



HOUSE OF LORDS

International Agreements Committee

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5th Report of Session 2023–24

**Scrutiny of  
international  
agreements:  
UNESCO Convention  
on Intangible  
Cultural Heritage**

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## SUMMARY

This report considers the following agreement, laid before Parliament in accordance with section 20 of the Constitutional Reform and Governance Act 2010:

- Convention for the Safeguarding of Intangible Cultural Heritage, CP 1006 (2024).

The UNESCO Convention on Intangible Cultural Heritage was adopted in 2003. The United Kingdom is one of only 12 countries worldwide which have not yet ratified it.

The Convention aims to safeguard cultural practices, expressions, knowledge and know-how that is transmitted from generation to generation within communities. In the UK this could include diverse heritage which is central to the UK's cultures and identities such as Christmas pantomime, Welsh male voice choirs, the art of making tartan, or the Notting Hill carnival. Parties to the Convention have the opportunity to submit examples of national cultural heritage to UNESCO for inclusion on its lists of internationally recognised cultural heritage. However, for the first few years, DCMS intend to focus on creating a UK-wide inventory to provide greater recognition domestically.

We welcome the Government's decision finally to ratify the Convention and agree that it signals a commitment to valuing intangible cultural heritage in the UK more deeply, as well as providing an opportunity for greater international engagement. We report the Convention to the House for information.

# Scrutiny of international agreements: UNESCO Convention on Intangible Cultural Heritage

## AGREEMENT REPORTED FOR INFORMATION

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1. The Convention for the Safeguarding of Intangible Cultural Heritage<sup>1</sup> was laid before Parliament on 11 January 2024. The scrutiny period under the Constitutional Reform and Governance Act 2010 (CRAG) expires on 22 February 2024.

### Subject matter of the Convention

2. The Convention was adopted on 3 November 2003 by the members of UNESCO—the United Nations Educational, Scientific and Cultural Organisation—and entered into force on 20 April 2006. 182 countries have already ratified.<sup>2</sup> The United Kingdom is therefore a late adopter.
3. Intangible cultural heritage means practices, representations, expressions, knowledge and know-how transmitted from generation to generation within communities.<sup>3</sup> The Convention identifies five indicative categories:
  - (a) oral traditions and expressions,
  - (b) performing arts;
  - (c) social practices, rituals and festive events;
  - (d) knowledge and practices concerning nature and the universe;
  - (e) traditional craftsmanship.

The Department for Culture, Media and Sport (DCMS) is considering adding a further two categories for the purpose of UK implementation:<sup>4</sup>

- (f) traditional games and sport;
  - (g) culinary traditions.
4. The Convention is designed to safeguard such intangible cultural heritage by promoting measures to identify, document, research, preserve and promote it at both national and international levels. The Government interprets the

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1 Foreign, Commonwealth and Development Office, *Convention for the Safeguarding of Intangible Cultural Heritage*, CP 1006 (January 2024): [https://assets.publishing.service.gov.uk/media/659d70aa7e3968000da81a7f/MS\\_1.2024\\_Convention\\_Safeguarding\\_Intangible\\_Cultural\\_Heritage.pdf](https://assets.publishing.service.gov.uk/media/659d70aa7e3968000da81a7f/MS_1.2024_Convention_Safeguarding_Intangible_Cultural_Heritage.pdf) [accessed 21 February 2024]

2 UNESCO Office of Legal Affairs, 'status of the Convention for Safeguarding Intangible Cultural Heritage': <https://www.unesco.org/en/legal-affairs/convention-safeguarding-intangible-cultural-heritage> [accessed 30 January 2024]

3 See Convention, Article 2.

4 DCMS, 'Consultation on the 2003 UNESCO Convention for Safeguarding Intangible Cultural Heritage', (23 December 2023): <https://www.gov.uk/government/consultations/2003-unesco-convention-for-the-safeguarding-of-the-intangible-cultural-heritage/consultation-on-the-2003-unesco-convention-for-safeguarding-of-the-intangible-cultural-heritage> [accessed 29 January 2024]

obligation under the Convention to “safeguard” intangible cultural heritage in this way:

“Unlike ‘preservation’ or ‘conservation’ for tangible heritage, which is usually concerned with making sure the item is not changed or damaged, ‘safeguarding’ is generally understood to include raising awareness, building participation, ensuring sustainability, and supporting the passing on of skills and knowledge.”<sup>5</sup>

*International recognition by UNESCO*

5. One of the main ways in which the Convention aims to safeguard intangible cultural heritage is through international recognition by UNESCO (see examples at Box 1). UNESCO maintains three lists:
- (a) Representative list of the Intangible Cultural Heritage of Humanity. This serves to “ensure better visibility of the intangible cultural heritage and awareness of its significance” (Convention, Article 16);
  - (b) List of Intangible Cultural Heritage in Need of Urgent Safeguarding. Items on this list may benefit from financial and other support provided through the mechanisms established by the Convention (Convention, Article 17);
  - (c) Programmes, projects and activities for the safeguarding of the intangible cultural heritage. Programmes approved for inclusion on this list can benefit from financial and technical assistance (Convention, Article 18).

The Intergovernmental Committee set up by Article 5 of the Convention approves the inclusion of items on these lists on the basis of proposals from states parties.<sup>6</sup>

**Box 1: Examples of intangible cultural heritage recognised by UNESCO**

- Artisanal know-how and culture of baguette bread: France
- Reggae music: Jamaica
- Chinese shadow puppetry: China
- Yoga: India
- Arabic calligraphy: various countries in the Middle East
- Tango: Argentina/Uruguay
- Traditional skills of loincloth weaving: Cote d’Ivoire
- Falconry: various European, Asian and Middle Eastern countries
- Mariachi, string music, song and trumpet: Mexico
- Coaxing ritual for camels: Mongolia

Source: UNESCO, ‘Lists of Intangible Cultural Heritage and Good Safeguarding Practices’: <https://ich.unesco.org/en/lists> [accessed 29 January 2024]

5 *Ibid.*

6 Convention, Article 7(g)

### UK implementation

6. In December 2023, prior to laying the Convention before Parliament, DCMS launched a public consultation on how the Convention would be implemented in the UK.<sup>7</sup>
7. According to the DCMS consultation document, the Government’s plan is first to establish a UK inventory of intangible cultural heritage as required by Article 12 of the Convention. This will be done in consultation with representatives of the four UK nations and any of the Crown Dependencies or overseas territories which choose to participate. DCMS intend to take a community-based, bottom-up approach to the inclusion of items on the UK inventory since “Intangible Cultural Heritage can only be heritage when it is recognised as such by the communities, groups or individuals who create, maintain and transmit it—without their recognition, nobody else can decide for them that a given expression or practice is their heritage.”<sup>8</sup> Approval panels for each of the four UK nations will decide whether to include an item on the inventory. Each panel will include persons with knowledge and experience of each of the heritage categories mentioned in paragraph 3 above, as well as representatives of public bodies with interest in those areas.<sup>9</sup>
8. The consultation launch highlighted the practices and traditions which could benefit from UK participation in the Convention:

“Festive favourites, such as pantomime, carol-singing and the art of making a Christmas wreath could all be formally recognised—as could others ... , such as sea shanties, cèilidh, ... Hogmanay, Burns Night, Shrove Tuesday, and the Welsh tradition of holding Eisteddfodau ... [as well as] traditions brought to the UK by immigrant communities, such as the Notting Hill Carnival [and] artisanal crafts such as basket-weaving, thatching and the arts of creating tartan and tweed.”<sup>10</sup>

#### *“Lift not List”*

9. The consultation document also outlines a “Lift not List” approach to safeguarding in the UK, meaning that DCMS will not submit items for inclusion on the UNESCO lists “at least for the first few years following ratification”. The aim of this approach is to raise awareness of intangible cultural heritage in the UK generally rather than singling out particular examples for international listing at UNESCO. The DCMS explain the rationale as follows:

“Intangible Cultural Heritage is different to World Heritage, partly in that it is far broader and more extensive, but importantly in that it has no exceptional universal value and is not necessarily original or unique. Judging which elements are more valuable or important than others is neither desirable or beneficial, nor is there any commonly agreed way of doing so. [A]ny small number of items selected to be considered for

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7 DCMS, ‘Consultation on the 2003 UNESCO Convention for Safeguarding Intangible Cultural Heritage’, (23 December 2023): <https://www.gov.uk/government/consultations/2003-unesco-convention-for-the-safeguarding-of-the-intangible-cultural-heritage/consultation-on-the-2003-unesco-convention-for-safeguarding-of-the-intangible-cultural-heritage> [accessed 29 January 2024]

8 *Ibid.*, Guiding Principles

9 *Ibid.*, Survey

10 DCMS, Press release “‘Oh No it isn’t’—Panto set to be formally recognised as UK joins UNESCO Convention’, (23 December 2023): <https://www.gov.uk/government/news/oh-no-it-isnt-panto-set-to-be-formally-recognised-as-uk-joins-unesco-convention> [accessed 29 January 2024]

the UNESCO list would be inherently unrepresentative of the wider Intangible Cultural Heritage across the UK, and would put the focus on a few items, drawing awareness away from the many other unlisted items in the inventory. We propose to focus on the Inventory of Intangible Cultural Heritage in the UK, raising awareness of all the Intangible Cultural Heritage in the UK—that is, to lift all rather than list a few with UNESCO.”<sup>11</sup>

### *Safeguarding*

10. Article 13 of the Convention requires the Government to establish a competent body for the safeguarding of intangible cultural heritage in the UK. DCMS intend to establish a Safeguarding Committee, representing the whole of the UK for this purpose.<sup>12</sup> DCMS officials have told us that the functions of the Committee would include identifying and prioritising areas of need (e.g. market failure), considering options for addressing these needs, and making recommendations.
11. We note that in its Explanatory Memorandum the Government states that, apart from creating a UK inventory of intangible cultural heritage and reporting on that to UNESCO, “ratifying does not place any additional burden, duty, or obligation on any policy-maker or funder, and does not signal a commitment to direct intervention from HM Government, the devolved administrations, local government, or associated public bodies.”<sup>13</sup> In our view that is a misreading of the Convention. While the Convention does not impose absolute obligations relating to safeguarding, Articles 13–15 list a series of measures which the Government must endeavour to take. The obligation to report to the UNESCO Committee on Safeguarding applies to the measures specified in Articles 13–15 just as much as to the obligation to create an inventory. **We call on the Government to have regard to all the measures in the Convention with respect to the safeguarding of cultural heritage.**
12. We welcome the Government’s decision to ratify the Convention. The UK is currently an outlier, being one of only a small number of states worldwide not currently participating in the Convention. We agree that joining the Convention will signal a commitment to valuing intangible cultural heritage in the UK more deeply and give it greater recognition domestically, as well as providing an opportunity for greater international engagement.
13. The DCMS consultation on the Convention has not yet closed and the consultation documents give no indication of the timescale for implementation. **We call on the Government to report to Parliament in due course on the outcome of the consultation process, its plans for establishing a UK inventory and the additional measures it proposes to take to safeguard intangible cultural heritage in the United Kingdom.**

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11 [DCMS consultation document](#), Implementation Outline

12 DCMS, *Explanatory Memorandum on UNESCO 2003 Convention, Convention for the Safeguarding of the Intangible Cultural Heritage*, section 4.4: available at [https://assets.publishing.service.gov.uk/media/659d70d2aaae22001356dcb3/EM\\_MS\\_1.2024\\_Convention\\_Safeguarding\\_Intangible\\_Cultural\\_Heritage.odt](https://assets.publishing.service.gov.uk/media/659d70d2aaae22001356dcb3/EM_MS_1.2024_Convention_Safeguarding_Intangible_Cultural_Heritage.odt). [accessed 21 February 2024]. Any Crown Dependencies or overseas territories which join the Convention would also be represented.

13 Explanatory Memorandum, paragraph 4.5



14. **We report the Convention for the Safeguarding of Intangible Cultural Heritage to the House for information as well as our comments in paragraphs 11 and 13.**

## APPENDIX 1: LIST OF MEMBERS AND DECLARATIONS OF INTEREST

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### Members

Lord Anderson of Swansea  
Lord Boateng  
Lord Fox  
Lord Geidt  
Lord German  
Lord Goldsmith KC (Chair)  
Lord Grimstone of Boscobel  
Lord Hannay of Chiswick  
Lord Howell of Guildford  
Baroness Kingsmill  
Lord Marland  
Lord Udney-Lister

### Declarations of Interest

Lord Anderson of Swansea  
*No relevant interests*

Lord Boateng  
*Independent non-executive director, at the Ghana International Bank  
Board member, Syngenta Foundation*

Lord Fox  
*No relevant interests*

Lord Geidt  
*Chairman of Council, King's College London  
President, Royal Overseas League*

Lord German  
*No relevant interests*

Lord Goldsmith KC  
*Partner, Debevoise & Plimpton LLP (international law firm)*

Lord Grimstone of Boscobel  
*No relevant interests*

Lord Hannay of Chiswick  
*Member, advisory board of the Centre for European Reform,  
Member, European Leadership Network  
Chair, European & International Analysts Group*

Lord Howell of Guildford  
*No relevant interests*

Baroness Kingsmill  
*No relevant interests*

Lord Marland  
*Director, Janspeed Technologies Ltd (manufacturer of motor parts)*

Lord Udney-Lister  
*No relevant interests*