

Article 18. Programmes, Projects, and Activities for the Safeguarding of the Intangible Cultural Heritage

'Cinderella' of UNESCO Heritage Lists

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- 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.*

Introduction

This chapter addresses the process of the drafting, establishing, functioning and possible future development of the programmes, projects and activities for the safeguarding of the intangible cultural heritage (hereinafter: ICH), described in Article 18 of the Convention for the Safeguarding of the Intangible Cultural Heritage (hereinafter 'the Convention').¹ Article 18, together with Articles 16 and 17,² create the 'listing system' of the Convention aimed at implementing the principle of safeguarding at the international level. Although, as is the case of the former two lists, the name under which this system is currently known—the Register of Good (formerly: Best) Practices³—does not appear in the exact

¹ The author wish to acknowledge and thank for their fruitful comments that helped her to discuss in details the problems raised in this chapter the editors of this volume, one ICH expert who wished to remain anonymous, Gang Zhu (China) and Ahmed Skounti (Marocco). All conclusions and errors are only mine.

² See the chapter by Federico Lenzerini on Arts 16–17 in this volume.

³ Hereinafter the 'Register'. See below explanation of this change.

wording of Article 18, it brings attention to the national, sub-regional and regional programmes, projects and activities which the Committee considers as optimally reflecting the principles and objectives of this Convention.

Some ICH experts and professionals, as well as representatives of States, regard it as the Convention's most important element, 'the spirit of the Convention'.⁴ However, others who constitute an influential majority in terms of country-level decision-making regarding the choice of UNESCO submissions, lists, and registers are sceptical about its importance. In fact, the Register has even been called 'an avatar of intellectuals and professors in times of drafting the Convention' that has a 'very marginal effect'.⁵

Taking into account the current (indeed very small) number of inscriptions of good practices, programmes, and activities up until December 2018 (only twenty in comparison to 429 inscriptions to the Representative List and fifty-nine to the Urgent Safeguarding List), the Register can be called, 'a neglected category'⁶ of heritage lists; or alternatively 'the Cinderella'⁷ of heritage lists. Also, until now, it has not been a subject of more profound scientific research and has been usually omitted or only mentioned with no deeper analysis in the key publications devoted to ICH.⁸

This chapter seeks to present the initial history of the drafting of Article 18, the functioning of the Register in the light of the Operational Directives (OD), the role of the Intergovernmental Committee ('the Committee') and of the General Assembly (GA) with regard to the Register and the inscriptions into the Register made until December 2018 in the context of the discussions held by evaluating bodies. It also discusses the possible future developments of the Register.

Drafting Article 18

The analysis of *travaux préparatoires* to the Convention reveals that the idea to introduce the concept of 'best practices' into the future normative instrument appeared early. It was mentioned by Janet Blake in her Preliminary Study, in which she recalls the actions taken by the UNESCO Creativity Sector regarding the legal protection of handicrafts.⁹

The concept of best practices subsequently appeared again as one of the most important items (item 2) on the agenda of the first meeting of experts in Rio de Janeiro (Brazil), convened by the Director-General with twenty anthropologists, ethnologists, historians and jurists, who had been invited in their personal capacity to examine the

⁴ Hanna Schreiber and Lucas Lixinski, 'Interview with Cécile Duvelle', *Santander Art and Culture Law Review*, 2 (2017).

⁵ Interview with an expert in UNESCO Headquarters, September 2017.

⁶ Janusz Symonides, 'Cultural Rights: A Neglected Category of Human Rights', *International Social Science Journal*, 50 (1998), 559.

⁷ Stephen May, 'Language Rights: The "Cinderella" of Human Rights', *Journal of Human Rights*, 10 (2011), 265.

⁸ Not even one article devoted to this subject has been published in a leading ICH journal: 'International Journal of Intangible Heritage'. What is more, no separate chapter or deeper analysis on the Register have appeared in key publications such as Laurajane Smith and Natsuko Akagawa (eds), *Intangible Heritage* (Routledge, 2009); Michelle L. Stefano and Peter Davis (eds), *The Routledge Companion to Intangible Cultural Heritage* (Routledge, 2017); Toshiyuki Kono (ed.), *Intangible Cultural Heritage and Intellectual Property: Communities, Cultural Diversity and Sustainable Development* (Intersentia, 2009); of the *Ethnologies Journal*, 36–1, (2014).

⁹ Janet Blake, 'Preliminary Study into the Advisability of Developing a New Standard-Setting Instrument for the Safeguarding of Intangible Cultural Heritage (Traditional Culture and Folklore)' (March 2001), p. 31, available online at <<https://ich.unesco.org/doc/src/05361-EN.pdf>> (last visited 15 May 2018).

priority areas to be included in a future international convention for safeguarding ICH. The Convention was to be based specifically on the experience acquired under the programme for the Proclamation of the Masterpieces of the Oral and Intangible Heritage of Humanity, and ‘best practices for safeguarding and protecting ICH’.¹⁰ Brazilian experts addressed the question of whether the Registry methodology would be complementary to inscription on a List and included, among their five important recommendations, the promotion of registries or panels of best practices.¹¹ During the same meeting, an identical proposal was made by Peter Seitel, who suggested that steps to be taken should involve launching a survey of best practices for safeguarding.¹²

The first meeting of a small group of experts (Select Drafting Group) that was tasked with writing the preliminary draft of the international convention for ICH was held on 20–22 March 2002 at the UNESCO Headquarters. It was agreed that a reference to best practices would be included.¹³ It is thus noticeable that, even at the beginning, the separation between the inscription of an element of ICH and best practices of its safeguarding was not very clear. However, this soon began to be perceived as an additional matter that would complement the Proclamation of Masterpieces existing at the time. This kind of understanding can be confirmed by the way it was presented in the Progress Report on the Preparation of the Convention¹⁴ submitted to the UNESCO Executive Board in 2002, with the clear recommendation IV formulated by the experts to

continue to enrich the Proclamation programme by drawing upon the experience of “best practices” gained through the safeguarding and protection of cultural spaces and forms of cultural expression at the local and national levels, with a view to the drafting of the international convention and the intensification of cooperation and cultural exchanges.¹⁵

During the Second meeting of the Select Drafting Group,¹⁶ which took place in June 2002 in Paris, the preliminary draft was developed and discussed. Surprisingly, however, the idea of best practices in safeguarding did not appear at all in this draft text of the Convention, which instead focused on the identification and documentation of ICH, with the aim of having inscriptions on the Intangible Heritage List or List of Intangible Cultural Heritage in Danger (Article 11 of the draft).¹⁷

The idea of best practices appeared again during the First Intergovernmental Meeting of Experts.¹⁸ For a second time, however, it was not reflected in the draft produced.¹⁹ It was, nevertheless, retained in the Position of Member States concerning the principle of the list(s) of ICH (October 2002). The countries opting to keep the idea of having the list of best practices on the agenda included Argentina, Denmark, France, Norway, and Switzerland.²⁰ These states were joined by Austria,

¹⁰ International Meeting of Experts, *Intangible Cultural Heritage: Priority Domains for an International Convention: Final Report (22–24 January 2002)*, p. 4, available online at <<https://ich.unesco.org/doc/src/00074-EN.pdf>> accessed 15 May 2018.

¹¹ *Ibid.* ¹² *Ibid.* p. 12.

¹³ Select Drafting Group on the first draft of an international convention for intangible cultural heritage. *Final Report (20–22 March 2002)*, p. 7, available online at <<https://ich.unesco.org/doc/src/00070-EN.pdf>> accessed 15 May 2018.

¹⁴ UNESCO Doc. 164 EX/19, p. 4. ¹⁵ *Ibid.*

¹⁶ In some documents, it is referred to as ‘restricted drafting group’ but it is the same body.

¹⁷ UNESCO Doc. GRR2/CH/2002/WD/5.

¹⁸ UNESCO Doc. CLT-2002/CONF.203/5, para. 8(ii).

¹⁹ UNESCO Doc. CLT-2002/CONF.203/3.

²⁰ See online at <<https://ich.unesco.org/doc/src/05381-FR.pdf>> accessed 15 May 2018.

Finland, Sweden and Portugal during the 2nd session of the Intergovernmental Meeting of Experts in March 2003.²¹ During this second meeting, the Argentinean delegate argued that recognition at the international level of specific programmes and activities for the protection of the ICH, by assigning it ‘a sort of a “quality label” is one of the options worth considering’. Norway subsequently underlined that this is a better alternative for getting attention and giving incentives for the safeguarding and preservation whereas, in Sweden’s view, it was crucial that such practices reach as wide audience as possible and a more extensive exchange of information and experience in this area ‘should be a priority concern both for this convention and for UNESCO as an organization’.²² Finland addressed this matter in the most radical manner, calling the draft Articles 8–11 ‘ineffectual’. Furthermore, it stated: ‘the premise for listing items of the ICH is untenable. No international “honours list” or “price list” will promote safeguarding of the ICH at the practical level’. Finland subsequently presented two possible solutions to this: ‘Proposal 1. That the whole idea of listing be renounced and Articles 8–11 be deleted. Proposal 2: If there is to be a list, it should concern best practices in the safeguarding of the ICH’.²³ Thus, the draft Article 11 was changed accordingly, in order to include the idea of periodical selection of a number of national, sub-regional or regional programs, projects or activities for the safeguarding of ICH, which best reflect the principles and objectives of this Convention.

This wording evolved and, in April 2003, during the Intersessional Working Group of Governmental Experts on the Preliminary Draft Convention,²⁴ Article 11 was substantially changed, renamed List of Treasures of the World Intangible Cultural Heritage, and a new paragraph D in Article 11 was proposed by Argentina:

Article 11D

Programmes, projects or activities for the safeguarding of intangible cultural heritage

On the basis of proposals submitted by States Parties, and in accordance with criteria that it will define at its first ordinary session, the Intangible Cultural Heritage [Panel] shall periodically select a number of national, sub-regional or regional programmes, projects or activities for the protection of the intangible cultural heritage, which it considers to best reflect the principles and objectives of this Convention. To this end, it shall receive, study and approve requests for international assistance formulated by States Parties for the preparation of such proposals, taking into account the special needs of developing countries.

This draft was subsequently changed²⁵ and embedded into a new article during the Third Intergovernmental Session held in June 2003 and presented for adoption by the Director-General to the General Conference at its 32nd session.²⁶ It was finally decided that the Committee should be empowered to periodically select projects, programmes, and activities for the safeguarding of ICH at national, sub-regional or regional level, according to separate criteria established by it and approved by the GA as well as always provide support for the specific needs of developing countries.²⁷

²¹ UNESCO Doc. CLT-2002/CONF.203/3 Rev, p. 82. ²² *Ibid.*, pp. 56, 58.

²³ *Ibid.*, pp. 57. ²⁴ UNESCO Doc. CLT-2003/CONF-206/1.

²⁵ See the chapter by Federico Lenzerini on Arts. 16–17 in this volume.

²⁶ UNESCO Doc. 32 C/26. ²⁷ UNESCO Doc. CLT-2003/CONF.206/4, p. 8.

Relationship to International Assistance

Programmes, projects and activities for the safeguarding of ICH, whether inscribed or not on the Register, might be supported by funds received in the form of international assistance.²⁸ Consequently, financing best practices is a third priority with regard to requests for international assistance, following safeguarding of the heritage inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (USL) and preparation of inventories in the sense of Articles 11 and 12, and ahead of preparatory assistance.²⁹

Requests for preparatory assistance (from US\$5,000 to US\$10,000) are not aimed at funding the safeguarding of elements, but rather to obtaining funds for preparing nominations for the inscription on the USL or for the elaboration of proposals of programmes, projects and activities that best reflect the principles and objectives of the Convention.³⁰ The OD reiterate that, when granting International Assistance, the Committee will give priority to these purposes, together with requests for such preparatory assistance.³¹ However, until now, very few requests have been made for the preparation of nominating a best safeguarding practice.³² Indeed, the mechanism of preparatory assistance is also rarely used for elaborating USL nominations, which is not surprising given the double effort involved for a State Party to fulfil all requirements to receive preparatory assistance and, then, formulate a proper nomination.

Best Practices in the Operational Directives

Details for the functioning of the Register were initially established in the OD in 2008³³ which since then have been regularly updated, generally every two years. An issue of major importance for the First Draft OD³⁴ for the implementation of the Convention concerned Article 18.³⁵ The rules were adopted in 2008 and changed two years later: the option (criterion 'd')³⁶ of submitting a programme that is 'still underway' or even only 'planned' was dropped, reflecting the idea that the 'maturity' of a programme, project or

²⁸ See the chapter by Ana Filipa Vrdoljak on Art. 20 in this volume.

²⁹ Paragraph 62 of OD 2008; Chapter I.4, 9 of OD 2010, 2012, and 2014.

³⁰ Paragraphs 47 and 64 of OD 2008; Chapter I.7, para. 21 of OD 2014. A separate form for such requests, ICH-06, has been prepared and made available on the Convention's website at <<https://ich.unesco.org/en/forms>> accessed 26 October 2017.

³¹ OD, para 9; 'Form ICH-04: Aide-mémoire for Completing a Request for International Assistance for 2016 and Later Requests' (3 November 2015), p. 6.

³² Only two proposals to the Register benefitted from preparatory assistance in 2008 and 2009. As of June 2018 there is only one pending decision (ITH/18/13.COM 2.BUR/6) for the proposal to the Register for the preparatory assistance request from Albania for the project 'National Folk Festival of Gjirokastra (NFFoGj), 50 years of best practice in safeguarding Albanian intangible heritage'.

³³ The first Operational Directives were adopted by the GA at its 2nd ordinary session (Paris, France, 16–19 June 2008).

³⁴ Discussed during the 2nd session of the Committee, which took place in Tokyo between 3–7 September 2007.

³⁵ Mounir Bouchenaki, 'Lecture 1: The 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage: Development of the Convention and the First Steps of its Implementation' (21 January 2008), p. 9, available online at <https://www.accu.or.jp/ich/en/training/curriculum/pdf/word/lecture1_word.pdf> accessed 15 May 2018.

³⁶ OD 2008, para. 52, 'd': If already completed, the programme, project or activity has demonstrated effectiveness in contributing to the viability of the intangible cultural heritage concerned. If still underway or planned, it can reasonably be expected to contribute substantially to the viability of the intangible cultural heritage concerned.

activity was of crucial importance. The reformulated criteria 4 and 5 therefore referred to an evaluated practice that ‘has demonstrated effectiveness’ and ‘is or has been implemented’, is ‘completed’ or ‘in progress’.

The criteria for nominating a best safeguarding practice have not changed since 2010,³⁷ similarly the tasks performed by the Committee and their scope have remained the same. However, the relevant ODs have been updated³⁸ following changes affecting the evaluating bodies: Working Group of the Committee,³⁹ Consultative Body,⁴⁰ and the Evaluation Body.⁴¹

Interpreting the Criteria in Practice—Nominations in the View of Evaluating Bodies

Meeting all the criteria for the Register of Best Safeguarding Practices is not obligatory; the Committee, in fact, selects those proposals ‘that best satisfy all of the following criteria’ (OD, para. 7). It is a task of the evaluating body (Working Group, Consultative Body or Evaluation Body, that have been established since 2009–2017, hereinafter: the Body) to recommend those programmes, projects or activities that most fully meet the highest number of criteria.

Nevertheless, in 2011 the Consultative Body has noted that certain criteria seem to have an obligatory character. For instance, in the view of the Body, it is difficult to imagine offering a favourable recommendation for a proposal that does not fully satisfy criteria P.1, P.3, P.4, P.5, or P.6 (see below).⁴² Criterion P.4 was to be considered together with criterion P.8, stating that it is important to use not only quantitative but also qualitative indicators, particularly with regard to the social and cultural functions of the element concerned.

If one were to summarize the most commonly recurring problems reported to the Committee at almost every session by the bodies responsible for assessing the fulfilment of the said nine criteria, this list would be as follows:⁴³

P.1—The programme, project or activity involves safeguarding, as defined in Article 2.3 of the Convention

Proposals should explain the safeguarding methodologies and approaches with appropriate data, rather than simply provide a description of the element of ICH per se or promote this element. Moreover, the methodology does not have to be unique, but it should be exemplary in terms of effective safeguarding in the spirit of the Convention in order to inspire other communities and States when they develop their own safeguarding measures and activities.

Here, the Body emphasises that, in its evaluation, it considers the safeguarding objective of the Convention as paramount, especially considering that ‘ensuring the viability’ of heritage must be at the heart of any programme selected as a best safeguarding practice. The Body also underlines that the connection between criteria P.1 and P.2 is unbreakable since, if the programme does not involve safeguarding as defined in the Convention, it cannot promote coordination of efforts for safeguarding ICH at regional, sub-regional and/or international levels.

³⁷ Compare OD 2012, 2014, 2016, and 2018. ³⁸ OD 2016, paras 42–6.

³⁹ In 2009, para. 49 of OD 2008. ⁴⁰ 2010–2013, para. 26, Chapter I.7 of OD 2010.

⁴¹ 2014–2017, para. 27, Chapter I.8 of OD 2014. See also Table 1.

⁴² UNESCO Doc. ITH/13/8.COM/4, para. 283.

⁴³ This summary is based on the reports of the evaluating bodies presented in Bali in 2011, Paris in 2012, Baku in 2013, Paris in 2014, Addis Ababa in 2016, Jeju Island in 2017 and Port-Louis in 2018.

P.2—The programme, project or activity promotes the coordination of efforts for safeguarding intangible cultural heritage on regional, sub-regional and/or international levels

While this is an important characteristic which could help a particular programme, project or activity to serve effectively as a best safeguarding practice, it is evident that most proposals submitted in fact concern programmes that are implemented at the national level and thus do not satisfy this criterion. The Body finds that a number of proposals are actually national programmes with little or no international cooperation.

In some cases, the Body has recognised participation in a number of international exchange activities of proposed programmes but concluded that these do not constitute ‘coordination of efforts for safeguarding ICH’, as the criterion requires. The Body also considers that the task of some programmes is not simply to ascertain whether there exists some evidence of coordination at the regional, sub-regional and/or international level, but whether this constitutes good and effective coordination, with a solid demonstration of joint safeguarding efforts across borders.

P.3—The programme, project or activity reflects the principles and objectives of the Convention

Firstly, the Body considers it important that the proposals evaluated go beyond simply enumerating the safeguarding measures cited in the Convention’s definition. They should, rather, explain how such measures are defined and chosen in relation to the communities concerned and in what ways the programme truly exemplifies the Convention’s principles and objectives.

Secondly, the Body notes that while a programme’s economic benefits can be relevant and important for the communities concerned, financial gain cannot be the primary reason for submitting programmes and cannot justify their selection as best safeguarding practices. It is also emphasised that the objective of a proposed best safeguarding practice must, first and foremost, be safeguarding as defined in Article 2.3 of the Convention.

Thirdly, the Body reminds us that best safeguarding practices should focus on ICH and that while programmes involving an integrated approach towards natural and tangible cultural heritage—in addition to ICH—are welcome, States Parties should demonstrate that the programme has a strong affinity with the 2003 Convention and displays knowledge about it. They should thus avoid proposals primarily concerned with natural or tangible heritage that do not pay due attention to the definition of ICH from the 2003 Convention.

Finally, The Body underlines that ICH is ‘a guarantee of sustainable development’ (Preamble of the Convention), and therefore encourages States to submit proposals that place sustainable development at their core.

P.4—The programme, project or activity has demonstrated effectiveness in contributing to the viability of the intangible cultural heritage concerned

The major problem with the application of this criterion is related to the need for the programme, project or activity to have reached a certain maturity before being proposed to the Register. Although it does not have to be completed, a short period of implementation makes it difficult to satisfy this criterion.⁴⁴

While some proposals have apparently been effective in teaching a certain number of novice practitioners, the Body seeks more convincing evidence of their effectiveness in safeguarding the element, including both quantitative and qualitative evaluations, and considers an external evaluation as more compelling than a positive self-evaluation. The Body reminds also that ICH is, by definition, continuously evolving and that proposed projects should demonstrate their effectiveness in safeguarding it, rather than folklorising, institutionalising, or storing it in a museum.

⁴⁴ See UNESCO Doc. ITH/11/6.COM/CONF.206/9 (cf. UNESCO Doc. ITH/12/7.COM/9).

P.5—The programme, project or activity is or has been implemented with the participation of the community, group or, if applicable, individuals concerned and with their free, prior and informed consent

Proposals should include sufficient information on the involvement of communities in the safeguarding activities; in some cases, it appears to the Body as though the methodology of designing the safeguarding strategy is driven by experts, NGOs, or government officials, not by the communities themselves. The Body also underlines that a clear identification of the communities concerned is essential to understanding the way in which they have been involved in the programme and in which they have benefited and will benefit from it.

The Body furthermore recognises that, while one should adopt a comprehensive definition of a community, external audiences such as tourists cannot be considered as the primary community concerned. At the same time, if the programme is poorly defined, it is hardly possible to identify the community concerned. Sustained efforts should be thus made to involve the communities fully when preparing and implementing the safeguarding programme and to obtain their free, prior and informed consent to the proposal for inscription on the Register. Such consent should not be uniform or *ex post facto*.

P.6—The programme, project or activity may serve as a sub-regional, regional or international model, as the case may be, for safeguarding activities

In fact, in order for a programme to be able to serve as a sub-regional, regional or international model, it is important to have both a clear and accessible description of its methodology and outcomes, as well as convincing evidence of its effectiveness on a larger scale, going beyond simple assertions or anecdotes. This criterion allows for assessment of the exemplary nature of the proposed programme and should thus contain sufficient quantitative and detailed information on its methodology and results in order to determine that it has the potential to serve as a regional or sub-regional international model.

The Body also decides to interpret this criterion by including programmes or activities that could serve as a theoretical model and/or be rooted in a particular practice. It also finds that in some cases, it is the institutional validation that appears to be the motivation behind the proposal, not its potential as a model for other countries.

P.7—The submitting State(s) Party(ies), implementing body(ies), and community, group or, if applicable, individuals concerned are willing to cooperate in the dissemination of best practices, if their programme, project or activity is selected

This is the least commented criterion in the Body's practice. Given the difficulty of gauging intent, the submitting States are encouraged by the Body to provide supporting evidence of such willingness by those concerned.

P.8—The programme, project or activity features experiences that are susceptible to an assessment of their results

It is acknowledged here that assessment should be carried out for those activities already undertaken before the proposal is made.

Moreover, a proposal should be able to describe the mechanism of evaluation. Overall, the Body considers that more weight should be put in the future on independent assessments, both qualitative and quantitative, in order to have more concrete demonstrations of results which supplement the views of insiders implementing the given project; it is always more appreciated than self-evaluation. The Body furthermore encourages States Parties to share the results and provide documentary evidence of such evaluations in order to support assertions made in the file. A number of cases submitted have presented evaluation measures that were not conducted but could be performed in the future. Assessments of this kind have been essentially quantitative and have not adequately addressed the issue of their impact on the safeguarding for the communities.

P.9—The programme, project or activity is primarily applicable to the particular needs of developing countries

This criterion remains heavily debated within the Body, and many proposals recommended for selection have not been particularly adaptable to developing countries.

In particular cases, the Body seeks more information on how large-scale strategies can be adapted to countries with limited financial resources. Some of the members of the Body argue, however, that developing countries without comparable resources can nevertheless take inspiration from high-budget programmes and adopt some of their components or approaches.

As the Body explained in its 2012 report to the Committee,⁴⁵ this criterion creates room for confusion both on the part of submitting States as well as evaluators and examiners. Members nevertheless agreed that it is important for proposals to indicate the ways that safeguarding methodologies could be replicated in different contexts and thus respond to the particular needs of other communities and States, in particular developing countries, even if there is clearly a great variability among those needs and in the capacity of different States to respond to them.

In 2016, in Addis Ababa, the Body recognized that the Register is designed to meet the particular needs of developing countries; there is also an awareness that it can play a useful role in highlighting good practices elsewhere. The Body therefore underlines that a safeguarding practice should be relevant and customized to the local context and that it should also provide learning points.

Finally, the Body points out the difficulty of applying this criterion, especially where a safeguarding practice (particularly in a developed country) had not been initially designed with the criterion in mind. The Body proposes instead that the criterion should focus on its ability to replicate or foster international co-operation or sustainable development.

Other matters reported by evaluating bodies that are not specifically related to specific criteria have included: the overall low quality of proposals in terms of language (English or French) as well as the lack of accuracy of information and documentation that are specific to the programmes, projects and activities concerned. The Body also notes that some proposals include economic measures as part of the safeguarding approaches, but that care should be taken to ensure that such measures do not have adverse effects on the element, in particular on its social function and on the meaning it carries for the community, keeping in mind that the communities concerned should be the primary beneficiaries when there are commercial activities.

The Body considers it desirable that an inclusive approach, not a top-down model is to be adopted when designing safeguarding programmes. For instance, at the State level, it encourages States to involve different Ministries as well as the Ministry of Culture to implement the programme, as well as a more diverse group of non-governmental actors. The Body remarks that the evidence to demonstrate the effectiveness of particular safeguarding methods and approaches is of particular importance to policy-makers in cultural and other fields, and therefore encourages performing qualitative and quantitative research on the experience accumulated by the several programmes.

At its meeting in Paris in 2012, important conclusions were presented by the Consultative Body: its experience in attempting to apply the existing criteria convinced the Body that, in the form existing at the time, they were not well-adapted to the goal of identifying Best Safeguarding Practices. This was in contrast to the USL, where the Body found that the criteria were clear and that they were well-suited to accomplish the purposes of the List. In particular, the criteria did not lend themselves to a clear distinction between a good safeguarding practice and the 'best' one. These reflections made in Paris in 2012 had their continuation during the

⁴⁵ Doc. ITH/12/7.COM/9.

Committee meeting held in Paris in 2014. In response to the Committee's decision adopted at that meeting,⁴⁶ the Consultative Body encouraged efforts to be taken on developing alternate, lighter ways of sharing good safeguarding experiences. The online survey introducing this call was made available to all interested parties in July 2018.⁴⁷

The Role and Work of the Intergovernmental Committee in Relation to the Register

It is important to note that, in order to be fully comprehended, Article 18 must be read and implemented jointly with international assistance (Article 20) and along with Article 7 describing the functions of the Committee.⁴⁸

Article 7 states that the Committee's tasks are, among others, to: '(b) provide guidance on best practices and make recommendations on measures for the safeguarding of the intangible cultural heritage'; and '(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 GA 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'.

This description involves the active role of the Committee, as further underlined in the OD. This means that it is the Committee's role to decide whether a nomination on best practices will or will not be selected to the Register (see Table 1).

The OD also explain the role of the Committee with regard to the programmes, projects and activities best reflecting the principles and objectives of the Convention.⁴⁹ The work of the Committee did not cease at the selection of the proposal: the Committee shall encourage research, documentation, publication and dissemination of good practices, encourage States Parties to create favourable conditions for their implementation and promote international co-operation in research on evaluation of the effectiveness of safeguarding measures. In addition to the Register the Committee shall compile and make available information about the measures and methodologies used, and experiences gained, if any.⁵⁰ Whether the Committee fulfils its mandate in promoting and disseminating best practices in the case of the Register is therefore questionable, since these tasks started to be organized by the Secretariat itself, which—in order to help in this task and thanks to the ICH Fund—had already begun some promotional activities: one of these, related to the Indonesian batik museum and the other, to the Fandango's Living Museum, were aimed at researching and collecting materials to better understand why these programmes were successful and how their results could be evaluated. In addition,

⁴⁶ Decision 8.COM 5.c.1.

⁴⁷ See online at <<https://ich.unesco.org/en/lighter-ways-of-sharing-ich-safeguarding-practices-00999>> accessed 28 July 2018.

⁴⁸ See, respectively, the chapters on Arts 20–24 by Ana Filipa Vrdoljak and Guido Carducci in this volume.

⁴⁹ The OD 2008 in paras 53–8 focused on the role of Committee in the promotion and dissemination of best practices. These paragraphs formed the basis for subsequent, however only cosmetic changes in the OD, which since 2010 have issued a separate Chapter I.12 (paras 42–6). The change did not occur in the wording of particular paragraphs but in their numbers (the former para. 54 of the OD 2008 was deleted). In 2012, the chapter was renumbered and the paragraph containing the same wording can now be found in chapter I.13. (OD 2012, OD 2014).

⁵⁰ OD 2018, paras 42–6.

the brochures published by the Secretariat further explained the role of Best Safeguarding Practices for the purpose of promotion, compared with the elements inscribed on the Lists, while a special promotional website is still to be developed for the mechanism of Best Safeguarding Practices.

Due to a dramatic increase in the number of files for examination in 2010, all files including proposals to the Register have been placed under the ceiling procedure introduced in OD 2012,⁵¹ although the nominations to the Register are given high priority.⁵²

The 2nd session of the Committee held in Tokyo in 2007 dealt specifically with Article 18 and a separate document on Preliminary draft directives for implementing Article 18 of the Convention was proposed.⁵³ The discussion on this item on the agenda⁵⁴ was quite extensive and few issues raised more attention.⁵⁵ One of the most debated ones was the reference to the needs of developing countries raised by Brazil, supported by Peru, India, and China, with the argument that 'this is in the spirit of the Convention'. A few countries, including Estonia and Hungary, expressed their concerns that this clause would limit the scope of the article and requested keeping Article 18 open; however, finally, this clause was kept and an extension was made to include the principles of South-South and North-South-South cooperation (submitted by India, supported by Gabon and Algeria). During the same meeting, the matter of the status of the set criteria was discussed with regard to the draft point 13: 'The programme, project or activity may serve as a model for safeguarding activities elsewhere'. The delegation of Romania argued that making all criteria obligatory would make it quite difficult for a project or programme to serve as a model for all countries, all geographical regions and all the States, and proposed instead, with the support of the delegations of Gabon, Algeria, India, Estonia, and Bulgaria, either to delete paragraph 13, or to add 'serve as a model for regional or sub-regional safeguarding, as required'. The delegation of France also supported the Romanian proposal to delete paragraph 13 since the application of these criteria would negate the specificities that might have arisen in certain safeguarding cases. Belgium suggested formulating a kind of a 'wish list' whereby the Committee could, in each session, call explicitly for proposals characterized by international cooperation as mentioned in Article 19 of the Convention and focus on specific aspects of safeguarding. This would make it possible for a network of States and NGOs, centres of expertise and others to work together and to respond to challenges formulated by the Committee.⁵⁶

At the Committee's 6th session in Bali in 2011,⁵⁷ the delegation of Morocco raised the question of the previously heavily discussed principle of the needs of developing countries. It underlined that this could not be applied to all submitted programmes or activities, which made its application problematic. The delegation considered that the nine criteria for the best practices should be a topic for discussion, and an occasion to launch

⁵¹ Chapter I.9, para. 33,

⁵² OD 2014, Chapter I.10, para. 34 with no other changes except for numbering. The matter of possible changes in the ceiling procedure enhancing the number of nominations to the Register are presented in concluding remarks.

⁵³ UNESCO Doc. ITH/07/2.COM/CONF.208/12. ⁵⁴ *Ibid.*

⁵⁵ See UNESCO Doc. ITH/08/2.EXT.COM/CONF.201/4, p. 50ff.

⁵⁶ *Ibid.* ⁵⁷ Doc. ITH/12/7.COM/5 Rev.

a debate on their possible revision aimed at reducing their number, which might be too high for evaluation. The revision was also to be directed at the substance of the criteria, particularly P.9, which was not applicable in all cases. This revision, however, has not yet happened.

During its 7th session in Paris 2012, the Committee could only take decisions concerning two new nominations submitted by China and Mexico.⁵⁸ Despite the negative recommendation of the Consultative Body, the ongoing discussion demonstrated the will of the Committee to consider the Chinese proposal.⁵⁹ It is interesting to set out the arguments for the inscription that were used in order to select the practice instead of the proposed draft decision not to select it, as this was the first time in the history of the Register that this had happened (until 2012 all draft decisions of the evaluating bodies were maintained by the Committee). The arguments for inscription presented by many countries might be summarized as follows: while China is one of the largest countries in the world, it does not mean that smaller countries cannot apply the same strategy on their own scale; despite the size of its economy, China was still considered a developing country and thus the project proved in itself that it was viable in a developing country context; the wording '*primarily* applicable to the particular needs of developing countries' did not imply exclusively and could, therefore, be addressed to all countries, regardless of their economic context; the stated lack of qualitative results was in fact debatable; and an assessment of the results could occur at a later date rather than already having had been carried out at the time of the file's submission. Hence, the focus was placed on criteria 8 and 9.

During the 10th session of the Committee in Windhoek in 2015, not even one nomination was submitted. The Rapporteur of the Evaluation Body reiterated some concerns of previous Evaluation Bodies regarding the high importance accorded by submitting States to the Representative List, with the other three mechanisms remaining underused. Besides a need to continuously debate on how to identify and disseminate best practices and develop alternate, friendlier ways of sharing information, the Evaluation Body hoped that the technical assistance and other support provided by the Secretariat to States Parties wishing to request international assistance would improve the situation.⁶⁰

The latest important development within the Register occurred at the Committee meeting in Addis Ababa in 2016, when the Evaluation Body noted that there was some confusion between the purpose of the 'Register of programmes, projects and activities that best reflect the principles and objectives of the Convention' which, as the wording officially states, was to select effective safeguarding practices to be promoted, disseminated and potentially replicated elsewhere, and the shortened title 'Register of Best Safeguarding Practices' used at the time, which placed an emphasis on the register as a mechanism intended to select only the 'best' safeguarding practices. In light of this, the Body recommended using the shortened title 'Register of Good Safeguarding Practices' as a way to better reflect the intent of the Register and the spirit of the Convention.⁶¹

⁵⁸ See Table 1. ⁵⁹ Decision 7.COM 9.1

⁶⁰ Summary records: UNESCO Doc. ITH/16/11.COM/4, p. 61.

⁶¹ The 1st session of the Committee in 2006 in Algiers did not concern itself with the details of Art. 18. However, with regard to the functions of the Committee and discussion on Art. 7 and in Ch. 2 of

During this meeting a short discussion on the change of the name of the register took place. Palestine sought clarification from the Rapporteur on the use of both the Register of *Good Safeguarding Practices* and the Register of Best Safeguarding Practices⁶² while Turkey, in turn, supported this change arguing that the recommendation by the Evaluation Body to modify the title to Register to ‘Register of Good Safeguarding Practices’ would reflect its purpose better, as defined in the Convention, while amending the restrictive nature of the title ‘best’ and perhaps encouraging more submissions.⁶³ However, no formal decisions have been taken in this regard. The new name for the Register has been functioning since the 12th Committee session that took place on Jeju Island in December 2017.⁶⁴ It was said that the revised title takes into consideration the impossibility of determining which practices are indeed best and that it also reflects the intention of the Register, which is to promote and share effective safeguarding programmes and projects that other States and communities could learn from and that could serve to inspire them. The new name is reflected in the report prepared by the Committee to GA,⁶⁵ adopted by GA in June 2018.

During the 12th Committee session in Jeju in 2017,⁶⁶ again, only two proposals were examined since Belgium and Egypt had withdrawn theirs. The Secretary of the Convention suggested that the Committee might wish to consider how to make better use of the Register of Good Safeguarding Practices; for example, in a case in which successful safeguarding efforts lead to a situation whereby an element no longer requires urgent safeguarding, the removal of that element from the USL, followed by the selection of its successful safeguarding process for the Register, could also be considered a logical outcome.⁶⁷ The delegation of Algeria remarked that this was above all a Convention for safeguarding, a fact that should be reflected in future discussions. It confirmed that, certainly, the Representative List had received the most attention, but the Register had also deserved it, although it had been moving towards a list of best practices for countries that could afford it. Algeria stated that other countries also have very good practices, but they cannot develop them due to the lack of resources. Thus, the Convention should not become a two-tier Convention with the Representative List split between rich and poor nations, with those that could invest a lot of resources and others that could not.

The Table 1 summarizes the decisions regarding the Register taken by the Committee at its meetings.

the OD, an interesting point was made by the delegation of Japan, which considered that ‘best practices’ implies a hierarchy, suggesting instead the expression ‘good practices’ (UNESCO Doc. ITH/07/1.EXT.COM/CONF.207/12, para. 39). Therefore, the first sign of change in the title of the Register, which finally occurred ten years later, in 2016, from ‘best’ into ‘good’ was made at the very first session of the Committee.

⁶² Summary records: UNESCO Doc. ITH/17/12.COM/4, para. 369.

⁶³ Ibid. para. 1275.

⁶⁴ Summary records: UNESCO Doc. ITH/18/13.COM/4.

⁶⁵ UNESCO Doc. ITH/17/12.COM/5.a, p. 4.

⁶⁶ Summary records: UNESCO Doc. ITH/18/13.COM/4.

⁶⁷ Ibid. para. 1034.

Table 1. Decisions of the Committee relating to the Register (2009–2017). Author's own elaboration.

Year /the Committee meeting/the body appointed to evaluate files	State Party	Name of the programme, project or activity submitted	With-drawn by the State ¹	Not selected	Selected
2009/4th session in Abu Dhabi/files evaluated by the working group established from the 6 members of the Committee, each representing one electoral group ²	Spain	The traditional intangible cultural heritage of Asturias and its inclusion in educational spaces	x		
	Spain	Mascaradas en Castilla y León: documentation, protection and enhancement of the winter masquerade festivals in the Region of Castilla y León	x		
	Spain	Centre for traditional culture—school museum of Puzol pedagogic project			x
	Indonesia	Education and training in Indonesian Batik intangible cultural heritage for elementary, junior, senior, vocational school and polytechnic students, in collaboration with the Batik Museum in Pekalongan			x
	Bolivia	Safeguarding intangible cultural heritage of Aymara communities in Bolivia, Chile and Peru ³			x
	- Chile – Peru	-	-	-	-
2010/5th session in Nairobi ⁴	-	-	-	-	-
2011/6th session in Bali ⁵ / Consultative Body ⁶	Argentina	Voice of the voiceless			x
	Spain	The role of 'musical societies' in safeguarding intangible cultural heritage of the Valencian community			x
	Spain	Atlas of the intangible heritage of Andalusia			x
	Latvia	Safeguarding of the intangible cultural heritage through formal and non-formal education: involving community youth ⁶			x
	Brazil	Viola Correa Popular Culture Series	x		
	Brazil	Popular Artist's Room Programme (SAP Programme)	x		
	Brazil	Documentation of the Purubora language: a contribution to the safeguarding of linguistic heritage	x		
	Brazil	Call for projects of the National Programme of Intangible Heritage			x
	Brazil	Fandango's Living Museum			x
	Belgium	Programme of cultivating ludodiversity: safeguarding traditional games in Flanders			x
	Spain	Revitalization of the traditional craftsmanship of lime-making in Morón de la Frontera, Seville, Andalusia			x
	Hungary	Táncsház method: a Hungarian model for the transmission of intangible cultural heritage			x
2012/7th session in Paris/ Consultative Body	China ⁷	Strategy for training coming generations of Fujian puppetry practitioners			x
	Mexico	Xtaakgáket Makgáxtlawana: the Centre for Indigenous Arts and its contribution to safeguarding the intangible cultural heritage of the Totonac people of Veracruz, Mexico			x
2013/8th session in Baku/ Consultative Body	Egypt	Documentation of Egypt's Nubian intangible heritage ⁸			x

	Spain	Methodology for inventorying intangible cultural heritage in biosphere reserves: the experience of Montseny	x	
2014/9th session in Paris/Consultative Body/ establishment of the Evaluation Body for the 2015 cycle	Hungary ⁹ Indonesia	A Hungarian method of education for music and humanity: the Kodály concept Creation of a cultural space for safeguarding, development and education in intangible cultural heritage at Beautiful Indonesia in Miniature Park ¹⁰	x x	
2015/10th session in Windhoek/ Evaluation Body	Mexico Belgium	Xcaret, a model of conservation and dissemination of the natural and cultural heritage of Quintana Roo and Mexico Safeguarding the carillon culture: preservation, transmission, exchange and awareness-raising	x -	
2016/11th session in Addis Fiji Ababa ¹¹ / Evaluation Body	Argentina Croatia ¹⁴	Cultural mapping, methodology for safeguarding of Tlanketl intangible cultural heritage The Randas of time, a safeguarding model of textile art at El Cercado ¹³ Community project of safeguarding the living culture of Rovinj/Rovigno: the Batana Ecomuseum	R ¹² x	
recommendations using the title 'Register of Good Safeguarding Practices'	Bulgaria ¹⁵ Norway Austria ¹⁶	Festival of folklore in Koprivshitsa: a system of practices for heritage presentation and transmission Oselvar boat - reframing a traditional learning process of building and use to a modern context Regional Centres for Craftmanship: a strategy for safeguarding the cultural tradition of traditional handicraft	x x x	
2017/12th session on Jeju Island/ Evaluation Body	Hungary ¹⁷ Bulgaria	Safeguarding of the folk music by the Kodály concept Bulgarian Chitalishte (Community Cultural Centre): practical experience in safeguarding the vitality of the Intangible Cultural Heritage	x x	
	Uzbekistan	Margilan Crafts Development Centre, safeguarding of the atlas and adras making traditional technologies	x	
	Belgium	Remembrance education and safeguarding the Last Post Ceremony at the Menin Gate Memorial in Ypres, City of Peace	x	
	Egypt	Documenting, preserving, training and promoting the Egyptian intangible heritage of the art and crafts of Tally in Upper Egypt	x	
2018/ 13 th session in Port-Louis/Evaluation Body	Saudi Arabia Sweden	Al-Janadriya, national festival of heritage and culture Land-of-Legends programme, for promoting and revitalizing the art of storytelling in Kronoberg Region (South-Sweden)	x ...	
Results – overview in numbers	19		10	7 20

¹ OD 2016, 1.7, 25: A State Party may withdraw a file it has submitted at any time prior to examination by the Committee, without prejudice to its right to benefit from international assistance under the Convention.

² Decision 4.COM 15A, the group was established on Monday, and a draft recommendation was presented to the Committee on Thursday. See more: UNESCO Doc. ITH/10/5.COM/CONF.202/4.

³ Negative recommendation of the Consultative Body to the request for international assistance in 2011 (\$US98,000), sustained by the Committee (decision).

⁴ During this session, the Committee established the Consultative Body to examine the best practices formed by six independent experts and six accredited NGO representatives, selected by the Committee for the 2011 cycle (UNESCO Doc. ITH/10/5.COM/CONF.202/9). This body also had the mandate to examine the inscriptions to USL and the ones for International Assistance Requests greater than US\$25,000. During the session in Nairobi, no item concerning the examination of proposals to the Register of Best Safeguarding Practices was discussed due to the fact that the OD adopted by the GA at its 2nd session in June 2008 had proposed that the initial examination of proposals was to be carried out by a working group of the Committee established during the session itself. The procedure, however, proved to be laborious and the OD had been revised and adopted by the GA at its 3rd session in June 2010 (para. 26). Therefore, the fifteen proposals received (by the deadline of 1 March 2010) were examined by the Consultative Body for eventual inscription by the Committee at its 6th session in 2011. A separate body (Subsidiary Body) was established to examine the nominations to the Representative List (UNESCO Doc. ITH/11/6.COM/CONF.206/4 Rev., pp. -9).

⁵ Summary records: UNESCO Doc. ITH/12/7.COM/5 Rev.

⁶ A short discussion took place about this nomination around the argument raised by the Body which was concerned in particular with the question of the proposal's maturity and whether, at this stage, it was demonstrably effective to serve as a best practice, as the programme only began in 2009, it seemed premature to assess its effectiveness since the information provided had been prepared in 2010. The same question was discussed in the case of Atlas of intangible heritage of Andalusia. It is worth noting however that though few delegations did not fully agree with the arguments of the body, all draft decisions were maintained.

⁷ With draft decision not to select.

⁸ The Egyptian proposal was not selected as criteria 2–9 were not met in the view of the Consultative Body, which was confirmed by the Committee with no comments or objections (Decision 8.COM 7.b.1).

⁹ With draft decision to refer.

¹⁰ The delegation of Indonesia expressed deep sadness and disappointment and recalled the comment from the United Arab Emirates which highlighted the large number of rejections: almost 51% of files over the last four meetings, particularly from the Asia-Pacific region with 60%, 59% from Africa, and 83% from the Middle East. This continual rejection was starting to make it difficult for States to justify governments supporting the activities of the Convention, as it led to disappointments and sadness (UNESCO Doc. ITH/15/10.COM/4, para. 287).

¹¹ Summary records: UNESCO Doc. ITH/17/12.COM/4, p. ff.

¹² Referral option used for the first time. This option was proposed at the 10th session of the Committee and available since changes in the OD adopted by the GA in June 2016. It was implemented in this case without a discussion, the delegation of Fiji was not present at the Committee meeting in 2016.

¹³ It was evaluated as not fulfilling the majority of the criteria, especially P.1, P.2, P.4, and P.6. Argentina welcomed the suggestions for improvement and planned to bring back the proposal to the Committee (Decision 11.COM 10.c.1). It was, in fact, one of the rare examples when a country accepts the decision of the Evaluation Body and does not make attempts to change it into a positive one.

¹⁴ Nomination considered as good example by the Committee.

¹⁵ With draft decision not to select and a long discussion on the problems regarding the possible festivalization and decontextualization of the practice: UNESCO Doc. ITH/17/12.COM/4, pp. 4–5.

¹⁶ Nomination considered as good example by the Committee.

¹⁷ With the draft decision to refer this nomination due to the vague nature of the programme, lack of information on the transmission of skills and knowledge within communities, the focus on documentation rather than on a set of safeguarding measures directly designed to ensure the viability of folk music heritage.

Challenges Ahead—Is the Register Fulfilling the Tasks Envisioned for It?

The diagnosis made by Richard Kurin almost fifteen years ago has, unfortunately, not lost its accuracy:

There is, around the world, a real lack of study and assessment of best practices. The Convention does not mandate any particular strategies for safeguarding work. National action plans may indeed enhance particular traditions and their practitioners, but they may also have unintended, negative consequences. The revival and revitalization of traditions may, to ensure sustainability, turn religious practices, for example, toward tourist and commercial endeavours. The Convention seeks to have the safeguarding of ICH integrated with other state interventions—planning for development, building institutions, fostering scientific research, formulating laws, budgets and government operations. This is most appropriate. Yet the question of how to accomplish this remains.⁶⁸

While agreeing that the situation has not improved greatly, one must admit that these diagnoses are today a part of officially-discussed problems at the UNESCO level, with an approaching turning point that will change the future of the Register. In October 2013, an important study, ‘Evaluation of UNESCO’s Standard-setting Work of the Culture Sector’, was published, where all weaknesses of the Register are made clearly visible.⁶⁹ The need to rethink the way in which best practices are identified and disseminated was confirmed and concrete recommendations were formulated.⁷⁰ The evaluation conducted did not find that the examples selected by the Committee to the Register inspired any safeguarding measures in other countries. Of all the mechanisms created under the 2003 Convention, the Register remains the most underused and the least visible, though it was at the same time recognized as ‘the spirit of the Convention’ and its ‘most important mechanism’. Two recommendations were thus formulated as a possible way to overcome this problem:

Recommendation 12. Reconsider and complement the Register of Best Safeguarding Practices by developing alternate, lighter ways of sharing safeguarding experiences such as dedicated websites, e-newsletters, online forums, etc.

This recommendation is linked to:

Recommendation 19: Encourage a debate on the role of the private sector and of private/public partnerships in safeguarding ICH at all levels (national, regional and international) in order to better define its potential for cooperation and involvement.⁷¹

Another important undertaking has been prepared as a follow-up to the aforementioned UNESCO’s Internal Oversight Service (IOS) report, namely the Overall Results Framework for the Convention. This was discussed during 2016–2018 and includes reference to the programmes for promotion and dissemination of good safeguarding practices that are fostered and supported as one of the indicators of how public information measures raise awareness about the importance of ICH and its safeguarding and how they promote understanding and mutual respect.⁷² The reference to good safeguarding

⁶⁸ Richard Kurin, ‘Safeguarding Intangible Cultural Heritage in the 2003 UNESCO Convention—A Critical Appraisal’, *Museum International*, 56/1–2 (2004), 66.

⁶⁹ Barbara Torggler, Ekaterina Sediakina-Rivière, and Janet Blake, ‘Evaluation of UNESCO’s Standard-setting Work of the Culture Sector. Part I—2003 Convention for the Safeguarding of the Intangible Cultural Heritage. Final Report’ (October 2013), UNESCO Doc. IOS/EVS/PI/129 REV.

⁷⁰ *Ibid.* point 5.2.3, paras 223–31.

⁷¹ *Ibid.* ⁷² UNESCO Doc. ITH/17/12.COM WG/7, point 19.

practices ('Information and experience about ICH and its safeguarding, including good safeguarding practices, is exchanged with other States Parties') is also one of the indicators for measuring the percentage of States Parties actively cooperating with other States Parties in safeguarding (indicator 24).

Conclusions—Keep Selecting or Start Sharing?

Like motherhood, high standards are hard to oppose. But a misplaced reliance on them can become an obstacle to good work, and this is never more true than when they are applied to intangible heritage . . . The fact is, intangible values rarely fit into categories like 'excellent' or 'most important', and the attempt to squeeze them into such rigid boxes merely encourages one to become narrow-minded and censorious. Of course, there is a place for high standards: in the honesty and diligence of our own work, for example. But as a yardstick for measuring intangible heritage values, they are misplaced. High standards in this sense encourage us to exclude where we should include, to separate where we should blend. Instead of high standards, then, let us seek high relevance. Or high utility.⁷³

Ned Kaufman's observation might serve for the context of my conclusions as a motto. It is true that the interpretation of the Convention belongs to the States Parties of the Convention because they are both its drafters and implementers. In the case of the Register, the formulation and interpretation provided by the evaluating bodies of the nine criteria required to for the practice to be recognized as 'best' or 'good' have proved to be quite demanding; in some cases, it might even be compared to acrobatics, especially with the application of criterion 9 related to the needs of developing countries. As one ICH expert has put it: 'we are making people to prove (sic) something that is not to be proved and we say it was proved. It is ill-designed'.⁷⁴ That led eventually to the drop in the interest in submitting more proposals on the side of the State Parties, with the symbolic session in Namibia, where not a single nomination was submitted. One of the experts shared his/her opinion regarding this situation: 'I do not think it is about science. It is about a political decision—safeguarding measures are not raising emotions. If people want to safeguard they do not need a register'.⁷⁵

Up until December 2018, States Parties had submitted thirty-seven nomination forms altogether of which twenty were selected, one was referred for more information, ten were withdrawn by the State Party, and seven were not selected (see Table 1). What is striking is that no proposals had come, until then, from any African States (group Va), and only two countries from the group of Arab States (group Vb): Egypt tried twice but with no success and Saudi Arabia withdrew the nomination. The Register is thus heavily dominated by practices submitted by European states: groups I and II have altogether fourteen out of as many as twenty proposals, four have come from group III and only two from group IV (Table 2).

Considering these results, one may ask why there is so much time being wasted on discussing criterion 9 on the particular needs of developing countries when, at the same time, not one State from Africa has been able to prepare a nomination to the Register. It may seem that the answer to this question is that the nomination form is nothing

⁷³ Ned Kaufman, 'Putting Intangible Heritage in its Place(s): Proposals for Policy and Practice', *International Journal of Intangible Heritage*, 8 (2013), 21–2.

⁷⁴ Interview with an ICH expert in UNESCO Headquarters, September 2017.

⁷⁵ *Ibid.*

Table 2. Geographical representation related to the practices selected into the Register of Good (Best) Practices (2009–2018). Author's own elaboration.

Electoral (regional group) group	Number of practices selected	Number of practices withdrawn, not selected or referred
Group I	8	5
Group II	6	2
Group III	4	6
Group IV	2	2
Group Va	-	-
Group Vb	-	3

more than an intellectual exercise on the wording that will satisfy the evaluating body. Only a few projects supported by the international assistance mechanism were in a way correlated to the programmes submitted to the Register and, thus, the mechanism provided for in paragraph 2 of Article 18 is rarely applied in practice. Also, paragraph 3 of this article is not used in a proper manner since the dissemination of these practices is scarcely visible, with two leaflets prepared by the Secretariat for their promotion and no concrete decision on the side of the Committee itself.

There is no obligation on the side of a State Party to report to the Committee about best practices in its periodic report, even though an obligation to report about element inscribed to RL or USL does exist. There is also no *aide-memoire* document prepared for filling the forms to the Register while *aide-memoires* exist for the USL, RL and International Assistance.

The discussions in the Committee, in the Secretariat, and among many delegations have for the last couple of years brought the same points to the fore: the regret that so few proposals to the Register are submitted, appeals for better utilization of this 'under-used' mechanism of the Convention, and the discussion about the 'lighter ways of sharing the practices'.⁷⁶

The current status quo can shape the future of the Register in several ways. Firstly, the status quo might remain unchanged, which implies an ongoing lack of interest among the majority of States Parties to submit nominations on good practices. Secondly, changes in the Operational Directives might be introduced which will reduce the number of criteria as well as help to re-interpret their application in a way that will expose the idea of 'sharing' these practices. One of the ways might be to rename the mechanism and to start thinking about it as a 'collection', 'bank', or 'base' of diverse programmes, projects and activities. If this turns out to be the case, however, it may involve the creation of a separate body for evaluating these nominations, as it will be difficult for the existing Evaluation Body to suspend the already established model, applicable to the Representative List or USL, as well as to deal with greater number of files that may appear. The question remain how to combine quality with quantity, as in the view of some experts and scholars 'the main challenge to the Register is more about whether it is in line with the objectives of the Convention than with the number of submitted projects, programmes and activities for selection by the Committee'.⁷⁷ The other way is to change the existing ceiling

⁷⁶ See online survey at <https://ich.unesco.org/en/lighter-ways-of-sharing-ich-safeguarding-practices-00999> accessed 8 September 2019.

⁷⁷ Ahmed Skounti, in a private correspondence to the author, October 2018.

procedure in a way that will allow submitting States to nominate two files per year, in the case that one of the files is a programme, project or practice for possible selection to the Register. The existing form of the ceiling which shifts the decision onto the State Party in prioritizing the files submitted to RL, USL, RGP, or IA obviously creates a priority in favour of RL.

Thirdly, the Register may be left in its current shape and, at the same time, new, alternate, parallel ways of sharing these practices could be introduced. The potential problem with this solution is, however, the fact that giving space to promote programmes, projects and activities not complying with the established current nine criteria for the selection to the Register might, paradoxically, result in suspending any efforts to submit proposals to the Register as it would seem a waste of time and money for many State Parties. What is clear at this time is that the Register of Good Practices is one of the mechanisms in the Convention that will definitely be changed in the near future. Whether these changes will revive it or sentence it for a slow death still remains, however, open.