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

Item 12 of the Provisional Agenda:
Follow-up on elements inscribed on the Lists of the Convention
ADDENDUM

On 5 December 2019, the Permanent Delegation of the Kingdom of Belgium to UNESCO sent a note verbale (no. PCI/BE/212) to the Secretariat of the 2003 Convention requesting that the Aalst carnival be removed from the Representative List of the Intangible Cultural Heritage of Humanity ‘at the request of the city of Aalst [and] on behalf of community of the [Aalst] carnival’.

This note verbale was accompanied by another note verbale (no. PCI/BE/211) issued on the same day by the Permanent Delegation of the Kingdom of Belgium to UNESCO, transmitting letters from the Flemish Department for Culture, Youth and Media as well as the municipal authorities of Aalst.
Summary

At its meeting on 21 March 2019, the Bureau of the Committee requested that the Secretariat inscribe an item on the provisional agenda of the present session ‘in order to raise the case of the Aalst carnival in the context of the follow-up of inscribed elements on the Lists of the Convention, which includes the possibility of removing elements from the Lists of the Convention in accordance with paragraph 40 of the Operational Directives’ (Decision 14.COM 1.BUR 4). The present document will therefore examine the specific case of the Aalst carnival.

Decision required: paragraph 23
A. Background

1. At its thirteenth session, the Committee took ‘note of the increasing number of cases that are brought to the attention of the Secretariat regarding the changing status of elements inscribed on the Lists of the Convention’, ‘recognize[d] the need to reflect on the follow-up of inscribed elements’ and decided to include this reflection in the broader reflection on the future of the listing mechanisms of the Convention (Decision 13.COM 9).

2. The present document focuses on the case of the Aalst carnival (Belgium), which was inscribed on the Representative List of the Intangible Cultural Heritage of Humanity (hereafter the ‘Representative List’) in 2010. Considering the seriousness of the issue raised in the vast number of complaints received (letters and signatures on the petition), as well as the recurrent nature of these kinds of complaints (2013, 2018, 2019), the Secretariat decided to bring the matter to the attention of the Bureau of the Committee at its meeting on 21 March 2019. The Bureau of the Committee requested that the Secretariat inscribe an item on the provisional agenda of the present session ‘in order to raise the case of the Aalst carnival in the context of the follow-up of inscribed elements on the Lists of the Convention, which includes the possibility of removing elements from the Lists of the Convention in accordance with paragraph 40 of the Operational Directives’ (Decision 14.COM 1.BUR 4).

B. The case of the Aalst carnival

Background

3. Based on a nomination file submitted by Belgium, the ‘Aalst carnival’ was inscribed on the Representative List in 2010 (Decision 5.COM 6.3). The summary description of the element is as follows:

‘When the three-day Aalst carnival begins each year on the Sunday before the Christian Lent, it is the culmination of a year of preparation by the inhabitants of this city in East Flanders in northern Belgium. […] In addition to the carefully-prepared floats of official entrants, informal groups join the festivities to offer mocking interpretations of local and world events of the past year. The 600-year-old ritual, drawing up to 100,000 spectators, is a collective effort of all social classes and a symbol of the town’s identity in the region. Constantly recreated by new generations, the ancient carnival’s collective laughter and slightly subversive atmosphere celebrate the unity of Aalst.’

Issues raised by the public and concerned parties

4. Since the inscription of the Aalst carnival on the Representative List, more than twenty letters and emails, as well as an online petition gathering over 19,000 signatures, have been received by the Secretariat. These were received in 2013, 2018 and 2019, as follows:

5. 2013 edition of the carnival. In 2013, the Anti-Defamation League, an organization based in the United States of America which aims to ‘stop the defamation of the Jewish people and secure justice for all people, irrespective of religion, colour, national origin, ethnicity, gender and sexual orientation’, sent a written protest to UNESCO to report the use of ‘grotesque images, including blatantly stereotypical depictions of Jews’ that evoke the tragedy of the Shoah and mock the Holocaust.¹ These images included the participation of people wearing Nazi officers’ costumes and carrying Zyklon B canisters on a float resembling a Nazi railway wagon, caricaturing deportation scenes of Jewish people. Through a communiqué released on 12 February 2013, UNESCO’s then Director-General firmly condemned the ‘violation of the spirit of the Aalst carnival, characterized by freedom and satire, which cannot justify the recourse to anti-Semitic stereotypes.’

6. In conformity with the guidelines for the treatment of correspondence from the public or other concerned parties with regard to nominations (Decision 7.COM 15), the Secretariat transmitted the correspondence from the Anti-Defamation League to the relevant authorities in Belgium. In its response, the government of Flanders regretted that images of a carnival float had been perceived as anti-Semitic and underlined the importance of the historical, social and cultural context of the Aalst carnival.²

7. 2018 edition of the carnival. In 2018, an individual reported to the municipality of Aalst, with a copy sent to UNESCO and the diplomatic representation of Israel in Belgium, the display of symbols linked to Nazi and Soviet regimes, including the flag used by the Nazi SS paramilitary organization. Recalling the above-mentioned precedent from 2013, the individual who sent the email regretted the reoccurrence of such behaviour and hoped that a code of conduct could help prevent ‘irresponsible’ acts in the future. On its blog, the group responsible for the float and the use of controversial symbols explained that its aim was to mock the Flemish party N-VA and the Mayor of Aalst.

8. 2019 edition of the carnival. During the 2019 edition of the carnival, which took place from 3 to 5 March 2019, racist and anti-Semitic caricatures were displayed on some floats. In particular, one float carried two giant figures of Orthodox Jews wearing fur hats and pink suits, with side curls and grotesquely large noses, sitting on gold coins and bags of money. One of the figures had a rat puppet on its jacket and was smoking a cigar and extending its hand towards the public. It is reported that music was played in the background with lyrics playing on rhyming words referring to Jewish stereotypes such as kluis (deposit box), roze muis (pink mouse) and joodse muis (Jewish mouse). The group of carnivalists responsible for this float explained that its intention was to highlight the need for the group to ‘save money’ during what the carnivalists considered ‘a sabbatical year’.³ In addition, a different group of carnivalists paraded in white hoods and robes, dressed as members of the Ku Klux Klan. They were seen displaying a message referring to white supremacy and posing with a local far-right wing politician.⁴

9. On 6 March 2019, UNESCO published a communiqué condemning the racist and anti-Semitic nature of some representations at the Aalst carnival in Belgium that go against the values of respect and dignity embodied by UNESCO and are counter to the principles that underpin the intangible cultural heritage of humanity. In its latest report published on 23 October 2019, Unia, Belgium’s independent public institution that combats discrimination and promotes equal opportunities, confirmed that the representations of Jewish communities are indeed anti-Semitic and that other representations of minority communities are also problematic. Nevertheless, the absence of malicious intent is the main argument put forward by Unia to explain why the representations in the context of the carnival do not constitute criminal acts vis-à-vis the Belgian and European law.

10. In parallel, the Secretariat received a series of correspondences regarding the Aalst carnival (see Annex), including eight letters from the Forum of Jewish Organizations of Belgium (FJO), the World Jewish Congress, the chief rabbi of Brussels, the International Movement for Peace and Coexistence (IMPAC), B’nai B’rith International, the Belgian League Against Anti-Semitism, the President of the Senate of Belgium and a member of the same political party as the Mayor of Aalst following her resignation from a district council in Antwerp (Belgium), respectively, as well as thirteen emails from individuals from different parts of the world. In addition, the International Movement for Peace and Coexistence (IMPAC) launched an online petition demanding the removal of the Aalst carnival from the Lists of the Convention. As of September 2019, the petition had gathered more than 19,000 signatures. These letters and emails all expressed serious

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³ Le carnaval et les limites à la liberté d’expression, Unia, October 2019, p. 46.
concerns about the display of racist and anti-Semitic representations on some floats used for the 2019 edition of the carnival.

11. In conformity with the guidelines for the treatment of correspondence from the public or other concerned parties with regard to nominations (Decision 7.COM 15), these letters were transmitted to the Permanent Delegation, National Commission for UNESCO, the duly designated authorities and contact person responsible for the nomination of the ‘Aalst carnival’.

12. The media coverage of the 2019 edition of the carnival sparked reactions from a number of international and regional institutions, such as the European Commission, expressing their indignation about such representations on European streets some seventy years after the Holocaust and underlining the responsibility of the Belgian authorities to take the necessary measures.5

13. Moreover, some of the letters received stated that ‘hateful caricatures’ have been observed in previous editions of the carnival, which took place before the inscription of the Aalst carnival on the Representative List:

a. 2005 edition of the carnival. According to the letter from the chief rabbi of Brussels dated 11 March 2019, several participants at the 2005 edition of the Aalst carnival were dressed as Islamist terrorists, which at the time led to strong protests from the Arab League.

b. 2009 edition of the carnival. According to this same letter and that of the Belgian League Against Anti-Semitism, the 2009 edition of the carnival saw some participants dressed as Orthodox Jews, wearing fake hooked noses, yellow stars combined with a Palestinian keffiyeh or shtreimels (fur hats worn by some Orthodox Jews) on which models of combat helicopters were laid.

Position of the authorities and communities concerned

14. At the time of drafting, Belgium has not provided any official written position in response to the correspondence transmitted to it by the Secretariat in 2019. However, the State Party forwarded a request from the Flemish Department for Culture, Youth and Media to have an informal meeting with the Secretariat and the Evaluation Body established for the 2019 cycle, to allow the communities to explain their point of view. This informal meeting took place on 17 September 2019 in the presence of the authorities of Belgium, the authorities of Flanders, the Mayor of Aalst and an Alderman of Aalst (as representatives of the communities concerned), three members of the Evaluation Body for the 2019 cycle and the Secretariat. During the meeting, the Mayor of Aalst, as representative of the communities concerned, recalled the historical, social and cultural context of the carnival and stated clearly that he would not consider imposing any form of censorship. Furthermore, UNESCO was made aware on 21 October 2019 through a media representative of the preparation of the 2020 edition of the Aalst carnival. The organizing committee is said to have prepared a set of ribbons as collectors’ items, which depict once again several stereotypical representations of Jews as well as of a Muslim in the form of cartoons. The accompanying text makes fun of UNESCO and reaffirms that the Aalst carnival should continue in the same spirit of satire and mockery.6

5. ‘Antisemitic carnival float had puppets of smiling Jews, sacks of money and a rat’, The Independent, 6 March 2019.
Considerations

15. The considerations provided in this sub-section are based on:

a. the nomination file no. 00402 submitted by Belgium in 2009 for the inscription of the ‘Aalst carnival’ on the Representative List and the subsequent decision of the Committee 5.COM.6.3 in 2010;

b. the periodic report on the implementation of the Convention at the national level submitted by Belgium in 2012;

c. the letters from the public and other concerned parties received by the Secretariat in 2013, 2018 and 2019 concerning the Aalst carnival;

d. the letters from the relevant authorities of Belgium received by the Secretariat in 2013 and 2019, in response to the transmission by the Secretariat of the correspondence received, in application of the guidelines for the treatment of correspondence from the public or other concerned parties with regard to nominations (2013) and to request an informal meeting (2019);

e. the meeting of the Bureau of the Committee held on 21 March 2019 at UNESCO Headquarters;

f. the informal meeting between the authorities of Belgium, the authorities of Flanders, representatives of the communities concerned, members of the Evaluation Body and the Secretariat, held on 17 September 2019 at UNESCO Headquarters;

g. the report published by Unia on ‘Carnivals and the limits to the freedom of expression’ in October 2019.

16. Based on the abovementioned relevant documents, the case of the Aalst carnival is characterized by the following aspects that sets it aside from other cases brought to the attention of the Secretariat:

a. Severity of the issue (see paragraphs 18 to 22). Based on a broad range of sources, it has been established that representations observed in several editions of the Aalst carnival, whether or not deemed of a racist and xenophobic nature, can be considered, at the very least, as seriously challenging the requirements of mutual respect amongst communities.

b. Repetition of the issue (see paragraphs 5 to 13). The Secretariat has been informed of the display of representations that could be considered as not meeting the requirements of mutual respect amongst communities in at least three editions of the carnival (2013, 2018 and 2019) since its inscription on the Representative List. In addition, correspondence received indicates that such representations were also observed in at least two editions of the carnival (2005 and 2009) prior to its inscription. Finally, the ribbons released in October 2019 for the 2020 edition of the carnival demonstrate that such representations are likely to reoccur in the future.

c. Number and diversity of correspondence received (see paragraphs 5, 7 and 10 and Annex). Since 2013, the Secretariat has received over twenty letters and emails, as well as an online petition, from a wide range of individuals and institutions – public and private, governmental and non-governmental, based in Belgium and overseas.

d. Reaction from the communities concerned (see paragraph 14). No clear measure appears to have been implemented by the communities concerned to prevent the reoccurrence of offensive behaviours in the future. While the nomination file indicates specific safeguarding measures to monitor the evolution of representations displayed during the carnival – and in this regard foresaw the establishment of a special safeguarding committee – problematic representations continue without any suitable solution having been identified and implemented. It is therefore expected that such representations will still be observed in future editions of the Aalst carnival.

7. See Section 3.b of the nomination file.
carnival, as demonstrated by the set of ribbons released in October 2019 for the 2020 edition of the carnival.

e. **Lack of response from the State Party** (see paragraph 14). Following the transmission of the correspondence received to the relevant authorities of Belgium through three letters dated 20 March, 6 June and 14 June 2019, Belgium has not yet provided any written position on the issues raised.

17. The considerations provided in this document and the subsequent decision of the Committee shall not be considered as an attempt to determine what constitutes intangible cultural heritage for the communities of Aalst, nor does it aim to prescribe whether and how these communities shall practise their own living heritage. The Committee is hereby invited to assess whether the Aalst carnival is in conformity with UNESCO’s values, the definition of intangible cultural heritage (as set out in Article 2 of the Convention) and the criteria of the Representative List. This includes a consideration of whether what is claimed to be understood or perceived in a certain way at the local level may have other reverberations at the international level. In this regard, the Committee may wish to recall that while the Convention puts the role of communities at its heart, the Committee has on several occasions reminded States Parties that the requirement of mutual respect among communities, groups and individuals is fundamental to the Convention and that inscriptions on the Representative List should encourage dialogue which respects cultural diversity (paragraph 10 of **Decision 7.COM 11** for instance).

**Assessment**

18. **Conformity of the element with the founding principles of UNESCO.** As a preliminary matter, the Secretariat recalls that the Convention for the Safeguarding of the Intangible Cultural Heritage was adopted under the auspices of UNESCO by its General Conference. The conformity of the Convention with the founding principles of UNESCO therefore constitutes an essential aspect of its object and purpose, and must be considered in its implementation. UNESCO was created in 1945 in response to a world war that was marked by racist and anti-Semitic violence, including genocide. As stated in its **preamble**, the Organization’s founding vision is marked by the realization that ‘suspicion and mistrust between the peoples of the world […] have all too often broken into war’ and that the causes of the war were rooted in the ‘denial of the democratic principles of the dignity, equality and mutual respect’ and in the ‘propagation, in their place, through ignorance and prejudice, of the doctrine of inequality of men and races’. By allowing the possibility for racist, anti-Semitic and xenophobic representations to take place, the Aalst carnival contradicts not only the provisions of the Convention, including the definition of intangible cultural heritage and the purpose of the Representative List (see paragraphs 19 to 21), but also the founding principles underpinning UNESCO as stated in its Constitution. The display of representations that overtly contradict some of the core values underpinning the existence of UNESCO, affects not only the credibility of the Convention and of the Committee, but also of the Organization as a whole.

19. **Conformity of the element with the definition of intangible cultural heritage (Article 2 of the Convention).** As described under Article 2 of the Convention, which defines intangible cultural heritage for the purpose of the 2003 Convention, ‘consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals […]’ (emphasis added). This definition is reflected in criterion **R.1**, as stated under paragraph 2 of the Operational Directives. In light of the repeated acts described under paragraphs 5 to 12 of the present document, the Committee may wish to consider that some community members participating in the Aalst carnival have on several occasions displayed messages, images and representations that could be considered within and outside of the community as encouraging stereotypes, mocking certain groups and insulting the memories of painful historical experiences
including genocide, slavery and racial segregation.⁸ These acts, whether or not intentional, contradict ‘the requirements of mutual respect among communities, groups and individuals’. As such, the element contradicts Article 2 of the Convention and thereby no longer satisfies criterion R.1.

20. **Compatibility of the element with the purpose and criteria of the Representative List.** As per Article 16.1 of the Convention, the Representative List was established ‘in order to ensure better visibility of the intangible cultural heritage and awareness of its significance, and to encourage dialogue which respects cultural diversity’. The purpose of the Representative List is further reflected in criterion R.2 – as defined by paragraph 2 of the Operational Directives of the Convention – which states that the ‘[i]nscription of the element will contribute to ensuring visibility and awareness of the significance of the intangible cultural heritage and to encouraging dialogue […]’. The Committee could consider that, since its inscription on the Representative List in 2010, the element has triggered strong protests from various communities that felt unduly mocked and attacked by some of the representations present in the successive editions of the carnival.⁹ While the Aalst carnival might have brought greater visibility to intangible cultural heritage, it is clear that visibility resulting from controversial events has not positively benefitted the Convention and intangible cultural heritage in general.

21. As offensive representations have been used on several occasions during the Aalst carnival, including before and after the inscription of the element on the Representative List, the Committee can consider that the inscription has not encouraged dialogue among communities so far and that it has even fostered mistrust between and among communities. As such, the element contradicts Article 16.1 of the Convention and thereby no longer satisfies criterion R.2.

22. In light of the considerations and assessment presented by the Secretariat, the Committee could consider that it has received sufficient information to envisage the removal of the Aalst carnival from the Representative List in conformity with paragraph 40 of the Operational Directives, which foresees that ‘an element shall be removed from the [Representative List] by the Committee when it determines that it no longer satisfies one or more criteria for inscription on that list’. As demonstrated in paragraphs 18 to 21, the element no longer satisfies criteria R.1 and R.2 and the Committee could therefore decide that the ‘Aalst carnival’ should be removed from the Representative List.

23. The Committee may wish to adopt the following decision:

**DRAFT DECISION 14.COM 12**

The Committee,

1. Having examined document LHE/19/14.COM/12,

2. Recalling Decisions 7.COM 11, 7.COM 15 and 14.COM 1.BUR 4, as well as paragraph 40 of the Operational Directives,

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⁸ Events reported to the Secretariat are also in contradiction with the content of the nomination file submitted in 2010, in which it is stated that the representations used in the Aalst carnival do indeed mock groups ‘in a friendly humoristic and respectful way’ and that the representations convey only ‘slightly subversive message[s]’ (Sections 1 and 2 of the nomination file).

⁹ In this regard, it could be recalled that in the context of nominations involving expressions of violence among human beings and/or involving animals, the Committee specifically called upon ‘States Parties to ensure that the nomination file […] be elaborated with utmost care, in order to avoid provoking misunderstanding among communities in any way, with a view to encouraging dialogue and mutual respect among communities, groups and individuals’ (paragraph 13 in Decision 9.COM 10).
3. **Further recalling** that the Aalst carnival was inscribed in 2010 on the Representative List of the Intangible Cultural Heritage of Humanity on the basis of the nomination submitted by Belgium ([Decision 5.COM 6.3](https://example.com/decision)),

4. **Also recalling** UNESCO’s founding principles of dignity, equality and mutual respect amongst peoples as reflected in the preamble of the Organization’s Constitution, as well as the requirements of mutual respect among communities, groups and individuals as stipulated under Article 2 of the Convention and acknowledging the communiqués published by UNESCO on 6 March and 22 March 2019,

5. **Condemns** all forms of racism, antisemitism, islamophobia and xenophobia;
6. **Considers**, based on the elements brought to its attention by the Bureau and the Secretariat, that the ‘Aalst carnival’ no longer satisfies criteria for inscription R.1 as well as R.2 of the Representative List of the Intangible Cultural Heritage of Humanity as follows:

**R.1:** Since its inscription, the Aalst carnival has on several occasions displayed messages, images and representations that can be considered within and outside of the community as encouraging stereotypes, mocking certain groups and insulting the memories of painful historical experiences including genocide, slavery and racial segregation. These acts, whether or not intentional, contradict the requirements of mutual respect among communities, groups and individuals. The Aalst carnival no longer satisfies criterion R.1.

**R.2:** Offensive representations have been used on several occasions during the Aalst carnival since its inscription on the Representative List. The inscription does not appear to have encouraged dialogue among communities and has even fostered mistrust between and among communities. The Aalst carnival no longer satisfies criterion R.2.

7. **Decides to remove** the ‘Aalst carnival’ from the Representative List of the Intangible Cultural Heritage of Humanity.
## ANNEX

**Correspondence received concerning the Aalst carnival**
*(January 2013 to September 2019)*

<table>
<thead>
<tr>
<th>Sending entity/individual</th>
<th>Type of correspondence</th>
<th>Date</th>
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<tbody>
<tr>
<td><strong>Correspondence received in 2013</strong></td>
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<tr>
<td>1 Anti-Defamation League</td>
<td>Letter to UNESCO</td>
<td>11 February 2013</td>
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<tr>
<td>2 Government of Flanders</td>
<td>Reply letter to UNESCO</td>
<td>15 February 2013</td>
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<td><strong>Correspondence received in 2018</strong></td>
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<td>3 Marcin L.</td>
<td>Email to the municipal authorities of Aalst (copy to UNESCO)</td>
<td>14 February 2018</td>
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<td><strong>Correspondence from institutions received in 2019</strong></td>
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<td>4 Forum of Jewish Organizations of Belgium (FJO)</td>
<td>Letter to UNESCO</td>
<td>5 March 2019</td>
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<tr>
<td>5 World Jewish Congress</td>
<td>Letter to UNESCO</td>
<td>6 March 2019</td>
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<td>6 Chief rabbi of Brussels</td>
<td>Letter to UNESCO</td>
<td>11 March 2019</td>
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<td>7 Belgian League Against Anti-Semitism</td>
<td>Email to UNESCO</td>
<td>14 March 2019</td>
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<td>8 International Movement for Peace and Coexistence (IMPAC)</td>
<td>Letter to UNESCO</td>
<td>15 March 2019</td>
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<td>9 B’nai B’rith International</td>
<td>Letter to UNESCO</td>
<td>26 March 2019</td>
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<td>10 President of the Senate of Belgium</td>
<td>Letter to UNESCO</td>
<td>15 May 2019</td>
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<td><strong>Correspondence from individuals received in 2019</strong></td>
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<td>Email to UNESCO</td>
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<td>12 Amos S.</td>
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<td>15 Judith C.</td>
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<td>16 Susan S.</td>
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<td>17 Karen M.</td>
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<td>23 Terry S.</td>
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<tr>
<td>24 Isabelle Z.</td>
<td>Letter to UNESCO</td>
<td>19 September 2019</td>
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