Unit 4

who can do what in implementing the convention?

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lesson plan

Duration:

2 hours

Objective(s):

Provide an overview of what States Parties, communities, experts, centres of expertise, research institutes and NGOs can (or are expected to) do within the framework of the implementation of the Convention for the Safeguarding of the Intangible Cultural Heritage[[1]](#footnote-1) at the national level.

Description:

This unit discusses who can, may or should do what in the implementation of the Convention at the national level. The following topics are covered: the role of States Parties, the role of the communities, groups and individuals concerned and the role of NGOs, experts, centres of expertise and research institutions.

Proposed sequence

* Who are the stakeholders?
* The role of States Parties
* The role of communities
* The role of NGOs, experts, centres of expertise and research institutes
* Multiple stakeholders, multiple activities

Supporting documents:

* Facilitator’s narrative Unit 4
* Unit 4 PowerPoint presentation
* Participant’s text Unit 4
* Participant’s text Unit 3: relevant entries include ‘Communities, groups and individuals’, ‘International, regional, subregional, local’ and ‘Category 2 centres’
* Case study 1
* UNESCO. *Basic Texts of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage* (referred to in this unit as Basic Texts). Paris, UNESCO. Available at <http://www.unesco.org/culture/ich/index.php?lg=en&pg=00503>.

Notes and suggestions

The main focus in this unit is on illustrating how a positive safeguarding outcome can be achieved by working together under the principles of the Convention. Facilitators are encouraged to provide examples with which participants may be familiar, in addition to using some of the examples provided.

The Yamahoko example (see Case study 1) is used as an anchor case study for this unit. This example, or a suitable alternative selected by the facilitator, should be discussed in some detail to show the *range* of measures implemented by *multiple* stakeholders in safeguarding a real element.

The Facilitator’s notes contain many quotations from the Convention and the Operational Directives (ODs), but these simply provide a reference point for facilitators. Participants should have their Basic Texts at hand; they may be asked to read articles that are under discussion in the PowerPoint presentation and discuss them where appropriate.

Unit 4

who can do what in implementing the convention?

facilitator’s narrative

###### Slide 1.

Who can do what in implementing the Convention?

###### Slide 2.

In this presentation …

This unit includes a discussion of who should be involved in the following activities:

* raising awareness about and respect for intangible cultural heritage (ICH) (discussed further in Unit 5);
* identifying, defining and inventorying ICH (discussed further in Unit 6);
* ensuring community participation (and a leading role for the community) in identifying, defining and managing their ICH; providing their consent for any action concerning their ICH by third parties, including nominations to the Lists and the Register of the Convention (discussed further in Unit 7);
* contributing to sustainable development while respecting human rights and ensuring the viability of ICH (discussed further in Unit 8);
* enhancing and promoting the practice and transmission of ICH through safeguarding and other activities (discussed further in Unit 9);
* creating an enabling legal and administrative environment for the continued practice and transmission of ICH and for specific safeguarding actions (discussed further in Unit 10); and
* engaging in activities on the international level that aim at safeguarding, sharing, nominating and promoting the ICH present in the State (discussed further in Units 11 and 12).

###### Slide 3.

Yamahoko float ceremony, Kyoto Gion festival (Japan)

Refer to Case study 1 on Yamahoko, the float ceremony of the Kyoto Gion festival, which was inscribed on the Representative List in 2009.

It is used here as an example of how different stakeholders, including the community concerned, local and national government, industry and various types of institutions, can be involved in the safeguarding of an ICH element.

###### Slides 4–5.

**Yamahoko float ceremony: community-led activities

Refer to Case study 1.

###### Slide 6.

Yamahoko float ceremony: government support

###### Slides 7–8.

Yamahoko float ceremony: other stakeholders

###### Slide 9.

Who are the stakeholders?

Participant’s text Unit 4.1 introduces three main groups of stakeholders that play an important role in implementing the Convention: States Parties to the Convention; the communities concerned; and other stakeholders mentioned in the Convention and its ODs (e.g. NGOs).

###### Slide 10.

Roles of States Parties (subheading)

States Parties bear the responsibility for ICH safeguarding in general within their territory, and for any official relations with the Organs of the Convention, including the submission of international assistance requests and nominations.

Participant’s text Unit 4.2 discusses four main categories of activities that States Parties should or may undertake at the national level. Some of these are obligations (covered in slide 12) and others are recommendations (slides 13–15).

Participant’s text Unit 4.3 discusses the roles of States Parties at the international level.

Participant’s text Unit 4.4 provides a summary of the roles of States Parties at the national and international levels for easy reference.

###### Slide 11.

Roles of States Parties at the national level

The Convention outlines a few main obligations for each State Party at the national level in Articles 11–12. It recommends further steps for States Parties to take in Articles 13–15 and various ODs. Slide 11 introduces four main roles of States Parties concerning the implementation of the Convention at the national level.

The next few slides provide more detail on this issue and distinguish between obligations (slide 12) and recommendations (slides 13–15) in the Convention.

Participant’s text Unit 4.2 gives a brief overview of the roles envisaged in the Convention for States Parties at the national level.

###### Slide 12.

Obligations in the Convention ...

The Convention outlines a few main obligations for each State Party at the national level, which include:

* taking the necessary measures to ensure the safeguarding of the intangible cultural heritage present in its territory (Article 11(a));
* identifying and defining the various elements of the intangible cultural heritage present in its territory, with the participation of communities, groups and relevant NGOs (Article 11(b)); and
* drawing up, in a manner geared to its own situation, one or more inventories of the intangible cultural heritage present in its territory (Article 12).

###### Slide 13.

Recommendations in the Convention …

The Convention recommends that each State Party try to:

* adopt policies and codes of ethics to assist in safeguarding ICH in the spirit of the Convention (Article 13(a); OD 105(d), (f) and (g) and OD 107);
* establish (or designate existing) ‘competent bodies’ or institutions that can assist in the execution of safeguarding policies, capacity building, inventory-making (Articles 13(b) and 13(d)(i); ODs 80 and 83), research (Article 13(c); OD 105(b) and (c) and OD 107(k)), documentation (Article 13(d)(iii); OD 85) and raising awareness (Articles 1(c) and 14(a)(i); ODs 85, 105 and 107(b));
* foster research (Article 13(c));
* ensure respect for ICH and the appropriate access to it (Articles 1(b), 13(d)(ii) and 14(a)); and
* ensure community participation and consent in all matters that concern ICH (Article 15; ODs 79–89).

###### Slide 14.

Recommendations in the Operational Directives …

The ODs recommend that States Parties try to foster participation of communities and other stakeholders by:

* Establishing coordinating bodies and cooperative networks:

OD 79 Recalling Article 11 (b) of the Convention and in the spirit of Article 15 of the Convention, the Committee encourages States Parties to establish functional and complementary cooperation among communities, groups and, where applicable, individuals who create, maintain and transmit intangible cultural heritage, as well as experts, centres of expertise and research institutes.

OD 80 States Parties are encouraged to create a consultative body or a coordination mechanism to facilitate the participation of communities, groups and, where applicable, individuals, as well as experts, centres of expertise and research institutes, in particular in:

(a) the identification and definition of the different elements of intangible cultural heritage present on their territories;

(b) the drawing up of inventories;

(c) the elaboration and implementation of programmes, projects and activities;

(d) the preparation of nomination files for inscription on the Lists, in conformity with the relevant paragraphs of Chapter 1 of the present Operational Directives;

(e) the removal of an element of intangible cultural heritage from one List or its transfer to the other, as referred to in paragraphs 38–40 of the present Operational Directives.

OD 86 States Parties are encouraged to develop together, at the subregional and regional levels, networks of communities, experts, centres of expertise and research institutes to develop joint approaches, particularly concerning the elements of intangible cultural heritage they have in common, as well as interdisciplinary approaches.

* Undertaking capacity building and raising awareness in communities:

OD 81 States Parties shall take necessary measures to raise the awareness of communities, groups and, where applicable, individuals to the importance and value of their intangible cultural heritage, as well as of the Convention, so that the bearers of this heritage may fully benefit from this standard-setting instrument.

OD 82 In conformity with the provisions of Articles 11–15 of the Convention, States Parties shall undertake appropriate measures to ensure capacity-building of communities, groups and, where applicable, individuals.

OD 107(m) training communities, groups or individuals in the management of small businesses dealing with intangible cultural heritage.

* Establishing and regularly updating a directory of individuals and institutions with expertise in the study of ICH:

OD 83 States Parties are encouraged to establish and regularly update, in a manner geared to their own situation, a directory of experts, centres of expertise, research institutes and regional centres active in the domains covered by the Convention that could undertake the studies mentioned in Article 13 (c) of the Convention.

* Facilitating community access to research:

OD 85 States Parties shall endeavour to facilitate access by communities, groups and, where applicable, individuals to results of research carried out among them, as well as foster respect for practices governing access to specific aspects of intangible cultural heritage in conformity with Article 13 (d) of the Convention.

###### Slide 15.

Further recommendations in the Operational Directives …

The ODs also recommend that, in raising awareness about the importance of ICH, States Parties try to:

* Adopt codes of ethicsto ensure appropriate ways of raising awareness about the intangible cultural heritage in their territory:

OD 103 States Parties are encouraged to develop and adopt codes of ethics based on the provisions of the Convention and these Operational Directives, in order to ensure appropriate ways of raising awareness about the intangible cultural heritage present in their respective territories.

* Implement appropriate legal protection for communitieswhen awareness-raising or commercial activities involve their ICH:

OD 104 States Parties shall endeavour to ensure, in particular through the application of intellectual property rights, privacy rights and any other appropriate form of legal protection, that the rights of the communities, groups and individuals that create, bear and transmit their intangible cultural heritage are duly protected when raising awareness about their heritage or engaging in commercial activities.

* Keep the public informed about the importance of intangible cultural heritage and the dangers threatening it, as well as about the activities carried out in pursuance of the Convention:

OD 105 States Parties shall endeavour, by all appropriate means, to keep the public informed about the importance of intangible cultural heritage and the dangers threatening it, as well as about the activities carried out in pursuance of the Convention.... [Seven recommendations follow.]

* Promote good safeguarding practices selected by the Committee, in conformity with Article 18 of the Convention:

OD 106 States Parties shall endeavour in particular to adopt measures to support the promotion and dissemination of the programmes, projects and activities selected by the Committee, in conformity with Article 18 of the Convention, as best reflecting the principles and objectives of the Convention.

* Support formal and non-formal education to ensure recognition of, respect for and enhancement of intangible cultural heritage:

OD 107 States Parties shall endeavour, by all appropriate means, to ensure recognition of, respect for and enhancement of intangible cultural heritage through educational and information programmes, as well as capacity-building activities and non-formal means of transmitting knowledge (Article 14 (a) of the Convention) ... [Thirteen recommendations follow.]

###### Slide 16.

**Role of States Parties at the international level

Refer to Participant’s text Unit 4.3.

**Contribution to the ICH Fund**

States Parties shall undertake to pay a contribution to the ICH Fund.

Article 26.1: Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay into the Fund, at least every two years, a contribution, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly.

**Periodic reports**

According to Article 29, at the international level States Parties have the obligation to submit periodic reports to the Committee. The ODs (151-169) specify the periodicity of the reporting: every sixth year for general reports on implementation of the Convention and every fourth year for reports on elements inscribed on the Urgent Safeguarding List (USL).

OD 152 The State Party submits its periodic report [on implementation of the Convention] to the Committee … by 15 December of the sixth year following the year in which it deposited its instrument of ratification, acceptance or approval, and every sixth year thereafter.

OD 161 [Reports on elements inscribed on the USL] shall normally be submitted to the Committee … by 15 December of the fourth year following the year in which the element was inscribed, and every fourth year thereafter.

**International cooperation and exchange**

According to Article 19, States Parties should engage in international cooperation and exchange wherever possible:

1. For the purposes of this Convention, international cooperation includes, *inter alia*, the exchange of information and experience, joint initiatives, and the establishment of a mechanism of assistance to States Parties in their efforts to safeguard the intangible cultural heritage.

2. Without prejudice to the provisions of their national legislation and customary law and practices, the States Parties recognize that the safeguarding of intangible cultural heritage is of general interest to humanity, and to that end undertake to cooperate at the bilateral, subregional, regional and international levels.

This is further elaborated in ODs 13-15.

OD 13 States Parties are encouraged to jointly submit multi-national nominations to the List of Intangible Cultural Heritage in Need of Urgent Safeguarding and the Representative List of the Intangible Cultural Heritage of Humanity when an element is found on the territory of more than one State Party.

OD 14 The Committee encourages the submission of subregional or regional programmes, projects and activities as well as those undertaken jointly by States Parties in geographically discontinuous areas. States Parties may submit these proposals individually or jointly.

###### Slide 17.

More recommendations in the Operational Directives …

The ODs recommend that States Parties try to cooperate with other States Parties to:

* Develop regional networks of communities and expertise to safeguard shared heritage:

OD 86 States Parties are encouraged to develop together, at the subregional and regional levels, networks of communities, experts, centres of expertise and research institutes to develop joint approaches, particularly concerning the elements of intangible cultural heritage they have in common, as well as interdisciplinary approaches.

* Share documentation with each other:

OD 87 States Parties that possess documentation concerning an element of intangible cultural heritage present on the territory of another State Party are encouraged to share such documentation with that other State, which shall make that information available to the communities, groups and, where applicable, individuals concerned, as well as to experts, centres of expertise and research institutes.

* Engage in regional cooperation, e.g. through category 2 centres for ICH:

OD 88 States Parties are encouraged to participate in activities pertaining to regional cooperation including those of category 2 centres for intangible cultural heritage that are or will be established under the auspices of UNESCO, to be able to cooperate in the most efficient manner possible, in the spirit of Article 19 of the Convention, and with the participation of communities, groups and, where applicable, individuals as well as experts, centres of expertise and research institutes.

###### Slide 18.

**Role of communities (subheading)

Refer to Participant’s text Unit 4.5.

The Convention acknowledges the stewardship of the communities concerned over their ICH and therefore seeks to ensure their participation and consent in its safeguarding.

The primary role of communities, groups and, where applicable, individuals in safeguarding their own ICH is further reflected in the [Ethical Principles for Safeguarding Intangible Cultural Heritage](http://www.unesco.org/culture/ich/doc/src/2003_Convention-Ethical_principles-EN.docx), endorsed by the Intergovernmental Committee in 2015.

###### Slide 19.

Role of communities (1)

Refer to Participant’s text Unit 4.6.

The Convention mentions involving communities in various types of activities, but also refers to capacity building. Moreover, the ODs (see slides 14 and 15) explicitly mention capacity building within communities. Many of the activities in which other stakeholders involve communities can, of course, also be initiated and carried out by community members themselves, resources and capacity permitting.

The Convention cannot tell communities what to do about their ICH, but it does encourage States Parties to the Convention to ensure that communities are consulted and involved as much as possible when outsiders such as State agencies, NGOs, researchers and documentation centres wish to work with communities for the safeguarding of their ICH.

###### Slide 20.

Role of communities (2)

Why involve communities?

* Intangible heritage is enacted and transmitted by people (communities, groups or sometimes individuals). They must identify their ICH and recognize it as part of their cultural heritage: see Article 2.1.
* ICH belongs collectively to the heritage of the communities, groups or individuals concerned (i.e. it belongs to them): see Article 2.1.
* Safeguarding involves ensuring continued practice and transmission within and by communities concerned: see Article 2.3.
* Safeguarding therefore cannot occur without the consent, commitment and involvement of the people concerned (communities, groups and individuals): see Article 15.

As the slide shows, the communities and groups (and, where relevant, individuals) concerned are primarily responsible for the transmission and enactment of their ICH. They may (or, in some cases, must) be involved in other activities mentioned on the slide, but they may be assisted by other agencies if required.

###### Slide 21.

Suggestions in the Operational Directives …

Participant’s text Unit 4.6 summarizes the possible roles of communities concerned under the Convention.

The ODs suggest that communities, groups and individuals may wish to organize themselves and network among themselves to achieve safeguarding aims (OD 79, 86). They also suggest (OD 108) that community centres and associations, created and managed by communities themselves, can play a vital role in safeguarding as spaces for transmission and information sharing about their ICH:

OD 79 Recalling Article 11 (b) of the Convention and in the spirit of Article 15 of the Convention, the Committee encourages States Parties to establish functional and complementary cooperation among communities, groups and, where applicable, individuals who create, maintain and transmit intangible cultural heritage, as well as experts, centres of expertise and research institutes.

OD 108 Community centres and associations that are created and managed by communities themselves can play a vital role in supporting the transmission of intangible cultural heritage and informing the general public about its importance for those communities. In order to contribute to raising awareness about intangible cultural heritage and its importance, they are encouraged to:

(a) be used by communities as cultural spaces in which their intangible cultural heritage is safeguarded through non-formal means;

(b) be used as places for transmitting traditional knowledge and skills and thus contribute to intergenerational dialogue;

(c) serve as information centres about a community’s intangible cultural heritage.

Communities may also choose to cooperate with experts, centres of expertise and research institutes in implementing safeguarding activities such as identification, documentation and revitalization. These other agencies may include the State, NGOs, researchers, documentation centres and so on. This kind of cooperation can be fostered by the consultative/coordinating body mentioned above (OD 80). The consent of the community concerned is required for any activities concerning their ICH that are initiated by outsiders. Communities are also encouraged to reinforce their capacities where needed (OD 82).

###### Slide 22.

**Role of NGOs, experts, centres of expertise and research institutes (subheading)

Refer to Participant’s text Units 4.7 and 4.8.

###### Slide 23.

**NGOs and other organizations: possible roles at the national level

Refer to Participant’s text Unit 4.8.

OD 90 In conformity with Article 11 (b) of the Convention, States Parties shall involve the relevant non-governmental organizations in the implementation of the Convention, *inter alia* in identifying and defining intangible cultural heritage and in other appropriate safeguarding measures, in cooperation and coordination with other actors involved in the implementation of the Convention.

OD 80 suggests the creation of a consultative body or mechanism to coordinate the activities of different categories of stakeholders (although it does not mention NGOs specifically, they are included because of OD 90).

OD 80 States Parties are encouraged to create a consultative body or a coordination mechanism to facilitate the participation of communities, groups and, where applicable, individuals, as well as experts, centres of expertise and research institutes, in particular in:

(a) the identification and definition of the [ICH] present on their territories;

(b) the drawing up of inventories;

(c) the elaboration and implementation of programmes, projects and activities;

(d) the preparation of nomination files for inscription on the Lists...;

(e) the removal of an element of intangible cultural heritage from one List or its transfer to the other …

One interesting example of advocacy for ICH is the Heritage Crafts Association in the United Kingdom of Great Britain and Northern Ireland (UK). The members of the Association have lobbied the UK Government to ratify the Convention and they are also pushing for greater coordination between ICH-related NGOs in the UK. They believe that much can be achieved in ICH safeguarding through networking and undertaking specific projects even if the UK Government decides not to ratify the Convention.

The role that all these stakeholders will play in implementing the Convention at the national level depends in part on the circumstances of each State. NGOs and other organizations will not only respond to requests from States and communities; they will actively carry out safeguarding and other initiatives with communities according to their own mandates and capacities. NGOs and other institutions will carry on doing the work they have always done in this field, and in some cases they may be inspired or encouraged to link their work to the aims of the Convention.

###### Slide 24.

**NGOs and other organizations: possible roles at the international level

Refer to Participant’s text Units 4.9 and 4.10.

It is worth noting that the Convention pays considerable attention to the role of NGOs at the international level (including their accreditation) and at the national level (in the identification of ICH). There are regions, however, with few NGOs but with experts, and research and other institutions, experienced in ICH-related activities. During the preparation of the ODs, therefore, States Parties broadened the range of stakeholders and assigned many possible tasks to these other organizations and individual experts. In the implementation of the Convention at the international level, the Committee also broadens its engagement with NGOs to include other organizations and individual experts.

The guidelines for the use of the ICH Fund (OD 67(d)) explicitly mention that its resources may be used, *inter alia*, for ‘the costs of advisory services to be provided, at the request of the Committee, by non-governmental and non-profit-making organizations, public or private bodies and private persons.’

One role for accredited NGOs at the international level is related to the Evaluation Body that examines nominations to the RL and USL, proposals to the Register of Good Safeguarding Practices as well as requests for International Assistance greater than US$100,000. It is composed of twelve members: six experts representing States Parties non-Members of the Committee and six representatives of accredited NGOs. The term of office of a member of the Evaluation Body does not exceed four years, with one quarter of the members renewed every year by the Committee. Candidatures are put forward by the Chairperson of the Electoral Group concerned.

###### Slide 25.

**Accreditation of NGOs

Refer to Participant’s text Unit 4.9.

In the spirit of Article 9 of the Convention, NGOs play a specific role in the implementation of the Convention at the international level. The current number of accredited NGOs represents a far wider group than the three organizations (see Participant’s text Unit 13.11) mentioned explicitly in the World Heritage Convention. The Intangible Cultural Heritage Convention does not mention specific organizations in its text. In fact, when drafting the text, the government experts deliberately wanted to distinguish it from the approach taken in the World Heritage Convention. Specifically, they did not want to be dependent on a small number of strong European-based organizations for advisory assistance.

Accreditation of organizations under the Convention is only relevant for the implementation of the Convention on the *international* level.

NGOs themselves submit requests for accreditation; no intervention from the States where a NGO is based is required – in fact, a few NGOs already accredited are based in States that are not yet party to the Convention.

Criteria for the accreditation of NGOs

The criteria are shown in OD 91.

OD 91 Non-governmental organizations shall:

(a) have proven competence, expertise and experience in safeguarding (as defined in Article 2.3 of the Convention) intangible cultural heritage belonging, *inter alia*, to one or more specific domains;

(b) have a local, national, regional or international nature, as appropriate;

(c) have objectives that are in conformity with the spirit of the Convention and, preferably, statutes or bylaws that conform with those objectives;

(d) cooperate in a spirit of mutual respect with communities, groups, and, where appropriate, individuals that create, practise and transmit intangible cultural heritage;

(e) possess operational capacities, including:

(i) a regular active membership, which forms a community linked by the desire to pursue the objectives for which it was established;

(ii) an established domicile and a recognized legal personality as compatible with domestic law;

(iii) having existed and having carried out appropriate activities for at least four years when being considered for accreditation.

The spread of accredited NGOs across electoral groups is not equitable. The number of accredited NGOs is not an accurate indication of NGO activity in each electoral group because, so far, only a few of the NGOs active in the field of ICH have been accredited under the Convention. Also, some NGOs are larger than others, and some have a worldwide reach but their head office is based in one region. However, the uneven distribution of accredited NGOs suggests that there may be a need to encourage more NGO activity in the field of ICH safeguarding in the Arab States, Sub-Saharan Africa and Eastern Europe. NGOs in these regions should be further encouraged to seek accreditation under the Convention.

###### Slide 26.

Webpage of the NGO forum on ICH

Civil society organizations accredited to the Convention have created an electronic platform for engaging with the processes of the Convention and with each other.

See: [http://www.ichngoforum.org/](https://mail.unesco.org/owa/redir.aspx?C=E6OVB-2UIkGZIUfaW1A8OpeOiztdYdAI-CWyyD-1UxysP2NJFD8RAAnOqkNzCSYrwydvGEfC6cw.&URL=http%3a%2f%2fwww.ichngoforum.org%2f)

Accredited NGOs and other organizations are holding their own meetings before and during Committee meetings, and have set up working groups and email discussion lists to share information and discuss the implementation of the Convention.

**Exercise: role of stakeholders (optional)**

**15 mins**

This exercise is designed to help participants appreciate the range of roles played by different stakeholders, and where their own activities might fit into this broader context. Participants are divided into groups of about ten people to discuss which of the activities discussed in this session they, their community or group, or their organization, have been (or perhaps will be) involved in. One member of the group then reports back to the plenary about the range of activities in which members of the group have been (or will be) involved and what kinds of stakeholders were represented. The facilitator provides clarification about the nature of the activities mentioned, if needed, and asks about types of activities not mentioned in the groups.

If the participants come from States Parties that already have experience in implementing the Convention, this exercise may lead to a highly interactive discussion in which participants are given the opportunity to discuss the topics at hand.

1. . Frequently referred to as the ‘Intangible Heritage Convention’, the ‘2003 Convention’ and, for the purpose of this unit, simply the ‘Convention’. [↑](#footnote-ref-1)