



SAFEGUARDING THE INTANGIBLE CULTURAL HERITAGE

THE 2003 CONVENTION: DEFINITIONS

The lengthy quest for the function and values of cultural expressions and practices, and of monuments and sites, led by UNESCO, has paved the way for new approaches to understanding, protecting and respecting our cultural heritage. These approaches, which involve the recognition of communities and groups as those who identify, enact, recreate and transmit the intangible or living heritage, found their culminating point in the adoption of the Convention for the Safeguarding of the Intangible Cultural Heritage.

According to the 2003 Convention, the intangible cultural heritage (ICH) – or living heritage - is the mainspring of our cultural diversity and its maintenance a guarantee for continuing creativity.

The Convention states that the ICH is manifested – inter alia – in the following domains

- Oral traditions and expressions including languages as a vehicle of the intangible cultural heritage;
- Performing arts (such as traditional music, dance and theatre);
- Social practices, rituals and festive events;
- Knowledge and practices concerning nature and the universe;
- Traditional craftsmanship.

The 2003 Convention for the Safeguarding of the Intangible Cultural Heritage defines the intangible cultural heritage more abstractly as the practises, representations, expressions, as well as the knowledge and skills, that communities, groups and, in some cases, individuals recognise as part of their cultural heritage.

Interestingly, the Convention also includes in its definition of ICH instruments, objects, artefacts and cultural spaces that are associated with manifestations of the ICH, thus creating possibilities for effective cooperation with other international legal instruments.



© Mongolian National Center for Intangible Heritage

The Traditional Music of Morin Khuur (Mongolia)

For over seven centuries, the two-string horse head fiddle, known as the Morin Khuur, has figured prominently in Mongolia's nomad culture. The fiddle's significance extends beyond its function as a musical instrument, for it has traditionally been an integral part of rituals, festive events and everyday activities.

The definition developed for the 2003 Convention also indicates that the intangible cultural heritage that is to be safeguarded by this Convention

- is transmitted from generation to generation;
- is constantly recreated by communities and groups, in response to their environment, their interaction with nature, and their history;
- provides communities and groups with a sense of identity and continuity;
- promotes respect for cultural diversity and human creativity;
- is compatible with international human rights instruments;
- complies with the requirements of mutual respect among communities, and of sustainable development.

For the links and differences between tangible and intangible heritage, and between their protection and safeguarding respectively, see the Yamato Declaration.



THE 2003 CONVENTION: A BRIEF HISTORY

The adoption of the 2003 Convention was the apex of UNESCO's long-standing efforts for the cause of safeguarding the intangible heritage. Since Bolivia first raised the issue in 1973, many reflections have been offered, meetings organised and programmes and projects conceived and executed. The experiences gained through these efforts greatly influenced the draft text of the new international convention which was painstakingly elaborated between 2001 and 2003.

An important intermediate step was the 1989 UNESCO *Recommendation on the Safeguarding of Traditional Culture and Folklore*. The Recommendation, being soft law, did not have a wide outreach, although not a few Member States were inspired by it and started taking legislative or administrative measures and drawing up inventories of elements of their intangible cultural heritage.

In 1994 the *Living Human Treasures* programme was launched with the aim to encourage the creation of national systems that give official recognition to knowledgeable tradition bearers and practitioners and that encourage them to transmit their knowledge and skills linked to specific elements of the intangible cultural heritage to the younger generations.

In 1997/8 UNESCO approved the programme of the *Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity*, a programme which creates an international distinction, and which, through a List system tries to share, celebrate and safeguard selected elements of the ICH. The Masterpieces programme originally was inspired by the List of the World Heritage Convention, but has developed in the direction of the 2003 Convention.



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The Oral Traditions of the Aka Pygmies (Central Africa Republic)

The Aka Pygmies living in the southwest of the Central African Republic have developed a vocal musical tradition that differs radically from those of neighbouring groups and can be found nowhere else on the African continent. This unique expression involves an extremely complex type of contrapuntal polyphony based on four voices. Particularly noteworthy is the fact that all members of that specific Aka community, including children, are proficient in this musical technique.

In fact, the Masterpiece programme is turning out to be of great importance for the implementation of the 2003 Convention.

At the end of the '90s experts concluded, after a long series of regional meetings, that a legally binding instrument was needed in the field of the safeguarding of the intangible heritage. They also found that the 1989 Recommendation may have focussed too much on documentation and not enough on the protection of living practices and traditions, or on the groups and communities who are the bearers of these practices and traditions.

The 31st session of the General Conference, in 2001, decided to work towards a new international normative instrument, preferably a convention.



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The draft text of the Convention was sent to the Executive Board of UNESCO in September 2003 and the Board recommended the General Conference to adopt the text as a UNESCO Convention. This is what happened at the 32nd session of the General Conference on 17 October 2003.

The Convention will enter into force three months after the deposit at UNESCO of the thirtieth instrument of ratification. By the end of September 2005, 23 States had already deposited such instruments:

- Algeria
- Mauritius
- Japan
- Gabon
- Panama
- China
- Central African Republic
- Latvia
- Lithuania
- Belarus
- Republic of Korea
- Seychelles
- Syrian Arab Republic
- United Arab Emirates
- Mali
- Mongolia
- Croatia
- Egypt
- Oman
- Dominica
- India
- Vietnam
- Peru



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Ministère de la Culture de Madagascar

Woodcrafting knowledge of the Zafimaniry (Madagascar)

Inhabiting the highlands of the Fianarantsoa province in southeast Madagascar, the Zafimaniry community is the sole remaining repository of a unique woodcraft culture previously widespread on the island. For generations, Zafimaniry foresters, carpenters and craftsmen have developed a body of practical knowledge and skills around wood.



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MECHANISM OF THE CONVENTION

The 2003 Convention, the fifth legal instrument adopted by UNESCO for the protection of the cultural heritage, is designed to ensure respect for the intangible cultural heritage, and to raise awareness about its importance. The Convention also will bind its States Parties to take measures at the national level in order to ensure the viability of their intangible cultural heritage, and will encourage them to cooperate at regional and international levels for this same purpose.

The 2003 Convention proposes safeguarding measures such as definition, identification, documentation, research, preservation, protection, promotion, enhancement, transmission (particularly through formal and non-formal education), as well as revitalization of the various aspects of the intangible heritage. Among the measures to be taken at the national level, the Convention highlights the need to identify, define and inventory the various elements of the intangible cultural heritage present in a State Party's territory, with the participation of communities, groups and relevant non-governmental organisations.

The 2003 Convention establishes

- a General Assembly of States Parties;
- an Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage initially composed of representatives of 18 States Parties;
- the Representative List of the Intangible Cultural Heritage of Humanity;
- the List of Intangible Cultural Heritage in Need of Urgent Safeguarding;
- a Fund for the Safeguarding of the Intangible Heritage.

The Convention will, however, not just be List-oriented; it is foreseen that the international assistance to be paid for by the Fund will concentrate on different types of programmes and projects.



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The Tradition of Vedic Chanting (India)

The Vedas comprise a vast corpus of Sanskrit poetry, philosophical dialogue, myth, and ritual incantations developed and composed in India by the Aryans over 3,500 years ago. Regarded by Hindus as the primary source of knowledge and the sacred foundation of their religion, the Vedas embody one of the world's oldest surviving cultural traditions.

The States Parties will have

- to take measures to ensure the safeguarding of their intangible heritage;
- to prepare national inventories of their intangible cultural heritage.

The States Parties will endeavour to

- adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating its safeguarding into planning programmes;
- designate or establish competent bodies for the safeguarding of their intangible cultural heritage;
- foster scientific, technical and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage, in particular the intangible cultural heritage in danger;



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- adopt appropriate legal, technical, administrative and financial measures aimed at
 - (i) fostering the creation or strengthening of institutions for training in the management of the intangible cultural heritage and the transmission of such heritage through forums and spaces intended for the performance or expression thereof;
 - (ii) ensuring access to the intangible cultural heritage while respecting customary practices governing access to specific aspects of such heritage;
 - (iii) establishing documentation institutions for the intangible cultural heritage and facilitating access to them.

The Convention also proposes specific measures related to education, awareness-raising and capacity-building, and measures aiming at safeguarding the intangible cultural heritage at the international level.

The intangible heritage encompasses complex, broad and diverse forms of living heritage in constant evolution. UNESCO Director-General Koïchiro Matsuura calls it a "melting pot for creative expression and a driving force for living cultures".

It is in this connection important to note that safeguarding intangible heritage should not lead to fixing or freezing practices and traditions; the Convention does not wish to safeguard end products, but rather to protect or restore social, environmental and other circumstances that may guarantee continued enactment and transmission.

Special focus *Basic concepts and criteria*

The intangible cultural heritage (ICH) is traditional and living at the same time. It is constantly recreated and mainly transmitted orally.

It is difficult to use the term authentic in relation to ICH; some experts advise against its use in relation to living heritage (See the Yamato Declaration).

The depository of this heritage is the human mind, the human body being the main instrument for its enactment, or embodiment. The knowledge and skills are often shared within a community, and manifestations of ICH, too, often are performed collectively.

Many elements of the ICH are endangered, due to effects of globalization, homogenizing policies, and lack of means, appreciation and understanding which – taken together – may lead to the erosion of functions and values of such elements and to lack of interest among the younger generations.

The Convention speaks about communities and groups of tradition bearers, without specifying them. Time and again it was stressed by the governmental experts who prepared the draft of the Convention that such communities have an open character, that they can be dominant or non dominant, that they are not necessarily linked to specific territories and that one person can very well belong to different communities and switch communities.

The Convention introduced, by establishing the Representative List, the idea of "*representativeness*", another term that will have to be elaborated in the operational directives of the Convention. "*Representative*" might mean, at the same time, representative for the creativity of humanity, for the cultural heritage of States, as well as for the cultural heritage of communities who are the bearers of the traditions in question.



THE GOVERNING BODIES OF THE 2003 CONVENTION

The Convention is expected to enter into force in 2006. When this happens, the General Assembly of States Parties to the Convention will meet to elect the Members of the first Intergovernmental Committee. This Committee, assisted by UNESCO's Secretariat, will be in charge of preparing operational directives to be adopted by the General Assembly that will guide the implementation of the Convention.

- **The General Assembly of States Parties**

Article 4 of the Convention states that the General Assembly of States Parties to the Convention is the sovereign body of the Convention. It shall meet in ordinary session every two years, and it may meet in extraordinary session if it so decides, or at the request either of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, or of at least one third of the States Parties. The General Assembly shall adopt its Rules of Procedure and it will discuss and eventually approve the documents that the Committee will prepare on its behalf.

- **The Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage**

The Committee is the organ that will implement the Convention. The Committee will, for example, examine the requests submitted by the States Parties for inscription on the Lists and for the granting of international assistance. The Committee, which will be assisted by UNESCO's Secretariat, will probably meet once a year.

The first Committee will be composed of representatives of 18 States Parties. The States Members of the Committee shall be elected for



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The Cultural Space of the Brotherhood of the Holy Spirit of the Congos of Villa Mella (Dominican Republic)

The Brotherhood of the Holy Spirit of the Congos was founded in the sixteenth century by African slaves and people of mixed origin. Most members of the brotherhood are musicians who play hand drums called *congos*, and who perform at religious festivals and funerals of members of the community.

a term of four years, and every two years the General Assembly shall renew half of them.

There is one exception: the term of office of half of the States Members of the Committee to be elected at the first election is limited to two years. A State Member of the Committee may not be elected for two consecutive terms. The election of States Members of the Committee shall not only obey the principle of rotation, but also that of equitable geographical distribution.

This first Committee will be especially important, since it has the crucial task of preparing the first set of Operational Directives for the implementation of the Convention. The members of the first Committee will thus have the important responsibility of giving the new Convention its orientation. Other major functions of the Committee are listed in Article 7 of the Convention.



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HOW DOES A STATE BECOME A PARTY TO THE CONVENTION

The State concerned deposits the following instrument
with the Director-General of UNESCO

Model Instrument of Ratification/Acceptance/Approval/Accession

We _____
(NAME OF HEAD OF STATE or GOVERNMENT or MINISTER FOR FOREIGN AFFAIRS)

of _____
(COUNTRY)

Having seen and examined UNESCO's CONVENTION FOR THE SAFEGUARDING
OF THE INTANGIBLE CULTURAL HERITAGE (2003)

By virtue of the powers vested in us, have approved it and do approve it in its entirety
and in each part, in accordance with the provisions therein contained,

Declare that we verify/accept/approve/accede to the said Convention in accordance
with Articles 32 and 33 thereof, and vow that it shall be scrupulously observed.

IN WITNESS WHEREOF we have deposited this instrument of ratification/acceptance/
approval/accession, to which we have affixed our seal.

Done at (*place*) _____

On (*date*) _____



(*Signed*)
HEAD OF STATE/HEAD OF GOVERNMENT/
MINISTER FOR FOREIGN AFFAIRS



SAFEGUARDING MEASURES

for ensuring the viability of the intangible cultural heritage

- *National safeguarding measures*

When becoming a Party to the Convention, the State commits to taking the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory.

INVENTORY OF INTANGIBLE HERITAGE

The first measure to be taken by the State Party is to identify and define the various elements of that heritage with the participation of communities, groups and non-governmental organizations. To ensure the identification of the intangible cultural heritage, States Parties are specifically asked to draw up one or more inventories of their intangible cultural heritage.

COMMUNITIES AND SOCIETY

States Parties shall take the necessary measures to ensure the safeguarding of their intangible heritage; within the framework of their safeguarding activities they shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals, that create, maintain and transmit such heritage, and to involve them actively in its management. They shall also endeavour to promote the function of this heritage in society and to ensure recognition of, respect for and enhancement of the intangible cultural heritage in society.

- *International safeguarding measures*

The main role in the safeguarding of intangible heritage is reserved for the States Parties themselves. However, as the Convention



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The Andean Cosmovision of the Kallawayaya (Bolivia)

The Andean Cosmovision of the Kallawayaya culture is a coherent body of myths, rituals, values and artistic expressions. This distinctive worldview, based on belief systems of indigenous peoples, is manifested through traditional medicine, whose virtues are widely recognized not only in Bolivia but also in other South American countries where Kallawayaya healers practise.

considers the safeguarding of the intangible heritage as a common responsibility and as a source of enjoyment for all of humanity, and, besides that, as a factor in ensuring exchange and understanding, the safeguarding of such heritage should be done in a spirit of cooperation and mutual assistance.

REPRESENTATIVE LIST OF THE INTANGIBLE CULTURAL HERITAGE OF HUMANITY

Inspired by the success of the List created under the World Heritage Convention, and by that of the Proclamation of Masterpieces, the Convention establishes its Representative List. This List will have a major role in ensuring better visibility of the intangible cultural heritage, in increasing awareness of its significance and also in encouraging dialogue that respects cultural diversity.



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Criteria for selection for inscription on the Lists: The Convention refers to the future Intergovernmental Committee for the elaboration of these criteria. The raw material for these criteria can be found in the Convention's definition of ICH and elsewhere in the text of the Convention.

LIST OF INTANGIBLE HERITAGE IN NEED OF URGENT SAFEGUARDING

The Intergovernmental Committee shall also establish, keep up to date and publish a List of Intangible Heritage in Need of Urgent Safeguarding. The Committee, when drawing up the criteria for inscription on this List, will have to determine when an element of the intangible cultural heritage will be considered as "in need of urgent safeguarding" and under what conditions it can be inscribed on this List.

• *International Assistance*

The Convention foresees the possibility for States Parties to submit requests for international assistance for programmes and projects. The Intergovernmental Committee shall periodically select programmes, projects and activities for the safeguarding of the heritage that it considers best reflect the principles and objectives of the Convention. In doing so the Committee will take into account the special needs of developing countries.

FUND FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

In order to finance programmes, projects and other activities aiming at the safeguarding of

the intangible cultural heritage under this Convention, a Fund for the Safeguarding of the Intangible Cultural Heritage is established. The amount of the contribution that States Parties will undertake to pay to the Fund will be determined by the General Assembly, but shall not exceed 1 percent of the contribution of the State Party to the regular budget of UNESCO. A State may, however, declare, when it becomes a Party to the Convention, that it shall not be bound by Article 26.1 of the Convention, which regulates the regular contributions by States Parties to the Fund.

CONTRIBUTIONS

Voluntary supplementary contributions are encouraged in addition to the regular contributions of the States Parties. This type of contributions is expected to play a great role in the implementation of the Convention, as is the case for the 1972 World Heritage Convention.

Extrabudgetary contributions from various funding sources are an important support for UNESCO to create and implement, as well as strengthen and expand its activities and programmes. For the purpose of helping UNESCO in its efforts to preserve and promote the intangible cultural heritage of the world, agreements between UNESCO and several Member States (Italy, Japan, Norway, Republic of Korea) have already led to the creation of important special funds-in trust.



UNESCO PROGRAMMES IN THE FIELD OF INTANGIBLE CULTURAL HERITAGE

- ***Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity***

The programme of the *Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity* was created at the 29th session of UNESCO's General Conference. Two proclamations took place, in 2001 and 2003, and 47 Masterpieces have already been proclaimed by UNESCO. The next Proclamation will take place in November 2005. It will probably be the last Proclamation, as the 2003 Convention stipulates that after the entry into force of the Convention, no further Proclamations will take place. It also stipulates that the Intergovernmental Committee shall incorporate into the Representative List of the Convention the Masterpieces proclaimed before the entry into force of the Convention. The modalities for such incorporation are to be established by the Committee.

The Proclamation honours

- such popular and traditional expressions as the Oruro Carnival in Bolivia, the Vanuatu Sand Drawings, Japan's Nôgaku Theatre, the Mystery Play of Elche in Spain, and the Oral Traditions of the Aka Pygmies of Central Africa, to name but a few;
- cultural spaces, i.e. places where popular and traditional cultural activities take place in a concentrated manner (sites for story-telling, rituals, marketplaces, festivals etc.) or on a regular basis (daily rituals, annual processions).

The Proclamation's main objectives are

- to raise awareness and recognize the importance of the intangible heritage and the need to safeguard and revitalize it;
- to evaluate and take stock of the world's intangible heritage;



© Musée International du Carnaval et du Masque de Binche

The Carnival of Binche (Belgium)

Each year during the three days preceding the Lenten season, the historical town of Binche of about 32,000 inhabitants plays host to carnival festivities that mobilize the historic centre and attract throngs of foreign visitors. With roots going back to the Middle Ages, Binche's famed celebration ranks as one of Europe's oldest surviving street carnivals.

- to encourage countries to establish national inventories of the intangible heritage and provide legal and administrative measures for its protection;
- to promote the participation of traditional artists and local creators in identifying and revitalizing the intangible heritage. The Proclamation encourages governments, non-governmental organizations (NGOs) and local communities to identify, safeguard, revitalize and promote their intangible heritage. It also aims to encourage individuals, groups, institutions and organizations to contribute to its management, preservation, protection and promotion.

The Proclamation programme has successfully celebrated Masterpieces from all regions of the world in its endeavour to share, promote and highlight the diversity of the intangible cultural heritage of Humanity.



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• *Endangered Languages*

Languages are not just efficient and extremely elaborate instruments of communication, they are also vehicles of cultural expressions and values and as such they constitute a determining factor in the identity of groups and individuals.

Languages have always been developing and language split and merger might in many cases be called natural phenomena. However, the scale at which languages are disappearing nowadays appears to be unprecedented.

- Over 50% of the world's estimated 6800 languages are seriously endangered.
- Only a few hundred languages are not really endangered, or not endangered at all.
- 96% of the world's languages are spoken by 4% of the world's population.

A language is endangered when its speakers are using it in fewer and fewer communicative domains and/or are ceasing to pass it on from one generation to the next. Language endangerment may be the result of external developments and policies (whether military, economic, religious, cultural, or educational), or it may be caused by internal factors, such as a community's negative attitude towards its own language. Internal pressures often have their source in external ones, and both halt the intergenerational transmission of linguistic and cultural traditions.

Three priority lines of action guide UNESCO's activities for the safeguarding of endangered languages

- awareness-raising of language endangerment, and of the need to safeguard linguistic diversity;



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UNESCO's Beijing Office has been extending its assistance to the preservation and revitalization of endangered languages of selected ethnic minority groups in China, in partnership with the Chinese Academy of Social Sciences. Research has already been completed for Uygur, Anong, She, Manchu, Lakkia and Tujia languages. In 2005, research has focused on two more languages, Hezhen and Ersu. For each language, the project consists of field recording, transcription of daily discourse and support to the introduction of mother tongue education into the formal education system.

- local capacity-building for the safeguarding of endangered languages and promotion of appropriate language policies;
- mobilization of international cooperation.

When developing activities in this field, UNESCO is guided by the following texts

- the 2001 UNESCO Universal Declaration on Cultural Diversity;
- the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage;
- the "Language vitality and endangerment" paper adopted at the 2003 UNESCO international expert meeting in Paris on language endangerment.



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• *Traditional Music*

Music and dance are central in a great variety of contexts, be it as entertainment or as accompaniment to social activities, such as rituals, festive events, labour. Traditional music, dance and musical instruments and other related objects such as, for example, masques, are also carriers and expressions of values and identities.

UNESCO pays particular attention to

- awareness raising of the importance of traditional music and dance, and of the performing arts in general, and the need for their safeguarding;
- capacity building at local and national level for transmission, education and research in this field;
- international cooperation and partnerships.

A great number of safeguarding and promotional activities are supported by UNESCO, such as training workshops, scientific seminars, public celebrations and publications of traditional music. UNESCO has contributed significantly to the dissemination of traditional music recordings through the UNESCO Collection of Traditional Music of the World.

Ever since its launching in 1961 and with more than one hundred records, the UNESCO Collection of Traditional Music of the World has become the flagship of UNESCO's programme for the promotion of the world's musical heritage. For this, UNESCO closely collaborates with the International Council for Traditional Music (ICTM), an NGO which aims at furthering the study, practice, and documentation of traditional music and dance worldwide.

The records give an astonishing insight into all forms and genres of traditional music, such as traditional popular and classical music, sacred music, music of rural and urban origin, working songs, lullabies or music played on festive occasions.



© Diémory Kouyaté

The Cultural Space of Sosso-Bala in Nyagassola (Guinea)

Since the foundation of the old Malian empire in the thirteenth century, the Sosso-Bala, a sacred instrument, has been perceived as the symbol of the freedom and cohesion of the Mandingue people. The Balatigui or patriarch of the Dökala family, the guardian of the instrument, can only play the Sosso-Bala on certain occasions, such as the festival of the Muslim New Year and in certain burials. It is also the Balatigui who is responsible for teaching the balafoon to children from the age of seven upwards. The music of the Sosso-Bala, which accompanies epic poems of the African Middle Ages, essentially comprises hymns to the glory of the builders of the Mali empire, Soumaoro Kantè and Soundiata Keita.

The recordings were mostly made "in situ", in their original context of performance. They seek to present living musical traditions as a social act between performers and audience, thus providing communities with documentation of their living heritage and providing a source of invaluable inspiration for researchers and traditional music lovers.

In the future, UNESCO's activities in the field of traditional music and dance will to a large extent be determined by the 2003 Convention; the practice of the Masterpieces already has shown that many of the elements of the intangible cultural heritage that Member States wish to share with the world at large, or for which they ask international assistance, belong entirely or partly to the domain of traditional music and dance. This will be no different in the context of the implementation of the Convention.



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- *Living Human Treasures*

Living Human Treasures are persons who possess to a very high degree the knowledge and skills required for performing or re-creating specific elements of the intangible cultural heritage. Member States select such persons on the basis of the value of these elements as a testimony of the human creative genius, their roots in cultural and social traditions, their representative character for a given community, as well as their risk of disappearing.

The Living Human Treasures programme aims at encouraging Member States to grant official recognition to talented tradition bearers and practitioners, and at ensuring the transmission of their knowledge and skills to the younger generations.

The establishment of a national Living Human Treasures system requires the adoption of legal or regulatory provisions; the identification, in the form of inventory(ies), of elements of the intangible cultural heritage as well as their bearers; and the creation of a Commission of experts. This Commission will be responsible for recommending candidates and for monitoring the implementation of the system mainly with regard to the transmission of knowledge and skills.

For the creation of new systems in Member States, UNESCO may provide financial and/or technical assistance through its Participation Programme and extra-budgetary contributions by Member States, over and above the Organization's regular budgetary funding.

In order to facilitate the establishment of national Living Human Treasures systems, UNESCO proposes guidelines as well as presentations of some existing systems.

Two examples



© Alexis Lecomte/Ministère de la culture et de la communication de la France

Inspired by the system of National Living Treasures of Japan, the title of Master of Art was established in **France** in 1994 and the Art Crafts Council was created in the same year, in order to protect and develop rare and exceptional know-how held by professionals of the art crafts in the private sector. The Masters of Art are selected every two years among the presented candidatures and in accordance with certain criteria.

Once designated, the Masters of Art are invested with the task to transmit their know-how to an apprentice over a period of three years. The Ministry of Culture and Communication provides the Masters of Art with a yearly allocation during the said period.

In 1992, the **Philippines** institutionalised the title of National Living Treasure and created the National Commission for Culture and the Arts. The title is given to promote and safeguard traditional knowledge and skills in such domains as vernacular architecture, weaving, carving, performing arts, literature, graphic and plastic arts, ornament, textile or fibre art and pottery. The awardees are selected on the proposal of a Committee in accordance with criteria and qualifications.

The National Living Treasures are obliged to transmit their knowledge and skills to the younger generations through apprenticeship or other training methods. They receive a commemorative plaque and/or medal, an initial grant as well as a life-long monthly grant to enable them to fulfil their responsibilities.



INTANGIBLE AND TANGIBLE CULTURAL HERITAGE

The interdependence, as well as the differences between tangible and intangible cultural heritage, and between the approaches for their safeguarding, have been on the agenda ever since the adoption of the 2003 Convention. A special conference in Nara (Japan) has been

devoted to this question in October 2004. The main result of that conference was the so-called Yamato Declaration on Integrated Approaches for Safeguarding Tangible and Intangible Cultural Heritage, which is printed out here in its full length.

**Yamato Declaration on Integrated Approaches
for Safeguarding Tangible and Intangible Cultural Heritage**

We, the experts assembled in Nara, Japan,

1. express our gratitude to the Japanese organisers and UNESCO for providing a forum to discuss integrated approaches for safeguarding tangible and intangible cultural heritage, and
2. taking into account
 - the International Charter for the Conservation and Restoration of Monuments and Sites (the 1964 Venice Charter),
 - the Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO World Heritage Convention, hereinafter called "the 1972 Convention"),
 - the definition of "Cultural Landscape" established by the World Heritage Committee (1992),
 - the Nara Document on Authenticity (1994);
3. further taking into account
 - the Recommendation on the Safeguarding of Traditional Culture and Folklore (1989),
 - the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity (1997),
 - the Convention for the Safeguarding of the Intangible Cultural Heritage (hereinafter called "the 2003 Convention");
4. recognising that safeguarding intangible cultural heritage is as important as protecting tangible cultural and natural heritage, and that the world community has come to realise that intangible cultural heritage has to be considered and safeguarded in its own right;
5. recalling the definitions of cultural and natural heritage in the 1972 Convention;
6. further recalling that intangible cultural heritage is defined in the 2003 Convention as "the 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 [... and that ...] this intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity";
7. considering that the Nara Document marked an epoch in the conservation of heritage, emphasizing that interpretations of authenticity and their application should be attempted within the specific cultural context;



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8. further considering that intangible cultural heritage is constantly recreated, the term “authenticity” as applied to tangible cultural heritage is not relevant when identifying and safeguarding intangible cultural heritage;

9. realising that the elements of the tangible and intangible heritage of communities and groups are often interdependent;

10. further considering that there are countless examples of intangible cultural heritage that do not depend for their existence or expression on specific places or objects, and that the values associated with monuments and sites are not considered intangible cultural heritage as defined under the 2003 Convention when they belong to the past and not to the living heritage of present-day communities;

11. taking into account the interdependence, as well as the differences between tangible and intangible cultural heritage, and between the approaches for their safeguarding, we deem it appropriate that, wherever possible, integrated approaches be elaborated to the effect that the safeguarding of the tangible and intangible heritage of communities and groups is consistent and mutually beneficial and reinforcing;

and we call upon

12. national authorities, international, governmental and non-governmental organisations, and individuals actively engaging in safeguarding cultural heritage to explore and support investigations of strategies and procedures to integrate the safeguarding of tangible and intangible heritage, and to always do so in close collaboration and agreement with the communities and groups concerned;

13. UNESCO to adopt and implement in its programmes and projects, where appropriate, an inclusive and integrated vision of heritage, to support capacity building and to provide guidelines for best practices in the spirit of this Declaration;

14. national authorities and all other stakeholders to take concrete measures for raising awareness of the importance of safeguarding heritage, especially through formal and non-formal education, and for ensuring active local participation in this regard;

15. all stakeholders to take advantage of new information and communication technology in implementing programmes and projects integrating the safeguarding of tangible and intangible heritage;

16. all stakeholders to promote economically rewarding heritage-related activities without compromising the integrity of communities and the viability of their heritage;

17. Member States of UNESCO to ratify at their earliest convenience the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted by the General Conference of UNESCO in October 2003.

Nara, Japan,

International Conference on the Safeguarding of Tangible and Intangible Cultural Heritage: Towards an Integrated Approach, 20-23 October 2004.



FUTURE ACTIONS

UNESCO is carrying out an important number of activities for preparing the implementation of the Convention and its promotion. Experts meetings were already organized on (i) intangible cultural heritage and museums, (ii) intangible cultural heritage and gender, on (iii) ethnomusicology and on (iv) inventorying intangible cultural heritage. More meetings are planned on the following subjects: (v) selection criteria for inscriptions in Lists, (vi) documentation and archiving of the intangible cultural heritage, (vii) management of this heritage and community involvement, (viii) intangible cultural heritage and its relation to tourism and development.

At the same time, the preparation of a number of thematic manuals that deal with the safeguarding of specific domains, like Oral Expressions, Rituals, Music and Dance, and other performing arts is under its way. The information collected during the meetings will be used when preparing first drafts of the documents that will be discussed and approved by the General Assembly, and prepared by the Intergovernmental Committee.

The Secretariat will go on promoting the Convention in order to achieve early universality; fifty States Parties is the target for the end of 2007. When that number will have been reached, the number of States Members of the Intergovernmental Committee will be raised to 24.

Member States which are not parties to the Convention will, continue to receive support from UNESCO in the framework of its programmes for the Safeguarding of the Intangible Heritage.

For further information:

Website:

<http://www.unesco.org/culture/heritage/intangible>
Intangible Heritage Section
Division of Cultural Heritage
Culture Sector, UNESCO



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The Carnival of Barranquilla (Colombia)

The Colombian city of Barranquilla possesses a remarkably rich and diverse cultural heritage. Indigenous, African, and European traditions permeate numerous aspects of the Carnival, particularly its dances, musical genres, and folk instruments. Groups of dancers, actors, singers, and instrumentalists in extravagant masquerade delight crowds with theatrical and musical performances based on historical and current events.

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

Paris, 17 October 2003

CONVENTION FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE

The General Conference of the United Nations Educational, Scientific and Cultural Organization hereinafter referred to as UNESCO, meeting in Paris, from 29 September to 17 October 2003, at its 32nd session,

Referring to existing international human rights instruments, in particular to the Universal Declaration on Human Rights of 1948, the International Covenant on Economic, Social and Cultural Rights of 1966, and the International Covenant on Civil and Political Rights of 1966,

Considering the importance of the intangible cultural heritage as a mainspring of cultural diversity and a guarantee of sustainable development, as underscored in the UNESCO Recommendation on the Safeguarding of Traditional Culture and Folklore of 1989, in the UNESCO Universal Declaration on Cultural Diversity of 2001, and in the Istanbul Declaration of 2002 adopted by the Third Round Table of Ministers of Culture,

Considering the deep-seated interdependence between the intangible cultural heritage and the tangible cultural and natural heritage,

Recognizing that the processes of globalization and social transformation, alongside the conditions they create for renewed dialogue among communities, also give rise, as does the phenomenon of intolerance, to grave threats of deterioration, disappearance and destruction of the intangible cultural heritage, in particular owing to a lack of resources for safeguarding such heritage,

Being aware of the universal will and the common concern to safeguard the intangible cultural heritage of humanity,

Recognizing that communities, in particular indigenous communities, groups and, in some cases, individuals, play an important role in the production, safeguarding, maintenance and re-creation of the intangible cultural heritage, thus helping to enrich cultural diversity and human creativity,

Noting the far-reaching impact of the activities of UNESCO in establishing normative instruments for the protection of the cultural heritage, in particular the Convention for the Protection of the World Cultural and Natural Heritage of 1972,

Noting further that no binding multilateral instrument as yet exists for the safeguarding of the intangible cultural heritage,

Considering that existing international agreements, recommendations and resolutions concerning the cultural and natural heritage need to be effectively enriched and supplemented by means of new provisions relating to the intangible cultural heritage,

Considering the need to build greater awareness, especially among the younger generations, of the importance of the intangible cultural heritage and of its safeguarding,

Considering that the international community should contribute, together with the States Parties to this Convention, to the safeguarding of such heritage in a spirit of cooperation and mutual assistance,

Recalling UNESCO's programmes relating to the intangible cultural heritage, in particular the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity,

Considering the invaluable role of the intangible cultural heritage as a factor in bringing human beings closer together and ensuring exchange and understanding among them,

Adopts this Convention on this seventeenth day of October 2003.

I. General provisions

Article 1 – Purposes of the Convention

The purposes of this Convention are:

- (a) to safeguard the intangible cultural heritage;
- (b) to ensure respect for the intangible cultural heritage of the communities, groups and individuals concerned;
- (c) to raise awareness at the local, national and international levels of the importance of the intangible cultural heritage, and of ensuring mutual appreciation thereof;
- (d) to provide for international cooperation and assistance.

Article 2 – Definitions

For the purposes of this Convention,

1. The “intangible cultural heritage” means the 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. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

2. The “intangible cultural heritage”, as defined in paragraph 1 above, is manifested *inter alia* in the following domains:

- (a) oral traditions and expressions, including language as a vehicle of the intangible cultural heritage;
- (b) performing arts;
- (c) social practices, rituals and festive events;
- (d) knowledge and practices concerning nature and the universe;
- (e) traditional craftsmanship.

3. “Safeguarding” means measures aimed at ensuring the viability of the intangible cultural heritage, including the identification, documentation, research, preservation, protection, promotion, enhancement, transmission, particularly through formal and non-formal education, as well as the revitalization of the various aspects of such heritage.

4. “States Parties” means States which are bound by this Convention and among which this Convention is in force.

5. This Convention applies *mutatis mutandis* to the territories referred to in Article 33 which become Parties to this Convention in accordance with the conditions set out in that Article. To that extent the expression “States Parties” also refers to such territories.

Article 3 – Relationship to other international instruments

Nothing in this Convention may be interpreted as:

- (a) altering the status or diminishing the level of protection under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage of World Heritage properties with which an item of the intangible cultural heritage is directly associated; or
- (b) affecting the rights and obligations of States Parties deriving from any international instrument relating to intellectual property rights or to the use of biological and ecological resources to which they are parties.

II. Organs of the Convention

Article 4 – General Assembly of the States Parties

1. A General Assembly of the States Parties is hereby established, hereinafter referred to as “the General Assembly”. The General Assembly is the sovereign body of this Convention.

2. The General Assembly shall meet in ordinary session every two years. It may meet in extraordinary session if it so decides or at the request either of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage or of at least one-third of the States Parties.

3. The General Assembly shall adopt its own Rules of Procedure.

Article 5 – Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage

1. An Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage, hereinafter referred to as “the Committee”, is hereby established within UNESCO. It shall be composed of representatives of 18 States Parties, elected by the States Parties meeting in General Assembly, once this Convention enters into force in accordance with Article 34.

2. The number of States Members of the Committee shall be increased to 24 once the number of the States Parties to the Convention reaches 50.

Article 6 – Election and terms of office of States Members of the Committee

1. The election of States Members of the Committee shall obey the principles of equitable geographical representation and rotation.
2. States Members of the Committee shall be elected for a term of four years by States Parties to the Convention meeting in General Assembly.
3. However, the term of office of half of the States Members of the Committee elected at the first election is limited to two years. These States shall be chosen by lot at the first election.
4. Every two years, the General Assembly shall renew half of the States Members of the Committee.
5. It shall also elect as many States Members of the Committee as required to fill vacancies.
6. A State Member of the Committee may not be elected for two consecutive terms.
7. States Members of the Committee shall choose as their representatives persons who are qualified in the various fields of the intangible cultural heritage.

Article 7 – Functions of the Committee

Without prejudice to other prerogatives granted to it by this Convention, the functions of the Committee shall be to:

- (a) promote the objectives of the Convention, and to encourage and monitor the implementation thereof;
- (b) provide guidance on best practices and make recommendations on measures for the safeguarding of the intangible cultural heritage;
- (c) prepare and submit to the General Assembly for approval a draft plan for the use of the resources of the Fund, in accordance with Article 25;
- (d) seek means of increasing its resources, and to take the necessary measures to this end, in accordance with Article 25;
- (e) prepare and submit to the General Assembly for approval operational directives for the implementation of this Convention;
- (f) examine, in accordance with Article 29, the reports submitted by States Parties, and to summarize them for the General Assembly;
- (g) examine requests submitted by States Parties, and to decide thereon, in accordance with objective selection criteria to be established by the Committee and approved by the General Assembly for:

- (i) inscription on the lists and proposals mentioned under Articles 16, 17 and 18;
- (ii) the granting of international assistance in accordance with Article 22.

Article 8 – Working methods of the Committee

1. The Committee shall be answerable to the General Assembly. It shall report to it on all its activities and decisions.
2. The Committee shall adopt its own Rules of Procedure by a two-thirds majority of its Members.
3. The Committee may establish, on a temporary basis, whatever ad hoc consultative bodies it deems necessary to carry out its task.
4. The Committee may invite to its meetings any public or private bodies, as well as private persons, with recognized competence in the various fields of the intangible cultural heritage, in order to consult them on specific matters.

Article 9 – Accreditation of advisory organizations

1. The Committee shall propose to the General Assembly the accreditation of non-governmental organizations with recognized competence in the field of the intangible cultural heritage to act in an advisory capacity to the Committee.
2. The Committee shall also propose to the General Assembly the criteria for and modalities of such accreditation.

Article 10 – The Secretariat

1. The Committee shall be assisted by the UNESCO Secretariat.
2. The Secretariat shall prepare the documentation of the General Assembly and of the Committee, as well as the draft agenda of their meetings, and shall ensure the implementation of their decisions.

III. Safeguarding of the intangible cultural heritage at the national level

Article 11 – Role of States Parties

Each State Party shall:

- (a) take the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory;
- (b) among the safeguarding measures referred to in Article 2, paragraph 3, identify and define the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant non-governmental organizations.

Article 12 – Inventories

1. To ensure identification with a view to safeguarding, each State Party shall draw up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory. These inventories shall be regularly updated.
2. When each State Party periodically submits its report to the Committee, in accordance with Article 29, it shall provide relevant information on such inventories.

Article 13 – Other measures for safeguarding

To ensure the safeguarding, development and promotion of the intangible cultural heritage present in its territory, each State Party shall endeavour to:

- (a) adopt a general policy aimed at promoting the function of the intangible cultural heritage in society, and at integrating the safeguarding of such heritage into planning programmes;
- (b) designate or establish one or more competent bodies for the safeguarding of the intangible cultural heritage present in its territory;
- (c) foster scientific, technical and artistic studies, as well as research methodologies, with a view to effective safeguarding of the intangible cultural heritage, in particular the intangible cultural heritage in danger;
- (d) adopt appropriate legal, technical, administrative and financial measures aimed at:
 - (i) fostering the creation or strengthening of institutions for training in the management of the intangible cultural heritage and the transmission of such heritage through forums and spaces intended for the performance or expression thereof;
 - (ii) ensuring access to the intangible cultural heritage while respecting customary practices governing access to specific aspects of such heritage;
 - (iii) establishing documentation institutions for the intangible cultural heritage and facilitating access to them.

Article 14 – Education, awareness-raising and capacity-building

Each State Party shall endeavour, by all appropriate means, to:

- (a) ensure recognition of, respect for, and enhancement of the intangible cultural heritage in society, in particular through:
 - (i) educational, awareness-raising and information programmes, aimed at the general public, in particular young people;
 - (ii) specific educational and training programmes within the communities and groups concerned;

- (iii) capacity-building activities for the safeguarding of the intangible cultural heritage, in particular management and scientific research; and
- (iv) non-formal means of transmitting knowledge;
- (b) keep the public informed of the dangers threatening such heritage, and of the activities carried out in pursuance of this Convention;
- (c) promote education for the protection of natural spaces and places of memory whose existence is necessary for expressing the intangible cultural heritage.

Article 15 – Participation of communities, groups and individuals

Within the framework of its safeguarding activities of the intangible cultural heritage, each State Party shall endeavour to ensure the widest possible participation of communities, groups and, where appropriate, individuals that create, maintain and transmit such heritage, and to involve them actively in its management.

IV. Safeguarding of the intangible cultural heritage at the international level

Article 16 – Representative List of the Intangible Cultural Heritage of Humanity

1. In order to ensure better visibility of the intangible cultural heritage and awareness of its significance, and to encourage dialogue which respects cultural diversity, the Committee, upon the proposal of the States Parties concerned, shall establish, keep up to date and publish a Representative List of the Intangible Cultural Heritage of Humanity.
2. The Committee shall draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of this Representative List.

Article 17 – List of Intangible Cultural Heritage in Need of Urgent Safeguarding

1. With a view to taking appropriate safeguarding measures, the Committee shall establish, keep up to date and publish a List of Intangible Cultural Heritage in Need of Urgent Safeguarding, and shall inscribe such heritage on the List at the request of the State Party concerned.
2. The Committee shall draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of this List.
3. In cases of extreme urgency – the objective criteria of which shall be approved by the General Assembly upon the proposal of the Committee – the Committee may inscribe an item of the heritage concerned on the List mentioned in paragraph 1, in consultation with the State Party concerned.

Article 18 – Programmes, projects and activities for the safeguarding of the intangible cultural heritage

1. On the basis of proposals submitted by States Parties, and in accordance with criteria to be defined by the Committee and approved by the General Assembly, the Committee shall periodically select and promote national, subregional and regional programmes, projects and

activities for the safeguarding of the heritage which it considers best reflect the principles and objectives of this Convention, taking into account the special needs of developing countries.

2. To this end, it shall receive, examine and approve requests for international assistance from States Parties for the preparation of such proposals.

3. The Committee shall accompany the implementation of such projects, programmes and activities by disseminating best practices using means to be determined by it.

V. International cooperation and assistance

Article 19 – Cooperation

1. For the purposes of this Convention, international cooperation includes, inter alia, the exchange of information and experience, joint initiatives, and the establishment of a mechanism of assistance to States Parties in their efforts to safeguard the intangible cultural heritage.

2. Without prejudice to the provisions of their national legislation and customary law and practices, the States Parties recognize that the safeguarding of intangible cultural heritage is of general interest to humanity, and to that end undertake to cooperate at the bilateral, subregional, regional and international levels.

Article 20 – Purposes of international assistance

International assistance may be granted for the following purposes:

- (a) the safeguarding of the heritage inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding;
- (b) the preparation of inventories in the sense of Articles 11 and 12;
- (c) support for programmes, projects and activities carried out at the national, subregional and regional levels aimed at the safeguarding of the intangible cultural heritage;
- (d) any other purpose the Committee may deem necessary.

Article 21 – Forms of international assistance

The assistance granted by the Committee to a State Party shall be governed by the operational directives foreseen in Article 7 and by the agreement referred to in Article 24, and may take the following forms:

- (a) studies concerning various aspects of safeguarding;
- (b) the provision of experts and practitioners;
- (c) the training of all necessary staff;
- (d) the elaboration of standard-setting and other measures;

- (e) the creation and operation of infrastructures;
- (f) the supply of equipment and know-how;
- (g) other forms of financial and technical assistance, including, where appropriate, the granting of low-interest loans and donations.

Article 22 – Conditions governing international assistance

1. The Committee shall establish the procedure for examining requests for international assistance, and shall specify what information shall be included in the requests, such as the measures envisaged and the interventions required, together with an assessment of their cost.
2. In emergencies, requests for assistance shall be examined by the Committee as a matter of priority.
3. In order to reach a decision, the Committee shall undertake such studies and consultations as it deems necessary.

Article 23 – Requests for international assistance

1. Each State Party may submit to the Committee a request for international assistance for the safeguarding of the intangible cultural heritage present in its territory.
2. Such a request may also be jointly submitted by two or more States Parties.
3. The request shall include the information stipulated in Article 22, paragraph 1, together with the necessary documentation.

Article 24 – Role of beneficiary States Parties

1. In conformity with the provisions of this Convention, the international assistance granted shall be regulated by means of an agreement between the beneficiary State Party and the Committee.
2. As a general rule, the beneficiary State Party shall, within the limits of its resources, share the cost of the safeguarding measures for which international assistance is provided.
3. The beneficiary State Party shall submit to the Committee a report on the use made of the assistance provided for the safeguarding of the intangible cultural heritage.

VI. Intangible Cultural Heritage Fund

Article 25 – Nature and resources of the Fund

1. A “Fund for the Safeguarding of the Intangible Cultural Heritage”, hereinafter referred to as “the Fund”, is hereby established.
2. The Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO.

3. The resources of the Fund shall consist of:
 - (a) contributions made by States Parties;
 - (b) funds appropriated for this purpose by the General Conference of UNESCO;
 - (c) contributions, gifts or bequests which may be made by:
 - (i) other States;
 - (ii) organizations and programmes of the United Nations system, particularly the United Nations Development Programme, as well as other international organizations;
 - (iii) public or private bodies or individuals;
 - (d) any interest due on the resources of the Fund;
 - (e) funds raised through collections, and receipts from events organized for the benefit of the Fund;
 - (f) any other resources authorized by the Fund's regulations, to be drawn up by the Committee.
4. The use of resources by the Committee shall be decided on the basis of guidelines laid down by the General Assembly.
5. The Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that those projects have been approved by the Committee.
6. No political, economic or other conditions which are incompatible with the objectives of this Convention may be attached to contributions made to the Fund.

Article 26 – Contributions of States Parties to the Fund

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay into the Fund, at least every two years, a contribution, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly. This decision of the General Assembly shall be taken by a majority of the States Parties present and voting which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the contribution of the State Party exceed 1% of its contribution to the regular budget of UNESCO.
2. However, each State referred to in Article 32 or in Article 33 of this Convention may declare, at the time of the deposit of its instruments of ratification, acceptance, approval or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.
3. A State Party to this Convention which has made the declaration referred to in paragraph 2 of this Article shall endeavour to withdraw the said declaration by notifying the Director-General of UNESCO. However, the withdrawal of the declaration shall not take

effect in regard to the contribution due by the State until the date on which the subsequent session of the General Assembly opens.

4. In order to enable the Committee to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article shall be paid on a regular basis, at least every two years, and should be as close as possible to the contributions they would have owed if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to this Convention which is in arrears with the payment of its compulsory or voluntary contribution for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the Committee; this provision shall not apply to the first election. The term of office of any such State which is already a Member of the Committee shall come to an end at the time of the elections provided for in Article 6 of this Convention.

Article 27 – Voluntary supplementary contributions to the Fund

States Parties wishing to provide voluntary contributions in addition to those foreseen under Article 26 shall inform the Committee, as soon as possible, so as to enable it to plan its operations accordingly.

Article 28 – International fund-raising campaigns

The States Parties shall, insofar as is possible, lend their support to international fund-raising campaigns organized for the benefit of the Fund under the auspices of UNESCO.

VII. Reports

Article 29 – Reports by the States Parties

The States Parties shall submit to the Committee, observing the forms and periodicity to be defined by the Committee, reports on the legislative, regulatory and other measures taken for the implementation of this Convention.

Article 30 – Reports by the Committee

1. On the basis of its activities and the reports by States Parties referred to in Article 29, the Committee shall submit a report to the General Assembly at each of its sessions.
2. The report shall be brought to the attention of the General Conference of UNESCO.

VIII. Transitional clause

Article 31 – Relationship to the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity

1. The Committee shall incorporate in the Representative List of the Intangible Cultural Heritage of Humanity the items proclaimed “Masterpieces of the Oral and Intangible Heritage of Humanity” before the entry into force of this Convention.

2. The incorporation of these items in the Representative List of the Intangible Cultural Heritage of Humanity shall in no way prejudice the criteria for future inscriptions decided upon in accordance with Article 16, paragraph 2.
3. No further Proclamation will be made after the entry into force of this Convention.

IX. Final clauses

Article 32 – Ratification, acceptance or approval

1. This Convention shall be subject to ratification, acceptance or approval by States Members of UNESCO in accordance with their respective constitutional procedures.
2. The instruments of ratification, acceptance or approval shall be deposited with the Director-General of UNESCO.

Article 33 – Accession

1. This Convention shall be open to accession by all States not Members of UNESCO that are invited by the General Conference of UNESCO to accede to it.
2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.
3. The instrument of accession shall be deposited with the Director-General of UNESCO.

Article 34 – Entry into force

This Convention shall enter into force three months after the date of the deposit of the thirtieth instrument of ratification, acceptance, approval or accession, but only with respect to those States that have deposited their respective instruments of ratification, acceptance, approval, or accession on or before that date. It shall enter into force with respect to any other State Party three months after the deposit of its instrument of ratification, acceptance, approval or accession.

Article 35 – Federal or non-unitary constitutional systems

The following provisions shall apply to States Parties which have a federal or non-unitary constitutional system:

- (a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;
- (b) with regard to the provisions of this Convention, the implementation of which comes under the jurisdiction of individual constituent States, countries, provinces or cantons which are not obliged by the constitutional system of the federation to

take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 36 – Denunciation

1. Each State Party may denounce this Convention.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of UNESCO.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the denouncing State Party until the date on which the withdrawal takes effect.

Article 37 – Depositary functions

The Director-General of UNESCO, as the Depositary of this Convention, shall inform the States Members of the Organization, the States not Members of the Organization referred to in Article 33, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 32 and 33, and of the denunciations provided for in Article 36.

Article 38 – Amendments

1. A State Party may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Director-General shall present such proposal to the next session of the General Assembly for discussion and possible adoption.
2. Amendments shall be adopted by a two-thirds majority of States Parties present and voting.
3. Once adopted, amendments to this Convention shall be submitted for ratification, acceptance, approval or accession to the States Parties.
4. Amendments shall enter into force, but solely with respect to the States Parties that have ratified, accepted, approved or acceded to them, three months after the deposit of the instruments referred to in paragraph 3 of this Article by two-thirds of the States Parties. Thereafter, for each State Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that State Party of its instrument of ratification, acceptance, approval or accession.
5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to Article 5 concerning the number of States Members of the Committee. These amendments shall enter into force at the time they are adopted.

6. A State which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered:

- (a) as a Party to this Convention as so amended; and
- (b) as a Party to the unamended Convention in relation to any State Party not bound by the amendments.

Article 39 – Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, the six texts being equally authoritative.

Article 40 – Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.