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

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

**Fourteenth session**

**Bogotá, Republic of Colombia**

**9 to 14 December 2019**

**Opinion of the Evaluation Body on nominations for the 2019 cycle**

**concerned by the ‘provisional upstream dialogue’ process**

1. The present document includes the opinions of the Evaluation Body on nominations for the 2019 cycle that were concerned by the dialogue process. At its thirteenth session, the Committee decided to initiate a ‘provisional upstream dialogue’ process and requested that the Secretariat transmit any questions from the Evaluation Body concerning files submitted for the 2019 cycle to the States Parties concerned ([Decision 13.COM 10](https://ich.unesco.org/en/Decisions/13.COM/10)). This procedure was introduced in the context of the global reflection on the listing mechanisms of the 2003 Convention and as a way to improve the inscription process for nominations as part of the ‘early harvest package’.
2. An information and exchange session was held on 1 March 2019. The purpose of this session was to present States Parties with the provisional procedure and timetable proposed for the dialogue process, which are in conformity with the Operational Directives of the Convention, notably the timetable for the evaluation of nominations, as stipulated in paragraph 55 of the Operational Directives. The document presenting the provisional procedure and timetable is annexed herewith.
3. The Evaluation Body finalized its recommendations for each nomination file during its second meeting in June 2019. At the same time, in accordance with the Committee's [Decision 13.COM 10](https://ich.unesco.org/en/Decisions/13.COM/10), the Body applied the dialogue process during that meeting. It considered that a short question and answer process with the submitting State might clarify whether the criterion concerned was met for six nomination files. Based on the Body’s discussions, the questions were jointly formulated by the Chairperson, Vice-Chairperson and Rapporteur. The Secretariat then sent the questions, in writing, to the submitting States concerned on 12 June 2019, after the meeting.
4. The following six nominations for possible inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding (hereinafter, ‘the Urgent Safeguarding List’) or the Representative List of the Intangible Cultural Heritage of Humanity (hereinafter, ‘the Representative List’) were concerned by dialogue:

|  **Draft Decision** | **Submitting State** | **Nomination** | **Lists** | **File No.** |
| --- | --- | --- | --- | --- |
| 14.COM 10.a.2 | Kenya | Rituals and practices associated with Kit Mikayi shrine | Urgent Safeguarding List | [01489](https://ich.unesco.org/en/10a-urgent-safeguarding-list-01097#10.a.2) |
| 14.COM 10.a.4 | Philippines | Buklog, thanksgiving ritual system of the Subanen | Urgent Safeguarding List  | [01495](https://ich.unesco.org/en/10a-urgent-safeguarding-list-01097#10.a.4) |
| 14.COM 10.b.14 | India | Sowa-Rigpa, knowledge of healing or science of healing | Representative List | [01358](https://ich.unesco.org/en/10b-representative-list-01098#10.b.14) |
| 14.COM 10.b.27 | Nigeria | Kwagh-Hir theatrical performance | Representative List | [00683](https://ich.unesco.org/en/10b-representative-list-01098#10.b.27) |
| 14.COM 10.b.31 | Samoa | 'Ie Samoa, fine mat and its cultural value | Representative List | [01499](https://ich.unesco.org/en/10b-representative-list-01098#10.b.31) |
| 14.COM 10.b.37 | Thailand | Nuad Thai, traditional Thai massage | Representative List | [01384](https://ich.unesco.org/en/10b-representative-list-01098#10.b.37) |

1. All six States Parties concerned responded in writing, in English and French, to the questions addressed by the Evaluation Body by the deadline of 12 July 2019. The answers provided by the submitting States were then made available online to each Evaluation Body member, so that they could provide their individual opinions on the answers.
2. During its third meeting in September 2019, the Body discussed whether the answers provided by the submitting States adequately addressed the questions it had raised and whether, with the information provided through the answers, the criteria concerned could be considered to be satisfied. Based on its deliberations, the Evaluation Body formulated its collective opinion on each of the files concerned by the dialogue process.
3. The collective opinions of the Evaluation Body are hereby presented in this document, rather than being an integral part of the reports of the Evaluation Body – namely, working documents [LHE/19/14.COM/10.a](https://ich.unesco.org/doc/src/LHE-19-14.COM-10.a-EN.docx), [LHE/19/14.COM/10.b](https://ich.unesco.org/doc/src/LHE-19-14.COM-10.b-EN.docx), [LHE/19/14.COM/10.c](https://ich.unesco.org/doc/src/LHE-19-14.COM-10.c-EN.docx) and [LHE/19/14.COM/10.d](https://ich.unesco.org/doc/src/LHE-19-14.COM-10.d-EN.docx) – which include the Body’s recommendations for each nomination file. The opinions therefore do not change the Evaluation Body’s recommendations to the Committee, which are presented in its abovementioned reports, and do not alter the final results of the Body’s evaluations. In addition, the question(s) to the submitting States and their answer(s) are communicated separately on the webpage of the Convention together with the nomination file.
4. The opinions of the Evaluation Body following the provisional upstream dialogue process, in relation to the above-mentioned six nomination files, are presented below:

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| --- | --- | --- | --- | --- |
|  **Draft Decision** | **Submitting State** | **Nomination** | **List** | **File No.** |
| 14.COM 10.a.2 | Kenya | Rituals and practices associated with Kit Mikayi shrine | Urgent Safeguarding List | [01489](https://ich.unesco.org/en/10a-urgent-safeguarding-list-01097#10.a.2) |
|  |  |  |  |  |
| [Question and Answer](https://ich.unesco.org/doc/download.php?versionID=55269) |
| **Evaluation Body’s opinion** | ***Taking note of the information provided by the submitting State, the Evaluation body is of the opinion that the criterion concerned could be considered to be satisfied.****Comments:**The State Party submitted a clear and relevant timetable for its safeguarding plan.* |

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|  **Draft Decision** | **Submitting State** | **Nomination** | **List** | **File No.** |
| 14.COM 10.a.4 | Philippines | Buklog, thanksgiving ritual system of the Subanen | Urgent Safeguarding List  | [01495](https://ich.unesco.org/en/10a-urgent-safeguarding-list-01097#10.a.4) |
|  |  |  |  |  |
| [Question and Answer](https://ich.unesco.org/doc/download.php?versionID=55268) |
| **Evaluation Body’s opinion** | ***Taking note of the information provided by the submitting State, the Evaluation body is of the opinion that the criterion concerned could be considered to be satisfied.****Comments:**The State Party provided convincing evidence that demonstrates that the communities concerned gave their consent to the nomination of the element for possible inscription on the List of Intangible Cultural Heritage in Need of Urgent Safeguarding, after having initially worked on a nomination for the Representative List.* |

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|  **Draft Decision** | **Submitting State** | **Nomination** | **List** | **File No.** |
| 14.COM 10.b.14 | India | Sowa-Rigpa, knowledge of healing or science of healing | Representative List | [01358](https://ich.unesco.org/en/10b-representative-list-01098#10.b.14) |
|  |  |  |  |  |
| [Question and Answer](https://ich.unesco.org/doc/download.php?versionID=55267) |
| **Evaluation Body’s opinion** | ***Taking note of the information provided by the submitting State, the Evaluation body is of the opinion that the criterion concerned could be considered to be satisfied.****Comments:**The State Party provided clarification of how the communities will benefit from particular safeguarding measures carried out at the institutional level.* |

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|  **Draft Decision** | **Submitting State** | **Nomination** | **List** | **File No.** |
| 14.COM 10.b.27 | Nigeria | Kwagh-Hir theatrical performance | Representative List | [00683](https://ich.unesco.org/en/10b-representative-list-01098#10.b.27) |
|  |  |  |  |  |
| [Questions and Answers](https://ich.unesco.org/doc/download.php?versionID=55272) |
| **Evaluation Body’s opinion** | ***Taking note of the information provided by the submitting State, the Evaluation body is of the opinion that the criteria concerned could be considered to be satisfied.****Comments:**R.3 The State Party stressed how performances and contests held at the local level have traditionally been the way of safeguarding the element. If this level of safeguarding is prioritized, the opening up of the tradition to a new public, as described in the proposed safeguarding measures, should not jeopardize the element.**R.4 The State Party demonstrated that the Gboko community was selected by all the communities concerned to be their focal point for the nomination process.* |
|  **Draft Decision** | **Submitting State** | **Nomination** | **List** | **File No.** |
| 14.COM 10.b.31 | Samoa | 'Ie Samoa, fine mat and its cultural value | Representative List | [01499](https://ich.unesco.org/en/10b-representative-list-01098#10.b.31) |
|  |  |  |  |  |
| [Question and Answer](https://ich.unesco.org/doc/download.php?versionID=55271) |
| **Evaluation Body’s opinion** | ***Taking note of the information provided by the submitting State, the Evaluation body is of the opinion that the criterion concerned could be considered to be satisfied.****Comments:**The State Party explained that the community partook in the process to explore innovative ways to safeguard the element and participated in the development of the proposed safeguarding measures.* |

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|  **Draft Decision** | **Submitting State** | **Nomination** | **List** | **File No.** |
| 14.COM 10.b.37 | Thailand | Nuad Thai, traditional Thai massage | Representative List | [01384](https://ich.unesco.org/en/10b-representative-list-01098#10.b.37) |
|  |  |  |  |  |
| [Question and Answer](https://ich.unesco.org/doc/download.php?versionID=55270) |
| **Evaluation Body’s opinion** | ***Taking note of the information provided by the submitting State, the Evaluation body is of the opinion that the criterion concerned could be considered to be satisfied.****Comments:**The State Party demonstrated that the proposed safeguarding measures will ensure the transmission of the element at both the institutional and non-institutional levels and encourage the local community to safeguard the related knowledge.* |

**ANNEX**

**Provisional upstream dialogue**
**for nominations to be examined in 2019**

**Information and Exchange session**

**UNESCO Headquarters, Paris, 1 March 2019**

**Background**

**Decision 11.COM 10**: The Committee established an informal open-ended ad hoc working group to examine, among others, issues related to the consultation and dialogue between the Evaluation Body and the submitting States.

**Resolution 7.GA 6**: the General Assembly recognized the importance of dialogue to enhance the evaluation process and the need to develop an appropriate mechanism to strengthen transparency and credibility in consultation with the Evaluation Body.

[**Decision 12.COM 13**](https://ich.unesco.org/en/Decisions/12.COM/13): the Committee noted the view of the Evaluation Body that time should be allowed, at least until the end of the 2019 cycle, for a number of adjustments introduced in the evaluation process to take effect, before considering the establishment of a formal ‘dialogue’ process and decided to resume this discussion at its fourteenth session.

**13.COM**: the Committee accepted the offer of the Government of Japan to support the global reflection on the listing mechanisms of the 2003 Convention. This is intended to organize a meeting of experts in September 2019 and support the convening of an open-ended intergovernmental working group in 2021. Given the long-term timeframe, the Committee requested in parallel that the Secretariat propose ways to improve the inscription process of nominations as the ‘early harvest package’. This should include an upstream dialogue mechanism between the Evaluation Body and the submitting States, which may be reflected as the amendments to the Operational Directives for adoption by the General Assembly at its eighth session in 2020. The Committee requested that the overall reflection process be finalized in time for the ninth session of the General Assembly in 2022.

The following excerpts of Decisions 13.COM 10 and 13.COM 14 relate to the overall reflection process and affect the work of the Evaluation Body for the 2019 cycle.

***Decision 13.COM 10 (Paragraphs 14, 15 and 16)***

1. *Reaffirms Resolution 7.GA 6 and decides to request the Secretariat to transmit any questions of the Evaluation Body on files submitted for the 2019 cycle to States Parties concerned after the second meeting of the Evaluation Body in 2019;*
2. *Invites submitting States Parties which shall receive such questions to submit clarifications to the Evaluation Body before the third meeting of the Evaluation Body in 2019 in English and French, in a form that will be provided by the Secretariat;*
3. *Decides also to take stock of this provisional dialogue mechanism at its fourteenth session with a view to presenting possible amendments to the Operational Directives to the eighth session of the General Assembly of States Parties in 2020;*

***Decision 13.COM 14 (Annex paragraph 6)***

1. *[The Evaluation Body] shall conduct, on an experimental basis, a provisional dialogue with submitting States Parties during the evaluation process in accordance with Decision 13.COM 10 and Resolution*[*7.GA 6*](https://ich.unesco.org/en/Resolutions/7.GA/6)*;*

**CONFORMITY with the OPERATIONAL DIRECTIVES**

**Paragraph 55** of the Operational Directives stipulates that the Evaluation Body shall complete its **fina**l evaluation during a meeting held between April and June. Until now, the conclusions reached collectively at the second meeting on individual files have been final; the third meeting normally held in September was for finalizing the report of the Body. Bearing in mind the provisional character of the upstream dialogue, as stipulated in decision 13.COM 10, and to ensure compliance with the Operational Directives and in particular paragraph 55, the Secretariat shared a proposed methodology with the Office of the International Standards and Legal Affairs of UNESCO who endorsed it and gave the following opinion[[1]](#footnote-1):

* Based on Art. 8.3 of the Convention, ‘[t]he Committee may establish, on a temporary basis, whatever ad hoc consultative bodies it deems necessary to carry out its task’. Further, pursuant to Rule 20.2 of the Rules of Procedure of the Committee (RoPs), ‘[The Committee] shall define the composition and the terms of reference (including mandate and duration of office) of such ad hoc consultative bodies at the time of their establishment’.
* In accordance with paragraph 27 of the Operational Directives (ODs), the Evaluation Body is an ad hoc consultative body of the Committee within Art. 8.3 of the Convention and its role is thus advisory in nature.

Therefore:

* The Evaluation Body should still conduct its final evaluation within the deadlines established in the Operational Directives.
* The substance of the evaluation process conducted by the Evaluation Body and timetable do not change. Nor does the finality of the Evaluation Body’s evaluation.
* The Body should limit itself to point out specific questions requiring a simple response. However, it will not change its report and recommendation to the Committee on any given nomination after its second meeting.
* The Committee has the authority to consult the Evaluation Body also after the latter finalized its evaluation in April-June of 2019.

**WhICH Files In the 2019 Cycle could Benefit From the Dialogue process**

The process is initiated when the Body considers that although the information included in a file is not sufficient to assess whether a criterion is satisfied (Referral), a short question and answer process with the submitting State(s) (the dialogue) could influence the result of its evaluation.

**Procedure and TiMETABLE**

**Individual Evaluations (1 March to 21 May 2019)**: Each member indicates, in its online evaluation, which files and criteria, among those it considers should be referred, should benefit from the dialogue process.

**Collective Evaluation (3 to 7 June 2019)**: During its second meeting in June, the Body collectively decides which files and criteria, among those it considers should be referred, should benefit from the dialogue process.

**Questions (10 to 14 June 2019)**: Based on the discussions of the Body, the Chairperson, Vice-Chairperson and the Rapporteur formulate specific questions in English or French to be addressed through the Secretariat to the submitting States concerned, immediately after the meeting in June.

**Answers (8 to 12 July 2019)**: States Parties receiving such questions are invited to reply by writing to the Evaluation Body through the Secretariat in English and French, in a form that will be provided by the Secretariat, no later than four weeks after the reception of the questions. The answers provided by the Submitting States will be made available to each member of the Evaluation Body through the online interface of their work.

**Individual Opinions (by 28 August 2019)**: Each member is asked to formulate in the online tool their opinion on the answers provided by the States Parties.

**Opinion By the Evaluation Body**

**Collective opinion (18 to 20 September 2019)**: During its third meeting, the Body collectively decides whether, from information in the files and the answers provided by the submitting States, the criteria concerned could be considered satisfied. The Chairperson, the Vice-Chairperson and Rapporteur of the Evaluation Body formulate the opinion of the Body on each of the files and criteria concerned by the dialogue process.

In accordance with the Operational Directives, the Evaluation Body will undertake its final evaluation in June. For this reason, **the Report of the Evaluation Body will clearly indicate which files were included in the dialogue process; however, the Body’s opinion following this process will not form part of the report.**

**The question(s) of the Evaluation Body, the answer(s) of the submitting State and the opinion of the Evaluation Body will be communicated separately on the webpage of the Convention together with the nomination file.**

**Decision By the Committee**

**Decision (9 to 14 December 2019)**: During the Committee session, for those files concerned by the dialogue process, the Chairperson of the Evaluation Body will present both the Evaluation Body’s recommendation based on the file and the Body’s opinion following the dialogue process.

The Committee may therefore choose to base its decision on the Report of the Evaluation Body and the Body’s opinion following the answers by the submitting States concerned.

1. . The opinion was provided in English. [↑](#footnote-ref-1)