegation was inclined to support option A but wished to hear further discussions on the proposal by the delegation of Kuwait.
5. The **delegation of Saudi Arabia** said that, with regard to the additional burden on the Secretariat, the solution would be to increase the resources, which would increase efficiency, yield results and help to preserve living heritage. Participants were urged to discuss that possibility in the current meeting rather than postpone the discussion for a later time.
6. The **delegation of Colombia** agreed that a solution must be found within the options provided in working document 10. It also wished to know the reasons why files were placed on the backlog and whether those reasons varied by region. Perhaps a solution to the backlog issue could also be used to increase the number of files.
7. The **delegation of Morocco** thanked the Chairperson for organizing the meeting and congratulated the Secretariat for its excellent work in preparing the documents. It was necessary to take a forward-looking approach as more States Parties became interested in the Convention and submitted nominations for inscription. The delegation recognized the concerns and apprehension of States Parties; however, the working group had a responsibility to meet the growing demand. The proposal by the delegation of Kuwait was very relevant and would not impact the consistency or quality of the evaluation process, given that it would be guided by the same criteria. There was also a need to strengthen the resources at the disposal of the Secretariat, because maintaining the existing mechanism would lead to an impasse. The delegation preferred option B.
8. The **delegation of Kuwait** said that, in maintaining the current system, the problem would continue to grow. The Committee would draw the same conclusion at the next meeting and ask another working group to find a solution, which would cost time and resources. The working group should determine what resources were needed by the Secretariat and then work on finding them. Happily, a number of participants agreed that changing the composition of the Evaluation Body would not impact the quality of its work. It would be possible to address any issues in consistency, if necessary.
9. The **Chairperson** said that a larger number of countries supported option A, but option B had also received strong support from a few states. Given that some delegations had expressed reservations related to the issue of priority, he wished to move to the discussion of topic 2 on the proposal to examine two files per state every three years and then to topic 3 on the proposal to move all international assistance requests to the Bureau of the Committee before closing the current discussion. The backlog issue would be addressed in the afternoon. He asked the Secretary to provide an overview on the current number of files and to introduce topic 2.
10. The **Secretary** said that the Secretariat was applying the prioritization system to submitted files. Two years ago, there had been an increase in the number of nominations, and the ceiling had been raised to sixty files to absorb the additional work. Since then, the number of submissions had remained stable. It appeared that the Secretariat would be able to treat all priority (0) and multinational files in 2022. Topic 2 included a proposal to examine two files per state every three years, alternating between a nomination to the Representative List of the Intangible Cultural Heritage of Humanity (Representative List) and the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (Urgent Safeguarding List) or the Register of Good Safeguarding Practices, with a view to encouraging submissions to the latter two and balancing the distribution among the Lists, both through priority (0) and priority (i) categories. The feasibility of such an approach would depend on the number of files submitted each year. The alternatives presented in working document 10 include discontinuing priority (0), thereby treating the files according to the number of elements already inscribed and the number of files submitted. Should the number of files increase significantly, it was proposed that priority (0) be adjusted to one every three years. In order to balance between national and multinational files, one option was to maintain priority (0) and identify a flexible quota for multinational files within that framework.
11. The **Chairperson** noted that the issue of priority would be relevant under option A, which maintained an annual ceiling of sixty files.
12. The **delegation of the Bolivarian Republic of Venezuela** wished to know how many new national and multinational files had been presented for nomination in 2021 and 2022. It also wondered whether requests for inscription on an extended basis and those to be considered as best practices would be included in the annual ceiling, since those cases were not as complex.
13. The **Chairperson** said that the Secretariat would research the numbers and report to the working group. The extension of files would be considered under topic 5 at a later stage.
14. The **delegation of Colombia** said that it did not see how the proposal of evaluating two files every three years would resolve the current problems facing the evaluation system. With regard to limiting the number of multinational files, such a solution might bring balance to the order of priorities, but more information about the cause of the backlog was needed to evaluate the potential impact.
15. The **Secretary** said that there were two types of backlog files: long-term backlog files and priority (0) files. The latter had been submitted understanding that priority (0) applied and that the files would be evaluated when eligible. In 2022, the Secretariat had received sixty-two on-time submissions, eleven of which were multinational files. Some of the files would go into priority (0) for the following year, and the priority (0) files from the previous year would be treated.
16. The **delegation of the Netherlands** said that it was in favour of maintaining the principle of one file per state every two years. The Kingdom of the Netherlands consisted of four countries, including three in the Caribbean, which it prioritized in its national nominations to improve regional balance. It therefore wished to maintain the current system to nominate to either List every two years. The delegation also supported establishing a quota for multinational files to guarantee space for smaller communities and states to present nominations.
17. The **delegation of Sweden** supported the proposal made in paragraph 16.b of working document 10 under option A, which would discontinue the principle of one file per State Party every two years. That would promote the number of nominations to the Register of Good Safeguarding Practices and encourage submissions from States Parties with few or no inscribed elements.
18. The **delegation of Malaysia** looked forward to hearing more information about the backlog files. With regard to the number of files per year, it preferred to keep the current system of one file every two years rather than having to wait three years to submit to a particular list. Given that most States Parties were submitting multinational files, it supported establishing a quota.
19. The **delegation of Japan** said that it was very important to maintain priority (0), with one file every two years to encourage all countries to submit their files. It would be difficult to sync the submissions under the option of two files every three years. It would also be interesting to explore the idea of a quota for multinational files, as they accounted for the increase in submissions.
20. The **delegation of the Bolivarian Republic of Venezuela** said that it would not be in favour of the proposal of examining two files every three years given that nominations would alternate between the Representative List and the Urgent Safeguarding List, which did not align with the work being carried out by its national experts and communities. As a result, the Bolivarian Republic of Venezuela would be limited to one file every three years. Maintaining priority (0) was therefore preferable. Although the backlog would be addressed at a later stage, it was linked to the number of files and should be given consideration in any solution.
21. The **delegation of Thailand** said that it had no objection to the proposal to examine two files per state every three years; however, such a solution would not be effective without improving the quality of nominations considered by the Evaluation Body. To support the listing mechanisms, it once again encouraged support for building capacity and promoting the nomination of files to the Urgent Safeguarding List and the Register of Good Safeguarding Practices, as well as multinational files.
22. The **delegation of Colombia** supported the statement from the delegation of Thailand with regard to improving the quality of nominations and once again called for prioritizing other aspects of the Convention. With regard to the backlog files, a distinction must be made between the two groups of files. For example, Colombia had submitted two files simultaneously, with the understanding that one would be placed on the backlog to be treated in the next eligible cycle. It would be helpful to know the distribution between the two groups of backlog files. The delegation supported a quota for multinational files to provide more opportunities to smaller countries and maintain priority (0), but it did not want to increase the number of files.
23. The **delegation of Switzerland** said that it opposed increasing the number of files, given the impact on consistency and quality as well as the implications for the resources of the Secretariat and the Evaluation Body. The real challenge was balancing the geographical representation of states on the Lists. Regarding the issue of priority, all options should remain open. It was not possible to guarantee all states a regular submission. Priority (0) could be set aside in order to prioritize nominations from states from poorly represented regions, in line with paragraph 16.b of document 10. The delegation could also support the proposal under paragraph 16.a to establish a quota for multinational files.
24. The **delegation of China** recalled that it had proposed the suggestion of examining two files every three years, under topic 2, during the previous meeting as a compromise to address two issues that had been raised a number of times: the number of files to be treated and the imbalance between the Representative List and the Urgent Safeguarding List and Register of Good Safeguarding Practices. The delegation supported maintaining priority (0) and including as many multinational nominations as possible to enhance international cooperation. It was flexible and willing to work towards finding a new solution that would meet those criteria.
25. The **Chairperson** said that the proposal to examine two files per state every three years had admittedly been proposed in a slightly different context; nevertheless, it had not received strong support in the current discussions. With regard to priority (0), a greater number of delegations wanted to maintain it, but some had indicated a willingness to set it aside to encourage nominations from States Parties without inscriptions. With regard to multinational files, a greater number of delegations supported establishing a quota.
26. The **delegation of Portugal** wondered whether the two proposals in paragraphs 16.a and 16.b would maintain priority (0) and guarantee States Parties a nomination on a regular basis.
27. The **Secretary** clarified that paragraph 16.a maintained priority (0), allowing states to submit a nomination once every two years. It would establish a quota for multinational files and a prioritization system within the allocated quota, if necessary. The proposal under paragraph 16.b would remove priority (0) and apply the priorities set out in paragraph 34 of the Operational Directives, thereby allowing States Parties with few or no inscribed elements to be prioritized.
28. The **delegation of Colombia** agreed that priority should be given to those states that did not have any elements inscribed on the Lists and supported the proposal made under paragraph 16.a, since establishing a quota for multinational files would only be effective if under-represented states could be prioritized.
29. The **delegation of Malaysia** asked whether a State Party that did not submit a nomination for the Urgent Safeguarding List would instead be able to submit two files to the Representative List in the three-year period.
30. The **Secretary** said that he assumed that a state that did not alternate between the Lists would need to wait three years for its next submission. Concerning paragraph 16.b, which suggested removing priority (0), he noted that there had been no problem accommodating states with no inscribed elements under priority (i). The priority began to be applied at priority (iii), for states with the fewest elements inscribed compared to other submitting states in the same cycle.
31. The **delegation of Colombia** asked whether the backlog of files under priority (iii) was the result of an insufficient ceiling for the number of files.
32. The **Secretary** said that there could be a one-year backlog for files under priority (0), while awaiting eligibility in the two-year cycle. There were no backlog files under priority (i). There was a backlog under priority (ii), for multinational files, as of two years ago, and under priority (iii).
33. The **delegation of the Bolivarian Republic of Venezuela** preferred to maintain priority (0) but wished to know what impact its removal would have on the nomination process. It asked whether the prioritization of states with fewer nominations would be on a global scale or within each regional group. It would also be good to know how long a state with several elements inscribed would be required to wait to present a nomination.
34. The **Secretary** said that the prioritization was established for each state on a global scale and was not based on the region.
35. The **Chairperson** said that if the working group chose option A, to maintain the status quo, it would perhaps wish to maintain priority (0) and consider establishing a quota for multinational files.
36. The **delegation of Portugal** said that, according to paragraph 14 of document 10, priority (0) would be maintained under option A; however, it would not be possible to continue to respect the principle of treating one file per state every two years.
37. The **Secretary** said that the number of submitted files had been stabilizing, and the ceiling had been increased to sixty. Nevertheless, it might be necessary to re-examine the issue in the future, depending on the number of files submitted.
38. The **Chairperson** moved to topic 3 on requests for international assistance.
39. The **Secretary** said that topic 3 covered moving all international assistance requests to the Bureau of the Committee and recalled that, under the current system, international assistance requests of up to $100,000 were examined by the Bureau and those above $100,000 were examined by the Committee, with exceptions for emergency cases. While the Secretariat did not consider the proposal to be problematic, it would significantly impact the number of files, given the small number of requests for international assistance submitted each cycle. Nevertheless, the Secretariat expressed concern with regard to removing the cap for such requests, as it prevented the Fund from being depleted by a few large projects. Exceptions could be made for emergencies and least-developed countries.
40. The **Chairperson** said that there were two issues under consideration. The first was to move all requests for international assistance to the Bureau, regardless of scale. The other was the issue of capping assistance at $100,000, with possible exceptions for emergency cases and least-developed countries.
41. The **delegation of Colombia** said that it was in favour of moving all international assistance requests to the Bureau with a cap of $100,000 but asked how the new procedure would impact nominations submitted to the Urgent Safeguarding List with a combined request for international assistance.
42. The **Secretary** said that files submitted under the combined mechanism were only considered to be one file, so there was no need to bring those cases to the Bureau, as they would not impact the number of files examined by the Evaluation Body.
43. The **delegation of the Bolivarian Republic of Venezuela** said that it could support the proposal under topic 3 but asked the Secretariat to clarify its concerns regarding the impact on the Fund.
44. The **delegation of Kuwait** preferred to maintain the existing system, which was effective.
45. The **delegation of Austria** supported the proposal by the Secretariat to move all international assistance requests to the Bureau and limit them to $100,000, prioritizing projects for priority themes and groups, such as Africa, gender equality and youth.
46. In principle, the **delegation of Switzerland** supported the proposal to move all requests to the Bureau, since there were not many cases, but the change would not have a significant impact on the nomination process. It therefore reiterated the need to discuss revisions to the priority system.
47. The **delegation of Saudi Arabia** joined the delegation of Kuwait in preferring the current system. The cap of $100,000 for requests to the Bureau should be maintained, and all other requests should be considered by the Committee.
48. The **delegation of Colombia** said that moving all requests to the Bureau would allow funding decisions to be made prior to the end of the year during Committee sessions. The proposal did not make significant changes to the current system and would help to reduce the number of files examined by the Evaluation Body.
49. The **delegations of the Netherlands** and **Sweden** supported the proposal to move all International Assistance requests to the Bureau and limit them to $100,000.
50. The **delegation of Morocco** supported the proposal by the Secretariat and the statement by the delegation of Colombia. Given that international assistance requests above $100,000 were uncommon, the proposal would not significantly impact the current system.
51. The **delegation of Kuwait** wished to know whether the Secretariat’s proposal included removing the cap on all international assistance requests.
52. The **Secretary** said that the proposal in the document had been made by the working group in the previous meeting. Under the current system, all requests up to $100,000 were examined by the Bureau, allowing them to be processed more quickly. That procedure, which had been implemented a few years prior, had led to a dramatic increase in the effectiveness of the international assistance mechanism. Requests above $100,000 went through a two-year cycle before reaching the Committee for a decision. The proposal would move all requests for assistance to the Bureau; however, removing the cap could cause the Bureau to receive several large requests that would deplete the Fund. The Secretariat therefore felt that requests over $100,000 should be limited to emergency situations and perhaps least-developed countries.
53. The **delegation of Peru** said that the current system should be maintained, given its effectiveness and the small number of requests for international assistance over $100,000.
54. The **Chairperson** said that moving requests for international assistance over $100,000 to the Bureau would therefore slightly reduce the burden on the Evaluation Body and could provide a faster funding process. Discussion of the topic would resume in the afternoon session. He adjourned the morning session.

*[Monday, 25 April 2022, afternoon session]*

**ITEM 10 OF THE AGENDA [CONT.]**

**TOWARDS A REFORMED LISTING SYSTEM (PART III): ISSUES LINKED TO THE ANNUAL NUMBER OF FILES**

**Document:** [*LHE/22/17.COM WG/10*](https://ich.unesco.org/doc/src/LHE-22-17.COM_WG-10-EN.docx)

1. The **Chairperson** opened the afternoon session and resumed discussions on topic 3, on the proposal to move all international assistance requests to the Bureau of the Committee. The Secretariat had also proposed to limit requests to $100,000, with exceptions for emergency cases and least-developed countries.
2. The **delegation of Indonesia** supported the proposal to move international assistance requests to the Bureau and limit them to $100,000, since it would not greatly impact the listing mechanisms. It asked the Secretariat to clarify the exception for ‘emergency situations’.
3. The **delegation of Kuwait** said that it would not support increasing the cap of $100,000 for files assessed by the Bureau and asked whether international assistance requests above $100,000 would no longer be allowed under the proposal. The existing mechanism was preferred, as requests above $100,000 could be evaluated by the Evaluation Body.
4. The **Chairperson** asked states supporting the proposal to express their views.
5. The **delegation of Colombia** said that the current process for approving international assistance requests above $100,000 was lengthy. By the time Colombia’s request had been approved, the project in question had been implemented with other resources. To address that challenge, a process to request up to $100,000 through the Bureau had been established, allowing communities faster access to the resources needed to implement safeguarding measures. Furthermore, moving all requests to the Bureau would allow the Evaluation Body to examine a few more files for the Lists.
6. The **delegation of Sweden** agreed that moving all requests to the Bureau would have some impact on the Evaluation Body.
7. The **Secretary** explained that states could also expedite a request for funding through the Bureau in emergency situations. For context, he added that states were submitting many more requests for international assistance with the limit of $100,000 than they had submitted when limited to $25,000.
8. Recognizing the importance of not depleting the Fund, the **delegation of the Bolivarian Republic of Venezuela** suggested increasing the limit for international assistance requests to $150,000 rather than removing it. When states submitted requests through the lengthy Evaluation Body process, the safeguarding efforts proposed might no longer be relevant by the time funding was approved. The delegation also asked how many international assistance requests over $100,000 had been submitted during the previous two cycles.
9. The **Secretary** said that there were one to three requests for international assistance examined by the Evaluation Body each year, excluding those combined with an inscription on the Urgent Safeguarding List.
10. The **delegation of Thailand** supported the proposal to move all international assistance requests to the Bureau and limit them to $100,000.
11. The **delegation of Kuwait** said that states could split their projects into several phases, each under $100,000, to receive funds more quickly if they were concerned about the length of the evaluation period. According to the IOS report and the reports prepared by the Secretariat, there was still no mechanism to measure the outcome of international assistance. The delegation was therefore not in favour of increasing the cap of $100,000 without knowing the effectiveness of the assistance provided.
12. The **delegation of Norway** supported the proposal contained in document 10, provided by the Secretariat.
13. The **delegation of Japan** supported the proposal, with exceptions for emergency requests and those made by least-developed countries.
14. The **Chairperson** said that a greater number of delegations supported the proposal to move all requests for international assistance to the Bureau and limit them to $100,000, with exceptions for least-developed countries and emergency requests.
15. The **delegation of Kuwait** said that the delegations wished to maintain the cap of $100,000 on requests to the Bureau.
16. To clarify, the **delegation of Austria** said that it supported the proposal made by the Secretariat to limit international assistance requests to $100,000 and move them to the Bureau.
17. The **delegation of Morocco** said that if the working group chose to allow requests for over $100,000, it would need to establish clear, pragmatic evaluation criteria for the Bureau. It would join the consensus on the issue.
18. The **delegation of Saudi Arabia** said that it agreed with the delegations of Kuwait and Morocco and supported maintaining the current system, since the proposed changes would have little impact.
19. The **delegation of Estonia** supported the proposal to move all international assistance requests to the Bureau, with the understanding that they would be limited to $100,000 with some justified exceptions, such as for emergency situations and least-developed countries. It also supported encouraging submitting states to separate large projects into several phases, which would allow for progress to be assessed between applications for international assistance.
20. The **delegation of Switzerland** said that it was in favour of allowing the Bureau to examine all requests for international assistance, with or without a limit of $100,000, and would join the consensus.
21. The **Chairperson** asked whether delegations would support a proposal to allow the Bureau to examine international assistance requests above $100,000 on a provisional basis, to be reviewed in two or three years.
22. The **delegation of Kuwait** said that if delegations wished to remove the cap on requests to the Bureau, it would join the consensus; however, it wished to establish a mechanism to evaluate the outcome of projects granted international assistance.
23. The **Chairperson** clarified that the Secretariat’s proposal was to limit requests above $100,000 to emergency cases and least-developed countries and asked the delegation of Kuwait whether that solution would be acceptable.
24. The **delegation of Kuwait** agreed.
25. The **Chairperson** moved to the issue of backlog, directing participants to Annex 2 of document 10.
26. The **Secretary** said that backlog files were files that could not be treated in a given cycle owing to the annual ceiling and the priority system. There were 129 backlog files distributed unevenly over the Electoral Groups. Group IV had the highest percentage, at 57.4 per cent, and Group V(a) had the lowest, at 3.9 per cent. When priority (0) applied to a state, the Secretariat would ask whether it wished to have one of its backlog files considered for the upcoming cycle. If the state also submitted a new file, the Secretariat would ask which file should be treated. Backlog files submitted several years in the past could require significant updates to aspects such as the social functions, the inventorying periodicity and the consent of the communities. At its tenth session, the Committee had encouraged States Parties to retrieve backlog files submitted more than four years prior in Decision [10.COM 13](https://ich.unesco.org/en/Decisions/10.COM/13). However, only six States Parties had withdrawn their backlog files, which accounted for 36 of the 129 files. A significant number of the backlog files belonging to a small number of states fell under that category.
27. The **Chairperson** said that the suggestion was to return backlog files older than four years to nominating states, which could choose to update their files for submission and remain in the backlog.
28. The **delegation of the Bolivarian Republic of Venezuela** said that many of the issues being discussed were linked to the backlog. It was important to differentiate the files awaiting priority (0) from the older files. It wished to know how many of the 129 files were older than four years and required updating prior to being considered, since those were the files straining the system. It also asked how many of the thirty-six older files withdrawn by the six States Parties had been updated and resubmitted, given that their experience might be of use to those states with a remaining backlog. Lastly, it would be useful to know whether States Parties intended to revise their older files for evaluation.
29. The **delegation of Colombia** wished to know the years in which the backlog files had been submitted to determine whether the problem stemmed from a current trend or an issue that had arisen in the past. Such information would be helpful in finding a solution, which should include returning files to be updated after a period of four years. It asked whether there was a realistic timeline and feasible solution to evaluate the files for those countries with a large backlog, whether there was a regional difference and what impact those files had on the current annual ceiling of sixty.
30. The **Secretary** said that he would provide a further breakdown of the numbers on the following day. To provide historical context, there had been no cap on the number of submissions in the early years of the Convention, which had led some countries to submit ten or fifteen files per year. He suspected that the significant number of backlog files from some states was related to the change in the system, when the annual ceiling of fifty had been implemented in 2014. Most states had one or two files in the backlog that would be submitted under priority (0) in the next available cycle.
31. The **Chairperson** asked participants for their consent to discuss the issue of the backlog, which the Committee had requested to be included in Part III of the working group.
32. The **delegation of Saudi Arabia** said that, although the issue of the backlog had not been included in the mandate of the working group, it was a consideration common to both options A and B and merited discussion. It could support the proposal that files older than four years be automatically returned to the submitting state, provided that the updated file would be automatically evaluated in the following cycle. Otherwise, Member States would have no incentive to update their files.
33. The **delegation of Thailand** said that the backlog gave cause for concern, especially for the communities and governments that had invested human and financial resources to present a nomination. Groups III and IV had a significant number of backlog files, which needed to be resolved. The delegation therefore supported the Chairperson in holding a brief discussion to find a solution.
34. The **delegation of Kuwait** said that the files evaluated by the Evaluation Body must reflect the actual situation of the element, which could change over time. It therefore supported returning older files to submitting states to be updated and asked how to ensure that the resubmitted files could be evaluated as soon as possible or in the following cycle, as mentioned by the delegation of Saudi Arabia. Such a solution should be considered, particularly for those states whose backlog files numbered in the single digits.
35. The **delegation of the Bolivarian Republic of Venezuela** said that, under the proposal, states would be encouraged to update the file that they wished to submit, not all of the backlog files at once. It reiterated that a breakdown of the types of backlog files would be helpful, given that many were simply awaiting eligibility under priority (0). It asked whether it would be feasible to evaluate the files for states whose backlog numbered in the double digits. For example, it would take forty-six years to evaluate all the files for a state that had twenty-three in the backlog, without any new submissions during that time. It was therefore necessary to find a solution that could establish a timeline for those states.
36. The **delegation of Colombia** said that it was important to find an effective and dynamic solution, since backlog files were also considered within the annual ceiling for evaluation. It looked forward to receiving a breakdown of the numbers.
37. The **delegation of Sweden** supported the suggestion to return backlog files after four years so that states could make any necessary changes and prioritize their nominations. The proposed process was both open and transparent.
38. The **delegation of Malaysia** asked what the procedure would be if the quota on multinational submissions resulted in a backlog of those files.
39. The **Secretary** said that two years prior, there had been a backlog of multinational files. As a result, the ceiling had been raised to sixty. That backlog might be fully cleared in 2022, pending responses from some submitting states. He also noted that some states chose to submit two files in the same year, knowing that it would not be possible to examine both, which also added to the backlog.
40. The **Chairperson** said that participants agreed with the proposal to return backlog files to submitting states after four years, unless they wished to update them. It had been suggested that if Member States updated their backlog files, there should be an incentive for those files to be examined in a relatively short period of time.
41. The **delegation of the Bolivarian Republic of Venezuela** reiterated its question concerning whether any of the six states that had withdrawn a file from the backlog had resubmitted the same element for inscription. It asked what solution was proposed to address the backlog for states with over twenty files and whether a special mechanism was being considered.
42. The **Secretary** said that he would provide additional information on the states that had withdrawn files from the backlog the following day. States that had a double-digit backlog chose to keep those files in the backlog and submit new files when there was a slot under priority (0).
43. The **Chairperson** said that introducing the four-year rule for backlog files would have a significant impact on those states that had double-digit files in the backlog. He noted that no one had opposed the suggestion to return backlog files older than four years. At the same time, states should be given the opportunity to update those files and have them examined in the near future, within the existing system of priority (0). He proposed drafting the recommendation on that understanding.
44. The **delegation of the Bolivarian Republic of Venezuela** said that the recommendation should stipulate that the removal of a file from the backlog in no way reflected the merit of the element proposed, in order to be sensitive to the feelings of the communities involved. In addition, states could not be forced to withdraw a nomination that they had presented. Such wording would demonstrate that the process was meant to improve efficiency.
45. The **Chairperson** said that the Bureau of the working group would draft recommendations during the break to reflect the discussions on the examination of two files every three years, a quota for multinational files, priority (0), international assistance and the backlog.
46. The **Secretary** asked the members of the Bureau to remain connected to the meeting room for the closed meeting. All other participants would be sent to a separate breakout room.
47. The **Chairperson** adjourned the meeting for a thirty-minute break to allow the Bureau to meet.

*[Thirty-minute break]*

**ITEM 10 OF THE AGENDA [CONT.]**

**TOWARDS A REFORMED LISTING SYSTEM (PART III): ISSUES LINKED TO THE ANNUAL NUMBER OF FILES**

**Document:** [*LHE/22/17.COM WG/10*](https://ich.unesco.org/doc/src/LHE-22-17.COM_WG-10-EN.docx)

1. The **Chairperson** resumed the meeting and moved to discussions about the working group’s draft recommendations. He said that no conclusions had been drawn regarding whether to choose option A or B. Since both options had received support from a number of states, both were included in the draft recommendations. He asked delegations supporting each option to approve the language under the option of their choice. Under option A, with regard to the annual ceiling, paragraph 1 read: ‘The annual number of nominations to the Urgent Safeguarding List, the Representative List and to the Register of Good Safeguarding Practices that can be treated in total is to be set to at least fifty-five and no more than sixty,’ in line with the current practice. With regard to international assistance, paragraph 2 was included in options A and B and read: ‘All requests for international assistance are to be examined by the Bureau of the Committee. The requests should not exceed $100,000, except for emergency requests.’ With regard to the order of priorities, paragraph 3 read: ‘The current system of priorities is to be continued but an allocation will be made, if needed, to set a number within the overall ceiling to be dedicated to multinational files, and to establish a prioritization system within the allocated multinational files quota, in the spirit of paragraph 16.a of document LHE/22/17.COM WG/10.’ The recommendation was to establish a principle to allow the Committee to set a quota that could vary depending on need, but the working group would not set a number for the quota. Under paragraphs 4 and 5, the working group would need to determine whether transfers between the Lists and inscription on an extended or reduced basis should be considered within or outside the annual ceiling. Paragraph 6, under option A, read: ‘The composition of the Evaluation Body is to remain unchanged, keeping the global and consensus-based methodology applied to each criterion of every nomination file and in accordance with the relevant provisions as set out in the Operational Directives.’ Paragraph 7 on backlog files was the same under options A and B. It read: ‘Backlog files older than four years are to be removed from the backlog unless updated versions are submitted, which are to be treated expeditiously within the framework of the prioritization system. It is understood that the removal from the backlog is without prejudice to the merit of the element and will not influence the outcomes of any future evaluation.’
2. Moving on to option B, the **Chairperson** said that paragraph 1 concerned the staffing requirements of the Secretariat and corresponded to the IOS recommendations. It read: ‘Sustainable staffing requirements of the Secretariat need to be resolved for the support required to implement the changes to the working methods of the evaluation bodies in order to further increase the annual number of files.’ Paragraphs 2, 3 and 4 on international assistance, transfers between the Lists and requests for inscription on an extended or reduced basis, respectively, were identical to those under option A. Option B did not contain any mention of priority (0), the quota for multinational files or the submission of two files every three years, since those issues might no longer be relevant given the greater number of files to be examined. Nevertheless, delegations could choose to discuss their inclusion under option B at a later stage. Paragraph 5 contained the composition and working methods of the Evaluation Body and read: ‘Pending the resolution of the sustainable staffing requirements mentioned above, the workload of the Evaluation Body may be redistributed by foreseeing that the number of Evaluation Body members remain at twelve, with two groups of six members separately evaluating a different set of nominations.’ The paragraph on backlog files was the same as that under option A. The Chairperson then invited delegations to discuss the recommendations.
3. The **delegation of the Bolivarian Republic of Venezuela**, which preferred option A, said that requests for transfers, extensions and reductions should not be contained within the annual ceiling. Given that such files had already undergone an evaluation, they should be subject to lighter criteria and therefore not require the same amount of work. With regard to the backlog, the text did not mention how it would be possible to ensure that updated files were reviewed. Given the order of priorities, it would be impossible to review all backlog files, should they be resubmitted at once. It was therefore necessary to create an additional mechanism to address such cases.
4. The **Chairperson** said that the Bureau of the working group had attempted to capture the spirit of the recommendation on the backlog within the framework of the current prioritization system, which did not allow a state to have two files evaluated in the same year.
5. The **delegation of the Bolivarian Republic of Venezuela** proposed exploring the process employed by the Man and the Biosphere Programme as a possible solution to addressing the backlog files while maintaining priority (0).
6. The **delegation of China** proposed raising the annual ceiling under option A while maintaining priority (0), to be set at sixty and no more than seventy. There had been a gap between submissions and nominations since the first cycle of the listing mechanisms in 2009. The purpose of the Lists was to raise the visibility of intangible cultural heritage, and States Parties submitted nominations as a way of implementing the Convention. Since the total number of files evaluated had remained steady between fifty and sixty in the past several years, it might be possible to slightly increase the ceiling without much impact, particularly since international assistance requests would be moved to the Bureau of the Committee and lighter procedures had already been adopted for transfers, extensions and reductions.
7. The **delegation of Saudi Arabia** thanked the delegation of China for its creative approach to finding a common-ground solution. It would be willing to accept option A to maintain the composition and working methods of the Evaluation Body temporarily, provided that an amendment was added to encourage the development of a clear plan to increase resources, with a view to increasing the annual number of nominations, to be presented at the tenth General Assembly.
8. The **Chairperson** said that, although he acknowledged the appeal of the suggestion proposed by the delegation of China, raising the annual ceiling to seventy files was not feasible from the point of view of the Secretariat.
9. The **Secretary** said that the Secretariat was not able to support the evaluation of more than sixty files, given its current structure and workload in terms of periodic reporting, capacity-building, international assistance and thematic work. It had been able to treat more files in the past, before UNESCO lost 30 per cent of its budget. Increasing the annual ceiling would therefore require either additional resources or a reduction of the Secretariat’s current workload in other areas of the Convention.
10. The **delegation of Japan** said that it wanted to remove the reference to paragraph 16.a of document 10, since the participants had agreed on the relevance and importance of maintaining priority (0). Any prioritization system within the multinational files quota should therefore not impact priority (0). With regard to requests for transfers, extensions and reductions, such nominations should be excluded from the ceiling of files if possible.
11. The **delegation of Colombia** preferred option A and did not support the proposal made by the delegation of China to extend the ceiling beyond sixty files. On the other hand, it supported the proposal made by the delegation of Saudi Arabia and suggested incorporating the paragraph on sustainable staffing requirements under option B into the text for option A. Furthermore, requests for transfers between the Lists should be considered outside of the annual ceiling. Such an approach could be done on an experimental basis, as mentioned in the text. In addition, the delegation suggested including wording that invited Member States to resubmit files that had been removed from the backlog to avoid the appearance of a value judgement. It also reminded participants that there would be an additional working group on Article 18 that would impact the current discussion.
12. The **delegation of Sweden** said that it was important to address the scarcity of resources, guarantee the consistency and coherence of the listing system, support other aspects of the Convention and maintain trust in the nomination process. The necessary time should therefore be taken to implement changes in a sustainable manner once resources were identified. The delegation therefore supported option A with the possibility of revising priorities moving forward. Requests for transfers, extensions and reductions should remain within the annual ceiling, which could not feasibly be raised beyond sixty files.
13. The **delegation of Czechia** said that, under the current system, it was not sustainable to evaluate more than sixty files per cycle and therefore could not agree to the proposal by the delegation of China. Given the pressing need to raise the ceiling, a time-frame should be established to search for the funds and resources needed to facilitate a change to the working methods of the Evaluation Body. Extrabudgetary resources would likely be needed to avoid impacting capacity-building and other safeguarding efforts under the Convention.
14. The **delegation of Norway** said that the listing mechanisms were the most visible aspects of the Convention and played a key role in raising awareness. Nevertheless, the high number of nominations received every year threatened to overshadow and undermine UNESCO’s normative work. A greater balance among the Convention’s various mechanisms would therefore be welcomed. The overall framework of the Convention and the periodic reporting provided good monitoring tools at the national and international levels to showcase the communities and cultural bearers at the core of its work. The delegation supported option A, with a ceiling of sixty files, because it contained the flexibility needed to maintain the sustainability of the listing mechanisms in the future.
15. The **delegation of Kuwait** said that it supported option A with the addition of paragraph 1 from option B. Sustainable resources could be sought and a plan presented at the tenth General Assembly, at which point it would be possible to decide whether changes could be made to the Evaluation Body.
16. The **delegation of Estonia** said that the current annual ceiling of sixty files under option A was the only sustainable option for the time being. Perhaps the forthcoming discussions on Article 18 might yield lighter procedures for evaluating nominations to the Register, which would alleviate some of the pressure on the Evaluation Body. Given that the requests for international assistance would be examined by the Bureau, perhaps it would be possible to consider requests for transfers, extensions and reductions outside the annual ceiling on an experimental basis, particularly since there were not many such requests.
17. The **delegation of Belgium** said that it preferred option A with the amendment proposed by the delegation of Colombia on sustainable staffing requirements while awaiting the outcome of the discussions on Article 18. There were a number of potential solutions to be explored through a discussion on databases and platforms.
18. The **delegation of the Netherlands** supported the statements made by the delegations of Norway and Sweden and agreed that the Lists were not the most important aspect of the Convention. Given that it was not feasible for the Secretariat to increase the number of files without additional resources, the delegation supported option A without the amendment proposed by the delegation of China.
19. The **delegation of the Bolivarian Republic of Venezuela** supported the proposal made by the delegation of China to increase the annual ceiling to seventy files, although it acknowledged the significant constraint for the Secretariat. A potential solution to be explored in the future could be to allow the Evaluation Body to collaborate with experts in examining the files, thereby facilitating an increase in nominations without the need for additional resources. Requests for transfers, extensions and reductions should be considered outside the annual ceiling. The delegation also supported the amendment proposed by the delegation of Japan to remove the reference to paragraph 16.a of document 10. Although recognizing that the Convention contained other aspects, it stressed the importance of the listing mechanisms, which facilitated funding to protect intangible cultural elements and allowed bearer communities to see themselves represented in UNESCO and on a global scale. It was therefore essential to find solutions to address the challenges facing the listing system.
20. The **delegation of Austria** supported the statements made by the delegations of the Netherlands, Norway and Sweden, particularly that the core functions of the Convention extended beyond the listing mechanisms to include capacity-building, safeguarding and multinational cooperation. It was therefore not advisable to dedicate all efforts to raising money to expand the listing mechanisms while neglecting other areas. The Secretariat had said that each additional element inscribed on the Lists cost approximately $20,000. Extending the ceiling to include an additional ten files would therefore cost $200,000. The delegation preferred to maintain the current annual ceiling to keep costs manageable and ensure the consistency and coherence of the listing system.
21. The **Secretary** said that, with regard to the quota for multinational files, the draft recommendations would need to be reformulated to align with the participants’ desire to maintain priority (0), as per the suggestion made by the delegation of Japan. He reminded the working group that multinational files represented a significant additional workload, both for the Secretariat and the Evaluation Body. Since the procedures for requests for transfers, extensions and reductions had not yet been adopted by the General Assembly, the implications were unknown. Nevertheless, it should be possible to incorporate transfers with relative ease, but the inclusion of extended inscriptions would depend on the number of files. Any changes should therefore be on an experimental basis until experience could be gained. He thanked the Member States for their desire to reinforce the Secretariat and bring the issue of staffing requirements to the General Assembly, noting that discussions pertaining to staffing and staffing costs would also need to be held within the Executive Board and the General Conference of UNESCO. Since its creation in 2003, the Convention had continued to grow, while the budget of the Secretariat had been reduced. Extrabudgetary resources were welcomed; however, support for the dedicated fund had yet to meet the annual amount needed for staffing, although the Secretariat greatly appreciated those states that had contributed. Whether in the context of the annual ceiling for the number of files or not, a discussion on funding would need to occur in order to ensure the sustainability of the Convention.
22. The **delegation of Colombia** said that, with regard to paragraph 5, perhaps it would be possible to treat requests for inscription on an extended basis outside the ceiling, since it would be on an experimental basis. A time-frame should be established to undertake the reflection. It asked whether it would be possible to have a breakdown of the $20,000 cost for nominations.
23. The **delegation of Portugal** said that it was crucial for one of the outcomes of the working group to be a strong call for the sustainable staffing requirements of the Secretariat. It therefore supported integrating such wording into option A, while maintaining the ceiling of sixty files. The demands on the Secretariat extended beyond the listing system and support for the Evaluation Body to capacity-building, periodic reporting, thematic work and other activities. The Secretariat must be allowed to grow along with the Convention. Otherwise, the Convention would become a victim of its own success. The delegation supported the proposal by the delegation of Japan concerning priority (0) and the multinational quota, as well as the proposal to consider requests for transfers, extensions and reductions outside the annual ceiling.
24. The **delegation of Saudi Arabia** agreed with the delegation of Colombia on including a reference to strengthening the sustainable staffing of the Secretariat. It should also mention that a plan would be presented in the tenth General Assembly for increasing the number of files and the types of resources needed.
25. The **Secretary** said that the Secretariat would draft a proposal to that effect to be included in the document shared with Member States.
26. The **Chairperson** said that option A had received more support; however, there was a strong desire to increase the number of files. In that connection, the Secretariat had been asked to identify the necessary resources. The recommendation would therefore make it clear that the increase in the number of files was conditional on the resources. The Secretariat would provide suggestions for addressing the issue of priority (0) within the quota of multinational files. There also appeared to be consensus on international assistance, the backlog and the treatment of requests for transfers and inscription on an extended or reduced basis. As a result, the Evaluation Body would remain in its current form, with the potential for further discussion should additional resources be identified. The Chairperson said that he would resume discussion on options A and B under topic 1 and on the composition of the Evaluation Body, in the morning, before moving to the discussion of topics 6–9. He adjourned the afternoon session.

*[Tuesday, 26 April 2022, morning session]*

**ITEM 10 OF THE AGENDA [CONT.]**

**TOWARDS A REFORMED LISTING SYSTEM (PART III): ISSUES LINKED TO THE ANNUAL NUMBER OF FILES**

**Document:** [*LHE/22/17.COM WG/10*](https://ich.unesco.org/doc/src/LHE-22-17.COM_WG-10-EN.docx)

1. The **Chairperson** welcomed participants back to the working group meeting. He resumed discussion on the draft recommendations for the topics covered under Agenda Item 10 and asked the Secretary to provide some information with regard to the questions from the previous session.
2. In response to the question on the cost of evaluating each nomination, the **Secretary** said that the $20,000 estimate could be broken down as followed: $3,600 per file for the advisory services by Evaluation Body members, particularly those from developing countries and accredited NGOs whose travel and fees were paid; $6,600 per file for the technical costs of organizing the three meetings of the Evaluation Body and the Committee session days linked to the examination of nominations, which included the costs of interpretation, transcription and translation; and $10,000 per file for the support provided by the Secretariat, which included the staff time required at all stages, for which five to nine staff members were involved at any given time. The estimate did not include the costs incurred by Member States in preparing the file.
3. With regard to the backlog, there were 111 files from 34 countries. The updated number accounted for the files that had been evaluated during the sixteenth session of the Committee and others that had been activated for the 2023 cycle. Of those, eighty-two files from seventeen countries, or 74 per cent, were more than four years old. In addition, thirty-three had been submitted in 2009 and thirty-five in 2011, prior to the introduction of the ceiling in 2014. The remaining fourteen files were spread over different years. With regard to withdrawn submissions, forty-five backlog files from seventeen States Parties had been withdrawn since 2012, and sixteen of them had been re-evaluated. Nine had been resubmitted in subsequent cycles, five had been resubmitted as multinational nominations and two had been resubmitted as part of an extension at the national level. With regard to the number of files treated, the backlog could be broken up into two categories: priority (0) backlogs, which had previously been submitted and were awaiting eligibility under the prioritization system, and older backlogs. In 2019, fifteen backlog files had been treated, of which ten were priority (0) backlogs and five were older files. In 2020, fourteen backlog files had been treated, of which nine were priority (0) backlogs and five were older files. In 2021, twenty-two backlog files were treated, of which thirteen were priority (0) backlogs and nine were older files. Thus far in 2022, twenty-two backlog files had been treated, of which nineteen were priority (0) backlogs and three were older files. In conclusion, if the sixty-eight files submitted in 2009 and 2011 were removed, fourteen backlog files would remain, of which three to five were treated each year. The Secretary thanked the delegate for the questions related to the backlog.
4. The **Chairperson** said that there were two proposed versions for paragraph 3. The first version, proposed by several states, called for increasing the resources of the Secretariat to support the work of the Evaluation Body. The second version, proposed by Saudi Arabia and drafted by the Secretariat, called on the Secretariat to prepare a detailed proposal on the financial and human resources needed for increasing the annual ceiling of nominations, to be presented to the tenth session of the General Assembly.
5. The **delegation of Saudi Arabia** thanked the Secretariat for drafting the text of the proposal. It had originally supported option B but felt that the current proposal bridged the gap between the two options and provided ample time for the Secretariat to provide a realistic plan that Member States could support.
6. The **delegation of Kuwait** said that in addition to the tenth session of the General Assembly, the proposal would need to be transmitted to the Executive Board of UNESCO. It therefore suggested incorporating language to that effect.
7. The **Chairperson** said that because discussions on the biannual budget had closed before the start of the working group, the Executive Board would need to be lobbied.
8. The **delegation of Burkina Faso** said that both proposals focused on improving the sustainability of financial and human resources, with the proposal by the delegation of Saudi Arabia stipulating details about increasing the number of files.
9. The **Chairperson** suggested combining the two paragraphs as a way of incorporating all elements mentioned by the various participants. It would read:

Sustainable staffing requirements of the Secretariat need to be resolved for the support required to further implement the work of the Evaluation Body. The Secretariat is to prepare a detailed proposal on the financial and human resources needed for increasing the annual ceiling of the nominations for examination by the Committee, for transmission to the tenth session of the General Assembly and to the Executive Board of UNESCO in order to decide on the allocation of necessary resources for the sustainable staffing requirements of the Secretariat.

1. The **delegations of Burkina Faso**, **Japan**, **Kuwait**, **Lithuania**, **Malaysia**, **Morocco** and **Saudi Arabia** supported combining the two options into one proposal.
2. The **delegation of the Bolivarian Republic of Venezuela** thanked the Secretariat for providing the information on the backlog and the costs associated with evaluating files. It reiterated its suggestion to examine previous working methods of the Evaluation Body, when it had worked in closer cooperation with national experts, as a potential solution to increase the number of files without a significant increase in costs.
3. The **delegation of Switzerland** said that it supported the combined proposal, as the Secretariat was in need of human and financial resources. Nevertheless, mention of the General Assembly should be removed, since the procedure should remain with the Committee. It also supported option A with an annual ceiling of sixty files.
4. The **Secretary** said that, in 2009, the structure of the Evaluation Body was vastly different. At the time, national experts had made up one of the two evaluation bodies. Nevertheless, the Secretariat would examine that system in more detail for future discussions.
5. The **delegation of Colombia** thanked the Chairperson and the Secretariat for working to find mutual, constructive solutions. It supported the new amendment but also stressed that the ceiling of sixty files should remain in place as Member States worked to find a solution.
6. The **delegation of China** supported the proposal by the delegation of Saudi Arabia as drafted by the Secretariat but expressed concern regarding the inclusion of staffing requirements. Since such decisions involved a number of bodies within the overall framework of UNESCO, clarification on the implications of including staffing requirements in the recommendations would be welcomed.
7. The **Chairperson** explained that the Executive Board might need to make a decision regarding resource allocation. Negotiations would also be undertaken with the Bureau of Human Resources Management and the Bureau of Financial Management. There was a two-year cycle for the budget, so there would be sufficient time to begin the process.
8. The **delegation of Kuwait** reiterated its support for the combined proposal. It did not support the proposal by the delegation of Switzerland to remove the references to the General Assembly and the Executive Board. Although seeking resources to support the Secretariat would entail additional work, it would also strengthen its sustainability. The delegation asked the Secretariat to include scenarios based on existing resources and resources that were available prior to the 2013 budget cut in its report.
9. The **delegation of Peru** supported the combined proposal, which was more balanced and comprehensive.
10. The **delegation of Austria** said that the proposed paragraph 3 contradicted paragraph 1 on establishing a ceiling for the number of files. It agreed with the delegation of China that the procedure was complicated and supported the proposal to delete the references to the General Assembly and the Executive Board. It also reiterated the concerns expressed by a number of delegations with regard to the funding needed for other aspects of the Convention, such as capacity-building.
11. The **delegation of Finland** joined those states in favour of option A, maintaining the ceiling at sixty files per year, although other options could be considered if more resources were found. It also supported the amendment to remove the references to the General Assembly and the Executive Board.
12. The **delegation of Sweden** supported the combined paragraph, as well as Switzerland’s proposal to delete the final phrase.
13. The **delegation of Thailand** said that the listing mechanisms played a crucial role, since they required cooperation and capacity-building at the community and national levels. Such efforts promoted awareness, long-term safeguarding and visibility for intangible cultural heritage at all levels. In recognizing the significant impact of the listing mechanisms on other priorities as well, participants could be more open to increasing the annual ceiling on a temporary basis until the backlog had decreased to a comfortable level. Acknowledging the budget and staffing concerns of the Secretariat, the delegation supported the amendment proposed by Saudi Arabia.
14. The **Chairperson** said that there had been overwhelming support for the combined paragraph; however, a number of countries wanted to delete the reference to the General Assembly and the Executive Board. He explained that the text simply laid out the process ahead and asked whether those states supporting its deletion would reconsider.
15. The **delegation of Switzerland** said that the primary message was contained in the phrase ‘the Secretariat is to prepare a detailed proposal on the financial and human resources needed for examination by the Committee’. It preferred to delete the final lines in order to leave the process open. It also wished to remove the reference to ‘increasing the annual ceiling of nominations’, recalling that resources were needed for other important aspects of the work under the Convention as well.
16. The **delegation of Colombia** did not support the proposal by the delegation of Switzerland. The changes needed to strengthen the structure and capacity of the Secretariat could only be carried out through a process that involved the General Assembly and the Executive Board. Given that a number of participants had stressed the need for additional funding to support all aspects of the Convention, the delegation proposed widening the scope of the proposal to the staffing requirements needed to provide support for the implementation of the 2003 Convention as a whole.
17. The **Chairperson** said that the core issue of the proposal from the delegation of Switzerland was whether to specify that resources were needed for increasing the annual ceiling of nominations. He asked participants to comment on that proposal. The references to the General Assembly and the Executive Board could remain in the text, since they did not have a bearing on the core proposal.
18. The **delegation of the Bolivarian Republic of Venezuela** supported the inclusion of references to the General Assembly and the Executive Board, which established a road map for the process. In view of the proposal by the delegation of China to increase the annual ceiling and the concerns expressed by a number of delegations about the backlog, it proposed raising the annual ceiling on an extraordinary basis to evaluate more files from the backlog.
19. The **delegation of the Netherlands** agreed to maintain the references to the General Assembly and the Executive Board but supported the proposal by the delegations of Colombia and Switzerland that the request for additional resources should be for a broader implementation of the Convention.
20. The **delegation of Morocco** supported the proposal by the delegation of Colombia to expand the scope of resources to the broader implementation of the 2003 Convention, which was the ultimate goal. However, it wished to maintain ‘increasing the annual ceiling of nominations’, since that was the purpose of the discussion. References to the General Assembly and the Executive Board should be kept, since they merely laid out the process.
21. The **delegation of Kuwait** said that references to the General Assembly and the Executive Board should not be removed, since they would provide the means to increase resources. The proposal merely sought the resources needed to increase the annual ceiling. With those resources secured, it would then be possible to determine the feasibility of increasing the number of files, but there would be no automatic increase. While acknowledging that additional resources were needed for capacity-building and other aspects of the Convention, it encouraged delegations to draft a separate proposal to that effect. The current proposal focused on the number of files and should maintain the reference to the annual ceiling of nominations.
22. The **delegation of Finland** supported the suggestion to expand the scope of the resources to the Convention as a whole and agreed to the inclusion of the General Assembly and the Executive Board.
23. The **delegation of Lithuania** agreed to the suggestion by the delegation of Colombia. Given that the reference to the annual ceiling in paragraph 3 conflicted with option A, it proposed replacing ‘for increasing the annual ceiling of nominations’ with ‘for developing the listing mechanisms’, which could provide a broader scope.
24. The **delegation of Sweden** agreed to maintain the references to the General Assembly and the Executive Board. It supported the suggestions by the delegations of Colombia and Lithuania to broaden the scope of the funding.
25. The **delegation of Saudi Arabia** said that it greatly appreciated the Chairperson’s proposal to combine the two original paragraphs, and it could accept the suggestion to mention the implementation of the 2003 Convention. Nevertheless, it wished to maintain the focus on the annual ceiling of nominations and the search for a practical solution to that issue.
26. The **delegation of Burkina Faso** said that it was important to maintain the references to the General Assembly and the Executive Board, since they detailed the process. It supported the suggestion to include a reference to the implementation of the 2003 Convention, which also included increasing the number of files. It proposed amending the text to read: ‘…for the implementation of the 2003 Convention and the work of the Evaluation Body, including the increase of the annual ceiling of nominations’ to maintain all references. It did not support the proposal to delete ‘the annual ceiling of nominations’, since it was the core issue that had led to the proposal to examine the human and financial resources.
27. The **delegation of the Netherlands**, acknowledging the importance and support for increasing the annual ceiling of nominations, suggested adding ‘inter alia’ to the text to read: ‘…a detailed proposal on the financial and human resources needed for, inter alia, increasing the annual ceiling of nominations’.
28. The **Chairperson** said that there had been no opposition to the proposal by the delegation of Colombia to include ‘the implementation of the 2003 Convention’ or to maintaining the references to the General Assembly and the Executive Board. He noted that there were a number of proposals to bridge the gap and find consensus.
29. The **delegation of Switzerland** agreed to maintain the references to the General Assembly and the Executive Board, since it simply served as a reminder of the process. It was not opposed to increasing the annual ceiling of nominations, although it should not be viewed as an end in itself but rather the means to preserve the quality and consistency of the implementation of the Convention with a view to improving geographic distribution. The delegation therefore agreed to maintain ‘for increasing the annual ceiling of nominations’, with the addition of ‘inter alia’, as proposed by the delegation of the Netherlands.
30. The **Chairperson** asked whether participants approved the addition of the word ‘inter alia’.
31. The **delegation of Colombia** said that ‘inter alia’ introduced some confusion in the text and preferred the wording suggested by the delegation of Burkina Faso. It also reiterated the importance of a broader focus on the Convention. Lastly, it requested that the Secretariat should include the information it had presented to the working group, particularly on the backlog, in its report, which would be very helpful when the issue was brought before the Committee.
32. The **delegation of Morocco** supported the proposal by the delegations of Lithuania and Sweden to include the wording ‘to develop the listing mechanism’ and did not support the use of ‘inter alia’, because it was important to stipulate a clear final objective. It therefore suggested the wording ‘…to develop the listing mechanisms in order to increase the annual ceiling of nominations’. The proposal by the delegation of Colombia to include a reference to the implementation of the 2003 Convention as a whole sufficiently encompassed all other aspects of the Convention.
33. The **delegation of the Bolivarian Republic of Venezuela** said that it preferred the original combined paragraph with the reference to the 2003 Convention added by the delegation of Colombia. It also preferred not to include the term ‘inter alia’ but could support the proposal made by the delegation of Burkina Faso to add ‘including the increase of the annual ceiling of nominations’.
34. The **delegation of Austria** agreed to maintain the references to the General Assembly and the Executive Board. The increase in the budget should benefit other aspects of the Convention as well. It therefore preferred not to limit the scope of the text to the listing mechanisms.
35. The **delegation of Kuwait** reiterated that it supported the addition of ‘the implementation of the 2003 Convention’ suggested by the delegation of Colombia but did not support the addition of ‘inter alia’. In the interest of reaching a consensus, it could support the additions made by the delegations of Lithuania, Sweden and Morocco, which read: ‘…developing the listing mechanism in order to increase the annual ceiling of nominations’.
36. The **delegation of Viet Nam** supported the proposal to ensure that the support furthered the implementation of the 2003 Convention. For the purpose of consensus, it supported the proposal by the delegation of Morocco.
37. The **Chairperson** said that the Bureau of the working group would meet in the afternoon and discuss the numerous proposals made to the paragraph with a view to drafting a recommendation to be discussed by the working group. He adjourned the meeting for a thirty-minute break.

*[Thirty-minute break]*

**ITEM 11 OF THE AGENDA**

**OTHER ISSUES REQUIRING FURTHER REFLECTION (PART III)**

**Document:** [*LHE/22/17.COM WG/11*](https://ich.unesco.org/doc/src/55171-EN.docx)

1. The **Chairperson** resumed the meeting, moving to Agenda Item 11, other issues requiring further reflection, which contained four topics. He asked the Secretary to introduce topic 6, ‘Revising the priority for the examination of nomination files for States Parties that did not fulfil their reporting obligations concerning the implementation of the Convention and the status of elements inscribed on the Representative List or on the Urgent Safeguarding List.’
2. Introducing topic 6, the **Secretary** said that the situation regarding the submission of periodic reports had significantly improved under the reformed mechanism. The Secretariat no longer saw the issue as pressing and felt it might not be productive to lower the priority for nominations submitted by states who might be late with their report submissions. The reformed mechanism had been aligned to the overall results framework of the Convention, following the recommendation of the first IOS evaluation. The submission of reports now followed a regional rotation, which had demonstrated a greatly improved submission rate. In 2021, twenty-eight out of thirty-two states from the Group of Latin America and Caribbean Countries had submitted their reports, representing 87.5 per cent. In January 2022, forty-one out of forty-four European states had submitted their reports, representing 93.1 per cent. The vast improvement was a success story for periodic reporting and could be attributed to both the new regional system and intensive capacity-building implemented to allow the Secretariat to accompany national reporting efforts. There had also been improvement in the periodic reporting on the current status of elements inscribed on the Urgent Safeguarding List. In the 2021 cycle, six out of seven first ordinary reports were received, along with twelve out of thirteen second ordinary reports. The sixteenth session of the Committee had already adopted the recommendations of Parts I and II of the working group to better link the periodic reporting and the inscription processes, simplifying the nomination forms by referring criteria R.5 or U.5 to the inventorying systems already identified in those periodic reports. In addition, it should be noted that some small states did have their own human resource issues in reporting to the various conventions. The working group might therefore prefer to recommend not to pursue the proposal at the current time but to reconsider it at a later state, having taken better note of all the reforms to the periodic reporting process currently underway.
3. The **Chairperson** congratulated States Parties from Latin America and the Caribbean and Europe for having diligently submitted their reports. Taking into account the Secretary’s statement, he suggested the following draft recommendation: ‘The proposal to revise the priority for the examination of nomination files for States Parties that did not fulfil reporting obligations can be reconsidered at a later stage, particularly if improvement made in the submission rates of periodic reports in the recent cycles cannot be maintained.’
4. The **delegation of Sweden** said that it had proposed restricting the submission of new nominations for states that had not fulfilled their reporting obligations, given the lack of reports for elements on the Urgent Safeguarding List. It was pleased to note the many improvements in that regard and therefore supported the proposal to set the issue aside for the time being, in that hope that the positive development would continue in the future.
5. The **delegation of Kuwait** thanked the delegation of Sweden for its flexibility and its proposal, which had been necessary at the time and had perhaps contributed to the increase in reporting. It also supported the proposed draft recommendation.
6. The **Chairperson** said that the draft recommendation was approved and asked the Secretary to introduce topic 7.
7. The **Secretary** said that topic 7 concerned the possibility of obtaining additional information regarding nominations through a dialogue process with accredited NGOs and the communities, groups and, where appropriate, individuals concerned. At its sixteenth session, the Committee had welcomed the recommendation to initiate a reflection for a broader implementation of Article 18 of the Convention, with financial support from Sweden. The working group might therefore wish to highlight to the Committee that issues covered under topic 7 would be incorporated into the initiative on Article 18, which would begin following the ninth session of the General Assembly.
8. The **Chairperson** thanked Sweden for supporting the reflection on Article 18, which was crucial to encouraging the participatory and inclusive approach of the 2003 Convention. He proposed the following draft recommendation: ‘The issues covered under this topic are to be incorporated into the new initiative on the broader implementation of Article 18 of the 2003 Convention. The working group to be sponsored by Sweden will discuss this topic.’
9. The **delegation of the Bolivarian Republic of Venezuela** said that it disagreed with the inclusion of the topic in the draft recommendations. The process of creating a nomination file required experts to consult directly with communities. It was problematic to then consult with a third party that did not have any direct involvement in the nomination process. The exclusion of experts from the recommendation could further complicate the already complex mechanism in place to create and present files.
10. The **delegation of Brazil** agreed with the position expressed by the delegation of the Bolivarian Republic ofVenezuela. On the occasion of the twentieth anniversary of the 2003 Convention, substantial reflections were needed that extended beyond the reform of the listing mechanisms. Much attention had been dedicated to the Representative List at the expense of other issues that were equally important or perhaps more urgent. For example, the Representative List contained 529 elements from 135 countries, but the Register of Good Safeguarding Practices contained 29 elements from 26 countries. The relationship between safeguarding and sustainability should be stressed in order for intangible cultural heritage to make lasting contributions to sustainable development. Traditional knowledge should be recognized not only as a means to ensure its own viability and cultural diversity but as an example of strategies of resilience, creativity, development and reinvention. The Massive Open Online Course on Living Heritage and Sustainable Development could serve as a model for other conventions to address their responsibilities under the 2030 Agenda for Sustainable Development. In that connection, States Parties should take greater advantage of the potential of the Register. The reflection on Article 18 should include a focus on the Register of Good Safeguarding Practices. The theme should build upon the contributions of intangible cultural heritage to sustainable development and how those practices relate to the Sustainable Development Goals and sustainable ways of life more broadly.
11. The **delegation of Colombia** supported the draft recommendation and thanked Sweden for supporting continued discussion on Article 18, which would seek to improve the participation of civil society in the listing process. With regard to the proposed dialogue process, it asked which cases would be open for further discussion and whether the process would be part of the existing mechanism or an upstream dialogue, noting that the work being done should not be duplicated. The delegation also wished to know how the process would impact the workload of the Evaluation Body, for which criteria additional information would be sought and what assistance the NGOs could provide. Lastly, it asked whether the dialogue process would be used to seek additional information needed when evaluating nominations.
12. The **delegation of Sweden** felt that the reflection on Article 18 was essential to the broader work of the Convention and supported moving the discussion to the forthcoming working group and including a discussion about the Register of Good Safeguarding Practices.
13. The **delegation of Lithuania** said that the question on the reflection of Article 18 had been raised numerous times, but there had not been enough time in the current working group to discuss all related issues. It therefore thanked the Government of Sweden for providing the resources for further discussion, at which time specific questions concerning the proposal could be explored.
14. The **Chairperson** invited the President of the ICH NGO Forum Steering Committee to deliver a statement.
15. The **President of the ICH NGO Forum Steering Committee** thanked the States Parties for allowing the Forum to address the working group and said that the Convention accorded a clear role to NGOs and civil society working alongside bearer communities, governments and other actors. It also required accredited NGOs to play an advisory role under Article 9 and be involved directly in the identification and inventorying of intangible cultural heritage elements at the national level. Their role in relation to nominations to the Lists had been further developed in the Operational Directives. The deliberations of the working group had highlighted the potential for accredited NGOs to support the Convention beyond serving as members of the Evaluation Body. They could play an essential role in further enhancing the active participation of bearer communities at all stages of the listing system. The ICH NGO Forum comprised nearly 200 accredited NGOs representing all Electoral Groups of UNESCO with diverse expertise in policy-making and safeguarding intangible cultural heritage. It was in a unique position to engage with both governmental and non-governmental actors and had organizations with deep roots in local communities and close relationships with traditional bearers. Accredited NGOs held an unparalleled position to leverage their capacities to improve the operationalization of the Convention and support the Committee, the Evaluation Body and the Secretariat. In addition to their grass-roots activities, many member NGOs advised their national governments and attended statutory meetings at the international level. The Forum recognized that the 2003 Convention was experiencing rapid growth while the resources needed were not keeping pace. Accredited NGOs were uniquely placed to take on new roles and carry some of the burden of the increasing workload with tangible benefits for all States Parties, the Secretariat and other stakeholders to the Convention. NGOs could actively support the listing mechanisms by providing information on the status and impacts of safeguarding on inscribed elements, drawing on the deep cultural knowledge and grass-roots experience of its members; conducting field visits and providing advisory services, including follow-ups on listed elements and advice on actions to be taken; supporting the work of the Evaluation Body, inter alia, through providing additional information as requested by the body, whether on a case-by-case basis or comprehensively; and mediating among governmental and intergovernmental actors, bearer communities and civil society organizations. The Forum was a well-established body with a clear organizational structure and legal status that already played a role in implementing the Convention at the international level and stood ready to provide further assistance to the Committee and the Secretariat.
16. The **delegation of the Bolivarian Republic of Venezuela** proposed amending the draft recommendation to establish clearly the separate roles played by civil society and the states and experts. It preferred to enhance the dialogue process by allowing accredited NGOs to foster capacity-building and good practices rather than play a role in obtaining additional information regarding nominations.
17. The **Chairperson** said that the current working group could not determine the mandate of the working group on Article 18, which had been decided by the Committee.
18. The **delegation of the Netherlands** acknowledged that direct participation from communities and NGOs could play an important role but emphasized that NGOs were not representatives of bearer communities. It also recalled the existing geographical imbalance within the ICH NGO Forum and therefore preferred not to limit participation to accredited NGOs in the Forum.
19. The **delegation of Colombia** supported the statement by the delegation of the Bolivarian Republic of Venezuela. The concern it raised was related to the participation of NGOs in the nomination process, not in the general implementation of the Convention or under Article 18.
20. The **Secretary** said that the wording of the topic had been adopted by the previous working group. The question to be decided was simply whether the issue could be incorporated under the discussions on Article 18.
21. The **delegation of the Bolivarian Republic of Venezuela** thanked the Secretary for his explanation. Since the Committee had assigned a broader mandate to the working group on Article 18, the delegation wished to amend the text to align with that mandate, thereby removing the reference to the nomination process.
22. The **delegation of Kuwait** suggested that the text on the topic remain the same, since the title had been decided previously. The Chairperson could incorporate the concerns of the delegations of Colombia and the Bolivarian Republic ofVenezuela in his report to the General Assembly on the work of the working group. As such, it could serve as a reference for the forthcoming working group on the reflection for a broader implementation of Article 18.
23. The **delegation of Morocco** supported the suggestion by the delegation of Kuwait and welcomed the forthcoming dialogue to improve the participation of communities, groups, individuals and NGOs. As a number of legitimate concerns had been expressed, the terms of reference for the new working group should be clearly defined. While the dialogue process should not be open to non-accredited NGOs, public actors should be included, as they also played a role in implementing the Convention.
24. The **delegation of the Bolivarian Republic of Venezuela** said that, in order to establish a clear framework for the forthcoming working group, a reference to the decision of the Committee could be added, to read: ‘…in line with Decision [16.COM 14](https://ich.unesco.org/en/Decisions/16.COM/14), paragraph 9’.
25. The **Chairperson** said that there were no objections to including a reference to the previous decision by the Committee. He also encouraged delegations to contact the Secretariat with any information they wished to see included in the report. He then asked the Secretary to introduce topic 9.
26. The **Secretary** said that topic 9 concerned the possibility of introducing preliminary assessment procedures to the existing upstream process; however, the nomination process under the 2003 Convention did not include a true upstream process. The proposal appeared to be influenced by the new process established under the 1972 Convention, by which two steps had been added prior to the formal nomination process: the upstream process and the preliminary assessment. The focus has been on identifying potential problems before any formal submission of the file, even prior to drafting. In contrast, the nomination process under the 2003 Convention could be considered a midstream dialogue intervention and provided two opportunities in which files could be complemented after their formal submission: the technical completeness check by the Secretariat and the Evaluation Body’s dialogue process. The latter allowed for a dialogue between the Evaluation Body and the submitting states to clarify minor issues identified in the nomination files through a simple question-and-answer process. In 2021, the dialogue process was applied to fifteen files, fourteen of which had been inscribed by the sixteenth session of the Committee. Another important distinction between the two Conventions was that the 1972 Convention had permanent advisory bodies that undertook the work, whereas the Evaluation Body under the 2003 Convention was established on an annual basis and one-quarter of its members changed every year. The Body would be unable to take on the tasks needed to provide upstream advice, since its composition would differ at the time of evaluation. The question was whether the introduction of an upstream process would be worth the effort, particularly since the dialogue process had significantly improved the number of files recommended for inscription. The fifteenth and sixteenth sessions of the Committee had inscribed 81.8 per cent and 90.6 per cent, respectively, of the nominations examined. An additional upstream process beyond the completeness check and the dialogue with the Evaluation Body would add significant extra burden on the Secretariat. Furthermore, under the 1972 Convention, there had been a reduction in the number of files treated as a corollary to the upstream process. The Secretariat therefore suggested that the working group might wish to recommend that the Committee continue to observe the effectiveness of the dialogue process currently in place rather than plan for any additional preliminary assessment phase in the nomination process at the current stage.
27. The **Chairperson** said that it was not possible to import the processes under the 1972 Convention to the 2003 Convention, given their differences. He therefore proposed the following draft recommendation: ‘The effectiveness of the dialogue process, as recently adopted by the eighth session of the General Assembly, shall continue to be strengthened and observed.’
28. The **delegations of Kuwait** and **Saudi Arabia** supported the proposed draft recommendation.
29. The **delegation of Brazil** supported the proposed draft recommendation, stating that an additional assessment phase would overload the Secretariat and ran contrary to previous discussions regarding the annual number of files.
30. The **Chairperson** said that there was no opposition to the draft recommendation and invited the Secretary to introduce topic 8.
31. The **Secretary** said that topic 8 on the necessary procedure to examine exceptional cases had been added by the Committee at its last session. The topic did not concern the inscription procedures in cases of extreme urgency, which were described in Article 17.3 of the Convention and transposed as inscription criteria U.2.b and U.6 and paragraph 32 of the Operational Directives. The procedure, which had never been applied, concerned inscribing elements on the Urgent Safeguarding List only. The current discussion, therefore, focused on exceptional cases that might or might not require urgent safeguarding and did not specify which listing mechanisms could be used. There had been three past examples of exceptional cases. The first was the case of ‘Traditional Korean wrestling (Ssirum/Ssireum)’, examined by the thirteenth session of the Committee in 2018, during which it had made the historic decision to jointly inscribe on the Representative List an element submitted by the Democratic People’s Republic of Korea and the Republic of Korea after the Evaluation Body had evaluated the files separately. The second example was the case of ‘Joumou soup’, which had been discussed at length during the sixteenth session of the Committee and had been evaluated on an exceptional basis. It was awaiting presentation to the ninth session of the General Assembly in July 2022. Lastly, the case of ‘Aalst carnival’ had been examined by the fourteenth session of the Committee, since the removal of an element had required an exceptional procedure. Given the particularities of each case, it might be difficult or even irrelevant to establish a detailed procedure on how to address exceptional cases as a generality. It might be more pragmatic to recognize the essential role of the Bureau of the Committee, which could meet between sessions to organize the work of the Committee in a manner suited to each exceptional case. Such a procedure was provided for in Rules 12.2 and 12.3 of the [Rules of Procedure of the Committee](https://ich.unesco.org/en/rules-com). The working group might therefore wish to recommend that the Secretariat bring any exceptional case to the Bureau when and in a matter best suited to each case. In that sense, there might not be a need to amend the Operational Directives or to revise the Rules of Procedure.
32. The **Chairperson** said that the Secretariat’s proposal was to bring all exceptional cases to the attention of the Bureau, which would be responsible for establishing a procedure on a case-by-case basis; however, some Member States might prefer to establish clear rules defining exceptional cases.
33. The **delegation of Sweden** supported the proposal given that it would be difficult to define exceptional cases and the Bureau would be well positioned to review them.
34. The **delegation of Kuwait** said that a procedure had already been established under Article 17.3 of the Convention for cases of extreme urgency. Any other cases should be brought to the Committee through the nomination process. It did not support the proposal to bring exceptional cases to the Bureau, given that it would have no criteria to make a decision. The introduction of such a procedure would encourage Member States to bypass the established system to fast track their nominations.
35. The **delegation of Morocco** said that an agreed definition of exceptional cases would be needed, which would be difficult to create. It did not support the wording of the proposal, which implied that the Bureau would make a decision on exceptional cases when the decision should in fact be made by the Committee, which would require clear definitions.
36. The **delegation of the Bolivarian Republic of Venezuela** said that the proposal added an undue burden to the Bureau, which would be asked to establish a procedure on a case-by-case basis without any guidelines or definitions. It would therefore be necessary at a later stage to identify the criteria for exceptional cases and possible procedures. Furthermore, the Committee was the body with the mandate to decide on such cases, not the Bureau.
37. The **delegation of Saudi Arabia** said that, although States Parties wanted to support the Convention’s ability to bring peace and build cultural bridges between states, they also had a responsibility to ensure the Convention’s sustainability. It echoed the concern that there were no clear criteria to define exceptional cases. Allowing such cases to be brought to the Bureau would create a parallel process, which could risk creating a fast-tracking mechanism that would bypass the nomination procedures and cause an overload of requests. The delegation proposed the following text instead: ‘Because of the increase in the number of files to be reviewed by the Committee that results from fast-tracking an unforeseen element, on an exceptional basis, without going through the inscription procedures in cases of ‘extreme urgency’ in the sense of Article 17.3 of the Convention, the working group recommends to the Committee that any increase in the number of files shall be examined by the Committee.’
38. The **delegation of Colombia** said that the Bureau could manage exceptional cases, of which there had been only three. Having served on the Bureau during the consideration of the case of ‘Aalst carnival’, Colombia felt that it was the appropriate body to address such cases. On the other hand, a pathway should not be opened to fast-track exceptions. Given the difficulty in defining exceptional cases, perhaps clarification could be made regarding the fast track instead.
39. To provide some clarification, the **Secretary** said that the Bureau would simply decide the manner in which to bring cases to the Committee, but the latter remained the body that examined inscriptions. With regard to Article 17.3, it established a procedure for cases of extreme urgency, which could entail cases that had not been put forward by a submitting state but for which the state had given consent. It had never been used, despite a few attempts by non-state actors that the Bureau had not accepted. Cases of extreme urgency had to meet criteria U.2.b and U.6 and be facing grave threats as a result of which they could not be expected to survive without immediate safeguarding. Furthermore, paragraph 32 of the Operational Directives read: ‘The Committee, in consultation with the State(s) Party(ies) concerned, shall examine the nomination as quickly as possible after its submission, in accordance with a procedure to be established by the Bureau of the Committee on a case-by-case basis.’
40. The **delegation of Burkina Faso** asked what constituted a case of extreme urgency and said that the prior exceptional cases could be used to establish a set of rules to complement the usual procedure.
41. The **Chairperson** said that the proposal did not differentiate between the Urgent Safeguarding List and the Representative List. The procedures for cases of extreme urgency applied only to the Urgent Safeguarding List; however, the past exceptional cases had been inscribed on the Representative List. While the Bureau would make an initial determination as to how to deal with each case, the Committee would make the final decision. Some delegations preferred to maintain the special procedures for cases of extreme urgency only and to send all other cases through the nomination process. Since there had been no convergence of views, he asked delegations to share their opinions in the afternoon session. He adjourned the morning session.

*[Tuesday, 26 April 2022, afternoon session]*

**ITEM 11 OF THE AGENDA**

**OTHER ISSUES REQUIRING FURTHER REFLECTION (PART III)**

**Document:** [*LHE/22/17.COM WG/11*](https://ich.unesco.org/doc/src/55171-EN.docx)

1. The **Chairperson** resumed discussion on topic 8 under Agenda Item 11, on the necessary procedure to examine exceptional cases. He reminded participants that the proposed draft recommendation did not differentiate between the Representative List and the Urgent Safeguarding List, and that there was an existing procedure for cases of extreme urgency to be inscribed on the Urgent Safeguarding List.
2. The **delegation of Malaysia** joined the delegation of Burkina Faso in calling for a clear definition of exceptional cases and asked whether cases evaluated on either criterion U.2(a) or U.2(b) would qualify. It noted that the proposed draft recommendation did not diminish the role of the Committee; it simply suggested that the Bureau would be responsible for initiating the process. Nevertheless, clear procedures for such cases should be established to ensure the Committee’s involvement at the outset.
3. The **delegation of China** joined previous delegations that had voiced concerns on the challenge of defining exceptional cases and determining who should be tasked to do so. It wondered whether the Bureau had the legal standing to establish a process on a case-by-case basis and how such a mechanism would impact the order of priorities with regard to the annual ceiling of nominations. It also requested additional information on the process that had been followed in the two previous exceptional cases. It did not support the draft recommendation.
4. The **delegation of Kuwait** supported the draft recommendation proposed by the delegation of Saudi Arabia.
5. The **delegation of Sweden** said that the working group did not wish to create a fast-track system whereby States Parties could bypass the priority system in the nomination process. It suggested removing ‘on an exceptional basis’ from the proposal made by the delegation of Saudi Arabia to clarify that such cases were, in fact, permissible. It also suggested incorporating ‘for assessment’ in the Secretariat’s proposal to clarify that the role of the Bureau would not entail evaluating the files.
6. In clarifying the terminology, the **Secretary** said that cases of ‘extreme urgency’ were defined under Article 17.3 of the Convention. ‘Emergency situations’ resulted from natural or human-related disasters and were defined in paragraph 50 of the Operational Directives on emergency requests for international assistance. The term ‘exceptional cases’ had no definition, as there had been two unique cases inscribed in the past. One case had impacted the annual number of files; the other case had not. Cases of extreme urgency had an established procedure and should therefore not be considered exceptional cases.
7. In response to the amendment by the delegation of Sweden to the Secretariat’s proposal, the **delegation of Saudi Arabia** asked what criteria would govern the Bureau’s assessment of the cases. It also requested that the discussion focus on the amendment proposed by its delegation and supported by the delegation of Kuwait.
8. The **delegation of Lithuania** suggested adding ‘for initial assessment’ to the Secretariat’s proposal to clarify the role of the Bureau, emphasizing that the final decision would be taken by the Committee.
9. Under a point of order, the **delegation of Saudi Arabia** said that it had presented an amendment to the proposal by the Secretariat and received support from another Member State; therefore, discussion should focus on making changes to its amendment and not the original text.
10. The **Chairperson** said that the amendment presented by the delegation of Saudi Arabia differed greatly from the original proposal and was therefore considered a new proposal rather than an amendment to the original text. As such, he wished to see which proposal garnered more support.
11. The **delegation of Saudi Arabia** deferred to the Chairperson’s approach.
12. The **delegation of Colombia** supported the amendments made by the delegations of Sweden and Lithuania to the Secretariat’s proposal but preferred the proposal by the delegation of Saudi Arabia, since it highlighted the concern regarding a potential increase in the number of files. For the latter proposal, the delegation suggested removing the reference to cases of extreme urgency, which had an established procedure. Given the urgent nature of such cases, any addition to the number of files would not be an issue.
13. The **delegation of Saudi Arabia** said that its proposal intended to differentiate between the procedures for cases of extreme urgency and exceptional cases, the latter of which should be examined by the Committee.
14. In response to the explanation provided by the delegation of Saudi Arabia, the **delegation of Colombia** withdrew its suggested amendment.
15. The **delegation of Burkina Faso** thanked the Secretariat for clarifying the terminology and asked for examples of cases of extreme urgency. It hesitated to support either proposal, given that there was no clear definition of exceptional cases. In addition, it was unclear whether the proposal by the delegation of Saudi Arabia intended to include cases of extreme urgency.
16. The **Chairperson** said that, according to the proposal by the delegation of Saudi Arabia, the Committee would make a decision on any exceptional case that did not qualify as a case of extreme urgency, as stipulated in Article 17.3. No new mechanism would be established to allow exceptional cases to bypass the nomination process.
17. The **delegation of Saudi Arabia** agreed with the Chairperson’s interpretation, clarifying that it wished to avoid creating a back door to the nomination process which would jeopardize the sustainability of the Convention.
18. The **delegation of Kuwait** said that anything outside of cases of extreme urgency, as defined by Article 17.3, should respect the nomination process of the listing system. Allowing exceptions would undermine the credibility of the Convention and the Committee. States Parties had already approved the [Operational Principles and Modalities for the Safeguarding of Intangible Cultural Heritage in Emergencies](https://ich.unesco.org/en/operational-principles-and-modalities-in-emergencies-01143), which made no mention of listing on the Representative List and already provided the means to safeguard an element in emergency situations such as natural disasters. Any such request, which would increase the number of files, should respect the nomination process and go through the Committee. The risk of attempting to define exceptional cases was that any proposed scenarios could be used to bypass the nomination process and go directly to the Bureau.
19. The **Chairperson** asked what process was envisioned for a hypothetical scenario in which a state was impacted by multiple natural disasters and government collapse and felt that inscribing an element on the Representative List could unite its people and raise morale. He asked whether the Committee would be allowed to take any decision itself or whether such a case would not be able to be presented.
20. The **delegation of Kuwait** said that such a case should not bypass the nomination process, because it would be difficult to establish clear guidelines. Many cases could be subjective, such as those relating to the COVID-19 pandemic or natural disasters. In the absence of such guidelines, the process would become focused on lobbying the members of the Bureau. And since Member States rarely declined requests, such a process would harm the Convention.
21. The **delegation of Morocco** said that, should such a hypothetical scenario occur, it would be taken into consideration, as the case of ‘Joumou soup’ had been for Haiti in 2021. It supported the proposal by the delegation of Saudi Arabia, noting that existing procedures should be respected. It also echoed the concern raised by the delegation of Burkina Faso with regard to defining exceptional cases, for which it might be important to establish criteria to determine the admissibility of the files.
22. The **delegation of Colombia** said that it could support the proposal made by the delegation of Saudi Arabia. Nevertheless, the text still did not clearly differentiate between cases of extreme urgency and exceptional cases. In addition, the term ‘fast-tracking’ should be removed, given that the working group wished to avoid such a situation. With regard to the Secretariat’s proposal, it reiterated that the Bureau would simply be deciding whether to recommend cases to the Committee, which would make a final decision, as it had done in the three previous cases. Such a process was necessary because truly exceptional cases required additional discussion and a longer process, which could be facilitated by the Bureau.
23. The **delegation of Japan** said that it did not support creating a separate procedure that could increase the number of files. If the Committee was tasked with addressing exceptional cases, as proposed by the delegation of Saudi Arabia, it would be helpful to know whether the Committee would be expected to convene each time an exceptional case arose in order to provide a timely evaluation.
24. The **delegation of Egypt** supported the proposal by the delegation of Saudi Arabia but was not in favour of the term ‘fast-tracking’. In addition, the lack of a definition for exceptional cases gave cause for concern.
25. The **Chairperson** said that the proposal by the delegation of Saudi Arabia had received more support, but some delegations had expressed concerns about the inclusion of the term ‘fast-tracking’. A number of delegations had also mentioned the role of the Bureau in the Secretariat’s proposal.
26. The **delegation of the Bolivarian Republic of Venezuela** also supported removing the term ‘fast-tracking’. Given the lack of a definition for exceptional cases, perhaps it would be possible designate a group or body to establish criteria at a later stage. While it was important to respect the established procedures, some cases required more immediate attention.
27. The **delegation of Burkina Faso** reiterated its concern that no definition existed for exceptional cases. If they entailed only cases of extreme urgency, then the delegation could support the proposal by the delegation of Saudi Arabia.
28. The **delegation of Lithuania** supported removing the term ‘fast-tracking’ and suggested amending the proposal of the delegation of Saudi Arabia to read: ‘Any increase in the number of files on an exceptional basis shall be examined by the Committee after the initial assessment by the Bureau of the Committee.’
29. The **delegation of Saudi Arabia** said that the term ‘fast-tracking’, which was used by the Secretariat in document 11, had been included in the proposal to discourage the establishment of such a procedure.
30. The **Chairperson** said that a two-thirds majority was needed to convene an extraordinary session of the Committee, whereas Bureau meetings were more flexible and could be held at any time.
31. The **delegation of Morocco** suggested that amending the text to replace ‘fast-tracking an unforeseen element’ with ‘an unforeseen element that could justify an accelerated processing’.
32. Given the limitations of the Committee mentioned by the Chairperson, the **delegation of the Bolivarian Republic of Venezuela** suggested that exceptional cases could be ‘presented for consultation to members of the Committee’ rather than ‘reviewed by the Committee’ to allow for a silent procedure or online consultation to take place rather than waiting for the regular sessions of the Committee.
33. The **delegation of Kuwait** agreed to the proposal by the delegation of Lithuania, by which an initial assessment would be conducted by the Bureau, but the Committee would make the final decision. It could also be flexible on the inclusion of the term ‘fast-tracking’.
34. The **delegation of Saudi Arabia** supported the statement made by the delegation of Kuwait.
35. With a view to simplifying the wording of the proposal, the **delegation of the Netherlands** suggested removing the reference to cases of extreme urgency. Alternatively, a separate sentence could be drafted to explain that exceptional cases did not include cases of extreme urgency as defined by Article 17.3, which followed a different inscription process.
36. To simplify the language, the **delegation of Colombia** proposed the following: ‘Any increase in the number of files on an exceptional basis should be examined by the Committee, except for cases of extreme urgency, falling in Article 17.3 of the Convention, to avoid resulting in a fast-track situation, after an initial assessment by the Bureau of the Committee.’
37. The **delegation of Poland** asked why it was assumed that fast-tracking would result in an increase in the number of files to be reviewed by the Committee. It supported the suggestion made by the delegation of the Netherlands to remove the reference to cases of extreme urgency. Lastly, it agreed to the wording proposed by the delegation of Colombia, while recalling that the text must include a recommendation to the Committee.
38. The **delegation of China** agreed that the Committee should make the final determination but stressed that it was necessary to have a clear definition and process for addressing exceptional cases to facilitate drafting the recommendation. It invited the Secretariat to assist in clarifying the definition or establishing a method to identify such cases.
39. The **Secretary** said that some adjustments were needed to align the proposal with the standard terminology used by the Committee, which would ‘review’ the number of files but ‘examine’ files for inscription. He proposed the following:

Because of the increase in the number of files to be examined by the Committee that results from an unforeseen element that could justify an accelerated processing, the working group recommends to the Committee that any exceptional cases that increase the annual ceiling shall be reviewed by the Committee after the initial discussion by the Bureau of the Committee, with the understanding that this does not impact on the procedures foreseen under Article 17.3 of the Convention.

1. The **Chairperson** said that the Bureau of the working group would meet to draft additional recommendations, to be presented following the break.

*[Thirty-minute break]*

**ITEM 12 OF THE AGENDA**

**ADOPTION OF OVERALL RECOMMENDATIONS OF THE OPEN-ENDED INTERGOVERNMENTAL WORKING GROUP TO THE INTERGOVERNMENTAL COMMITTEE FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE**

**Documents:** [*LHE/22/17.COM WG/12*](https://ich.unesco.org/doc/src/LHE-22-17.COM_WG-12-EN.docx)

[*LHE/22/17.COM WG/Recommendations*](https://ich.unesco.org/doc/src/LHE-22-17.COM_WG-Recommendations_EN.docx)

1. The **Chairperson** turned to the discussion on the recommendations to be adopted regarding the issues linked to the annual number of files. Paragraph 1 set the annual ceiling of nominations to at least fifty-five and no more than sixty. The proposal to increase those numbers to at least sixty and no more than seventy had been removed, given the discussion on paragraph 3 and the decision to seek the financial and human resources necessary before increasing the number of files.
2. The **delegation of Kuwait** supported the draft recommendation on the annual ceiling, in view of the discussions held on paragraph 3 regarding the need to seek resources in order to raise the ceiling in the future.
3. The **delegation of Morocco** said that establishing the annual number of nominations as ‘no more than sixty’ limited the prospect of increasing the number of files in the future.
4. The **delegation of Colombia** said that it was important to maintain the ceiling of sixty files while reflecting on the resources needed.
5. The **delegation of Burkina Faso** questioned the inclusion of a minimum number for the annual number of nominations to be treated.
6. The **delegation of Austria** said that a number of delegations had been in favour of maintaining the ceiling of sixty files and suggested keeping it in the recommendation.
7. The **delegation of Lithuania** supported the statements by the delegations of Colombia and Austria in favour of maintaining the upper limit for the annual ceiling.
8. The **delegation of Saudi Arabia** said that it could agree to paragraph 1 with the annual ceiling at sixty, provided that paragraph 3 with its stipulations for raising the ceiling in the future was accepted in its entirety.
9. The **delegation of Egypt** agreed to paragraph 1 but wished to delete the minimum number.
10. The **delegation of the Bolivarian Republic of Venezuela** said that it could accept the annual ceiling of sixty files, provided that paragraph 3 was unchanged.
11. The **Chairperson** said that the minimum number had been introduced following a lengthy discussion in a previous part of the working group and asked the delegation of Kuwait, which had supplied the original wording, to approve its deletion.
12. The **delegation of Kuwait** agreed to remove the reference to the minimum number.
13. The **Chairperson** said that paragraph 1 on the annual number of nominations and paragraph 2 on the examination of requests for international assistance by the Bureau of the Committee were agreed. In an effort to capture the suggestions made by all delegations, the Bureau of the working group had redrafted paragraph 3 to read:

Sustainable staffing requirements of the Secretariat need to be resolved for the support required to further implement the 2003 Convention, including the work of the Evaluation Body. The Secretariat is to prepare a detailed proposal on the financial and human resources needed for developing the listing mechanism in order to increase the annual ceiling of nominations. This proposal should be submitted for examination by the Committee for transmission to the tenth session of the General Assembly and to the Executive Board of UNESCO in order to decide on the allocation of necessary resources for the sustainable staffing requirements of the Secretariat.

1. The **delegation of Portugal** supported the draft recommendation but noted that the proposal would need to be transmitted first to the Executive Board of UNESCO and then to the tenth session of the General Assembly.
2. The **delegation of Colombia** said that there was a need for a holistic review of the staffing requirements in order to find a truly sustainable solution. For example, increasing the annual ceiling would necessitate an increase in resources to examine the periodic reports. It therefore wished to emphasize the need to resolve the sustainable staffing requirements for the Secretariat in all aspects of the 2003 Convention. To do so, it suggested moving the phrase ‘including the work of the Evaluation Body’ and inserting ‘the purposes of the 2003 Convention’ to read:

Sustainable staffing requirements of the Secretariat need to be resolved for the support required to further the implementation of the purposes of the 2003 Convention. The Secretariat is to prepare a detailed proposal on the financial and human resources needed for developing the listing mechanism, including the work of the Evaluation Body and the increase in the annual ceiling of nominations.

1. The **delegation of Austria** fully supported the slight changes to the text’s wording proposed by the delegation of Colombia but wished to insert ‘including the work of the Evaluation Body’ earlier, to read: ‘The Secretariat is to prepare a detailed proposal on the financial and human resources needed, including for the work of the Evaluation Body and for developing the listing mechanism in order to increase the annual ceiling of nominations.’
2. The **Chairperson** said that the proposed wording seemed to suggest that human resources were needed for the Evaluation Body itself rather than the work of the Secretariat.
3. The **delegation of Austria** said that it referred to the human resources needed in the Secretariat to support the work of the Evaluation Body.
4. The **delegation of the Bolivarian Republic of Venezuela** said that it preferred the original text of the draft recommendation; however, it could accept the amendment by the delegation of Colombia to focus on the ‘implementation of the purposes of the 2003 Convention’, if there was support for it. Nevertheless, the phrase diluted the paragraph and strayed from the mandate of the working group, which focused on the listing mechanisms. The amendment by the delegation of Austria was unclear, and the original placement of ‘including the work of the Evaluation Body’ would be preferable. Lastly, with regard to the listing mechanism, it suggested replacing ‘developing’ with ‘strengthening’.
5. The **delegation of Saudi Arabia** said that the amendments to the recommendation were beginning to dilute the text and stray from the original, for which there had been consensus. The broader implementation of the 2003 Convention was more of an overarching issue and could perhaps be included in the recommendations on other issues requiring further reflection. The delegation could accept the proposal by the delegation of the Bolivarian Republic ofVenezuela to replace ‘developing’ with ‘strengthening’ but not the others.
6. The **delegation of Cuba** congratulated the Chairperson on his excellent management of the working group and thanked the delegation of Colombia for its proposed amendments. Nevertheless, it was important to focus on the financial and human resources needed for the Secretariat to support the listing mechanisms. Reforms to the Evaluation Body should be discussed at a later time.
7. The **delegation of Kuwait** said that, while it appreciated the efforts of the delegation of Colombia to secure resources for all aspects of the Convention, expanding the scope beyond the work of the Secretariat would complicate efforts to draft a detailed proposal on the resources needed. The delegation therefore did not support the first amendment made by the delegation of Colombia, nor did it support the placement of ‘the work of the Evaluation Body’, as suggested by the delegation of Austria. It could accept the second proposal by Colombia, which simply changed the order of the wording, and the proposal by the delegation of the Bolivarian Republic of Venezuela to replace ‘developing’ with ‘strengthening’.
8. The **Chairperson** said that the original recommendation proposed by the Bureau had attempted to bridge the gap between the divergent positions on increasing the number of files. As a compromise, it had been agreed that an effort would be made to strengthen the financial and human resources in the Secretariat prior to considering an increase in the annual ceiling. Although he acknowledged the importance of funding for all aspects of the Convention, he strongly appealed to the room to accept the original proposal from the Bureau in order to reach a consensus.
9. The **delegation of Colombia** reiterated that a focus on the Convention in its entirety did not dilute the language of the recommendation but rather provided a better vision for the sustainable future of the Convention, the various elements of which were interconnected. It recalled that it had been an early supporter of incorporating the paragraph on funding for sustainable staffing in the recommendations. Expanding the scope would serve to strengthen the Convention and the listing mechanisms. The delegation did not oppose removing the reference to the work of the Evaluation Body but noted that it was interlinked with an increase in the annual ceiling and the wording had been in the original proposal of the Bureau of the working group.
10. The **delegation of Viet Nam** appreciated the proposal by the delegation of Colombia but agreed with several others that the primary focus should be on the work of the Secretariat, with discussions on the Evaluation Body at a later stage. Although it was important to have an ambitious approach to funding, it would be prudent to limit the scope and return to the draft recommendation proposed by the Bureau, which reflected the compromise.
11. The **delegation of Morocco** joined those in favour of returning to the initial proposal by the Bureau, which reflected the compromise. With regard to the amendments by the delegation of Colombia, the original wording, ‘the implementation of the 2003 Convention’, naturally implied the purposes of the Convention, and the reference to the listing mechanism naturally encompassed the work of the Evaluation Body. On the other hand, the delegation could support the amendments by the delegations of the Bolivarian Republic of Venezuela and Portugal. Nevertheless, it urged Member States to support the initial proposal.
12. The **delegation of Lithuania** said that it supported the draft proposal made by the Bureau as amended by the delegation of Colombia. It could support removing the reference to the work of the Evaluation Body, but it was essential to include ‘increasing the annual ceiling of nominations’.
13. The **delegation of Switzerland** had stressed the need for a broader vision that went beyond increasing the number of files and focused on the quality and relevance of the evaluation system. It therefore strongly supported the amendments by the delegation of Colombia, which better reflected the morning’s discussion and the position of those delegations that had supported its statement. Their positions had not been reflected in the original text. The amendments by Colombia did not dilute the message but rather contextualized it.
14. The **delegation of the Netherlands** also supported the amendments made by the delegation of Colombia and the statement by the delegation of Switzerland.
15. The **delegation of Austria** agreed to remove its proposal as well as the reference to the Evaluation Body. It supported the Bureau’s draft recommendation with the amendments by the delegation of Colombia, as expressed by the delegations of Lithuania and Switzerland.
16. The **delegation of Saudi Arabia** recalled that the draft proposal was contained in the section of the document on the annual ceiling and called on delegations to draw upon their collaborative spirit to leave the emphasis on the number of files. The quality of the evaluations was important and should not be jeopardized. Member States wishing to highlight that fact should draft a new paragraph to that effect, which could incorporate more general ideas such as the spirit of the Convention, capacity development and the Evaluation Body. Paragraph 3 was the result of a compromise between options A and B and should therefore be maintained in its original version.
17. The **delegation of the Bolivarian Republic of Venezuela** supported the statement by the delegation of Saudi Arabia and was in favour of returning to the original text, as amended by its delegation and that of Portugal.
18. The **delegation of Colombia** said that drafting an additional paragraph would dilute the recommendation. It agreed to remove the addition regarding the purposes of the Convention, concurring with the delegation of Morocco that the meaning was covered by the original text. Although the reason for doing so remained unclear, it could agree to remove the reference to the work of the Evaluation Body but reiterated that such wording had been included in the Bureau’s original proposal. It also agreed with the delegation of Switzerland that not all positions from the previous discussion had been reflected in the original proposal.
19. The **delegation of Morocco** said that the working group was close to reaching a consensus and thanked the delegation of Colombia for its flexibility. It did not oppose maintaining the reference to the work of the Evaluation Body, which some Member States wished to maintain. The revised text, with the change in wording by the delegation of the Bolivarian Republic of Venezuela, could be accepted.
20. The **delegation of Kuwait** thanked the delegation of Colombia for its efforts and supported the text as amended.
21. The **delegation of Colombia** asked whether the Secretariat could include in the introduction to its detailed report on the resources that it bore in mind the purposes of the Convention, as a way to reflect the current discussion.
22. The **Chairperson** saw no problem with that suggestion.
23. The **delegation of Saudi Arabia** thanked the delegation of Colombia for its collaborative spirit and approved its suggestion, which should be honoured. It suggested replacing ‘and’ with ‘in order to’ prior to ‘increase the annual ceiling of nominations.’
24. The **delegation of Cuba** suggested replacing ‘Evaluation Body’ with ‘evaluation system’ to encompass the financial implications of the entire evaluation process.
25. The **delegation of Indonesia** was pleased to have reached a consensus and affirmed that all the work undertaken, including in the Secretariat, was done with the purpose of implementing the Convention.
26. The **delegation of Viet Nam** thanked the participants for reaching a compromise and supported the draft recommendation with the amendment by the delegation of Cuba.
27. The **delegation of Burkina Faso** said that it could support the amendment by the delegation of Cuba but felt that the term ‘Evaluation Body’ should be retained if that body undertook the bulk of the work.
28. The **delegation of Malaysia** supported the draft recommendation with the amendment by the delegation of Cuba.
29. The **delegation of Morocco** said that it was redundant to include ‘the listing mechanism, including the work of the evaluation system’. Nevertheless, it supported the draft recommendation.
30. The **Chairperson** said that he preferred to maintain the current text in the interest of time and for the sake of the consensus. The draft recommendation in paragraph 3 was approved. He moved to the section on the order of priorities. Under paragraph 4, the current system of priorities was to be continued and an allocation would be made to establish a multinational files quota with its own prioritization system. Under paragraphs 5 and 6, requests for transfers and inscriptions on an extended or reduced basis were to be considered outside the annual ceiling on an experimental basis, to be reviewed at the tenth session of the General Assembly.
31. With regard to paragraph 4, the **delegation of China** asked for clarification on the criteria to establish the multinational files quota and its prioritization system and wondered which body would be responsible for making that determination. With regard to paragraphs 5 and 6, the delegation preferred that transfers, extensions and reductions be treated within the annual ceiling so as not to consume the financial and human resources of the Secretariat. Nevertheless, it would join the consensus. Lastly, there were a number of transversal issues that had not been addressed, such as those related to the misinterpretation of the Convention, disputes and other issues that could compromise mutual respect and understanding among the bearer communities, groups and individuals. The delegation therefore hoped that the reflection could be an ongoing process.
32. The **Chairperson** said that the possibility of continued reflection should be discussed in the General Assembly, which could decide whether to extend the working group or include those issues in the forthcoming working group on Article 18 supported by Sweden.
33. The **Secretary** explained that the Committee would set the quota for multinational files, if needed, and determine the prioritization system to be used. Since it was impossible to predict the impact of the new procedures on the nominations, the proposal gave the Committee the flexibility to best manage the files.
34. The **Chairperson** said that, with regard to transfers, extensions and reductions, the files would be treated outside the annual ceiling on an experimental basis to allow States Parties to assess the impact of the new procedures and make any necessary adjustments.
35. The **delegation of Cuba** said that the phrase ‘if needed’ should be removed, and the working group should establish the quota for multinational files, since they caused an imbalance in the nominations. States Parties that were not eligible to submit a national file under priority (0) could submit numerous multinational files, thereby bypassing the priority system.
36. The **Secretary** said that the phrase ‘if needed’ allowed for establishing a flexible quota. It could then be used either to ensure that multinational files did not dominate the nominations or to ensure that a certain number were evaluated in a given year. On the other hand, the quota might be unnecessary. He suggested the possibility of changing ‘if needed’ to ‘on an experimental basis’.
37. The **delegation of Cuba** agreed with the proposal.
38. The **Chairperson** said that paragraphs 4 to 6 were agreed. Paragraph 7, by which the composition and the working methods of the Evaluation Body would remain unchanged, was also agreed. He moved to paragraph 8, by which backlog files older than four years were to be returned to Member States.
39. The **delegation of the Bolivarian Republic of Venezuela** reiterated its concern that States Parties with a significant number of backlog files would not be able to have their resubmitted files evaluated in four years and would then be required to update their files a second time. Perhaps it would be possible to open a dialogue with those Member States to establish a plan.
40. The **delegation of Peru** asked for clarification regarding the statement that the updated versions would be ‘treated expeditiously within the framework of the prioritization system’ and wondered whether those files would receive special treatment.
41. The **Chairperson** said that a State Party would not be able to have two files evaluated in the same year and there was no advantage accorded to resubmitted files beyond the usual priority (0) classification.
42. The **Secretary** said that the overall prioritization system would not change, and the submitting state would need to prioritize the files it intended to resubmit. The Secretariat was able to remove a few files every year from the backlog of older files, but there were also a significant number of files that had been submitted at one time and it was unrealistic to evaluate those within the prioritization system.
43. The **delegation of Kuwait** said that once the resources had been secured it would be possible to increase the ceiling, in accordance with paragraph 3, which would help to address the backlog.
44. The **Chairperson** said that he could include the points made by the delegation of the Bolivarian Republic of Venezuela in his report.
45. The **delegation of Colombia** said that it might be possible to stipulate a time-frame for clearing the backlog.
46. The **Chairperson** said that he preferred to include those issues in his report rather than prolong discussions on the draft recommendations.
47. The **delegation of Colombia** agreed with the Chairperson’s solution.
48. The **delegation of the Bolivarian Republic of Venezuela** thanked the delegation of Colombia for its proposal and requested that the issue be included in the Chairperson’s report in an effort to ensure that those states with a significant number of backlog files could find an effective solution.
49. The **Chairperson** thanked the delegation of the Bolivarian Republic ofVenezuela for its spirit of solidarity and agreed to include the issue in his report. Paragraph 8 was approved. Paragraph 9 was approved, by which the proposal to revise the priority for States Parties that had not fulfilled their reporting obligations could be reconsidered at a later stage. Paragraph 10 was approved, by which the debate on obtaining additional information regarding nominations through a dialogue process with accredited NGOs and bearers would be incorporated in the reflection on the broader implementation of Article 18. Paragraph 12 was approved, by which the effectiveness of the dialogue process would continue to be strengthened. He moved to paragraph 11 and resumed the discussion on the procedure to examine exceptional cases.
50. The **delegation of Portugal** suggested removing ‘from an unforeseen element that could justify a’ to read: ‘Because of the increase in the number of files to be examined by the Committee that results in an accelerated processing…’.
51. The **delegation of Saudi Arabia** said that it was necessary to establish criteria to define exceptional cases, as had been suggested by a number of delegations, and therefore suggested adding ‘based on agreed criteria’ to the text. It reiterated its concern that having an initial discussion by the Bureau of the Committee would burden that body.
52. The **delegation of Colombia** supported the amendment by the delegation of Saudi Arabia but felt that it was necessary to include a plan for developing the criteria. It had no preference on the amendment by the delegation of Portugal.
53. The **delegation of the Bolivarian Republic of Venezuela** supported the amendment by the delegation of Saudi Arabia and said that it was important to indicate the manner and timeline for establishing and discussing the criteria, which could perhaps be included in the Chairperson’s report. Member States would be able to use the established criteria to provide stakeholders with a clear explanation of eligibility for the exceptional cases procedure. For clarity, it suggested replacing ‘understanding that this does not impact on the procedures foreseen under Article 17.3’ with ‘understanding that it would not include cases falling under extreme urgency foreseen under Article 17.3’.
54. The **delegation of China** said that it might be possible to draw upon the established definition of cases of extreme urgency in the Convention and the definition of emergency situations in the Operational Principles and Modalities for Safeguarding Intangible Cultural Heritage in Emergencies to develop criteria for exceptional cases. In the interest of equal opportunity and transparency, it suggested that the Bureau inform the Committee as soon as possible so that an informed decision could be taken. It therefore suggested adding ‘as soon as possible’ to the text.
55. The **delegation of Malaysia** suggested replacing ‘results in’ with ‘results from’ for grammatical accuracy. It could support the suggestions by the delegations of Saudi Arabia and the Bolivarian Republic ofVenezuela, noting that it was important to have a clear definition of exceptional cases to avoid future issues.
56. The **delegation of Saudi Arabia** was not in favour of the suggestion by the delegation of Portugal to remove ‘an unforeseen element’. In order to create the criteria, the Chairperson could request in his report that the General Assembly mandate a group or body to that effect.
57. The **delegation of Burkina Faso** supported the suggestion to establish a procedure to define the criteria for exceptional cases, as suggested by the delegation of Saudi Arabia. It also supported the substance of the suggestion made by the delegation of the Bolivarian Republic of Venezuela.
58. The **delegation of Lithuania** said that it was premature to include ‘agreed criteria’ since they did not yet exist. It was therefore not in favour of the suggestion by the delegation of Saudi Arabia. Nevertheless, it supported the idea of establishing criteria and therefore suggested adding a request for the Secretariat to draft them, perhaps for the forthcoming General Assembly.
59. The **delegation of Kuwait** supported the addition of ‘agreed criteria’ by the delegation of Saudi Arabia and the addition of ‘as soon as possible’ by the delegation of China. It could also support the change in wording proposed by the delegation of the Bolivarian Republic ofVenezuela. With regard to the deletion of ‘an unforeseen element’ by the delegation of Portugal, the original language had been suggested by the delegation of Morocco as a compromise to avoid the word ‘fast-tracking’. Maintaining the original language was therefore preferred. It agreed with the suggestion to request that the General Assembly determine a road map for establishing criteria and a definition for exceptional cases.
60. The **delegation of Colombia** supported the wording suggested by the delegation of the Bolivarian Republic of Venezuela and the addition of ‘as soon as possible’ by the delegation of China. Additionally, it suggested adding a sentence to read: ‘Furthermore, the working group invites the Secretariat to recommend possible criteria to define exceptional cases,’ possibly to be submitted for the forthcoming General Assembly.
61. The **delegation of Malaysia** felt that the removal of ‘an unforeseen element’ made the sentence unclear and preferred to go back to the original draft. It supported the proposals by the delegations of China, Colombia and Venezuela.
62. The **delegation of Morocco** endorsed the wording proposed by the delegations of China, Saudi Arabia and Venezuela, as well as the additional sentence proposed by the delegation of Colombia. In the French text, it suggested replacing ‘établis’ with ‘agréés’.
63. The **delegation of the Bolivarian Republic of Venezuela** supported the request to return to the original wording of ‘an unforeseen element’. It also supported the additions by the delegations of China and Colombia. If there were no exceptional cases for the 2022 cycle, it would also be possible to include the wording ‘based on agreed criteria’ and come to an agreement before they were needed.
64. The **delegation of Viet Nam** supported the proposals by the delegations of China, Colombia, Saudi Arabia and the Bolivarian Republic ofVenezuela.
65. The **delegation of Egypt** supported the proposals by the delegations of Colombia and Saudi Arabia.
66. With regard to the proposal by the delegation of the Bolivarian Republic of Venezuela, the **Secretary** proposed replacing ‘it would not include’ with ‘this does not concern’ in order to avoid the possibility of inadvertently excluding cases of extreme urgency from the procedure for exceptional cases. The Secretariat would work as requested to propose criteria, with the understanding that they would be agreed upon within the proper intergovernmental frameworks. However, he could not establish a time-frame for their completion.
67. The **Chairperson** said that there had not been support for the proposal made by the delegation of Portugal to replace ‘an unforeseen element’. Given the history of the wording, he proposed returning to the original formulation. There had been support for proposals by the delegations of China, Colombia, Saudi Arabia and the Bolivarian Republic ofVenezuela, with the changes from the Secretariat. He would suggest in his report that a discussion on the agreed criteria should take place in the General Assembly to identify a group or body to work on establishing the criteria. Paragraph 11 was approved.
68. The **Secretary** said that the recommendations would be examined by the fifth extraordinary session of the Committee, to be held in May 2022. Given that very few recommendations required revisions to the Operational Directives, it might not be necessary for the Committee to convene a full session. The recommendations would then be discussed and adopted by the General Assembly.
69. The **Chairperson** expressed his appreciation to all participants of the working group for their hard work and collaborative spirit. He thanked the interpreters, particularly for agreeing to extend the meeting, and all those who had supported the working group. He adjourned the meeting.

*[Closing of Part III of the Open-ended intergovernmental working group meeting]*

1. . The numbering of paragraphs continues from the summary records of Parts I and II of the meeting (document [LHE/21/16.COM/INF.14](https://ich.unesco.org/doc/src/LHE-21-16.COM-INF.14.1-EN.docx)). [↑](#footnote-ref-1)