



International Safeguarding of Intangible Cultural Heritage under the 2003 UNESCO Convention

Seong-Yong Park
Assistant Director, ICHCAP

1. Introduction

The Culture Subcommittee of UNESCO recommended adopting the Convention for the Safeguarding of the Intangible Cultural Heritage as a UNESCO convention at the UNESCO General Conference in October 2003. The Convention adopted with 120 votes in favour, 20 abstentions, and none against on 17 October.

On 15 March 2004, Algeria became the first country to submit the instruments of ratification. Korea joined the Convention as the eleventh state, following Lithuania and Belarus on 9 February 2005. Rumania was the thirtieth state to ratify the instrument, and three months on 20 April 2006 later, under the Convention's transitional clause, the Convention went into effect

Among the 159 UNESCO Member States, 146 joined the Convention as of 16 October 2012. By block, the States Parties to the Convention are made up as follows: 17 states in Western Europe (Group1), 24 states in Eastern Europe (Group2), 27 states in Latin America (Group3), 27 states in Asia and the Pacific (Group4), 35 states in Africa (Group 5-a), 16 states in the Middle East (Group5-b).

Since North Korea joined the Convention on 21 November 2008 as the 105th state, all five states in North-East Asian sub-region are States Parties to the Convention, including China (2 December 2004 as the sixth), Japan(15 June 2004 as the third), Mongolia (29 June 2005 as the sixteenth).

Generally, a convention is considered a contract among the state signatories. Therefore, it is an inter-governmental regulation that has the force of an international law among the member states. In this regard, the member states of the UNESCO 2003

Convention possess the rights and the obligations related to implementing the Convention.

In this paper, I would like to contemplate the Member States' responsibilities in relation to ICH safeguarding by understanding the Convention, especially the international safeguarding efforts regarding the ICH inventories.

2. Structure of the UNESCO Convention for the Safeguarding of ICH

The Convention consists of the introduction and a nine-part body. The first two parts are the definitions (part 1) of the notions in the Convention and the operating organisation (part 2), the last two bodies are the transitional clause (part 8) and the termination provisions (part 9), and the other five parts are the actual contents of the Convention.

Articles 1 through 3 make up the first part, and they articulate the purpose of the Convention, definition of the terms, and the relationship to other conventions. The first part also states the definition and the scope of ICH and lists safeguarding methods.

The second part is made up of articles 4 through 10, which describe the organs of the Convention: General Assembly of the Convention, Intergovernmental Committee for the Convention, Advisory Organisations, and the Secretariat.

Articles 11 to 15 make up the third part, and they require Member States to make at least one ICH inventory. Other than submitting the periodical reports, making a national inventory is the only obligation of Member States. This third part also states other safeguarding measures related to education, raising awareness, and building capacity.

The fourth part, Articles 16 through 18, describes international ICH safeguarding. Articles 16 and 17 are about the Representative List of the Intangible Cultural Heritage of Humanity and the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, respectively. Article 18 is about the Programmes, projects, and activities for ICH safeguarding. In a nutshell, international ICH safeguarding refers to inscribing ICH on the UNESCO lists.

Making up part five are Articles 19 through 24, which detail matters related to international cooperation and assistance. These articles list the purpose, forms, and conditions governing requests for international assistance and the roles of beneficiary States Parties.

Articles 25 through 28, which make up part six, articulate the nature and resources of the ICH Fund, including contributions by States Parties to the Fund as well as voluntary supplementary contributions and international fundraising campaigns.

Part seven succinctly describes in Articles 29 and 30 the periodical reports of States Parties as well as the reports by the Committee.

Part eight is made up of just one article, but an important one. Article 31 deals with incorporating the ninety items proclaimed as "Masterpieces of the Oral and Intangible Heritage of Humanity" in the Representative List before the Convention enters

into force. Adopting the Convention also meant abolishing the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity, so devising a plan for handling the elements on the Masterpieces list, especially the elements of non-States Parties to the Convention, was a big task for the Convention.

Part nine closes out the Convention with Articles 32 through 40. This part includes information about ratifications, acceptance, or approval; and accession of the Convention; entry of the force; denunciation; and other matters.

3. International ICH Safeguarding and Registration for the Lists

As examined in the structure of the Convention, the core of the Convention is about the international action for ICH safeguarding. In this chapter, the international safeguarding measures will be examined in more detail.

As mentioned, international safeguarding measures can be categorised as follows. The first is to establish, maintain, and publish the Representative List. The second is to establish, update, and publish the List of ICH in Need of Urgent Safeguarding. The third is to select and promote the programmes, projects, and activities for safeguarding ICH.

Regarding the Representative List, Article 16 says, “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.” Also, the Convention says, “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.”

Regarding the List of ICH in Need of Urgent Safeguarding, Article 17 says “With a view to taking appropriate safeguarding measures, the Committee shall establish, keep up the date and publish a List of Intangible Cultural Heritage in Need of Urgent Safeguarding, and shall inscribe such heritage on the List of the request of the State Party concerned.” Also, the Convention says, “The Committee shall draw up and submit to the General Assembly for approval the criteria for the establishment, updating and publication of the List”. In addition, the Convention mentions that in cases of extreme urgency, the Committee may inscribe the heritage item in concern on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding.

Regarding the programmes, projects, and activities for safeguarding ICH, Article 18 says, “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, sub-regional 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.” For this, the Convention mentions, “To this end, it shall receive, examine and approve requests for international assistance from States Parties for the preparation of such proposals.” Also, it says, “The Committee shall accompany the implementation of such projects, programmes and activities by disseminating best practices using means to be determined by it.

4. Procedure of Nomination Files to the ICH Lists

As examined above, international ICH safeguarding can be summarised into nominating ICH elements to the lists as well as proposing programmes, projects, and activities. For these activities to take place under the authority of the Intergovernmental Committee, the Intergovernmental Committee was created at the first General Conference held in June 2006 and it created the Operational Directives, which were adopted by the General Assembly of the States Parties to the Convention at its second session in June 2008. In this paper, I would like to explain the procedure for nominating files to the ICH lists and mention the amendments made to the Operational Directives in June 2012.

(1) Submission of files

The submission process begins with preparing the nomination files. A different form is used for nominations to the Urgent Safeguarding List and the Representative List and for proposals to the Register of Best Practices respectively. Submitting States Parties shall involve all communities, groups, and individuals concerned in the preparation of their files. In addition, States Parties may request preparatory assistance for developing nomination files for the Urgent Safeguarding List and proposals for programmes, projects, and activities.

(2) Examination of files

The examination includes assessing whether the nominations and proposals meet up with the required criteria.

First, a consultative body of the Committee examines nominations to the Urgent Safeguarding List and proposals for the Register of Best Practices. The consultative body submits to the Committee an examination report that includes a recommendation on whether to inscribe the nominated element and whether to select the proposal. The consultative body shall be established in accordance with Article 8.3 of the Convention. The Committee selects six independent experts and six accredited NGOs by considering equitable geographical representation and various domains of ICH. The term duration members of the consultative body shall not exceed 24 months.

Second, a subsidiary body of the Committee established according to Rule 21 of the Rules of Procedure, which stipulates that the subsidiary body may only be composed of States Members of the Committee, examines nominations for inscription on the Representative List. The Committee, through its subsidiary body, shall examine

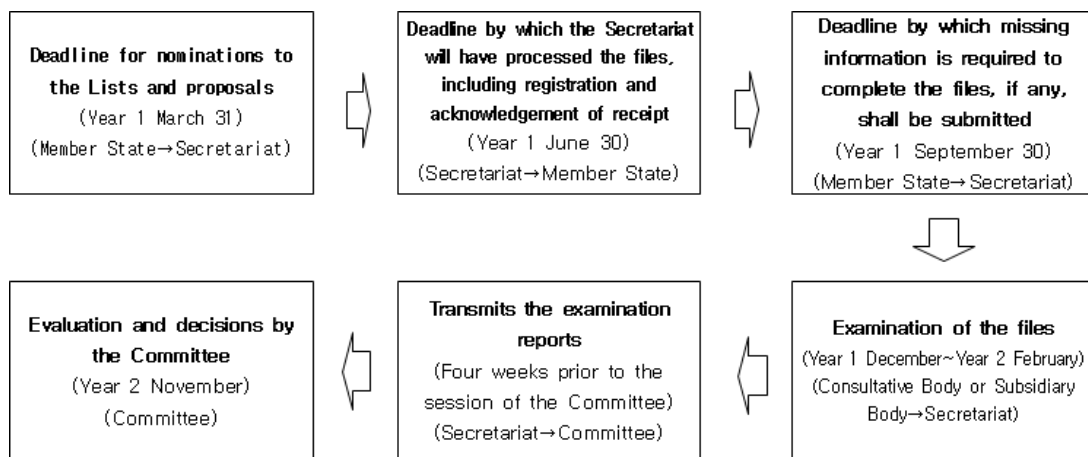
nominations annually in accordance with the resources available and their ability to do so. The subsidiary body shall submit to the Committee an examination report that includes a recommendation on whether to inscribe the nominated element on the Representative List and whether the nomination should be referred to the submitting state for additional information.

At the end of the examination process, the Secretariat will transmit to the Committee an overview of all nominations and proposals including summaries and examination reports. The files and examination reports will also be made available to States Parties for their consultation.

(3) Evaluation of files by the Committee

The Committee shall make decisions on inscribing a nominated element to the lists and selecting a proposal for the Register of Best Practices. For the Representative List, the element can be referred to the submitting State for additional information. The submitting State may resubmit a nomination file to the Committee for re-evaluation. When the Committee decides that a nominated element(s) should not be inscribed on the Representative List, that element cannot be resubmitted for consideration for at least four years.

The revised deadline for each stage is available in the following.



5. Registration status of the ICH list

(1) Incorporating the elements formerly proclaimed Masterpieces

Regarding the lists of the Convention, the first task was to incorporate the ninety elements that were formerly proclaimed Masterpieces into the Representative List. The Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity was the UNESCO programme adopted for safeguarding and promoting ICH, but it was abolished after the Convention went into effect. However, the Masterpiece programme became the foundation for the international ICH safeguarding.

More than a hundred states participated in the Masterpiece programme, more than 150 nomination forms were submitted, and a total of ninety cultural expressions and spaces from seventy states were selected as the Masterpieces in 2001, 2003, and 2005.

In the first Proclamation of Masterpieces, nineteen masterpieces among the thirty-two elements were selected in May 2001, twenty-eight masterpieces among the fifty-six elements were selected in November 2003, and forty-three masterpieces among sixty-four elements were selected in November 2005.

Looking through the selected masterpieces by region, fourteen are from Africa, eight from the Middle East, thirty from Asia-Pacific, twenty-one from Europe, and seventeen from Latin America and Caribbean.

The ninety elements were finally incorporated into the Representative List after much meandering over the legal issues on the elements of non-States Parties of the Convention.

Three elements of Korea, including Royal Ancestral Ritual in the Jongmyo Shrine and its Music (2001), Pansori Epic Chant (2003), and Gangneung Danoje Festival (2005) were also incorporated and registered to the Representative List of Humanity.

2) Registration to the ICH Lists

The 2003 Convention consists of the General Assembly (held every two years) of the States Parties and the Intergovernmental Committee for the Safeguarding of the ICH (held every year), and the registration process for the Lists and the Programmes are deliberated and decided in the Intergovernmental Committee.

The Representative List nominations are examined by the Committee's subsidiary body, which is made up of six representative states, one from each block under the Intergovernmental Committee, and the Urgent Safeguarding List nominations are examined by the advisory body made up of six non-governmental organisations and six experts. The registration is decided at the Intergovernmental Committee.

As examined above, the nomination form is supposed to be submitted by 31 March every year, and the submitted forms go through a supplementary process and are translated before they are examined by the consultative body or the subsidiary body from December to May following year, and finally decided its registration at the Intergovernmental Committee in November. Therefore it takes minimum of one and a half years from the application submission until a final decision is made for a particular element.

The Intergovernmental Committee underwent the trial-and-error process through the first registration process in 2009. The Convention was established by taking the World Heritage Convention as a model. However, through the meeting of the Intergovernmental Committee for establishing of the Operational Directives, they decided not to limit the number of the application form as they decided that different operational methods were needed, considering the diversity of ICH. Then, there was the

remarkable imbalance of the number of nomination forms among the countries, and the work of the Secretariat came to a standstill due to the excessive amount of nomination forms. Therefore, the Secretariat requested to limit the number of nomination forms, and the limited was established from 2010, which was the second year of registration. So far, there have been four registrations and the status is as follows.

First of all, the initial list of the ICH Convention was decided at the Fourth Intergovernmental Committee held in Abu Dhabi, the United Arab Emirates, in November 2009. From 34 states, 111 nomination forms were submitted and 76 elements were inscribed to the Representative List. Of the nine states that submitted fifteen nomination forms, twelve elements were inscribed to the Urgent Safeguarding List. Five nomination forms from three states were submitted and three programmes were selected. In Korea, five elements were registered, including Cheoyongmu, Ganggangsullae, Jeju Chilmeoridang Yeongdeunggut, Namsadang Nori, and Yeongsanjae.

The second list of the ICH Convention was decided at the Fifth Intergovernmental Committee held in Nairobi, Kenya, in November 2010. Of the 147 nomination forms submitted by 32 states, 47 elements were inscribed to the Representative List. Two states submitted three nomination forms, and four elements were registered to the Urgent Safeguarding List, including the two forms carried over from the previous year. There was no nomination forms submitted for the Best Practices Programme. In Korea, three elements were registered, including Daemokjang, traditional wooden architecture, Gagok (lyric song cycles accompanied by an orchestra), and Falconry (a living human heritage).

The third list of the ICH Convention was decided at the Sixth Intergovernmental Committee held in Bali, Indonesia, in November 2011. Among the 107 nomination forms from 22 states, 54 forms became the scope of the examination, and 19 elements were registered to the Representative List. Twenty-nine nomination forms were submitted from seventeen states, and eleven elements were registered to the Urgent Safeguarding List. Five programmes among the fifteen submitted nomination forms were registered as Best Practices. In Korea, three elements were inscribed, including Jultagi (tightrope walking), Taekkyeon (a traditional Korean martial art), and Weaving of Mosi (fine ramie) in the Hansan region.

The fourth list of the ICH Convention was decided at the Seventh Intergovernmental Committee held in Paris, France, in December 2012. Among the 214 form, 55 were carried over from the previous year, and 36 forms were the scope of examination, and 27 elements were registered to the Representative List. Eight nomination forms from eight states were submitted and four elements were registered to the Urgent Safeguarding List. Two of the nomination forms from two states were selected as the Best Practices.

Followings are the status of the registration to the ICH Lists:

□ **Status of the Inscription to the ICH Lists**

Year	Total	RL	USL	Best Practices	Note
Masterpiece (2008, Istanbul)	90	90	-	-	
1 st Registration (2009, Abu Dhabi)	91	76	12	3	
2 nd Registration (2010, Nairobi)	51	47	4	-	
3 rd Registration (2011, Bali)	35	19	11	5	Additional registration of falconry
4 th Registration (2012, Paris)	33 (31)	27 (25)	4	2	Cultural practices and expressions linked to the Balafon of the Senufo communities of Mali, Burkina Faso and Côte d'Ivoire
Total	300(298)	259(257)	31	10	

- ※ RL: The Representative List of the Intangible Cultural Heritage of Humanity
- ※ USL: The List of Intangible Cultural Heritage in Need of Urgent Safeguarding
- ※ The number in the parentheses represents the number of elements that the additionally inscribed elements are exempted.

6. Conclusion

As a part of the international ICH safeguarding efforts, inscriptions to the Representative List and Urgent Safeguarding List as well as proposals for programmes, projects, and activities have an important role in raising the visibility of the Convention and promoting ICH safeguarding awareness. Thanks to this, the Convention is regarded as one of the most successful conventions in that 151 states have become signatories within a decade, which is very short period of time. Notwithstanding, the registration process for the lists and the programmes of the Convention have several problems.

First, the biggest problem is that many projects concerned with implementing the Convention are actually being disrupted due to the excessively competitive atmosphere for registration. Therefore, considering the amount of work for the subsidiary body and the consultative body, the Fourth General Assembly held in June 2012 agreed to limit the number of nomination forms in a year, and requested the Intergovernmental Committee to decide the limitation number. At the Seventh Intergovernmental Committee held in November 2012, the number of acceptable nomination forms was decided to be no more than sixty.

Second, there is the imbalance problem. First, there is the imbalance among the states. The elements registered by the top eleven states are as follows: China (37), Japan (21), Korea (15), Croatia (13), Spain (13), France (11), Iran (10), Turkey (10), India (9),

Indonesia (9), and Mongolia (9), is 157 (153 if the multinational nominated elements are exempted). This means these eleven states hold 52 per cent (51 per cent) of the 298 inscribed elements. This situation also shows a regional imbalance. Among the six regional blocks of UNESCO, the forty-eight Asia-Pacific member states have 145 elements (141), which makes up about half of the total number. Another imbalance is among the lists and the programmes. Of the total registered elements, 86 per cent are on the Representative List, having 257 elements of the 298 total, while Urgent Safeguarding List has 31 elements and the Register of Best Practices has only 10 elements.

To solve these two problems, the Intergovernmental Committee decided to prioritise file examinations as well as limit the number of the nomination forms. In the Sixth Intergovernmental Committee held in Bali in November 2011, the nomination priority was decided as follows: 1) multinational nomination forms, 2) nomination forms of states with no registered elements, 3) nomination forms of states with the least registered elements.

Fourth, there is a problem regarding the approval of the NGOs to examine the nomination files. The Convention established the consultative body, using the World Heritage Convention as a model. The consultative body made up of international NGOs with expertise in examining the nomination files is organised and operated under the Intergovernmental Committee. However, considering the diverse characteristics of ICH that is practiced in many different regions, it was difficult to select a qualified NGO that could examine the nomination files objectively and professionally. Also, only 6 of the 156 approved NGOs are needed in any given session. Therefore, the Representative List is being overseen by a subsidiary body made up of a small pool of representatives. The same holds true for the Urgent Safeguarding List, the Best Practices Programme, and the international assistance.

Finally, there is a problem regarding the 'right' scale or scope of an element that was delivered at the Open-Ended Intergovernmental Working Group held last October in Paris. on the subject was about how to interpret elements. Examining the registered elements, we can see that some states have nominated a certain genre of the element, and others nominated specific song title. Also, when one state has nominated a certain element, there is a matter of handling a similar element of the same state or of other states. In this regard, the Working Group recommended that the Intergovernmental Committee revise the Operational Directive to make additional registrations possible for similar elements within one state and for the common heritage among several states.

Although there have been a few problems in the registration process, the lists and programmes are taking an important role in the raising the visibility of the ICH Convention and the promoting the importance of ICH safeguarding. Thus, careful thought and discussions about inscribing elements to the lists and the programmes will positively influence the promotion and the implementation of the Convention. I hope this meeting will provide a forum of conversation and cooperation by understanding spirit of the Convention for the Safeguarding of the Intangible Cultural Heritage.