



Expert Meeting on the Lists
Established in the 2003
Convention for the
Safeguarding of the
Intangible Cultural Heritage

2-4 April 2007 – New Delhi,
India

Réunion d'experts concernant
les listes établies par la
Convention de 2003 pour la
sauvegarde du patrimoine
culturel immatériel

2-4 avril 2007 – New Delhi,
Inde

**Working Draft – Intangible Cultural Heritage Section
Possible Criteria for
the Representative List of the Intangible Cultural Heritage of Humanity and
the List of Intangible Cultural Heritage in Need of Urgent Safeguarding**

Background and purpose

1. The Convention for the Safeguarding of the Intangible Cultural Heritage (the "Convention") calls upon the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage (the "Committee") to *"draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication"* of the Representative List of the Intangible Cultural Heritage of Humanity (the "Representative List") (Article 16) and the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (the "Urgent Safeguarding List") (Article 17). In its first session, the General Assembly of States Parties in Resolution 1.GA 7A called upon the Committee to submit draft criteria for its consideration at its next meeting.
2. At its first session, held in Algiers on 18 and 19 November 2006, the Committee discussed a set of draft criteria for inscription on the Representative List and several issues relating to that list and the Urgent Safeguarding List. In its Decision 1.COM 7, the Committee *"encourage[d] States Parties to the Convention to submit to the Secretariat comments on abovementioned document before 31 January 2007", and "request[ed] the Director-General to submit to it at its next session a proposal for a set of criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity which takes into account the suggestions and ideas which emanated from the debates at its first session, and the comments received by the Secretariat"*.
3. The present document presents a proposal for criteria for inscription on the Representative List and a proposal for criteria for inscription on the Urgent Safeguarding List. The latter criteria are further separated into criteria to be used when States Parties request that elements be inscribed, as provided in Article 17.1, and criteria to be used when, in a case of extreme urgency, the Committee wishes to inscribe elements in consultation with the States Parties concerned, as provided in Article 17.3.

4. In preparing the revised and additional draft criteria below, the Secretariat sought to reflect the substance and spirit of the discussions at the 1st Session of the Intergovernmental Committee in Algiers and the written comments received subsequently from 31 States Parties. There was general sentiment among States Members and other States Parties that the number of draft criteria previously proposed was excessive, and the number has consequently been reduced. Where in a few instances those draft criteria diverged from the language of the Convention, States Parties were often of mixed mind regarding the proposed changes; consequently the draft criteria below follow the Convention's own words to the extent possible. Where the draft criteria previously considered by the Committee focused on the Representative List, a number of essential questions depend on the characteristics of the two Lists called for in the Convention and the relations between them; the present document thus proposes draft criteria for both Lists for the Committee's concurrent consideration.
5. A two-column presentational format has been adopted, with the criteria themselves in the left column and, in the right column, additional explanations and instructions to be followed by States Parties and/or the Committee. Each of the three sets of draft criteria and explanations is then followed by background information. It is proposed that all of these criteria be compulsory and that, before proceeding to inscribe a nominated element, the Committee would wish to satisfy itself that the element meets all of the criteria for the relevant list. The instructions and explanations in the right columns clarify to nominating States how best to demonstrate to the Committee that a nominated element meets the criteria. Those same instructions and explanations provide the Committee with a number of tests or thresholds that it may wish to use in order to determine whether a nominated element indeed satisfies the criteria. In the explanatory instructions, alternative verbs are offered, in the form "[demonstrate that] [indicate how]", or "[determine] [find]", etc., so that the Committee may decide the tone in which it wishes to offer instructions to States Parties, and to itself.
6. In Articles 16 and 17, the Convention refers to "*criteria for the establishment, updating and publication*" of the two lists. The inscription criteria below pertain only to the first of those three processes, the establishment of the lists. A synoptic comparison of the three sets of criteria is included in an annex to this document for easy reference.

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7. Draft criteria for inscription on the Representative List of the Intangible Cultural Heritage of Humanity

In nomination files, which are to follow a format to be indicated by the Committee, the submitting States Parties shall [demonstrate that] [indicate how] [show that] an element proposed for listing satisfies all of the following conditions:

Criterion	Explanatory instructions
R.1 It constitutes an element of “intangible cultural heritage” as defined in Article 2 of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage;	<p>[Demonstrate that] [indicate how] [show that] the element is among the <i>practices, representations, expressions, knowledge, skills [— as well as the instruments, objects, artefacts and cultural spaces associated therewith —] that communities, groups and, in some cases, individuals recognize as part of their cultural heritage.</i></p> <p>[Demonstrate that] [indicate how] [show that] the element is being <i>transmitted from generation to generation, [and] is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history.</i></p> <p>[Demonstrate that] [indicate how] [show that] the element provides <i>communities and groups involved with a sense of identity and continuity.</i></p> <p>[Demonstrate that] [indicate how] [show that] the element [is not incompatible] <i>[is compatible] with existing international human rights instruments... [and] sustainable development.</i></p>
R.2 It will enhance the diversity of ICH featuring on the List, thus reflecting cultural diversity worldwide and testifying to human creativity;	<p>[Demonstrate] [indicate] [show] how inscription of the element on the Representative List will <i>ensure better visibility of the ICH and awareness of its significance, and [...] encourage dialogue which respects cultural diversity.</i></p>

		<p>[Demonstrate] [indicate] [show] how inscription of the element on the Representative List will <i>raise awareness at the local, national and international levels of the importance of the intangible cultural heritage.</i></p> <p>[Demonstrate] [indicate] [show] how inscription of the element on the Representative List will promote <i>mutual respect among communities, groups and individuals and respect for cultural diversity and human creativity.</i></p>
R.3	<p>It has been submitted with the [free, prior and informed] consent of the community, group, or, if applicable, the individuals concerned; and following their widest possible participation in all stages of identification, definition, documentation and nomination; and</p>	<p>[Demonstrate that] [indicate how] [show that] the nomination file has been prepared following <i>the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage.</i></p> <p>[Demonstrate that] [indicate how] [show that] the nomination file has been prepared with the consent of <i>the communities, groups and individuals concerned.</i> Consent may be demonstrated through written or recorded concurrence, or through other means.</p> <p>[Demonstrate] [show] that inscription would in no way violate <i>customary practices governing access to specific aspects of such heritage,</i> if such practices exist.</p>
R.4	<p>It is already included in an inventory of the ICH present in the territory(ies) of the submitting State(s) Party(ies).</p>	<p>[Demonstrate] [show] that the element proposed for inscription is included on <i>one or more inventories of the ICH present in [the] territory of the submitting State(s) Party(ies), such inventory(ies), whether completed or in progress, having been prepared with the participation of communities, groups and relevant non-governmental organizations.</i></p>

Background information on the above draft criteria:

- a. **Draft criterion R.1: definition of ICH:** This criterion requires, as a fundamental precondition for inscription, that an element meet the definition of intangible cultural heritage incorporated within the Convention. The explanatory instructions repeat the language of Article 2.1, dividing that article into four parts. As compared with the previous draft, there is no criterion requiring that an element “fall within one or more of the domains listed in Article 2.2 of the Convention”. Since Article 2.2 explicitly states that the domains there enumerated are not exhaustive, it seems that the criteria should not impose this requirement contradicted by the Convention. The Committee may wish to ask nominating States to identify for a given element which, if any, of Article 2.2’s domains it falls within, but this information would be for administrative and programmatic purposes rather than a criterion determining eligibility.
- b. **Draft criterion R.2: representativeness and diversity of elements:** This proposed criterion, unchanged from the previous draft, is further explained with reference to the specific language of the Convention. The Committee will need to decide whether this criterion is applied only to the Representative List or also to the Urgent Safeguarding List (see discussion below of draft criterion U.1).
- c. **Draft criterion R.3: community involvement and consent:** The explanatory instructions clarify that this criterion does not require that the consent of the community be expressed in any given form or format such as a written contractual document. Rather, it is understood that consent may take different forms and be expressed in a diversity of ways, according to the respective legal regimens of States Parties and the infinite variety of concerned communities and groups. It is expected that the Committee will, at least initially, welcome a broad range of demonstrations or attestations of community consent rather than specifying any single standard. As experience is accumulated, the Committee may wish to specify certain forms such consent should take, but no form or format is specified at this time.
- d. **Draft criterion R.4: prior inclusion in an inventory:** The explanatory instructions clarify that the nominated element’s inclusion in an inventory does not in any way imply or require that the inventory(ies) shall have been completed prior to nomination; rather, it allows that a nominating State Party may be in the process of meeting its obligations under the Convention to draw up one or more inventories, but has already duly included the nominated element on such an inventory-in-progress.

8. Draft criteria for inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding at the request of the State(s) Party(ies) concerned

In nomination files, which are to follow a format to be indicated by the Committee, the submitting State(s) Party(ies) shall [demonstrate] [indicate] [show] that an element proposed for listing satisfies all of the following conditions:

	Criterion	Explanatory Instructions
U.1	It satisfies [all of the criteria] [criteria R.1, R.3, and R.4] for inclusion on the Representative List of the Intangible Cultural Heritage of Humanity;	[Demonstrate that] [indicate how] [show that] the element meets [all of the criteria R.1 through R.4] [criteria R.1, R.3, and R.4] above, incorporated by reference.
U.2	It is in urgent need of safeguarding because its viability is [threatened] [vulnerable] [endangered] [at risk] despite the best efforts of the concerned community, group or, if applicable, individuals and despite the best efforts of the concerned State(s) Party(ies);	<p>Describe the current level of viability of the element.</p> <p>Identify and describe the threats to its continued transmission and enactment and describe the severity and immediacy of those threats.</p> <p>Describe the current efforts of the concerned community, group or, if applicable individuals to safeguard the element.</p> <p>Describe efforts of the concerned State(s) Party(ies) to safeguard the element, including appropriate policy, legal, scientific, technical or administrative measures, if any, adopted and/or proposed with specific relevance to the element.</p>
U.3	Its enactment and transmission may be effectively continued by the concerned community, group or, if applicable, individuals if they [have] [are provided with] favourable conditions to do so [by means of] [in the context of] a well elaborated and feasible safeguarding plan.	<p>[Demonstrate that] [indicate how] [show that] the concerned community, group or, if applicable, individuals have the [will] [desire] [intention] [commitment] to safeguard the element if conditions are favourable.</p> <p>Identify and describe the various safeguarding measures that could enhance or strengthen the viability and</p>

transmission of the element, if implemented, and **provide** detailed information about their priority, scope, approaches or methods, timetables, responsible persons, and costs.

[Demonstrate that] **[indicate how]** **[show that]** the safeguarding plan is feasible by showing that those safeguarding measures, if implemented, would reasonably be expected to enhance or strengthen the viability of the element.

[Demonstrate that] **[indicate how]** **[show that]** the concerned State(s) Party(ies) has(have) the commitment to support the safeguarding plan by creating favourable conditions for its implementation.

Background information on the above draft criteria:

a. **Draft criterion U.1: relations between the two Lists and their respective criteria:**

This criterion, as proposed, offers two alternatives to the Committee for its consideration. The first alternative presented would require that an element nominated for the Urgent Safeguarding List must also meet all of the criteria for the Representative List. The second alternative presented would not require that the representativeness or diversity criterion R.2 be applied to elements nominated for the Urgent Safeguarding List. In their written comments, States Parties expressed diverse opinions about the relations between the two Lists. If the Committee wishes that the two Lists be interdependent and anticipates that elements might, for instance, pass back and forth between the Lists, it may wish to choose the first alternative. If the Committee wishes that the two Lists operate independently, it may choose to eliminate the representativeness criterion for elements nominated for the Urgent Safeguarding List, in view of the comments of a number of States Parties that wanted to see an emphasis on the status or condition of an element at risk without regard to whether or not it was deemed representative.

b. **Draft criterion U.2: urgent need for safeguarding:** This criterion addresses two issues: a) the current condition or status of an element and the threats to its enactment and/or transmission, and b) recent or ongoing efforts of the concerned

community, group or, if applicable, individuals and the concerned State(s) respectively to safeguard the element. The draft offers several alternative terms to describe the condition of the element, from which the Committee may wish to choose one or more words. Under the Convention, responsibility for ensuring the viability of an element rests in the first instance with its concerned community, group or, if applicable, individuals, and secondly with the State(s) Party(ies) on whose territory the element is found. It therefore seems reasonable to require a description of their respective efforts to safeguard the element before it can be considered at the international level for inscription on the Urgent Safeguarding List. The commitment of the concerned community, group or, if applicable, individuals to safeguard the element—specifically as demonstrated by their best efforts to do so—is a fundamental precondition for any safeguarding effort to succeed; at the same time the criterion recognizes that the community may have limited resources or capacities for safeguarding at the time of nomination. Similarly, this criterion requires that the State(s) concerned has/have undertaken some necessary measures, while also recognizing that such efforts may be constrained by limited resources or other factors. Nominating States are asked here to discuss measures taken or proposed specifically relevant to the element; more general measures would be addressed in each State's periodic reporting.

- c. **Draft criterion U.3: feasibility of safeguarding:** Where criterion U.2 addresses the current and recent condition of the element, criterion U.3 looks forward to its future safeguarding. The language is drawn from the previous draft criterion (x) considered by the Committee at its first session, but proposed here for use only for the Urgent Safeguarding List. Because safeguarding is defined in the Convention as “measures aimed at ensuring the viability” of intangible heritage, the proposed criterion requires that the measures proposed in the safeguarding plan can reasonably be expected to accomplish their intended purpose. If safeguarding measures, no matter how well-planned, well-intentioned or well-implemented, could not offer a reasonable likelihood of ensuring the viability of the element, inscription on the Urgent Safeguarding List might not be warranted. This recognizes the possibility that there may well be elements whose condition is so precarious that no safeguarding efforts would suffice to ensure their viability, and the Committee may wish not to inscribe such elements onto the List. The feasibility of any proposed safeguarding measure depends in large part on the aspirations and commitment of the concerned community, group or, if applicable, individuals and the support and cooperation of the concerned State(s) Party(ies), so this criterion consequently asks for demonstrations of such commitments. The commitment to safeguarding of the concerned State(s) Party(ies) is particularly important inasmuch as Article 24.2 establishes the principle of cost-sharing if international financial assistance is to be provided for safeguarding.

9. Draft criteria for inscription on the List of Intangible Cultural Heritage in Urgent Need of Safeguarding in a case of extreme urgency

In cases of extreme urgency that come to its attention, and in consultation with the State(s) Party(ies) concerned, the Committee may inscribe an element proposed for listing after [determining] [finding] that the element satisfies all of the following conditions:

Criterion	Explanatory Instructions
E.1 It constitutes an element of “intangible cultural heritage” as defined in Article 2 of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage;	[Determine] [find] that the element meets criterion R.1 above, incorporated by reference.
E.2 It is in extremely urgent need of safeguarding because it is facing grave threats of deterioration, disappearance and/or destruction, as a result of which it cannot be expected to survive among the concerned community, group or, if applicable, individuals without immediate and effective safeguarding; and	<p>[Determine] [establish] the current level of viability of the element.</p> <p>[Determine] [identify] the grave threats to its viability, which may include, for instance, natural disaster, environmental change, epidemic, armed conflict, the destruction of or lack of access to places and/or natural resources important for its enactment or transmission, or other acute threatening conditions.</p> <p>[Determine] [assess] the severity and immediacy of those threats and [determine] [conclude] that the element cannot be expected to survive among the concerned community, group or, if applicable, individuals without immediate and effective safeguarding.</p> <p>[Determine] [identify] the efforts, if any, of the concerned community, group or, if applicable individuals to safeguard the element.</p> <p>[Determine] [identify] the efforts, if any, of the concerned State(s) Party(ies) to safeguard the element [, including appropriate policy, legal, scientific, technical or administrative measures</p>

		adopted and/or proposed with specific regard to the element].
E.3	It may be effectively safeguarded by the concerned community, group or, if applicable, individuals if they [have] [are provided with] favourable conditions to do so [by means of] [in the context of] a well elaborated and feasible safeguarding plan.	<p>[Determine] [identify] the various safeguarding measures that could enhance or strengthen the viability and transmission of the element, if implemented, and [determine] [identify] their priority, scope, approaches or methods, timetables, responsible persons, and costs.</p> <p>[Determine] [find] that the safeguarding plan is feasible by [finding] [assessing] that those safeguarding measures, if implemented, would reasonably be expected to enhance or strengthen the viability of the element.</p>
E.4	The concerned community, group or, if applicable, individuals concur in its inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, to the extent that their wishes can be determined.	[Determine] [find] that the concerned community, group or, if applicable, individuals [concur in] [consent to] [do not object to] the inscription, to the extent that it is possible to determine their wishes and aspirations.
E.5	The State(s) Party(ies) concerned with the element have been consulted regarding its inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding.	[Determine that] [Indicate how] the concerned State(s) Party(ies) were consulted regarding the inscription.

Background information on the above draft criteria:

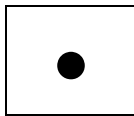
- a. **Draft criterion E.1: definition of ICH:** see background information on criterion R.1
- b. **Draft criteria E.1 through E.5: Inscription in cases of extreme urgency:** Article 17.3 of the Convention anticipates that there may be cases that come to the attention of the Committee of intangible heritage elements in extremely urgent need of safeguarding, and that the Committee may wish to inscribe such elements

on the Urgent Safeguarding List without following its normal procedure that begins with a nomination by the concerned State(s) Party(ies). It calls upon the Committee to propose to the General Assembly certain objective criteria for such cases of extreme urgency. The criteria proposed here share most features with the criteria proposed for regular inscriptions on the Representative List and Urgent Safeguarding List, the exceptions being:

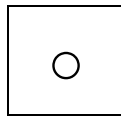
- Criterion R.2 is not included, since the Committee may wish to inscribe elements in need of extremely urgent safeguarding without consideration of their relation to other elements.
- The community involvement and consent criterion R.3 is not included, in recognition of the likelihood that cases of extreme urgency may not allow for full and careful consultation with concerned communities and their formal consent; proposed criterion E.4 instead provides for some best effort to determine that the community concurs in the inscription of its element.
- The criterion requiring prior inclusion in a State's inventory R.4 is omitted in recognition that situations of extreme urgency may not allow sufficient time for such inclusion.
- Criterion U.2 addressing the need for urgent safeguarding is replaced by criterion E.2 specifying conditions of extremely urgent need.
- Criterion U.3 requiring a feasible safeguarding plan is retained in the form of criterion E.3, although the explanatory instructions are streamlined to reflect the exigent circumstances of extreme urgency.
- New criterion E.5 addresses the Convention's requirement that inscriptions by the Committee in cases of extreme urgency may be done only in consultation with the concerned State(s) Party(ies), but recognizes that this inscription may in some cases not be initiated by the State(s) Party(ies) through the regular nomination procedures.

Synoptic comparison of the three sets of criteria:

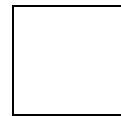
The following table summarizes in brief the criteria proposed above, showing the place of each proposed criterion within the three sets of criteria. A filled circle shows those criteria that are recommended above. An open circle shows additional criteria that the Committee may wish to include within a given set of criteria. An empty cell shows a criterion that is not applicable to a given set of criteria.



**Recommended
criterion**



**Possible
criterion (to be
discussed)**



Not applicable

Inscription Criteria (in brief)		Representative List	Urgent Safeguarding List	Extreme Urgency
R.1 U.1 E.1	Element constitutes an element of “intangible cultural heritage” as defined in Article 2 of the 2003 Convention	●	●	●
R.2	Element will enhance the diversity of ICH featuring on the List	●	○	○
R.3	Element has been submitted with the consent and participation of the community, group or individuals concerned	●	●	○
R.4	Element is already included in an inventory of the ICH present in the territory(ies) of the submitting State(s) Party(ies).	●	●	○
U.2	Element is in urgent need of safeguarding because its transmission and/or viability are threatened despite the best efforts of all concerned		●	
E.2	Element is in extremely urgent need of safeguarding because it cannot be expected to survive among the concerned community, group or individuals without immediate and effective safeguarding			●
U.3 E.3	Element may be effectively safeguarded by the concerned community, group or individuals	○	●	●
E.4	Community and others concerned concur in element’s inscription, to the extent that their wishes can be determined.			●
E.5	The State(s) Party(ies) concerned with the element concur in its inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding.			●