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

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

**Tenth session**

**Windhoek, Namibia**

**30 November to 4 December 2015**

**Item 14.b of the Provisional Agenda:**

**Draft amendments to the Operational Directives on the referral option**

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| **Summary**  The General Assembly of States Parties at its third session introduced in the Operational Directives the referral option for nominations to the Representative List of the Intangible Cultural Heritage of Humanity (June 2010). At its ninth session, the Committee decided that the referral option should be extended to nominations to the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (Decision 9 COM 13.c). It also decided to abolish the prohibition of resubmission of a file for the Representative List within four years following a decision not to inscribe. The present document proposes a draft text of amendments to the Operational Directives accordingly.  **Decision required:** paragraph 8 |

1. The referral option, available until now only for nominations to the Representative List of the Intangible Cultural Heritage of Humanity, was introduced to the Operational Directives by the General Assembly at its third session in June 2010 (Resolution 3 GA 5). At its fourth session in June 2012, the Assembly requested that the Committee begin a process of reflection on the experience gained in implementing the referral option and report back concerning that process (Resolution 4.GA 5). The Committee began such a reflection at its seventh session ([document ITH/12/7.COM 13.a](http://www.unesco.org/culture/ich/doc/src/ITH-12-7.COM-13.a-EN.doc)), and continued at its eighth ([document ITH/13/8.COM 13.b](http://www.unesco.org/culture/ich/doc/src/ITH-13-8.COM-13.b-EN.doc)) and ninth sessions ([document ITH/14/9.COM 13.c](http://www.unesco.org/culture/ich/doc/src/ITH-14-9.COM-13.c-EN.doc)).
2. As has been emphasized repeatedly by the evaluation bodies and the Committee itself, nominations for inscription on the Convention’s Lists are evaluated and examined solely on the basis of the information included within the nomination file and its required annexes such as video and photographs, together with evidence of community free, prior and informed consent and of inclusion in an inventory; no judgement is made by the bodies or the Committee on the element underlying the nomination. The submitting State is requested to provide information to demonstrate that the relevant criteria are satisfied. In the vast majority of cases where an element could not be inscribed, therefore, the evaluation bodies and Committee concluded that the information provided was not adequate to demonstrate that the criteria were satisfied.
3. Nevertheless, files lacking information led to different results for the two Lists. In the case of nominations to the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, such a conclusion led to a decision not to inscribe, while in the case of nominations to the Representative List of the Intangible Cultural Heritage of Humanity, similar circumstances could lead either to a decision not to inscribe or to a decision to refer the nomination to the submitting State for additional information.
4. During its ninth session, the Committee considered proposals to delete the option not to inscribe on the Representative List and to extend the referral option to the Urgent Safeguarding List. It was proposed in Document 9.COM 13.c that in both cases, the Committee would decide whether to inscribe an element on the respective List or whether the nomination should be referred to the submitting State. Together with the elimination of the option not to inscribe, the document proposed the elimination of the four-year waiting period for Representative List nominations that received such a decision.
5. Given that nominations to both the Representative List and the Urgent Safeguarding List are now to be evaluated by a single Evaluation Body, it seemed appropriate to the Committee that the procedures for the two Lists be aligned. The Committee chose however to reserve the option not to inscribe for cases where the nomination provides sufficient evidence that clearly demonstrates that the criterion is not satisfied.
6. The Committee accordingly decided at its ninth session that the referral option should be extended to the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and that the four year waiting period should be deleted, while retaining the possibility not to inscribe an element. Accordingly, it requested the Secretariat to propose a draft text of amendments to the Operational Directives accordingly (Decision 9.COM 13.c). A proposal of such amendments is provided in the Annex to the present document. At the same time, the Committee emphasized that a decision to refer a nomination to the submitting State should in no way be understood to imply or guarantee that the element will be inscribed in the future.
7. In addition to the revisions specifically requested by the Committee, additional revisions are proposed to extend the referral option to proposals to the Register of Best Safeguarding Practices and to requests for international assistance, in the interests of coherency and simplicity.
8. The Committee may wish to adopt the following decision:

DRAFT DECISION 10.COM 14.b

The Committee,

1. Having examined document ITH/15/10.COM/14.b,
2. Recalling Resolution 4.GA 5 and Decisions 7.COM 13.a, 8.COM 13.b and 9.COM 13.c,
3. Recommends to the General Assembly to approve the amendments to the Operational Directives, as annexed to this decision.

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|  | **Current text of the Operational Directives** |  | **Proposed amendments** |
| 30. | The Evaluation Body shall submit to the Committee an evaluation report that includes a recommendation:   * to inscribe or not to inscribe the nominated element on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding; * to inscribe or not to inscribe the nominated element on the Representative List of the Intangible Cultural Heritage of Humanity, or to refer the nomination to the submitting State(s) for additional information; * to select or not to select the proposed programme, project or activity; or * to approve or not to approve the international assistance request. | 30. | The Evaluation Body shall submit to the Committee an evaluation report that includes a recommendation:   * ~~to inscribe or not to inscribe the nominated element on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding;~~ * ~~to inscribe or not to inscribe the nominated element on the Representative List of the Intangible Cultural Heritage of Humanity, or to refer the nomination to the submitting State(s) for additional information;~~ * **to inscribe or not to inscribe the nominated element on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding or the Representative List of the Intangible Cultural Heritage of Humanity, or to refer the nomination to the submitting State(s) for additional information**; * to select or not to select the proposed programme, project or activity, **or to refer the proposal to the submitting State(s) for additional information; or** * to approve or not to approve the International Assistance request, **or to refer the request to the submitting State(s) for additional information.** |
|  |  | [31 to 34] | [no change] |
| 35. | After examination, the Committee decides whether or not an element shall be inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, whether or not an element shall be inscribed on the Representative List of the Intangible Cultural Heritage of Humanity or whether the nomination shall be referred to the submitting State for further information, whether or not a programme, project or activity shall be selected as best safeguarding practice, or whether or not an International Assistance request greater than US$25,000 shall be approved. | 35. | After examination, the Committee decides**:**   * whether or not an element shall be inscribed on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding~~, whether or not an element shall be inscribed~~ **or** on the Representative List of the Intangible Cultural Heritage of Humanity or whether the nomination shall be referred to the submitting State for ~~further~~ **additional** information, * whether or not a programme, project or activity shall be selected as a best safeguarding practice, **or whether the proposal shall be referred to the submitting State for additional information;** * or whether or not an International Assistance request greater than US$25,000 shall be approved, **or whether the proposal shall be referred to the submitting State for additional information.** |
| 36. | Nominations for the Representative List of the Intangible Cultural Heritage of Humanity that the Committee decides to refer to the submitting State for additional information may be resubmitted to the Committee for examination during a following cycle, after having been updated and supplemented. | 36. | Nominations ~~for the Representative List of the Intangible Cultural Heritage of Humanity~~**, proposals or requests** that the Committee decides **not to inscribe, select, or approve, or** to refer to the submitting State for additional information, may be resubmitted to the Committee for examination during a following cycle, after having been updated and supplemented. |
| 37. | If the Committee decides that an element should not be inscribed on the Representative List of the Intangible Cultural Heritage of Humanity, the nomination may not be resubmitted to the Committee for inscription on this List, before four years have passed. | 37. | ~~If the Committee decides that an element should not be inscribed on the Representative List of the Intangible Cultural Heritage of Humanity, the nomination may not be resubmitted to the Committee for inscription on this List, before four years have passed.~~  **A decision by the Committee to refer a nomination, proposal or request to the submitting State for additional information does not imply or guarantee that the element will be inscribed, the proposal selected or the request approved in the future. Any subsequent resubmission must fully demonstrate that the criteria for inscription, selection or approval are satisfied.** |