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para la Educación,
la Ciencia y la Cultura

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منظمة الأمم المتحدة
للتربية والعلم والثقافة

联合国教育、
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Diversity of Cultural Expressions

3 IGC

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INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

Third Ordinary Session
Paris, UNESCO Headquarters
7-11 December 2009

Item 3 of the Provisional Agenda: Adoption of the detailed summary record of the second extraordinary session of the Committee

This document contains in Annex the detailed draft summary record of the second extraordinary session of the Committee (23-25 March 2009) for approval by the Committee.

Decision required : paragraphe 4

1. In accordance with Article 43 of the Rules of Procedure of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”), the Secretariat prepared a detailed draft summary record of the second extraordinary session of the Committee (23-25 March 2009) in the two working languages, English and French. The draft was published electronically, on the web site of the Convention (<http://www.unesco.org/culture/en/diversity/convention/>), simultaneously in the two working languages of the Committee, on 25 June 2009, three months after the closure of the session.

2. The Committee members were invited to submit their comments to the Secretariat of the Convention before 26 October 2009. By this date, one member of the Committee, Luxembourg, sent a comment, which concerns only the French version.

3. This document contains in Annex, for approval by the Committee, the detailed draft summary record of the second extraordinary session of the Committee, which includes in the French version the comment received.

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

DRAFT DECISION 3.IGC 3

The Committee,

1. *Having examined document CE/09/3.IGC/211/3 and its Annex;*
2. *Adopts the detailed summary record of the second extraordinary session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions included in the above-mentioned document.*

**Draft detailed summary record of the second extraordinary session of
the Intergovernmental Committee for the Protection and Promotion of
the Diversity of Cultural Expressions**

Item 1 – Opening of the session

1. The second extraordinary session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”) was held at UNESCO Headquarters in Paris from 23 to 25 March 2009.

2. It was attended by 263 participants, including 98 participants from the 24 States Members of the Committee, 82 participants from 44 Parties to the Convention (43 States Parties and the European Community (EC)), 71 participants from 33 States not Parties to the Convention, 3 participants from intergovernmental organizations (IGOs) and 12 participants from 5 NGOs with Observer status.

3. In opening the session, **Ms Vera Lacoueilhe** welcomed all participants and said that interpretation would be provided in the Committee’s working languages and Spanish, thanks to the generosity of the Spanish Government. She then invited the Director-General of UNESCO to take the floor.

4. **Mr Koïchiro Matsuura** welcomed all participants and thanked them for their efforts to make progress with the work of the Committee. In particular, he expressed full confidence in Mrs Vera Lacoueilhe’s capacity to carry out her mandate as Chairperson of the Committee. Having expressed his satisfaction that the Convention had helped to place the question of cultural diversity at the heart of creativity and development issues, he said that the founding principles of the Convention had inspired a number of national plans, particularly in terms of education and cultural policies. With the 1972, 2003 and 2005 Conventions, UNESCO’s exhaustive standard-setting framework would be able to support the protection and promotion of the multiple aspects of cultural diversity. He further expressed satisfaction regarding the operational guidelines already adopted by the Committee in strict observation of its mandate. Recalling that Article 16 constituted a step forward in international cultural cooperation, he informed the Committee that 44% of States Parties had responded to the questionnaire, and he hoped that the Committee would be able to adopt draft operational guidelines consistent with the spirit and letter of the Convention, taking full account of cultural preferences. The Director-General recalled that the Committee had decided to examine innovative sources of financing for the International Fund for Cultural Diversity (IFCD) – an essential tool for international cooperation that presented a challenge in terms of funding – and to give further thought to innovative fund-raising mechanisms. He informed the Committee that the IFCD amounted to more than US \$1 million and mentioned the contribution of Austria, the second contributions of Andorra, Finland and Monaco, and two contributions by the French Community of Belgium; in addition, the first donation from private contributors had been received. He hoped that, in the future, more contributions and donations would be received in support of the cultural industries of developing countries. In conclusion, he said that the work accomplished would be submitted to the second ordinary session of the Conference of Parties to be held at UNESCO Headquarters from 15 to 18 June 2009, and approval by the Conference would mark the beginning of the operational implementation of the Convention. The Director-General wished the Committee every success in its work.

5. Having thanked the Director-General and declared the opening ceremony over, the Chairperson gave the floor to **Ms Françoise Rivière**, Assistant Director-General for Culture.

6. The **Assistant Director-General for Culture** recalled that, during the previous session of the Committee, a new Bureau had been elected, composed of **Ms Vera Lacoeylhe, Chairperson (Saint Lucia)** and representative of Group III, **Mr Mouhamed Konaté (Senegal)** (Rapporteur) and representative of Group Va, **Croatia, India, Oman and Luxembourg**, Vice-Chairpersons and representatives of Groups II, IV, Vb and I respectively.

7. The **Chairperson** again took the floor to remind the Committee that all working documents and draft decisions had been submitted by the Secretariat within the statutory time-limits and were available to Committee members. Noting the full agenda and the complexity of item 4 (Article 16), the Chairperson requested Committee members to be punctual and said that the Secretariat would inform the Committee if it received amendments following the letter that she had dispatched on 13 March. She recalled that a general debate on that item had been held at the ordinary session in December 2008 and that the objective of the current extraordinary session was to adopt draft operational guidelines that would be submitted to the Conference of Parties for approval at its second ordinary session to be held in June.

Item 2 – Adoption of the agenda

Document CE/09/2.EXT.IGC/208/2 Rev.

8. The agenda was adopted (Decision 2.EXT.IGC 2) unamended.

9. **Ms Galia Saouma-Forero, the Secretary of the Convention**, introduced the agenda and listed the working documents drawn up by the Secretariat, as well as the information documents. With regard to the table of replies by States Parties and civil society to the questionnaire relating to Article 16 of the Convention (organized question by question), she said that the replies of Burkina Faso, Norway, Switzerland and Tunisia, received after the deadline of 31 January 2009, had not been included in the document but were available on the Convention's website. She stated that the documents had been submitted within the time-limit specified in Article 41 of the Provisional Rules of Procedure of the Committee and were available on the Convention's website. She further informed the Committee that an addendum to item 6, "Alternatives for fundraising for the International Fund for Cultural Diversity", summarizing the debates of the exchange session on fundraising, held on 5 March at UNESCO Headquarters, would be distributed to the Committee.

10. The **Chairperson** invited the Secretary of the Convention to read out the list of participants and accredited observers by category: 44 Parties to the Convention, not Members of the Committee; 33 UNESCO Member States not Parties to the Convention; 2 IGOs and five NGOs.

Item 3 – Adoption of the detailed draft summary record of the second ordinary session of the Committee

Document CE/09/2.EXT.IGC/208/3

11. The **Chairperson**, inviting the Committee to proceed with the adoption of the summary record of the second ordinary session of the Committee, held at UNESCO Headquarters in Paris from 8 to 12 December 2008, stated that Article 43 of the Provisional Rules of Procedure stipulated that the Secretariat should produce detailed draft summary records of the

Committee's session in both working languages. She said that Committee members had been invited to submit their comments electronically by 18 March 2009. As the Secretariat of the Convention had not received any written comments, she took it that the Committee was satisfied with the summary records. However, having read the two previous sets of summary records prepared by the Secretariat, she considered that they resembled summary records rather than detailed summary records. She hoped that the Secretariat would take account of her remarks and produce a detailed summary record of the current session. The summary record of the second ordinary session of the Intergovernmental Committee was then adopted without amendment (Decision 2 EXT.IGC 3).

Item 4 – Draft operational guidelines on Article 16 of the Convention

Document CE/09/2.EXT.IGC/208/4

12. The **Secretary of the Convention** said that three information documents were provided together with the working document entitled "Draft operational guidelines on Article 16 of the Convention"; the first contained all reference documents relating to Article 16 (CE/09/2.EXT.IGC/208/INF3), the second contained the replies of Parties and civil society to the questionnaire (CE/09/2.EXT.IGC/208/INF4) and the third contained the replies in the form of a table (CE/09/2.EXT.IGC/208/INF5rev). She further indicated that, following the Chairperson's letter, the Secretariat had received amendments from a Group of 16 States (Albania, Austria, Burkina Faso, Canada, Croatia, Finland, France, Germany, Greece, Lithuania, Luxembourg, Mali, Mauritius, Senegal, Slovenia and Tunisia), and other amendments proposed by European Union (EU) Member States, Committee members on behalf of the EC and its Member States (Austria, Croatia, Finland, France, Germany, Greece, Lithuania, Luxembourg, and Slovenia), India, Saint Lucia and Tunisia.

13. The **Assistant Director-General for Culture** recalled that, at its previous session, the Committee had already held a general debate on preferential treatment, which had been introduced by two coordinators. She indicated that the Secretariat had very shortly thereafter sent a questionnaire to the Parties on 19 December and had requested a reply by 31 January 2009. The Assistant Director-General for Culture then said that, on the basis of preliminary work, the general debate at the Committee's previous session and the replies to the questionnaire, the Secretariat had compiled the preliminary draft operational guidelines on Article 16 submitted for discussion at the current session of the Committee. The amendments proposed by various groups of States had not affected the overall structure of the preliminary draft.

14. The **Chairperson** then turned to the amendments, beginning with the first paragraph of Section 1 "**Introduction**" to the preliminary draft, for which an amendment had been proposed by EU Member States, Committee members, namely the deletion of "and thus foster the emergence of a dynamic cultural sector in developing countries". She invited one of the States involved to explain the amendment.

15. The delegation of **France** indicated that it currently held the EU Presidency, in agreement with the Czech Republic, which was not a member of the Committee. The delegation indicated that the paragraph was a general one that should correspond closely to Article 16, and that the introduction of the phrase "and thus foster the emergence of a dynamic cultural sector in developing countries" was confusing because it referred to the Convention's Article 14 - Cooperation for development - particularly paragraph (a), which concerned the strengthening of cultural industries in developing countries. The EU Member States, Committee members considered that a clear distinction must be drawn between the two articles because the

Convention provided for two mechanisms: one on cooperation for development and another on preferential treatment for developing countries. The delegation further stated that Article 16 covered matters that fell not only within the competence of EU Member States but also with that of the European Community. Accordingly, pursuant to Article 20.1 of the Committee's Provisional Rules of Procedure, she requested the Chairperson to give the floor to the representative of the European Community when discussing matters that had been declared to be within its sphere of competence in its instrument of ratification. It was supported by the delegation of Luxembourg.

16. The delegation of **Brazil** said that the phrase did not create confusion and did not alter the meaning of the text. It would prefer retention of the phrase, although it could accept its deletion.

17. The delegation of **India** stressed that the phrase added substance to the paragraph and it wished it to be retained.

18. The delegation of **Tunisia** said that it understood the explanations given by the EC but that it supported Brazil's proposal to retain the phrase in the paragraph.

19. Following these statements, the **Chairperson** invited Committee members to reflect on ways and means of achieving a consensus without deleting the phrase, while improving the wording.

20. In order to reconcile the viewpoints of EU Member States and Brazil, the delegation of **Senegal** then proposed to highlight the important objectives that should be included in the paragraph, namely the promotion of the emergence of a dynamic cultural sector, capacity-building, the strengthening of exchanges and making an impact in the economies concerned.

21. The delegation of **Germany** recalled that detailed operational guidelines on the emergence of a dynamic cultural sector already existed in Article 14 and that the current exercise should be limited to the adoption of clear operational guidelines for Article 16.

22. The delegation of **Brazil**, supported by **Mexico** and **Burkina Faso**, reiterated that it could accept the deletion of the reference, although it could see no problem if it was maintained. The delegation added that the Convention's Articles 12 to 16 constituted a group of articles designed to ensure the emergence of a dynamic cultural sector in developing countries and that it was consistent with the spirit of the Convention and the group of articles to highlight that aspect in the introduction. The delegation proposed the deletion of the words "and thus".

23. Following Brazil's proposal and in order to make some progress, the delegation of **Tunisia** proposed to replace "and thus" by "making it possible to" and reiterated the need to include that objective in the introduction.

24. The delegation of **France** said that it understood the concern expressed by several countries regarding the inclusion of the objective, although it was one of the general objectives of the Convention and, as such, could be mentioned anywhere. However, in order to find a compromise and move forward, the delegation proposed the following wording: "the tool intended to ensure, *inter alia*, a rebalancing of exchanges and the emergence of a dynamic cultural sector (...)". The delegation explained that the text would thus not be confined to only one objective and that the specific purpose of Article 16, namely to facilitate exchanges, would be reflected more accurately.

25. The delegation of **Mali** supported the proposal as a conciliatory gesture, but suggested that the reference to those objectives be omitted from the following paragraph of the introduction, which stated: “Article 16 is to be interpreted and applied in relation to the Convention as a whole”.
26. The delegation of **Brazil** supported France’s proposed insertion regarding the rebalancing of exchanges.
27. The delegation of **India** proposed to add “more frequent” cultural exchanges to France’s proposal, thus echoing the wording of the Convention; the insertion was supported by **Burkina Faso** and **France**.
28. The delegation of **Tunisia** then proposed to list the two objectives in reverse order: firstly the emergence of a dynamic cultural sector and, secondly, more frequent and balanced cultural exchanges.
29. In order to avoid repetition of the two phrases of the paragraph in the French version, the delegation of **Senegal** suggested deleting “facilitating cultural exchanges” in the first sentence and placing both objectives there instead.
30. The delegation of **France** suggested that, since it was the first paragraph of the operational guidelines, it was important to borrow the terminology of Article 16 and retain that segment of the phrase.
31. Following the adoption of the first paragraph of the introduction, the **Chairperson** invited Committee members to consider the second paragraph of the introduction.
32. The **Chairperson** said that the Group of 16 States had tabled an amendment to delete the word “adopted”, since the operational guidelines had not yet been adopted. As no member of the Committee expressed any objection, the paragraph was adopted as amended.
33. The **Chairperson** then proceeded to the third paragraph of the introduction and said that India had proposed to delete the word “partnership”.
34. The delegations of **Brazil** and **Canada** supported **India’s** amendment.
35. The delegation of **India** explained that the term “partnership” implied a measure of equality of responsibilities between the partners. However, in the context of Article 16, developed countries had unilateral responsibilities and the word “partnership” would only increase the burden of developing countries.
36. The delegation of **Germany** indicated that it was not opposed to the deletion of the term “partnership” in the introductory chapter. The delegation wished to place it on the record that Germany and certainly the other Parties had ratified the Convention in all good faith and that the wording of Article 16 clearly provided for positive discrimination in favour of developing countries. The delegation added that the deletion of the word should not be taken as a criticism of other Parties that might not act in good faith.
37. The delegation of **India** stated that it had not intended to cast doubt on the commitments undertaken in good faith by the Parties, however, the subject was a very important one and India’s proposals, too, had been made in good faith.

38. The delegation of **France** underlined that, having read the definition given in the Petit Larousse dictionary, it was important not to overload the word “partnership” with suspicious connotations: “partnership” meant good understanding. The delegation suggested finding a wording that would reflect that spirit of understanding and cooperation without using the word “partnership”.

39. Supporting the opinion expressed by **France**, the delegation of **Greece** said that partnership referred to an intense form of cooperation that did not prejudice the content of that cooperation or the partners’ respective obligations. Moreover, the Convention contained an article that dealt specifically with partnerships, Article 15, and it would be inappropriate not to refer to the most developed form of cooperation, namely partnership.

40. The delegation of **Slovenia** supported **France** and said that the wording of the paragraph reflected the spirit of the Convention and that the two terms, “cooperation” and “partnership”, were complementary.

41. The delegations of **China**, **Burkina Faso** and **Tunisia** supported the amendment proposed by **India** and the deletion of the word “partnership”.

42. The delegation of **Mexico** opined that the word “cooperation” best reflected the intentions of the article and was therefore technically accurate.

43. The delegation of **South Africa** supported **India’s** suggestion to delete the word “partnership”. It considered that the word “partnership” had different connotations in different contexts and, in a bilateral context, it implied obligations for both parties which, in its view, cast doubt on the concept of preferential treatment.

44. The **Chairperson** said that the problem was that the terms had several connotations. She asked a number of questions in order to determine whether Committee members objected to deleting the term “partnership” from the paragraph.

45. The delegation of **France** suggested inserting the term “mutual” after “cooperation”. The delegations of **Slovenia**, **India**, **Senegal**, **Tunisia** and **Brazil** expressed their opinion on the matter, as did **Greece**, **Finland**, and **South Africa**.

46. The **Chairperson** again questioned Committee members to determine whether there were any major objections to the deletion of the word “partnership”. As no Committee member spoke, the paragraph was adopted, as amended by India.

47. The **Chairperson** then invited the Committee to examine the first paragraph of Section 2 “**role of Parties**” for which no amendment had been received; the paragraph was adopted without debate.

48. With regard to the second paragraph, on the role of developed countries, an amendment had been proposed by EU Member States, Committee members and the **Chairperson** called on France to explain the proposals, which consisted in inserting “at the appropriate institutional level” in the second sentence.

49. The delegation of **France** stated that it would be preferable to use the present tense rather than the conditional in order to maintain consistency with the wording of Article 16, which used an indicative and thus avoided weakening the operational guidelines. With regard to the second

proposal, the delegation explained that the objective was to take account of States with a federal structure. The proposal was supported by **Tunisia**.

50. The delegations of **Canada** and **Mali** supported the second proposal. However, with regard to the first proposal, they expressed some reservation about replacing the conditional by the indicative in order to avoid weakening the operational guidelines. On the one hand, the use of the conditional was more appropriate in the operational guidelines because it gave the Parties some flexibility without undermining the commitment undertaken in the article itself. On the other hand, the conditional would make it possible to cover existing and future measures for facilitating exchanges, whereas the indicative referred implicitly only to those already in place.

51. The delegation of **India** supported the use of the indicative. With regard to the second proposed amendment, the delegation preferred the original text, since the phrase “at the institutional level” would imply a fragmentation of responsibilities at the national level in policy-making departments or ministries that did not hold the same responsibilities.

52. After consensus had been reached on the use of the indicative in the first sentence, the delegation of **Mexico** supported the proposal of **France** on the second proposed amendment.

53. The **Chairperson**, addressing the delegation of India, said that some countries had fragmented structures and that the proposal could prove to be very useful.

54. The delegation of **India** then suggested inserting the word “appropriate”, although it realized that doing so would result in the repetition of that word in the sentence. The **Chairperson** suggested that it be replaced by “adequate”. The delegation then withdrew its proposal.

55. The paragraph on the role of developed countries was then adopted and the **Chairperson** proposed to proceed to consideration of the paragraph on the role of developing countries, stating that amendments had been proposed by India and EU Member States, Committee members. She then called the authors of the amendments to provide explanations.

56. The delegation of **India** said that the amendment reflected its understanding of cooperation within the meaning of Article 16, which implied bilateral action.

57. The delegation of **France** explained that the aim of the amendments proposed by the EU Member States, Committee members was to indicate the very active cooperation at work in the context of preferential treatment. It spoke of the importance of the role of developing countries in the efficient implementation of preferential treatment. With regard to the implementation of national policies and measures, the delegation said that the wording was intended to be encouraging, and the conditional had been used for that reason.

58. The **Chairperson** said that the question of partnerships should be left aside for a moment, since the term was included in the proposal by EU Member States, Committee Members, and not in the amendment proposed by India; she then opened the debate.

59. The delegation of **Brazil** supported the amendment tabled by **India** and emphasized that the first phrase was too long and should be clarified by inserting the word “their” before “needs and priorities”.

60. The delegation of **South Africa** supported the amendments proposed by **India** and **Brazil**.

61. The delegation of **Luxembourg** also considered the first sentence to be too long and proposed that the last segment be deleted. Moreover, with regard to the turn of the phrase, it wondered whether it was for the developed countries to articulate the needs and priorities of developing countries, considering it more appropriate for developing countries to inform developing countries of their needs and priorities.

62. The delegation of **India** then proposed to insert the needs and priorities “of the country” and said that the English version was perfectly clear; the delegation did not support the deletion of the end of the sentence.

63. Following statements by the delegations of **South Africa, India, Mali, Brazil** and **Germany**, the **Assistant Director General for Culture** wondered whether there was a problem with the French translation and proposed a number of changes to ensure consistency between the French and English versions.

64. The paragraph on the role of developing countries in the implementation of preferential treatment was then adopted.

65. After lunch, the **Chairperson** invited Committee members to consider the fourth paragraph.

66. The delegation of **Senegal** stated that the discussion on the paragraph relating to the role of developing countries had been closed too quickly. It wished to have a reference to the implementation of national measures and policies by developing countries included in the second paragraph because it went hand in hand with the effort required of developed countries and because of the balance that should be maintained in terms of each Party’s contributions. The delegation recalled that two amendments had been tabled, one by India and one by the French-speaking Group. The **Chairperson** replied that there had been only amendments from India and EU Member States, Committee members. The delegation said it was referring to the possibility of retaining the former wording of the Secretariat and the EU. Reading the EU proposal, it proposed that “moreover, developing countries should implement relevant national policies and measures to improve the production and supply of cultural activities, goods and services” be inserted in the paragraph.

67. The **Chairperson** said that, with regard to procedural matters, she would proceed very slowly when adopting the paragraphs and that once adopted, discussion thereon would not be reopened. As an exception, she would reopen the debate on that paragraph.

68. The delegation of **South Africa** objected to the reopening of the debate on the paragraph. It wished to retain the text as displayed on screen shortly before lunch.

69. The **Chairperson** said that owing to a misunderstanding, some delegations had thought that the Committee would resume consideration of the second sentence after lunch. She felt that she had closed the debate but, as an exception, agreed to consideration of the paragraph again in order to discuss the second sentence.

70. The delegation of **France** supported **Senegal’s** proposed amendment to simplify the text so that the wording would be more relevant to and consistent with the policies implemented by developing countries.

71. Following a request by **India**, the delegation of **Senegal** explained that it did not wish to alter the agreed text of the first sentence, but that the version of the second sentence, as amended by **India** did not include points such as the production and supply of cultural goods and services. Moreover, it proposed that it be recalled that emphasis should be laid on the policy of individual countries rather than on receiving assistance.

72. The delegation of **Brazil** said that the amendment proposed by the delegation of Senegal seemed to impose a precondition on developing countries by requiring them to implement relevant national policies and measures in order to be granted preferential treatment. It then stressed that some of those countries did not currently have the means to establish such national policies and that they needed to rely on international cooperation for some time before they could take steps to implement such measures. It therefore considered that preferential treatment should not be conditional on the implementation of such policies and should be granted even when they were not in place.

73. The delegation of **South Africa** supported the statement made by Brazil, stating that Article 16 referred to preferential treatment; and wondered whether a developing country that had no national policy was entitled to preferential treatment; if that was the case, then it would imply the imposition of a precondition.

74. The delegation of **China** failed to see why the Committee was engaged in a substantive debate on a paragraph that had already been adopted. Article 16 already placed an obligation on developed countries, while recognizing that developing countries also had a role to play in the effective implementation of that article. The delegation preferred to retain the paragraph as adopted and proposed to defer the matter until consideration of the following paragraph. That proposal was supported by the delegations of **Canada** and **Mali**.

75. The delegation of **France** said that the obligations of developed countries were clearly set out in the preceding paragraphs and that it could not see where there was conditionality in the paragraph under review. It then suggested that “are encouraged to” be added after “developing countries”, which would limit the conditionality of the term “should”.

76. The delegation of **Brazil** said that the purpose of linking the implementation of national policies and the application of preferential treatment frameworks in the text was to create conditionality between the two. It stressed that the Convention stipulated clearly that the aim of the national policies implemented by developing countries was to protect cultural diversity, not to ensure that they received preferential treatment. It also questioned the term “relevant” in the context of cultural policies. In view of the divergent opinions held by delegations, it proposed that the Chairperson move forward with the debate and that the paragraph be placed in square brackets.

77. The **Chairperson** said that she preferred to continue the discussion and asked whether the proposal made by China, supported by **Canada**, was acceptable to Committee members.

78. The delegation of **India** supported China’s suggestion to defer the matter until consideration of the following paragraph. The amendment proposed by Senegal introduced a conditionality that India found unacceptable.

79. The delegation of **Luxembourg** reiterated that it failed to see where the conditionality lay. With regard to deferring the matter until the following paragraph, the delegation stated that if the sentence was not included in the current paragraph, developing countries would no longer have a role to play.

80. The delegation of **Brazil** said that it could not accept a text that referred to national policies as “relevant”. Furthermore, countries that did not have national policies could still be granted preferential treatment, as could individuals, cultural associations and cultural enterprises, and no connection could be made between the implementation of national policies and creators, artists and people involved in creativity.

81. The delegation of **France** supported **Brazil’s** proposal to delete the adjective “relevant”. It could find no conditionality in the text, since developing countries were only “encouraged to”. With regard to **China’s** proposal to leave the matter to the following paragraph, the delegation supported the remarks made by **Luxembourg**.

82. The delegation of **South Africa** said that it disagreed entirely with the proposal of **Senegal** and stressed that the text already contained such a proposal. It also failed to comprehend **China’s** proposal, since the following paragraph (2.4) provided a completely different perspective regarding relations among developing countries. It considered, as did Brazil, that the term “relevant” was not appropriate, since all national policies were relevant to their respective countries.

83. The delegation of **Austria** supported the proposal made by **Senegal**, saying that the intention was not to create conditionality and that it was necessary to strike a balance in the paragraph by referring to the role of developing countries. It supported the deletion of the term “relevant”.

84. The delegation of **Germany**, supported by **Luxembourg**, stated that developed countries were requested in the first sentence of the paragraph to assist developing countries and, in order to reach an agreement, it proposed that the second paragraph be reworded as follows: “developing countries are encouraged to put in place their respective national policies for the efficient implementation of preferential treatment frameworks and schemes.” Alternatively, the text could be simplified by referring directly to Section 4 of the operational guidelines.

85. The delegation of **Brazil** reiterated its position regarding conditionality and said that the goals of national policies could differ, depending on whether they related to the diversity of cultural expressions or to the promotion of cultural industries. However, a policy formulated for the purposes of preferential treatment implied conditionality.

86. The delegation of **India**, referring to the explanations appended to its proposed amendments, said that the Convention did not in any provision state that developing countries were required to prove their worth in order to be granted preferential treatment. Neither reciprocity nor conditionality would be acceptable in the paragraph for it would then be contrary to the policy advocated by India and Brazil at all international fora.

87. The delegation of **Tunisia** objected to Germany’s proposal as it risked introducing conditionality; the delegation proposed that the end of the sentence be deleted in order to remove any ambiguity.

88. The delegation of **France** proposed the following wording: “in this context, it is recognized that the implementation of national policies in developing countries could contribute to the efficient implementation of preferential treatment”. The proposal was supported by **Luxembourg**.

89. The delegation of **India** explained the difference between its amendment and the proposals made by **Senegal, France** and **Germany**. It said that, according to the amendment, developed countries assisted developing countries that were beneficiaries “that implement policies”. The word “beneficiaries” made all the difference because it indicated that the issue was not one of partnership but rather the obligation of developed countries to assist the beneficiaries, namely the developing countries. **India’s** proposal reflected the text of the Convention.

90. The **Chairperson** then proposed a wording that would remove any conditionality: “in this context, it is recognized that the implementation of national policies in developing countries could contribute to making preferential treatment a more effective solution.”

91. The delegation of **Canada** then proposed that the following phrase be inserted at the end of **Germany’s** proposal: “recognizing that the implementation of preferential treatment is not conditional on the implementation of such national policies.”

92. The delegation of **Brazil** said that the English and French versions should be rendered consistent. Furthermore, it was important that developed countries assist developing countries in implementing a national policy, rather than ensuring that they develop themselves a national policy without any assistance; such assistance should be provided in conjunction with preferential treatment.

93. The **Chairperson** proposed to replace the imperative with the conditional.

94. After the various rewordings had been proposed, particularly by the delegation of **Senegal**, which had wished to clear up any doubts regarding its initial amendment, the paragraph was adopted. The **Chairperson**, turning to the last paragraph of the section entitled Role of Parties, said that an amendment, aimed at simplifying the text, had been proposed by the Group of 16 States.

95. The delegation of **Senegal**, speaking on behalf of the Group of 16 States, said that its proposal was aimed at making the article more prescriptive. Development levels in the field of culture were not uniform in developing countries, and so the amendment provided for preferential treatment among developing countries.

96. The delegation of **India**, supported by the delegations of Brazil and South Africa, objected to the proposed amendment in that it required developing countries to grant preferential treatment to other developing countries in the same manner as developed countries, unlike the text submitted by the Secretariat, which encouraged South-South cooperation. It could agree to the paragraph if the first part of the sentence contained in the Secretariat’s text “Whereas Article 16 does not provide an obligation for developing countries to offer preferential treatment to other developing countries” were reinstated and the word “also” were deleted.

97. After the delegations of **South Africa** and **Brazil** had accepted the text as amended, the paragraph was adopted.

98. The **Chairperson** then proposed that the Committee consider Section 3 of the preliminary draft relating to “**institutional and legal frameworks**”. She said that the Group of 16 States had proposed an amendment to the first paragraph on the scope of Article 16, seeking to reverse the order of the words “cultural” and “trade”; the amendment was adopted.

99. The **Chairperson** then turned to the subsequent paragraph on the possible dimensions of legal and institutional frameworks. Amendments had been proposed by the Group of 16 States – one was linguistic, another concerned the deletion of the word “cooperation” and the third proposed to place “the cultural dimension” before “the trade dimension”.

100. The delegation of **India** wished to have the word “cooperation” reinstated next to the word “cultural”.

101. The delegation of **Brazil** said that the options were either to retain or delete the word “cooperation” in both instances in which it had been used. It said that cooperation was an important aspect of preferential treatment.

102. The delegation of **Austria** said that there had been a mistake and that “cooperation” should be deleted in the latter phrase.

103. The delegation of **India** joined the consensus and the paragraph was adopted.

104. The Chairperson then turned to the paragraph under the heading “Trade dimension” and invited the delegation of Austria to introduce the amendment proposed by the Group of 16 States concerning the replacement of the term “could” with “can” in the first subparagraph.

105. The delegation of **Austria** explained that the group of sponsors of the amendment had considered that it would be stronger and more straightforward to use the indicative instead of the conditional. The amendment to the final part of the paragraph – deletion of “in a coherent manner” – was purely editorial.

106. The delegation of **India** thanked the Group of 16 States for strengthening the text, which corresponded to the needs of developing countries.

107. The first subparagraph was adopted as amended and the **Chairperson** proposed to move to the next subparagraph, which was adopted without debate.

108. The **Chairperson** then invited the Committee to move to the third subparagraph to which an amendment had been proposed by the EU Member States, Committee members and explained that she had been requested to give the floor to the representative of the EC to introduce the amendment.

109. **The representative of the EC** said that the amendment sought to ensure consistency between the paragraph in question and the relevant provisions of the Convention. As the objective pertained to frameworks and provisions to which the Parties were invited to accede, it was important to take account of the relevant provisions of the Convention. The amendment aimed to align the wording of the paragraph with that of Article 20 (1) (b) of the Convention in order to minimize ambiguity and harmonize the texts.

110. The delegation of **Brazil** indicated that it was preferable not to make a reference to Article 20 in the paragraph, and suggested that the last part of the sentence be deleted.

111. The delegation of **India** agreed to Brazil’s proposal but pointed out that deletion of the reference to Article 20 in the subparagraph would remove from the text any reference to the obligation of Parties to take into account the provisions of the Convention with respect to other international instruments to which they became parties, the reason being that a sentence to that effect had been previously deleted from the text. India proposed therefore, if the reference to

Article 20 was to be deleted, to reintegrate the previously deleted sentence, or alternatively keep the reference to Article 20, if the rest of the text would be maintained without amendments. That proposal was supported by **Brazil**.

112. The **Chairperson** asked whether the proposal of **India** was acceptable.

113. **The representative of the EC** requested clarification of India's remarks and proposed amendment, stating that the question was not one of deleting "frameworks and mechanisms" from the first sentence, but one of taking all provisions of the Convention into account when negotiating such frameworks and mechanisms. He again said that the purpose of the original amendment was to ensure consistency between the text and the wording of Article 20, without setting out details in the text.

114. The delegation of **India** said that she could not agree to the representative of the EC interpretation and that the Secretariat's original text stated very clearly that "... Parties should keep in mind the obligations and principles of the Convention in addition to their commitments and obligations under respective frameworks and mechanisms". India reiterated its proposal and indicated that only one reference should be included – either the reference to Article 20 or the more general reference proposed in the Secretariat's original text.

115. **The representative of the EC** indicated that each of the proposed options was acceptable.

116. For the purposes of adoption, the **Chairperson** re-read the paragraph as amended and reflecting the deletion of the reference to Article 20 in the text.

117. The delegation of **Mali** proposed to harmonize the terms used in the subparagraph with those used in preceding paragraphs, particularly the references to "frameworks and mechanisms" and "schemes".

118. The delegation of **South Africa** recalled Mali's remark and requested a clarification of "frameworks and mechanisms", to which reference was made in the subparagraph. It added that a reference to Article 20 would render the text more comprehensible and clear.

119. **The representative of the EC** said that a reference to Article 20 was the most obvious and, from a legal point of view, the soundest solution. In the interest of clarity in the text, he then proposed that "frameworks and mechanisms" be defined as "frameworks and mechanisms for preferential treatment" in order to emphasize that they were frameworks and mechanisms developed pursuant to Article 16 of the Convention.

120. The delegations of **Brazil** and **India** agreed that a reference to Article 20 could be made in the text of the subparagraph.

121. The **Chairperson** asked whether the proposal to keep the reference to Article 20 was acceptable to the Committee. There being no objections, the subparagraph was adopted as amended.

122. The **Chairperson** proceeded with the examination of the first subparagraph in the working document concerning "cultural dimension", where amendments had been proposed by India and the Group of 16 States, and invited India to present its amendment.

123. The delegation of **India** explained that the proposal to delete the term “building on partnerships” was in accordance with the previous amendment proposed by India and adopted by the Committee, concerning the deletion of “partnerships.” India reiterated that a shift in responsibility between developed and developing countries would take place if this term was used, underlining that developed countries had been entrusted with higher responsibility in the context of preferential treatment. The delegation of **Brazil** supported India’s proposal.

124. Concerning the amendments proposed by the Group of 16 States, the delegation of **Austria** explained that the first amendment, which consisted in deleting “geared towards sustainable development”, aimed to underscore that sustainable development is not the sole objective of “cultural cooperation”. Another amendment highlighted that “cultural cooperation” is not the only “core” element of preferential treatment in the meaning of Article 16, but an element among others. The delegation also indicated that the proposed amendment related to “building on partnerships” should be further discussed by the Committee, as India had proposed the deletion of this element. Finally, a proposal was made to delete “cultural cooperation” in the last part of the subparagraph in order to avoid repetition with the heading of the paragraph.

125. The **Chairperson** asked the Committee to comment on the proposed amendments. She further suggested that instead of entirely deleting “geared toward sustainable development”, the Committee could add “within the context of sustainable development” at the beginning of the paragraph, in order to keep a reference to the concept of sustainable development.

126. The delegation of **South Africa** supported India’s proposal to delete “building on partnerships” as well as the proposal of the Chairperson to insert a reference to sustainable developments in the beginning of the paragraph.

127. The delegation of **India** supported the proposal concerning “sustainable development” and asked for a clarification concerning the deletion of “cultural cooperation” in the last part of the subparagraph indicating that the current heading of the paragraph is “Cultural dimension” and not “Cultural cooperation dimension”.

128. The delegation of **Austria** explained that the purpose of deleting “cultural cooperation” was to enlarge the scope of international cultural arrangements without limiting them only to arrangements related to cultural cooperation.

129. The delegation of **India** explained that “cultural cooperation” was a very important element in the context of preferential treatment, and it needed to appear either in the heading or in the text of the subparagraph.

130. The delegation of **Saint Lucia** took the floor to support the proposed amendments. It agreed that “building on partnerships” could be deleted and that a reference to “sustainable development” could be made in the beginning of the subparagraph.

131. The delegation of **Brazil** expressed its support for the “sustainable development” proposal by the Chairperson. It indicated that new language could possibly be discussed in order to avoid repetition and ambiguity concerning multilateral cultural cooperation arrangements, affirming at the same time their importance.

132. The **Chairperson** listed all amendments to this subparagraph which seemed acceptable for the Committee, the only outstanding issue being the use of the term “cultural cooperation mechanisms”.

133. The delegation of **Germany** proposed the use of the term “cultural cooperation” instead of “cultural cooperation mechanisms”

134. The delegation of **India** insisted on the importance to maintain “cultural cooperation mechanisms”.

135. The **Chairperson** recalled the proposal of Brazil to substitute “arrangements” by “mechanisms”.

136. The delegation of **South Africa** expressed its support to this proposal and suggested that it may be advisable to use a term different from “cultural cooperation” in order to avoid repetition.

137. The delegation of **Mali** proposed that “cultural cooperation mechanisms and arrangements” be used instead of “mechanisms” only.

138. The delegation of **Brazil** proposed a new wording for the second part of the subparagraph aiming to reconcile the different points of views and to link in a suitable manner all elements which needed to be taken into account.

139. After a reading of the amended text of the subparagraph by the Chairperson and verification whether it encompassed all discussed and agreed points, the text was adopted by the Committee as amended.

140. The **Chairperson** then invited the Committee to proceed with the examination of the second paragraph under the heading “Cultural dimension” and requested the Group of 16 States to explain their amendments, the first one concerning a list of articles to which a reference was made and the second – replacing the term “could” by “shall”.

141. The delegation of **Austria**, as a representative of the Group of 16 States, explained that the first amendment aimed to render the text more precise and exhaustive by including a link to all Convention’s provisions related to national policies, international cooperation and cooperation for development. She also added that the replacement of the word “could” by “shall” aimed to achieve coherence of the subparagraph with the previously adopted language.

142. The delegation of **India** asked for a clarification in the English text concerning the word “their” which preceded “adopted guidelines” supposing that the problem was related to a translation problem. The delegation indicated that it did not have an objection for the replacement of “could” with “shall”. It indicated that a better formula should be found to replace “their adopted guidelines” and put forward “respective guidelines” as a suitable solution.

143. The **Chairperson** announced the adoption of the paragraph as amended.

144. The **Chairperson** invited the Committee to proceed with the next paragraph and indicated that the amendment of the Group of 16 States proposed to add the term “other” before the term “practitioners”.

145. Further to the request of the Chairperson and of India, the delegation of **Austria** explained that the amendment aimed to harmonize the terminology with that used in other draft operational guidelines which have already been adopted by the Committee. The delegation added that the Committee had debated and agreed upon the use of “other practitioners” at its December session.

146. The paragraph was adopted as amended.

147. The first subparagraph relating to “providing support and expertise ...” was adopted without debate as there were no amendments.

148. The **Chairperson** proceeded then to the next point, which concerned a new subparagraph, proposed by the Group of 16 States on “sharing of information and best practices”.

149. The delegation of **Austria** explained that the amendment aimed to complement the list of activities that targeted capacity-building in developing countries.

150. The **Chairperson** announced the adoption of the new subparagraph and gave the floor to the delegation of Austria to explain the amendment proposed by the Group of 16 States in the next paragraph and which concerned deletion of examples, including residencies.

151. The delegation of **Austria** explained that the amendment aimed to formulate the text in a more general manner, by reducing the number of specific enumerations.

152. In answer to the request of the delegation of India for a clarification whether reference to “residencies for artists and other cultural professionals” was made in any other part of the original text of the Secretariat, the delegation of **Austria** explained that the underlying reason was not to restrain activities to those examples which were provided in the original text and to make the text more general, thus allowing for a larger number and types of activities.

153. The delegation of **India** explained that the facility of residencies in developed countries for artists from developing countries was an important element and should be maintained in the text, whereas reference to seminars could be deleted. **Canada, Luxembourg, Tunisia** and **Mexico** expressed their agreement with the proposal of India.

154. The delegation of **Brazil** indicated that a reference to seminars in addition to residencies, should also be made in the text, noting that, if a compromise was to be found, it would not insist on including seminars.

155. The delegations of **Germany** believed that the proposed wording would lead to a listing exercise which should better be avoided. It, proposed, instead of drafting a list of activities to include examples, such as seminars and residencies, between brackets.

156. The delegation of **India** and **Tunisia** expressed their agreement with the amendment proposed by Germany's. After editorial adjustments, the subparagraph was adopted.

157. The **Chairperson** invited the Committee to proceed with the discussion of the next subparagraph which concerned mobility of artists and other cultural professionals and practitioners and requested the EU Members States, Committee members to explain their amendments.

158. The delegation of **France** explained that the first amendment aimed to link to the title. Concerning the proposed amendment at the end of the subparagraph, it was proposed to replace “improvement” with “simplification”. It was also proposed to delete the reference to “lower visa costs”, as such a provision would go beyond the scope of commitments that States could make in this forum.

159. The delegation of **India** pointed out that the EU Members States, Committee Members amendment was at the heart of the problem and added that instead of taking steps for implementing preferential treatment through facilitating mobility, the amendment proposed to “contemplate simplification ...”, by deleting the words “improved visa access” and “lower costs”. She affirmed that the original text of the Secretariat represented an honest effort to move the issue forward so that Article 16 could be implemented efficiently and affirmed that the proposed amendment was unacceptable, and, if need be, a working group could be formed to resolve the issue. If no consensus could be found, she would ask for a vote on that paragraph.

160. The **Chairperson** reassured the Committee that she intended to continue the debate in order to find a consensus.

161. The delegation of **Senegal** confirmed that this issue did not leave room for manoeuvre as it implied involvement of other national authorities, in addition to the culture and trade ministries and concerned sovereignty issues. However, the mobility question represented a very important element for which cultural professionals and artists had high expectations and which would not only facilitate but also structure exchanges. He recalled the recent example of the EU agreement with the Caricom region which had made a step forward by creating a visa for artists and called for making further progress with regard to visas within the framework of the Convention. The delegation proposed the use of the term “flexible” instead of “simplification”.

162. The delegation of **Mexico** affirmed the presence of different visa mechanisms in every country, questioned the practical scope if cooperation had to increase, mainly residencies for artists, without taking into consideration this issue. He recalled for regional agreements that could exist between neighbouring countries, for example between Mexico and other Latin American countries, where there were established systems for exchange and residencies, explaining the strategic value of this subject in that context.

163. The delegation of **Brazil** indicated that Mexico’s comments had touched upon a very important aspect and affirmed that the issue did not only involve relationship between developing and developed countries, but also between developing countries themselves. Giving the example of artistic exchanges between Brazil and Latin American countries, he further added that, in order to enhance cultural diversity and create conditions for more movement of artists in the world, the issue of visas must be faced even if it entailed difficult discussions. He added that the original text of the Secretariat reflected the concerns which had just been pointed out.

164. The delegation of **Tunisia** indicated its agreement with the first part of the proposed amendment – “taking measures” and insisted that the second part needed to be more imperative. It disagreed with Senegal concerning the use of “flexible”, as it thought it contributed to maintaining the status quo.

165. The delegation of **Mali** found that the term “contemplating” was not strong enough and suggested to replace it with the term “through”.

166. The delegation of **China** highlighted the importance of the visa issues and insisted that the Committee needed to make more efforts in this regard, as it may result in encouraging more countries to ratify the Convention.

167. The delegation of **South Africa** agreed that the issue of visas and access to the market were at the heart of the subject. She added that in the case of cultural activities, it was of key importance to guarantee access, with the objective of promoting the Convention and cultural diversity. She affirmed that the Secretariat’s text reflected this importance.

168. The delegation of **Canada** acknowledged the major challenges faced by artists and cultural professionals from developing countries when travel was needed, and recognized the importance of the visa issue for developing countries. He added that Canada continued its efforts for facilitating movement of artists and explained that foreign artists did not need a Canadian work permit for fixed term engagements. This example demonstrated the good will of Canada in dealing with that issue. He further recalled that Canada had expressed some reservations with regard to Article 16 of the Convention at the time of its elaboration. He explained that despite the measures already put in place, the current Canadian laws did not allow to provide preferential access to visas for citizens of one country to the detriment of citizens from another country. He added that expectations from Canada should not be unduly high as the Canadian system, which is comparatively open, would not permit the establishment of access barriers to those who do not benefit from preferential treatment. The delegation of Canada explained that Canada had some reservations, concerning both the text of the Secretariat and the proposed amendments. He then proposed amendments to the text, including deletion of “temporary stay”, adding “temporary” before entry and inserting between brackets a list of examples of relevant reasons for travelling (concerts, film shooting etc.). It proposed as well to entirely delete the second part of the paragraph and replace it with “through commercial agreements on bilateral and regional level”.

169. The delegation of **India** explained that the language of the subparagraph did not imply any prescriptive element. She underlined that taking the view that the use of a flexible language on facilitating mobility would result in a country swamped with illegal immigrants, was a perspective that may cause damage to the Convention. She pointed out that the EC amendments and those of Canada gave the impression of an attempt by developing countries to force entry in developed countries, at a time of global economical and financial crisis, and that this may endanger the stability of these countries. She stressed that it was not the case and noted that the text of the Secretariat was very reasonable as it put the finger to the core of the problem. India provided a few examples concerning earlier experience with visas for Indian participants in EU trade fairs. She reaffirmed that the aim of the subparagraph was not to encourage immigration of poor citizens from developing countries and urged partners from developed countries to rethink the amendments as they may send a wrong message to developing countries, Parties to the Convention. She recalled the different spirit at the time of negotiating the Convention and insisted that the issue of mobility was of utmost importance.

170. The delegation of **France** said that the Committee should work in a spirit of cooperation and partnership and that the real issue was not the illegal immigrants, but rather the complexity of the questions related to visas. Referring to Tunisia’s proposal, the delegation suggested including in the text that “one of the measures could be the facilitation of procedures for the granting of visas”.

171. The delegation of **Brazil** reaffirmed that the issue of visas is very important for the Convention and that the approach and the perspective needed to be constructive in order to find a solution, as it has been the case of other global issues like environment, climate change and human rights.

172. The delegation of **Guatemala** supported **Brazil**’s position and pointed out that the operational guidelines had a declarative nature and, as such, would not have a direct impact on national policies related to immigration.

173. The delegation of **Tunisia** referred to the French proposal and proposed a new wording by replacing “facilitation of procedures...” with “improvement of procedures...”.

174. While the delegation of India appreciated the spirit of the French amendment, it pointed out that there were three basic issues concerning visas in the text of the Secretariat, namely “improved visa system”, “rapid visa access” and “lower costs of visa”. The French amendment did not take into consideration these basic issues as it only concentrated on procedures for the granting of visas. The delegation explained that such procedures already exist and gave the example of the efficient EU visa system with India or with the Caricom countries. Therefore, it proposed the wording of the French amendment to be reformulated as to bring the visa system to a higher level than what already existed, by adding the elements proposed by the Secretariat. Concerning the “auditions”, the delegate of India explained that if the cultural practitioners did not speak foreign languages, they would not be able to get visas.

175. The **Chairperson** stressed that only consensus would be the way to adopt that subparagraph. She proposed that the amendments made in writing and those made during the debate be put in brackets and that an informal group be created, allowing for the participation of all those who wished to do so. She invited the Committee members to discuss this issue at all suitable occasion in order to reach consensus. She adjourned the debate on this subparagraph until the next day when a consolidated proposal should be formulated.

176. The discussion on this subparagraph was finalised at the end of the afternoon session of the second day of the Committee’s meeting, 24 March 2009. After the Committee had completed the examination and adopted the rest of the operational guidelines on Article 16, the **Chairperson** recalled that there were some pending issues and asked whether the Committee members had reached a consensus on the formulation of the subparagraph concerning mobility of artists and visa regimes, as no draft text had been presented to her.

177. After a brief and intensive discussion in which many Committee members took place, including the delegations of **France, South Africa, India, Senegal, Burkina Faso, Brazil, Austria, Canada, Mexico** and **Luxembourg**, it became clear that no consensus acceptable to all Committee members had been reached so far. It was then decided to adjourn the meeting for thirty minutes so that the Committee members could consult with a view of finding a compromise solution.

178. The meeting was resumed after the consultations. The **Chairperson** asked the Secretariat to put on the screens the English and French language versions of the consolidated proposal produced as a result of the consultations. She then invited the Committee to check whether the text was in conformity with the agreement reached during the informal consultations. No objections or comments were made and the **Chairperson** announced the subparagraph adopted.

179. The delegation of **Canada** explained that it had taken cognizance of the text only when it had been adopted. It added that Canada had already expressed reservations during the debate on the matter. It recalled, in particular, that Canada had already introduced a number of measures relating to the visa system for artists and cultural professionals and that such measures had been designed to take trade-related aspects into account. It requested clarification of the term “applicable provisions” and expressed reservations with regard to visa costs and the likely financial implications of that provision.

180. In reply to the questions raised by Canada, the delegation of **India** explained that the issue related to lower costs of visa referred to the possibility of developed countries to consider whether they could reduce the costs of visa in order to encourage the mobility of artists and cultural practitioners from developing countries. It added that “applicable provisions” was

proposed by the developed countries, noting that developing countries were fully in agreement that measures put in place by developed countries should be in conformity with the applicable provisions of their national legislations.

181. The delegation of **Canada** took the floor to indicate that it was in agreement with the majority of the text, with a few exceptions, and that it did not want to block the adoption of the subparagraph, given that a consensus had been reached. Nonetheless, it indicated that it would like to take the floor on this issue and make a statement after the text would be adopted.

182. The **Chairperson** underlined that the text had already been adopted.

183. The delegation of **Brazil** explained that the text which had been negotiated and adopted was not of a mandatory nature and its language was altogether flexible enough to allow countries to act in conformity with their existing rules.

184. As it did not wish to block the consensus that had been achieved, the delegation of **Canada** read out the following statement relating to the adoption of the operational guidelines on mobility and requested that it be included in the Rapporteur's report: "Recognizing the significant obstacles facing artists and cultural professionals from developing countries when required to travel as part of their work and profession, Canada has already, in that regard, put in place measures to demonstrate its openness to artists and cultural professionals. It intends to pursue its efforts, through appropriate institutional and legal frameworks, in order to facilitate the mobility of artists and cultural professionals. Canada does not endorse and will be unable to implement all of the measures set out in this paragraph. Wishing to act in good faith, Canada is forced to concede its lack of capacity to implement measures that would run counter to its obligations".

185. After the decision to adjourn the debate on the subparagraph related to the mobility of artists and visa issues, the **Chairperson** invited the Committee to proceed with the examination of the next subparagraphs of the text under the heading of "**Cultural dimension**". No amendments were proposed for the next two subparagraphs concerning "funding arrangements and resource-sharing" and "creation of networks". The Chairperson announced them adopted.

186. Concerning the "specific fiscal incentives" subparagraph, the delegation of **France** explained that the EC amendment aimed to improve the wording proposed by the Secretariat.

187. The delegation of **Canada** supported the amendment of the EC and suggested to replace the term "fiscal measures" proposed by it with "providing indirect financial measures in favour of artists", as it would provide a broader aspect. To a request for clarification by India, the delegation of Canada indicated that the indirect financial measures are larger than fiscal measures.

188. After a discussion whether it was preferable to include 'fiscal measures' or 'indirect financial measures', in which India expressed a preference for the EU wording, and Mexico supported the proposal of Canada, the delegation of Canada withdrew its amendment.

189. The Committee adopted the subparagraph as formulated in the amendment of the EC.

190. Concerning the next subparagraph, the delegation of **India** withdrew its proposed amendment related to traditional cultural expressions, as it was considered to be within the competence of World Intellectual Property Organization (WIPO).

191. Accordingly, the **Chairperson** announced that the next day session would start with the discussion of paragraph (b) concerning cultural goods and services from developing countries.

192. The morning session of the second day started with the examination of paragraph (b) as announced by the Chairperson at the end of the previous day debate. The heading of paragraph (b) and the first 3 subparagraphs were adopted without debate as there were no amendments or objections.

193. Concerning the next subparagraph related to “providing a financial aid to improve access of cultural goods...”, the **Chairperson** announced that there was an amendment from the Group of 16 States and gave the floor to Canada for explanation.

194. The delegation of **Canada** explained that the underlying reason for the proposed amendment was to integrate cultural services along with cultural goods, to integrate co-production and co-distribution agreements so that the provision could have a stronger impact, and to add an introductory sentence to the subparagraph highlighting the main purpose of the proposed measure, namely to improve access.

195. The delegations of **Mexico** and **India** expressed their agreement with the proposed amendment. No further comments or objections were made and the subparagraph was adopted as amended.

196. The **Chairperson** invited the Committee to continue with the next subparagraph, related to “financial aid”, for which Saint-Lucia and Tunisia had proposed an amendment.

197. The delegation of **Saint Lucia** explained that this amendment, further to the amendment to the previous subparagraph proposed by the Group of 16 States, was intended to highlight the importance of financial aid for developing countries, which may take the form of a direct or non-direct assistance.

198. The delegations of **India, Oman, Senegal, Canada, Tunisia** and **Albania** supported the amendment proposed by Saint Lucia and Tunisia.

199. The subparagraph was adopted as amended and the **Chairperson** moved to the paragraph concerning “organising fairs”, for which an amendment had been proposed by the Group of 16 States. The **Chairperson** gave the floor to Canada to explain the amendment.

200. The delegation of **Canada** explained that the amendment aimed first of all to streamline the text. Content-wise, the amendment aimed to make the measure more encompassing by including a more general formulation concerning “participation in cultural and trade events”, which should replace the non-exhaustive list of examples, such as exhibitions and fairs.

201. The delegation of **India**, supported by **Canada** and **Brazil**, indicated that the amendment included a deletion of an element that was important for developing countries, and proposed, for the purposes of clarity, that the text refer specifically to the “cultural goods and services of developing countries”, instead of “their cultural goods and services”.

202. The delegation of **China** supported India’s proposal and pointed that the original text of the Secretariat provided detailed examples for this measure and expressed its preference for the original text. China added that the amendment of the Group of 16 States did not include such examples and seemed repetitive in comparison with the previous subparagraph which concerned “improving access of cultural goods and services”.

203. The delegation of **Canada** explained that the wording proposed by the Group of 16 States encompassed events such as fairs and exhibitions. Concerning the second remark, the original text gave the impression that it did not take into account already existing fairs and exhibitions. The proposed amendment aimed to clarify that both existing and future events were included in this measure.

204. The **Chairperson** announced the adoption of the subparagraph as amended. Proceeding to the next subparagraph concerning “encouraging the investment from cultural enterprises from developing countries ...”, she gave the floor to Canada to explain the amendment proposed by the Group of 16 states.

205. The delegation of Canada explained that the aim of the amendment was, first, to expand the scope of the paragraph by using “presence and initiatives”, noting that the term “investment” is covered by the suggested formula. Concerning the second part of the amendment, Canada added that the examples in the original text were very specific and therefore the amendment aimed to provide more general and encompassing examples.

206. The delegation of **India** noted that the amendment of the Group of 16 States had deleted some specific measures, namely the measure related to eliminating “tariffs”, as well as the fact that the amendment did not make any mention of “investment”, an issue of fundamental importance for the effective implementation of Article 16. The delegation added that this deletion could not be accepted. It also proposed to add “appropriate measures of fiscal or legal nature” in the list of examples of measures at the end of the subparagraph.

207. While supporting the “appropriate measures of fiscal or legal nature” proposed by India, the delegation of **Luxembourg** asked for a clarification from India related to the term “investment”, noting that the original text had targeted the encouragement of investment from developing countries into developed countries, which did not exactly reflect the spirit of the Convention, to which the delegation of India explained that it saw no difficulties for developing countries to invest in developed countries.

208. The delegations of **Brazil** and **Canada** expressed their agreement with India’s proposal and the subparagraph was adopted as amended, integrating the proposals both of the Group of 16 States and India.

209. As no comments or objections were made by the Committee, the next subparagraph related to “fostering private sector investment...” was adopted with the proposed amendments.

210. The **Chairperson** proceeded with the discussion of the next subparagraph related to “facilitating the temporary access of cultural goods”, for which amendments had been proposed by India and the Group of 16 States.

211. The delegation of **India** asked for the deletion of word “temporary” in order to avoid the impression of conditionality.

212. The delegation of **Canada** explained the proposed amendment of this subparagraph which sought to make a clear distinction between cultural goods and the material and equipment used for cultural creation and production, the ultimate purpose of this measure being to facilitate temporary access of the material and equipment. Canada also suggested to delete the term “cultural” (from “cultural goods and services”) in order to avoid misunderstanding.

213. The delegation of **Mexico** pointed out that both proposals were important, especially the deletion of “temporary”, and suggested the replacement of “distribution” with “dissemination” in the amendment of Group of the 16 States.

214. The delegation of **South Africa** supported the deletion of the term “temporary” in order to avoid ambiguity.

215. The delegation of **Senegal** recalled that the original text of the Secretariat referred to temporary access of goods for the cultural production while the proposed amendment referred to temporary access of cultural goods and services in another territory, i.e. the two texts referred to two different issues. This view was shared by **India** which invited the Group of 16 countries to place the proposed amendment in another subparagraph, and by **Brazil** which also expressed preference for two separate subparagraphs.

216. The delegation of **Canada** explained that although there might be two ideas in the same text -temporary access of goods for cultural production and access of cultural goods-, they could be maintained in the same subparagraph. The delegation proposed some amendments and editorial changes to the subparagraph. The first proposal concerned the maintenance of the term “temporary” in the first case, where it concerned temporary access of goods, while the second “temporary”, which concerned temporary importation, could be deleted in order to avoid repetition. Austria expressed support for this proposal.

217. The delegation of **India** insisted on striking out “temporary” before “access” and accepted to have it in front of the “importation” explaining the importance of that proposal for developing countries.

218. The delegation of **Brazil** stated supported India’s view and proposed a new wording, “fostering the access of cultural goods from developing countries through, *inter alia*, facilitating temporary importation of the necessary technical material and equipment for the purposes of cultural production”. This proposal was supported by **India**.

219. The delegation of **Luxembourg** explained that the wording proposed by Brazil was a combination of two different ideas. The delegation pointed out that the main underlying idea in this subparagraph was to facilitate the access of goods related to cultural production, distribution and dissemination, while the issue of facilitating access of cultural goods from developing countries to developed countries markets was already included in a previously adopted paragraph.

220. The delegation of **Brazil** explained that the idea of facilitating temporary importation of necessary material and equipment was important but the ultimate purpose of this measure was to foster the access of cultural goods. It proposed also to expand the paragraph by adding “and services” after “cultural goods”.

221. The delegation of **Canada** supported the position of Luxembourg concerning the idea that the access of cultural goods to developed countries markets had been already dealt with in a previous paragraph. It reiterated that the main objective of the amendment, presented by the Group of 16 States was to facilitate the temporary access of goods related to cultural production, which were not necessarily cultural ones.

222. The delegations of **Croatia**, **Mexico** and **Luxembourg** supported the position of Canada. Luxembourg suggested that a new wording may help avoid the ambiguity.

223. The **Chairperson** confirmed that it was a question of two clearly distinct issues. She requested the Committee members whether they would prefer to have two separate subparagraphs or they could get along with the proposal of Luxembourg which aimed to clarify that it was a question of importation of material and not a question of access of goods.

224. The delegation of **Luxembourg** proposed the following wording: “facilitate the temporary importation of material and technical equipment necessary for the cultural creation, production and distribution of developing countries”.

225. The delegation of **Senegal** said that the insertion of the word “importation” by the proposal of Luxembourg clarified the text. However, it was important to decide how the two proposals, of Luxembourg and Brazil, which currently represented two distinctive parts of the same subparagraph, could be merged and streamlined.

226. The delegation of **India** agreed with Senegal’s comment that there were two different ideas and stated that India supported Brazil’s proposal, with a suggestion to maintain the word “facilitate” instead of changing it to “foster”, which was much weaker. The delegation reiterated that it did not object to “temporary importation”, but insisted on deleting “temporary” in the first context, i.e. before “access”. In addition, India insisted that Brazil’s proposal be placed as a first part of the subparagraph, followed by Luxembourg’s proposal or the original text of the Secretariat.

227. The delegation of **Brazil** explained that Luxembourg’s proposal had only focused on the second part of Brazil’s proposal and insisted on the fact that the “temporary importation” had to be linked to the purpose of facilitating access. Otherwise, taken on its own, it was just an ideal idea.

228. The delegation of **Mexico** did not agree with Luxembourg’s proposal and supported India and Brazil in recognising the importance of the “access”. It insisted on deleting the “temporary” characteristic of the access. The delegation of **Guatemala** supported as well the latest version of Brazil’s amendment.

229. The delegation of **Croatia** took the floor to support the position of Luxembourg and recalled that one of the previously adopted subparagraphs concerned “improving access of cultural goods and services from developing countries”.

230. The delegation of **South Africa** proposed the merge between Luxembourg’s and Brazil’s proposals by adding “creation, production and distribution from developing countries”, to Brazil’s proposal, and explained that it could resolve the problem and represent a link between “access” and “temporary importation” in the text.

231. The delegation of **Slovenia** supported the proposal of Luxembourg and Croatia’s comments and insisted on the difference between “access” and “temporary importation”. The delegation of **Albania** also supported Luxembourg’s proposal.

232. The **Chairperson** invited the Committee to proceed with finding a solution based on proposals that had already been made.

233. The delegation of **Brazil** said that it supported the merge of proposals suggested by South Africa and explained that it did not see a reason for deleting the term “temporary” before “access”. The proposal of South Africa was also supported by the delegation of **Mexico**, as well as by the delegation of India, which had indicated that the delegation would not agree to the deletion of the proposal of Brazil.

234. The delegation of **Albania** supported Luxembourg's proposal.

235. The delegation of **Canada** made two proposals. First, the proposal of Luxembourg covered the issue of "access". Second, the proposal of Brazil could be acceptable if the term "*inter alia*" was removed.

236. The delegations of **Brazil** and **India** agreed with the wording proposed by Canada.

237. The **Chairperson** announced the adoption of the subparagraph as amended.

238. The **Chairperson** invited the Committee to discuss the next subparagraph related to "integrating cultural sector development projects". An amendment to this subparagraph had been presented by India.

239. The delegation of **India** explained that their amendment aimed at ensuring that development aid public policies of developed countries gave adequate attention to cultural sector development projects in developing countries. India also indicated that the next amendment presented by India, which concerned "legal measures", was withdrawn.

240. The delegations of **Luxembourg**, **Brazil** and **France** supported India's amendment.

241. In the absence of further comments or objections, the **Chairperson** announced the adoption of the subparagraph as amended. She added that the new subparagraph which had been proposed by India was meanwhile withdrawn by India. She invited the Committee to proceed with the discussion of the next paragraph of Chapter 3 entitled "**combination of the trade and cultural cooperation dimensions**". She added that an amendment had been proposed by the EC and gave the floor to its representative to explain it.

242. The **representative of the EC** said that the aim of the paragraph was to refer to the possibility of combining the trade and cultural dimensions in specific agreements and to provide some illustrations. The EC had difficulties with the proposed wording because it referred to specific EC agreements. He then gave the examples of the Florence Agreement and its Nairobi Protocol, having regard to their legal scope following the entry into force of the General Agreement on Tariffs and Trade (GATT) and the General Agreement on Trade in Services (GATS), and raised generally the question of whether cultural and trade aspects were combined adequately in those agreements. The new wording had thus been proposed in order to make it clear that agreements combining both aspects could be drawn up as a single instrument.

243. The **Assistant Director-General for Culture** pointed out that the Florence Agreement dated from 1950 and had been further developed by the Nairobi Protocol in 1976; there were 99 States Parties to the former and 42 to the latter. She said that the Florence Agreement provided for the import of educational, scientific and cultural items such as publications, books, works of art and visual or audio materials, as shown in the list annexed thereto. Those agreements were both cultural and economic in nature, as they had been designed to remove obstacles to trade, such as customs duties, import licences and domestic taxes. The older agreements had admittedly been overtaken by GATT and World Trade Organization (WTO) agreements providing for the free movement of a number of objects deemed by UNESCO to be of a cultural nature. The agreements had been given as examples in the preliminary draft, although some UNESCO Member States Parties to the Florence Agreement were not WTO Members and were thus still bound by the older agreements. For the record, she stated that the introduction to the preliminary study on the technical and legal aspects relating to the desirability of a standard-setting instrument on cultural diversity (2003) provided for the future development and review of that Agreement.

244. The delegation of **India** said that the Secretariat's text was acceptable and that the agreements mentioned were specific to UNESCO. It pointed out to the representative of the EC, that, during the negotiations on the Convention, it had constantly been stressed that the Convention was different from GATT and specific to UNESCO. It recalled that Article 20, supported by the EC and the outcome of delicate negotiations, had been formulated in order to take account of multilateral agreements concluded elsewhere. The delegation called on the Legal Adviser to rule on whether it would be judicious to give agreements specific to UNESCO as examples with regard to Article 20 or whether the representative of the EC was right to argue that they should not be mentioned on account of the GATT agreements.

245. The **Legal Adviser** said that UNESCO's Office of International Standards and Legal Affairs did not enter into political considerations and that he was able to provide specific information. He said that, owing to difficulties encountered in trade after the Second World War, the Beirut and Florence agreements had been drawn up in order to liberalize the movement of goods. He stressed that the agreements were specific to UNESCO because they had been opened for ratification by all UNESCO Member States, but States that were not Members of UNESCO could also accede. With regard to the political aspect and the question of whether GATT had exceeded the scope of those agreements and had rendered them nugatory, he preferred not to give a ruling, albeit stating that WTO Members were not necessarily those that had ratified the agreements in question; it was up to the Committee to decide whether differences in accession were a determining factor or not.

246. The **representative of the EC**, wishing to avoid any misunderstanding of the reasons that had led EU Member States, Committee members to cast doubt on the relevance of the examples listed, gave further explanations. He said that there was no objection to the principle of mentioning the agreements for, indeed, those traditional instruments in trade and in cultural cooperation were well known; it did seem, however, that the added value of the paragraph was its invitation to the Parties to be imaginative in developing new frameworks in which the two aspects would be combined more harmoniously. The representative of the EC then proposed that an illustrative reference to the two agreements be placed in brackets at the end of the paragraph.

247. The delegation of **Brazil** proposed to insert a different idea proposed by the EC at the end of the Secretariat's text: "the Parties may develop and implement specific agreements that combine the cultural and trade dimensions and that relate specifically to cultural goods and services and/or artists and other cultural professionals and practitioners."

248. The delegation of **India** thanked the representative of the EC for its flexibility, supported the insertion of the agreements in brackets, and supported **Brazil's** suggestion.

249. The **representative of the EC** proposed an amendment to the beginning of the wording proposed by Brazil and inclusion of a reference to multilateral agreements. Moreover, he queried the reference to co-production and co-distribution agreements in the paragraph inasmuch as they had already been mentioned in the preliminary draft as a modality for cultural cooperation. Furthermore, he considered that the reference to UNESCO agreements was better and more clearly worded.

250. The **Chairperson** called on the Committee to state whether it preferred the representative of the EC proposal as amended or that of Brazil, so that she could organize the debate appropriately.

251. The delegations of **Canada, Saint Lucia, Mali, Senegal** and **Tunisia** supported the paragraph as amended, by insertion, by the EU Member States, Committee members. The delegation of **Brazil** joined the consensus. The paragraph was adopted.

252. The **Chairperson**, proposing that the Committee move to the following paragraphs on “criteria”, said that many amendments had been proposed and called on the sponsors to give further explanation.

253. The delegation of **Austria** explained that the purpose of the editorial changes in the first paragraph and the merging of the other two paragraphs was to allow individual countries to determine for themselves the relevance and applicability of the criteria set out in the first paragraph.

254. The delegation of **India** said that the paragraphs had been studied carefully by its Government and legal advisers, who were of the view that the Secretariat had been influenced by the replies to the questionnaire received from the EC and EU Member States. It then said that most replies had expressed opposition to the introduction of criteria that could not be objectively defined and proposed that that part of the preliminary draft be deleted, preferring not to establish unsatisfactory criteria.

255. The delegation of **Brazil** suggested deleting the first two paragraphs because the criteria relating to graduation, conditionality, reciprocity and rules of origin posed a number of problems and it would be difficult to debate those matters during the current session. By contrast, the third criterion, which provided for a flexible approach, should be retained.

256. The delegation of **India** said that the final paragraph, if retained, should be amended to read: “Parties may wish to adopt a flexible approach and seek to establish a preferential treatment framework, scheme or measure that would reduce the need to rely on criteria for such preferential treatment.”

257. The delegation of **Brazil**, supporting the amendment proposed by **India**, said that it was necessary either to delete all three paragraphs or to retain the final paragraph as amended by **India**.

258. The **Chairperson** wondered whether it was appropriate to retain the paragraph and whether it made sense, if taken in isolation.

259. The delegation of **South Africa** said that the paragraphs establishing trade criteria constituted obstacles to access to goods and services rather than means of facilitating their movement, when in fact the Convention was supposed to protect culture. It proposed that all three paragraphs be deleted but considered that the final paragraph could be retained.

260. The delegation of **Saint Lucia** supported the deletion of the two paragraphs and the retention of the final paragraph.

261. The delegation of **Austria**, on behalf of the Group of 16 States, supported India’s proposal to delete all three paragraphs.

262. The **Chairperson** called on the Committee to state whether it agreed to delete the paragraphs relating to criteria. She then ruled that they had been deleted and proposed that the Committee consider Section 4 on “National policies and measures for the efficient

implementation of preferential treatment in developing countries”, stating that India and the Group of 16 States had proposed several amendments relating to the introduction of the section and requesting them to provide an explanation.

263. The delegation of **India** said that conditionality was a highly sensitive issue for developing countries although it was present both in the Secretariat's text and that of the Group of 16 States. By contrast, India's proposed amendment did not contain any conditionality and sent a very clear message to developing countries which could establish appropriate policies and measures in order to grant conditionality-free preferential treatment.

264. The delegation of **Tunisia**, introducing the amendment of the Group of 16 States, said that the objectives were successful preferential treatment and the emergence of a cultural sector in developing countries, and that the approach taken was based on individual responsibility rather than conditionality. It recognized that not all developing countries were in a position to establish cultural policies.

265. The delegation of **Brazil** supported the wording proposed by **India**. It underlined its concern at the link that had been established between preferential treatment and the application by developing countries of particular policies, inasmuch as it established conditionality and was inconsistent with the very concept of cultural cooperation and the promotion of cultural diversity. It again pointed out that preferential treatment could come into play even when developing countries had no cultural policies, because such treatment could be granted to individuals and businesses.

266. The delegation of **Mexico** supported India's proposal, saying that matters under consideration were highly complex, since one of the most difficult tasks facing the Mexican public authorities was the implementation of policies to promote, revitalize and regulate the development of such industries.

267. The delegation of **Luxembourg**, regretting that the discussion had again lapsed into an ideological debate about conditionality, stressed that India's amendment contained practically the same wording as the proposal by the Group of 16 States and that neither proposal contained conditionality.

268. The delegation of **South Africa** supported India's proposal, pointing out that such policies and measures also served the other interests in the cultural sector.

269. The delegation of **France** supported the proposal by the Group of 16 States, which had the advantage of being broad in scope; it regretted that the conditionality debate had resurfaced.

270. The delegation of **China** supported the amendment proposed by **India**, since its wording was more appropriate, but it also recognized that the gap between the various delegations' positions was not very wide.

271. The delegation of **Mali** said that the two proposed amendments were not contradictory, but that one laid emphasis on national policies and measures in general while the other provided examples of the main ways in which they could be developed and implemented, which was important in providing guidance on the implementation of the Convention. The delegation proposed that the two proposed amendments be **merged**.

272. The delegation of **India** repeated that conditionality was featured in the amendment proposed by the Group of 16 States, specifically in the sentence beginning with “for preferential treatment to bring it is essential to...”. By contrast, India’s amendment proposed that the granting of preferential treatment should not be subject to such measures, and that was the major difference between the two proposed amendments. India therefore objected to the proposal that may be merged.

273. The delegation of **Senegal** said that there was no major contradiction between the two proposed amendments. In its view, it was important to remember that preferential treatment and national measures went hand in hand, since one was the necessary condition for the success of the other, without either condition being superior to the other.

274. The delegation of **Brazil** reiterated its support for **India’s** amendment, which was already something of a compromise.

275. The delegation of **Luxembourg**, supported by **Tunisia**, proposed that the paragraph be deleted and be replaced by an improved paragraph providing for policies and measures.

276. The delegation of **India** objected the deletion of the paragraph, stating that developing countries were not against the adoption of national policies, but were opposed to conditionality between the adoption of policies and measures and the granting of preferential treatment. It called on the Committee to reflect on the matter for a while longer, particularly with regard to India’s proposed amendment, which had struck a chord among Members.

277. Following proposed rewordings by the delegations of **Guatemala, Senegal, and India**, the **Chairperson** read out the following paragraph: “It is recommended that developing countries, in the light of the Convention’s articles on national policies and cooperation for development (Article 6, 7 and 14), implement as far as possible policies and measures to ensure that preferential treatment leads to significant results.”

278. The delegation of **Brazil** preferred the first version of the amendment proposed by India and was not in favour of the phrase “to ensure that preferential treatment leads to significant results”. It stressed that national policies could not be designed with a view to the granting of preferential treatment and proposed that the end of the paragraph be amended to read: “...designed to reinforce the potential advantages of preferential treatment”.

279. The delegation of **Austria** shared **India’s** point of view and supported the amendment proposed by **Brazil** that the verb “recommended” be replaced by “encouraged”.

280. The delegations of **Canada** and **India** supported the proposals made by **Brazil** and **Austria**.

281. The **Chairperson** called on the Committee to state whether the paragraph as amended was acceptable. Following several minor linguistic amendments proposed by the delegations of **Canada, Brazil, Mali, Tunisia, France** and **South Africa**, the paragraph was adopted. The **Chairperson** then called on the Committee to consider the list of measures and policies.

282. No delegation took the floor. The first three paragraphs relating to the promotion of an environment favourable to the emergence and development of a cultural sector and cultural industries at the national level, to the enhancement of the production and provision of cultural activities, goods and services, and to the provision of strategic support to domestic cultural industries and sectors, were adopted.

283. Following the wish expressed by **India** to retain the reference to “artistic and entrepreneurial skills”, the paragraph on building capacity and skills was adopted as amended.

284. With regard to the paragraph on actively seeking knowledge and expertise in the areas of enhancement and dissemination of cultural expressions, the delegation of **India** requested an explanation of the amendment proposed by the Group of 16 States, namely to delete the reference to “traditional cultural expressions” in that paragraph, considering that reference to be important to developing countries, many of which were in the Group of 16 States.

285. The delegations of **Brazil, South Africa** and **Mexico** supported **India’s** proposal to insert “including the protection and promotion of traditional cultural expressions”.

286. The **Chairperson** said that the proposal was perhaps outside the Convention’s scope of application.

287. The delegation of **Austria** explained that the Group of 16 States had deleted those terms because they were not specifically included in the Convention but merely referred to in the preamble, which made it difficult to put such a scheme into operation. Furthermore, it was more relevant to address those terms in relation to the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage.

288. The delegation of **India** noted that there was no contradiction between the two Conventions and that the concept was intrinsic to the notion of cultural diversity; the reference no doubt pertained to both Conventions. If the wording proposed by Brazil exceeded the scope of the Convention, then the Secretariat’s version, which referred to traditional cultural expressions, should be retained.

289. The delegations of **Luxembourg, France** and **Canada** supported Austria’s proposals and said that as the notion of “cultural expressions” covered all expressions, there was no need to refer specifically to traditional expressions that were not covered by the Convention.

290. The delegation of France, seconded by **Canada**, supported **Austria’s** proposal and said that it was not appropriate to make such a reference for which the Convention did not provide, having regard to the definition of “cultural expressions” contained in Article 4, subparagraph 3. Moreover, if they were to be sound, the operational guidelines must be precise and must exclude references extraneous to the Convention.

291. The delegation of **Brazil** said that the promotion and protection of traditional cultural expressions could be covered within the context of cultural diversity. There was a difference in perspective between intangible heritage and cultural expressions, which in turn differed from cultural expressions in the context of the protection and promotion of the diversity of cultural expressions owing to the difference in the protection afforded. The delegation gave the examples of yoga and reggae to show that traditional cultural expressions could be very strong financial instruments and industries. It supported **India’s** proposal.

292. The **Chairperson** stressed, crucially, that the Convention related to cultural expressions promoted through cultural goods and services and that it should not be confused with the Convention on Intangible Cultural Heritage.

293. The delegation of **Mexico** said that concepts such as cultural policies were evolving constantly and had different purposes and that the concept of cultural industries was undergoing

change. After many years of discussion, traditional cultural expressions not protected by copyright had rightly been recognized as an integral part of cultural industries. That seemingly pointless difference was in fact fundamental and it would be problematic not to include it in the paragraph under consideration; Mexico therefore strongly supported **India's** proposal.

294. The delegation of **India** said that the matter was of concern developing countries, their governments and policies, and stressed that no country had the right to prohibit them from protecting their traditional cultural expressions in the context of cultural diversity. India therefore objected to the deletion of the reference.

295. The delegation of **Mali**, mindful of India's concern, proposed a compromise that consisted in replacing "traditional cultural expressions" by "cultural expressions that are endangered or threatened with extinction".

296. The delegation of **Luxembourg**, wishing to refocus the debate, said that no Committee Member had said that traditional cultural expressions were not important or endangered, or that developing countries did not have the right to introduce whatever policies they wished. If the sentence ended with the words "cultural expressions", that would allow those countries to establish all the policies they wished with regard to traditional cultural expressions, as with any other expressions. The aim of the paragraph was to make it possible to actively seek knowledge and expertise actively in order to enhance and disseminate cultural expressions, which meant all expressions.

297. The delegation of **Croatia**, echoing the proposal made by Luxembourg, stressed that it was important to remain within the scope of the Convention and that it was therefore necessary to delete the reference to traditional cultural expressions.

298. The delegation of **Germany** said that the definition of cultural expressions was inclusive, and that the operational guidelines should be practical without requiring the Convention to be rewritten.

299. The delegation of **Brazil** said that the paragraph did not concern threatened or endangered cultural expressions only and gave examples of expressions such as yoga. Developing countries had every right to promote traditional expressions and that right should be reflected in the text.

300. The delegation of **Greece** gave the example of a music group in Greece that transformed traditional melodies into jazz or folk music, which did not amount to systematic use of traditional expressions, but rather informed a much more personal form of expression in the music industry. It wondered whether the current wording of the paragraph covered such a case and considered that the wording should be broadened and that the concept of cultural expressions be used generically without entering into detailed considerations.

301. The delegation of **Slovenia** thought that it was important to keep the text in general terms, thus enabling each country to enhance its specific values. It proposed that "all" be inserted before "cultural expressions". The amendment was supported by the delegations of **Luxembourg, Germany, South Africa** and **France**.

302. The **Chairperson** then called on the Committee to state whether it was satisfied with the amendment. The paragraph was placed in square brackets because discussions thereon had not come to a close. Following a statement by the delegations of India and Brazil, the

Chairperson announced that they had agreed to replace “traditional cultural expressions” by “all cultural expressions”. The paragraph was adopted. She then invited the Committee to consider Section 5 on the “**Role of civil society**”, stating that amendments to the first paragraph had been proposed by India and the Group of 16 States.

303. The delegation of **India** explained that it had proposed an amendment on account of the vague wording of the Secretariat’s text on interaction between civil society and the Parties on preferential treatment and its application at all stages of the process. It would support the Group of 16 States’ proposal to delete the last three sentences, if it were adopted. However, if the Committee decided to retain those sentences, India’s proposal, which emphasized the role of civil society and the Parties, should be taken into account.

304. The delegation of **Austria** explained the amendment proposed by the Group of 16 States, the aim of which was to shorten the long and incomplete description and replace it with “in the implementation of Article 16”.

305. The Committee supported the amendment proposed by the Group of 16 States, and the first paragraph was adopted as amended.

306. The delegation of **Austria** then explained the proposed amendments to the subsequent paragraph and subparagraphs. The linguistic amendment proposed to the second paragraph the insertion of “is not limited to”. The amendment to the first paragraph consisted in inserting a reference to “needs analysis” in conjunction with the provision of information. The second paragraph had been reworded to ensure that civil society played a role in visa issues “if so requested by the competent authorities”. An amendment was proposed to the third paragraph in order to insert “observer” to qualify civil society when it informed the bodies of the Convention about its implementation. The amendment to the last subparagraph was of a purely linguistic nature.

307. The **Chairperson**, referring to the final paragraph, said that **India**, too, had proposed an amendment consisting in the insertion of “at the national level”.

308. The second paragraph and the four paragraphs of the section on the role of civil society were adopted without debate and as amended. The **Chairperson** then invited the Committee to consider Section 6 “**Coordination**”, announcing that an amendment had been proposed by the Group of 16 States.

309. The delegation of **Canada** explained that an editorial improvement was being proposed. The paragraph had been divided into two sentences and the phrase “as well as the relevant public authorities” had been inserted in order to take account of coordination requirements that might extend beyond the national authorities of some countries.

310. Following a request by the delegation of **India**, which considered the phrase “the Parties are invited to ensure” too imperious, the **Chairperson** suggested that “ensure” be replaced by “seek”, which was accepted by the Committee. The paragraph was then adopted.

311. Lastly, the Committee considered Section 7 “**Monitoring and exchange of information**”. Amendments had been proposed to four paragraphs thereof.

312. The delegation of **Austria** explained the twofold amendment to the first paragraph: firstly , periodical reports would be compiled “every four years” as stipulated in Article 9 of the

Convention and, secondly, those reports would be reviewed by the organs of the Convention, as provided for in Articles 22 and 23. The amendment to the second paragraph was proposed to ensure editorial consistency in the light of the proposed amendment to the first paragraph and entailed deletion of the last sentence concerning the review of the Parties' periodical reports.

313. The delegation of **India**, supported by **Brazil** and **South Africa**, said that the amendments were crucial to the implementation of preferential treatment and that moving the sentence to a different place had changed the Parties' reporting obligations significantly. From the standpoint of developing countries, it was very important that developed countries devote a section of their reports to assessing the implementation of Article 16. The delegation objected to the proposed amendment, stressing that the Secretariat's version of the text of both paragraphs should be retained.

314. The delegation of **Senegal** thanked India for highlighting those parts of the paragraphs and requested India to explain the issues at stake.

315. The delegation of **India** explained that the proposed amendment to the second paragraph consisted in deleting information of key importance to developing countries provided by developed countries, namely information relating to the review of reports by the organs of the Convention.

316. Following that explanation, the Committee adopted the original version of the first two paragraphs.

317. The **Chairperson** then outlined the amendment to the third paragraph proposed by the Group of 16 States, which consisted in replacing "are encouraged to" by "should". The paragraph was adopted as amended.

318. With regard to the last paragraph, following an amendment proposed by the Group of 16 States, the delegation of **France** explained that the purpose of the proposed amendment was to render the guidelines more operational and that a mere reference to the phrase clarified matters adequately.

319. The delegation of **India** said that it failed to see why it was necessary to delete the references to the important role of research and it suggested that the paragraph proposed by the Secretariat be retained.

320. The delegation of **Luxembourg**, supported by **Senegal**, said that the aim of the amendment was to clarify the wording of the text while retaining the first sentence and the proposed insertion.

321. The delegation of **India** proposed a compromise in order to address all concerns: "Parties recognize the important role of research in the efficient implementation of preferential treatment under Article 16. Research should be conducted by the largest possible number of partners. To that end, Parties shall endeavour to gather and share the results of relevant research relating to Article 16". The proposal was supported by the delegations of **Brazil** and **South Africa**, which proposed to insert "where appropriate" after "partners". Following those amendments, the last paragraph was adopted as amended by **India** and **South Africa**.

322. On completion of consideration by the Committee of the draft operational guidelines on Article 16, the **Chairperson** closed the debate on the item and thanked the Committee for its constructive and efficient approach. She then called on observers to speak.

323. The delegation of the **United States of America** congratulated the Chairperson on the conduct of proceedings in relation to the text. Some of the ideas contained in the draft operational guidelines were similar to those pursued by that country in its efforts to assist developing countries in promoting their cultural expressions, although it was not a Party to the Convention. It expressed concern at the wording of some paragraphs and deplored the attempts by some States to discredit the legitimacy of international agreements covering cultural and trade aspects. The delegation encouraged Parties to the Convention to bear in mind and respect their contractual commitments and obligations in bilateral, regional and multilateral legal frameworks and mechanisms, many of which already offered a degree of flexibility in granting preferential treatment to developing countries. The delegation continued to find it problematic that some Parties to the Convention considered trade agreements and the promotion of the diversity of cultural expressions to be incompatible, considering, on the contrary, that trade agreements could strengthen the promotion of the diversity of cultural expressions by opening markets to new goods, services and ideas.

324. The President of the **International Federation of Coalitions for Cultural Diversity** (IFCCD), speaking on behalf of his organization, the International Federation of Musicians (FIM), the International Music Council (IMC) and Traditions for Tomorrow, said that the operational guidelines on Article 16 were of crucial importance to effective trade and the diversity of cultural expressions, and highlighted two key aspects. With regard to the mobility and the movement of artists and other cultural professionals from developing countries, he stressed that flexibility, rapid visa processing and affordable costs were essential, and invited the Committee to consider the possibility of introducing “cultural visas”. With regard to the role of civil society, he pointed to its active and important involvement in the effective implementation of preferential treatment, stating that the organizations preferred the Secretariat’s wording to the amendments proposed by States.

325. The delegation of **India**, realizing that very few NGOs were present, requested the Secretariat to give an explanation.

326. The **Convention Secretary** explained that the NGOs present were those on the list of participants. The fall in attendance had been noted and had been attributed to the frequency of Committee meetings.

327. The Committee adopted decision 2.EXT.IGC 4 in which it decided to submit the draft operational guidelines on Article 16 of the Convention, as amended, to the Conference of Parties for approval at its second ordinary session.

Item 5 – Documents to be approved by the Conference of Parties at its second session

Document CE/09/2.EXT.IGC/208/5

328. The **Secretary of the Convention**, introducing the working document, said that, in accordance with Article 23.8 of the Convention, the Committee was required to submit its Rules of Procedure to the Conference of Parties for approval. She said that the Conference of Parties had requested the Committee to submit draft operational guidelines and general principles for the implementation of the Convention to it for approval at its second ordinary session, pursuant

to resolutions 1.CP 6 and 1.CP 7. She then announced that the Provisional Rules of Procedure of the Committee were contained in Annex I to the document and that the full set of draft operational directives and policy papers, to which the Secretariat would add the draft operational guidelines that had been adopted for Article 16, were provided in Annex II. She then listed the draft operational guidelines adopted by the Committee at its first extraordinary session (June 2008) and its second ordinary session (December 2008): Decision 1.EXT.IGC 3: Draft operational guidelines – measures to promote and protect cultural expressions - (Articles 7, 8 and 17); Decision 1.EXT.IGC 4: Draft operational guidelines for partnerships (Article 15); Decision 1.EXT.IGC 5: Draft operational guidelines on the role and participation of civil society (Article 11); Decision 2.IGC 5: Draft operational guidelines on the integration of culture in sustainable development (Article 13); decision 2.IGC 6: Draft operational guidelines on cooperation for development (Article 14); Decision 2.IGC 7: Draft guidelines on the use of the resources of the International Fund for Cultural Diversity (Article 18).

329. The **Secretary of the Convention** reminded the Committee that the draft operational guidelines on the promotion of cultural expressions (Article 7 of the Convention) had been provisionally adopted by the Committee (Decision 1.EXT.IGC 3). Therefore, at its second extraordinary session, the Committee could decide either to submit the draft relating to the three Articles (7, 8 and 17) to the Conference of Parties for approval at its second ordinary session (Option 1), or to submit only the draft relating to Articles 8 and 17 (Option 2).

330. The **Secretary of the Convention** also reminded the Committee that, at its second ordinary session in December 2008, it had discussed the preliminary draft operational guidelines on the promotion of international cooperation (Article 12 of the Convention) and had decided to propose that the Conference of Parties refrain from adopting operational guidelines on the matter, as Article 12 “is self- sufficient” (Decision 2.IGC 4).

331. The **Chairperson** opened the debate, calling on the Committee to make general comments on the document.

332. The delegation of **Canada**, noting that the Committee had adopted the preliminary draft operational guidelines provisionally at its first extraordinary session, said it understood the rationale behind the two options proposed by the Secretary. The delegation preferred Option 1, because the Conference of Parties, at its first session, had explicitly mandated the Committee to prepare, as a matter of priority, draft operational guidelines for Article 7 and for Articles 8, 11-17 and 18 of the Convention and to submit them to it for consideration and approval at the second session of the Conference of Parties. As the draft was ready and the Committee had approved its content, the delegation was of the view that it should be submitted to the Conference of Parties at its second session.

333. The delegation of **India** considered that the Committee was supposed to propose to the Conference of Parties draft operational guidelines on Articles 8 and 17 of the Convention, but not those relating to Article 7. Therefore, only Option 2 was open to the Committee. The delegation requested the Secretariat to give its reason for proposing two options.

334. The **Secretary of the Convention** reminded the Committee that it had decided not to adopt operational guidelines on Article 12 because that article was quite detailed; the same might apply to Article 6. Option 1 had been proposed in case the Committee decided to adopt the draft operational guidelines on Article 7 at the current stage and as Article 6 was very detailed, the Conference of Parties could decide whether or not operational guidelines should be drawn up thereon.

335. The delegation of **India** wondered why the Secretariat's working document on the operational guidelines on Article 16 did not contain any options and was informed that the submission of options involved political considerations that were not within the Secretariat's remit, and that it was for the Member States to decide whether or not options should be submitted and adopted. It reiterated its view that the Committee had agreed on Option 2, which should be the only option, and requested further explanation regarding the work of the Committee.

336. The **Chairperson** reminded the Committee that the operational guidelines on Article 7 had been adopted provisionally at the first extraordinary session of the Committee in June 2008, and that a discussion had taken place about whether the Committee should adopt the guidelines definitively before adopting those on Article 6. She stressed that, following consideration of resolution 6 of the Conference of Parties, the Committee had then taken the view that, time permitting, it could work on the operational guidelines on Article 6 before the next session of the Conference of Parties. The Chairperson said that a decision on the matter was still pending. The Committee had decided not to adopt the operational guidelines on Article 7 definitively at the first extraordinary session, but had not decided whether they should be submitted to the Conference of Parties for approval. For that reason, the text proposed two options and the Committee was required to decide whether to submit the operational guidelines on Article 7 to the Conference of Parties.

337. The delegation of **Greece**, supported by **France**, thanked the Secretariat for its explanation and said that very great care had been taken in drafting the draft operational guidelines on Article 7; text was balanced and it was important to submit it to the Conference of Parties for adoption.

338. The delegation of **Brazil** said that it was desirable to know whether the Committee could provide Parties with additional means to ensure swift implementation of the Convention. Brazil accordingly supported the option that gave the Parties as many means of implementing the Convention as possible which entailed inclusion of the operational guidelines on Article 7. Operational directives on Article 6 should be examined and the delegation hoped that the Committee could do so as soon as possible.

339. The **Chairperson** called on the Committee to state whether it was in favour of Option 1. There being no objection, the Committee adopted Decision 2.EXT.IGC in which it decided to submit to the Conference of Parties for approval the Provisional Rules of Procedure and the following draft operational guidelines and general principles: draft operational guidelines – measures to promote and protect cultural expressions – (Articles 7, 8 and 17); draft operational guidelines on the role and participation of civil society (Article 11); draft operational guidelines on the integration of culture in sustainable development (Article 13); draft operational guidelines on cooperation for development (Article 14); draft operational guidelines for partnerships (Article 15); draft operational guidelines on preferential treatment for developing countries (Article 16); draft policy papers on the use of the resources of the International Fund for Cultural Diversity (Article 18).

340. With regard to the admission of civil society representatives to the sessions of the Conference of Parties, the Committee further decided to propose that the Conference of Parties, if it so wished, apply the admission criteria annexed to the draft operational guidelines on the role and participation of civil society.

Item 6 – Alternatives for funding for the International Fund for Cultural Diversity

Documents CE/09/2.EXT.IGC/208/6 and CE/09/2.EXT.IGC/208/6Add.

341. The **Assistant Director-General for Culture** introduced working documents CE/09/2.EXT.IGC/208/6 and CE/09/2.EXT.IGC/208/6Add. She said that the first document described fundraising activities and did not contain formal proposals for debate. She reminded the Committee that, at its first extraordinary session, it had noted the need to initiate discussion on a fundraising strategy for the International Fund for Cultural Diversity (hereinafter referred to as “IFCD”), as voluntary contributions might fall short of needs. The IFCD had received voluntary contributions amounting to approximately \$1 million from States and the first private contribution had been made.

342. She then turned to the Addendum, which contained a summary of the exchange of views held on 5 March and organized without extrabudgetary financing, which meant that only eminent public persons based in Paris could attend. Participants in the exchange of views had included UNICEF, which had extensive and highly successful experience of fundraising; the TOTAL Foundation, a French business foundation; and a completely new experience, TOUSCOPROD.COM, which raised small amounts through the Internet for film productions. She recalled the presentation by Mr Dunoton from UNITAID that had preceded the Committee’s work, which had provided another interesting experience. In June 2009, the Committee would submit to the Conference of Parties only the draft guidelines on the utilization of IFCD resources rather than a fundraising strategy, as the latter had not been requested by the Conference of Parties.

343. In outlining the preliminary conclusions, the **Assistant Director-General for Culture** first pointed to the need for complementarity between international and national strategies, saying that it should be strengthened at the national level by establishing appropriate legal frameworks, such as the French law on sponsorship. She said that the fundraising message must be clear, specific and precise, and stressed the importance of smaller donors and their sense of belonging, which helped to secure long-term funding. She highlighted the need to submit reports in order to inform the donor how its gift had been used while demonstrating its usefulness.

344. She continued by referring to the concept of donor/actor, which implies not only to appeal to his contribution, but also to involve him into action. She concluded by underlining the importance of marketing strategies which should be developed by professionals, by using a part of the funds to call on experts.

345. The **Assistant Director-General for Culture** concluded by referring to the documents mentioned by Mr Dunoton in his statement, namely the “Landau” report and the report of the meeting held in Paris on innovative funding sources for the United Nations system. She also mentioned a conference to be held in Paris in May 2009 on the same subject, and invited Committee members and Parties to the Convention to participate. She informed the Committee that she had requested that the website contain links to those documents and to the Conference.

346. The **Chairperson** of the Committee stressed that it was important for each stakeholder to formulate a national strategy and to establish an appropriate legal framework, highlighting the need to innovate in the field of fundraising.

347. The delegation of **Brazil** thanked the Secretariat for convening the information meeting on 5 March, during which the presentations showed how useful it was to draw on the experience of innovative financial mechanisms already in place in order to assist in reflection on possible fundraising alternatives for the IFCD. It stated that IFCD should be regarded as a development fund. In order to make a difference, its capacity to finance projects in developing countries could not be of the same order as other Convention funds under the auspices of UNESCO, since developing countries that applied for financial assistance from the Fund were entitled to submit project and programme proposals that allowed their cultural industries to be restructured and to have a macro-economic impact. The delegation drew some preliminary conclusions stating that: for increased efficiency, the cause must be perceived to benefit humankind; it was necessary to spend large sums in setting up and running a fundraising strategy; although the States Parties were not obliged to contribute a fixed amount to the IFCD, no impediment should be devised and innovative schemes should be used to collect voluntary or compulsory contributions for transfer to the Fund; it would probably not be possible to rely on voluntary contributions from major private donors, such as business and private foundations, given their practice of requiring a clear linkage to the projects which they might finance and with which their image associated; political support should be mobilized at the highest level in order to raise awareness and prompt the adoption of effective mechanisms for the collection of contributions; the use of media and technology, particularly the Internet, might be essential for attaining the goals of massive fundraising. The delegation added that the Conference of Parties should mandate the Committee to follow up on the reflection regarding the possible alternatives for financing the IFCD. In order to take advantage of the ongoing debates in the United Nations system, dialogue with other initiatives should be established. Although it was not yet possible to secure Mr Philippe Douste-Blazy's cooperation, his role as the United Nations Special Adviser on Innovative Financing for Development might prove particularly helpful in further reflection.

348. The delegation of **Lithuania** thanked the Secretariat for organizing the session held on 5 March, complemented by the UNITAID presentation, and took note of the comments made by the delegation of **Brazil**. It stressed the importance of raising small amounts, particularly in times of crisis when no large sums were available. It then pointed out to the Committee that, during the crisis, cultural consumption had increased, particularly in the United States of America, and that could be beneficial to creative industries. It recognized that UNICEF's message was perhaps easier to communicate and refer to, and that UNESCO could also hope to attract funds by appealing to professionals and selecting three or four clear messages relating to the creative industries in particular.

349. The **Chairperson** again stressed the importance of the message, marketing, and the need to appeal to professionals in order to formulate a fundraising strategy, even if it proved costly. She said that UNICEF spent 30% of its budget on marketing, with good results, reiterated Brazil's suggestion that the Conference of Parties be requested to mandate the Committee to formulate a strategy in that field and proposed that the draft decision be adapted accordingly.

350. The delegation of **Canada** stressed that all Parties to the Convention should contribute to the IFCD within the limits of their means, as that would legitimize fundraising among non-State partners. It hoped that additional resources would be allocated in the next biennium to the Convention so that the Secretariat could identify someone who would be assigned specifically to the IFCD in cooperation with public and private partners and would take initiatives to develop a brand image. A communication or promotion strategy would facilitate fundraising. The delegation also touched on the establishment of a network with public and private organizations that wished to participate in the IFCD, the search for innovative fundraising methods, such as online fundraising, and the interest of special activities such as the World Day for Cultural Diversity for

Dialogue and Development on 21 May, which might provide a fundraising opportunity. In conclusion, the delegation proposed to select a representative from the cultural or political sector with excellent networking contacts who could represent the Convention, promote its cause and encourage contributions to the Fund.

351. The delegation of **Luxembourg** supported the statement by **Canada** and stressed that the formulation of a fundraising strategy was a specialist task that should be entrusted to professionals. A strong link should be established between the conditions for successful fundraising and the visibility of the Convention, which was the next agenda item. It stressed that the time had come to turn thought into action by instituting a fundraising strategy, and such a mandate should be entrusted without delay to a specialist, either by the Committee or the Conference of Parties.

352. The delegation of **France** said that the general climate was difficult and voluntary contributions were insufficient when set against needs and the general context of the economic and financial crisis. It called on States that had not yet ratified the Convention to do so, saying that, the higher the number of ratifications, the more effective fundraising would be. It highlighted the Secretariat's efforts to reflect and gather information on sources of financing. It referred to the experience of UNITAID as a possible source of inspiration. At the national level, the example of the Convention between France and UNESCO in the promotion of world heritage had been mentioned. The delegation spoke of the importance of private donors, including smaller ones, and of business appeals, while recalling that it was important to be vigilant regarding compensation that might be requested. To that end, the delegation suggested that a very precise set of specifications consistent with the Committee's expectations might be used to channel funds for use. It again stressed the need to call on professionals to draw up a communication strategy. Noting the very strong link between visibility and fundraising, it supported Canada's proposal relating to the appointment of a spokesperson and the need to do a bit more to implement the strategy by going beyond the discussion phase; the decision of the Committee on the matter should therefore reflect that approach.

353. The delegation of **Mexico** emphasized the merit and relevance of the preceding statements. Recalling the statement made by **Lithuania**, which had referred to the crisis as an opportunity for cultural industries, the delegation said that a distinction should be drawn between cultural sectors. Cinema was faring well, but music, crafts and cultural tourism had been hit hard by the crisis. Reference had been made to the fundraising potential of the technology and communications sector. The delegation was of the view that each cultural sector should be analysed in order to identify the most appropriate fundraising policy for each one. The delegation stressed the measures taken by States in their quest for innovative policies and the need to adapt cultural policies by incorporating new concepts. States must encourage support at the national level for the establishment of funds to promote cultural diversity and cultural industries. Action was being taken in Mexico to finance cultural diversity in the context of national policies formulated pursuant to the Convention. The delegation stressed the importance of national and even regional funds in order to achieve those objectives.

354. The **Chairperson** requested a very detailed summary record of the meeting in view of the number of ideas put forward by the Committee.

355. The delegation of **India** supported the above proposals, laying emphasis on the importance of the link between visibility and fundraising and on the need for a clear, well-defined message that could be taken to professionals for distribution. The delegation supported the idea,

already in place in Brazil at the domestic level, of a tax on cinema tickets, the proceeds of which would be paid into the IFCD, and considered that it could be extended to other areas.

356. The delegation of **Senegal** made a number of comments as an African developing country. It stressed that the national level should be prioritized in order to increase public resources that should benefit from international aid contributions. It then spoke of an “escape clause” regarding the differing fundraising cultures in North America, Europe and Africa. Moreover, the Committee should take account of such differences when considering fundraising issues. Lastly, the delegation highlighted the role of civil society in devising the content and form of messages. Civil society should be involved from the outset. The delegation was in favour of moving on to the operational phase.

357. The delegation of **Brazil** recalled that the Conference of Parties had not mandated the Committee to address the issue of fundraising; for that reason it had proposed that the mandate be considered at the next session of the Conference of Parties. It stressed the fundamental role and responsibility of Parties to the Convention on which the fundraising process should be premised. The task was not primarily one for the Secretariat or the IFCD, but for the Parties, which should play their key role in fundraising efforts.

358. The **Chairperson** thanked **Brazil** for placing the matter on the Committee’s agenda and for suggesting that UNITAID present its work.

359. The observers did not wish to take the floor and the **Chairperson** called on the Committee to consider the decision.

360. The delegation of **Brazil**, pointing to the short span of time between the Committee’s session and the next Conference of Parties, said that it would be unreasonable to request the Secretariat to continue its consideration during such a short period, and requested that the decision be amended accordingly.

361. Following the proposals made by the delegation of **Brazil**, which were accepted, the Committee decided to request the Secretariat to draw up an information document on the subject for submission to the second ordinary session of the Conference of Parties, to recommend that the Conference of Parties mandate the Committee to formulate a fundraising strategy for the IFCD and to invite all Parties to make voluntary contributions to the IFCD, in particular by considering recourse to innovative financial mechanisms for fundraising. Decision 2.EXT.IGC 6 was adopted.

362. The **Assistant Director General for Culture**, referring to the event to be held on 21 May, said that the Secretariat was organizing a week of activities in Paris in which UNESCO field offices were invited to participate; she wished to draw the attention of the Committee and the Parties to the Convention so that they might seize the opportunity to mobilize partners to promote the diversity of cultural expressions.

363. The **Secretary of the Convention** said that several States had rightly underlined the need to invest in defining a message and in formulating a communication strategy; the Secretariat would draw up a provisional budget for those preliminary activities and would contact some States Parties and Committee members in order to raise vital extrabudgetary resources that would make it possible to launch the new phase after the decision thereon by the Conference of Parties.

Item 7 – Measures to increase the visibility and the promotion of the Convention

Document CE/09/2.EXT.IGC/208/7

364. The **Assistant Director-General for Culture** said that, at its second ordinary session, the Committee had decided to place on its agenda consideration of proposed measures to increase the visibility and the promotion of the Convention. Recalling that the Convention did not contain any provision on its visibility or means of increasing it, she said that many articles stressed the need to promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels. She said that, consequently, the proposed working document did not contain any operational guidelines on the implementation of a specific article of the Convention, since the Conference of Parties had not requested any such guidelines. She said that the document proposed a preliminary examination of four main areas, namely education, information, communication and international cooperation, in order to gather the Parties' proposals and establish a strategic framework for consideration by the Committee before submission to the Conference of Parties.

365. The delegation of **Canada** recalled that the aspects mentioned during the debate on the IFCD's resources were also important to visibility issues, and that efforts should focus on five strategic lines of action. The delegation stated that it would be wise to take account of experience gained with regard to the visibility and promotion of other UNESCO conventions in the field of culture, such as the Convention for the Safeguarding of the Intangible Cultural Heritage and the Convention for the Protection of the World Cultural and Natural Heritage. The delegation suggested that the strategy and action taken to increase visibility could lead to an increase in the number of ratifications of that Convention, particularly in underrepresented regions. It laid emphasis on the interrelation between measures to mobilize resources for the IFCD and the promotion of the Convention. It emphasized the important role of civil society in activities relating to fundraising and the visibility of the Convention and recalled that the IFCCD had demonstrated its capacity to carry out interesting activities in that area. The delegation said that great importance should be ascribed to the younger generations that would inherit the implementation of the Convention and it recommended that action be geared more to young people. Finally, the delegation considered that the Committee should reflect on the importance of the objectives of the visibility strategy and the key messages that it wished to communicate before preparing any tools.

366. The delegation of **India** congratulated the Chairperson for having conducted the proceedings of the item on preferential treatment in such a manner that the Committee had time to also debate the important issue on visibility and thanked the Secretariat for the excellent working document. The delegation, while agreeing that the issue of visibility is very closely linked to the issue of fundraising, regretted that for the IFCD no similar arrangements that would allow the promotion of its visibility, as for the Intangible Heritage and the World Heritage Funds, were in place. While agreeing that the Convention has not a specific article concerning its visibility, the delegation deemed that a strategy could be drawn upon Article 19 as it concerns the exchange, analysis and dissemination of information. The delegation recalled that during the negotiation process leading to the adoption of the Convention, in many parts of the world, in particular in Asia and the Pacific, there was a big lack of knowledge about this Convention and a confusion concerning the role of the Convention in the context of existing agreements on trade. The delegation regretted the still existing lack of knowledge about the Convention, leading to a slow pace of ratification. The delegation regretted that the major players in the Pacific, with the exception of China, did not ratify the Convention. The delegation proposed to add a paragraph concerning the ratification of the Convention in the draft decision, in particular for non

represented subregions with huge cultural diversity and trying to work out a strategy on visibility in those areas regarding the role of civil society in particular. The delegation concluded by reminding that one of the reasons of the low attendance of representatives of civil society in the Committee meetings is the lack of funding. Having received a lot of requests from NGOs from India for participating in the Committee meeting, the delegation could only assist through Government funding, which was declined by the requesting NGOs deeming necessary to have their own method of fundraising for their benefit. The delegation requested to add this issue to the draft decision.

367. The delegation of **Mali** considered it important to emphasize the need to educate the public at large. Mali had ratified the Convention, but its culture sector accounted for only 0.43 per cent of the national budget; the delegation deplored the disparity between political statements and the harsh reality regarding the inclusion of culture as a factor for development. The delegation said that, in order to deal with that challenge, an agency had been established to promote cultural industries. It was crucial to raise awareness among political decision-makers and financial partners. As the Convention also concerned other sectors, particularly trade and finance, it was important to raise awareness of its objectives and values among all actors and partners involved in its implementation, depending on their fields of competence or areas of interest.

368. The delegation of **Lithuania** underlined the importance of communication with and capacity-building of the National Commissions, highlighting that in many countries they face difficulties to understand this complex Convention. Therefore, additional capacity-building in particular for National Commissions was needed if they wanted to discuss with the Ministries of Culture and to properly inform the press about the activities of UNESCO in this regard. The delegation deemed useful that the Secretariat commissioned several articles in a very comprehensive language.

369. The delegation of **Germany** thanked the Secretariat and highlighted the provisions of articles 10 and 19 of the Convention on exchange, analysis and dissemination of information which was of extreme importance. Speaking in a dual role being one of the professionals in the German National Commission and also the Executive Coordinator of the Federal Coalition for Cultural Diversity, the representative of the German delegation shared some of the lessons learned when working in a trustful way with Governments and the officials in charge. She explained that Germany, since 2004, has understood that it takes time to build up in a short time support to the Convention. Even with all the brilliant documents that already exist, it is a question of dialogue and of capacity-building. The delegation recalled some interesting examples such as the decision of the Ministers of the Asia/Europe “plus plus” meeting to work together in a sustained and orchestrated way during an expert and civil society seminar last December in Hanoi. The delegation agreed with the proposal made to approach schools, as learning happens at young ages. However, the next generation of young professionals, the age group 25 – 40, is also very important, and should be involved in a systematic way. The delegation also agreed that already existing festivals and other events are an underused resource, as for example the Berlinale that should be a place where the Convention could be promoted.

370. The delegation of **France** welcomed the extensive debate facilitated by the documents prepared by the Secretariat listing a whole series of measures and methods, which indicated that reflection on the issue was already well advanced. It said that one of the key elements of the visibility strategy was to encourage ratification and obtain a critical mass that would further

raise the visibility of the Convention. With regard to the entry into force and implementation of the Convention, it said that progress would be achieved more quickly once the operational guidelines had been compiled, the IFCD established and projects launched, which would boost visibility. The delegation agreed that it was crucial to mobilize political authorities and civil society, stressing the permanent role of the National Commissions in that regard. Turning to fundraising, the delegation supported the suggestion regarding the selection of a spokesperson who could also play an important role in the context of visibility. Lastly, the delegation stressed the need for all States Parties to evince full ownership of the Convention and recommended that every opportunity be taken to enhance and promote it, even in the context of indirectly related events.

371. The delegation of **Brazil** also considered that the task of promoting the Convention and its objectives relies above all on the national efforts of States Parties internally. If States Parties do not act and do not make efforts to implement the objectives of the Convention, very little movement will be seen. But in order to get the Convention more visible, its essence has to be defined clearly. The delegation regretted that in Brazil cultural diversity is still a vague concept, not very well understood by the public. The complexity of the Convention with different axes (a source of permanent renewal of cultures and richness in diversity, an ideology and a practice of tolerance in dialogue and an effort to strengthen cultural industries) was highlighted. Marketing implies that basic ideas are communicated clearly to the public well understood. As far as the efforts of States Parties with regard to the promotion of the Convention in their own countries, the first step to be undertaken is internal legislation in public policies in the area of culture. But there is also the issue of communicating to the public and public administration. In this regard, Brazil organized in 2007 a seminar on cultural diversity together with other countries from the Organization of American States (OAS). In 2008, a number of regional seminars with local people from Governments contributed to bring the cultural diversity idea to the 25 States of the Brazilian Federation. In June 2009, an international seminar as well as regional seminars are scheduled. The delegation supported Canada's proposal concerning a spokesperson. The delegation suggested the appointment of 3 people who can give immediately an idea of what cultural diversity is about. The delegation informed the Committee that the former Minister of Culture from Brazil, Mr Gilberto Gil, would agree to volunteer for an effort, probably not all of his time, but at least he could be one of the three personalities. The delegation mentioned that on 21 May, World Day for Cultural Diversity for Dialogue and Development, Brazil will be organizing a meeting of Ministers of Culture from 36 countries of South America and from Arab countries. The delegation also mentioned that on 22 and 23 of May, in Lisbon, Portugal, a meeting of Ministers of Culture from the Ibero-American communities, gathering together countries from Latin America, was scheduled. Therefore, an effort had firstly to be undertaken at the country level, followed by efforts in the international arena but for which a good marketing is needed and a strategy simplifying the idea to be easily understood by the general public.

372. The **Chairperson** noted that the message should be focused despite the complexity of the Convention. Already the Convention was wrongly referred to as the Convention for cultural diversity. The concept of cultural diversity was much larger and broader than the concept in the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Failure to understand that difference clearly would ultimately be detrimental to the Convention.

373. The delegation of **Mexico** supported all the preceding proposals, particularly those of **France** and **Brazil** relating to the establishment by States of administrative structures fundamental to the viability of national policies. It considered that a marketing strategy would not be entirely successful if States had no definite technical and administrative infrastructure. Every dimension – economic, political, social, anthropological and symbolic – is part of the collective

reflection and learning process. The delegation regretted that the debate initiated by Canada on budgetary policies and public funding had been discontinued, because it was precisely when rethinking such policies that all the matters relating to the management of the diversity of cultural expressions must be incorporated. The delegation said, with regard to cultural policies, that it was appropriate to give consideration to attractive tax policies in conjunction with incentive policies, as well as to restrictive policies, because there were considerable financial challenges to the diversity of cultural expressions. The delegation said that relations with ministries of the economy and finance, development and social affairs warranted even greater visibility for cultural policies, thus ensuring more effective public management and State allocation of budgets for such policies. It called for ongoing negotiation and cooperation with civil society, copyright societies, trade unions and creators' associations. The delegation concluded by saying that the challenges were immense and would be tackled best by first addressing day-to-day national policies.

374. The delegation of **Croatia** supported the previous speaker, and underlined in particular the importance of ratification of the Convention, the issue of marketing and the question of a spokesperson. The delegation was also convinced that festivals and other events should be used to increase the visibility of the Convention. The Croatian National Commission has indeed conducted several events, i.e. the promotion of the World Day for Cultural Diversity for Dialogue and Development, funded by UNESCO and the Ministry of Culture which involved representatives from the general public and civil society, NGOs, minorities, artists in 2004, and organized different round tables on the Convention, carried out various consultations and initiated workshops on different thematics involving different stakeholders, as peace schools with young people. In 2007 workshops on Croatian dances and a big Croatian festival have been used to promote the ideas of the Convention.

375. The **Chairperson**, satisfied with the extensive debate and the useful and important suggestions made by the Committee, concluded that the Committee had an excellent basis on which to build. She then invited the observers present to take the floor.

376. The representative of **Traditions for Tomorrow** spoke on behalf of the NGO-UNESCO Liaison Committee. On behalf of the NGOs present, he welcomed the Secretariat's confidence in cooperation with civil society for the work of the Intergovernmental Committee and the Liaison Committee and referred specifically to draft decision 2.EXT.IGC 7. That aspect would be reinforced during the round table on NGOs to be held on 16 April 2009 during the Executive Board's session, at which the contribution of civil society to UNESCO's standard-setting action based on the example of the Culture Sector, would be considered. He was grateful that the Committee had noted the readiness of civil society organizations to contribute to UNESCO's debates. He said that civil society organizations intended to continue to contribute in that way to the best of their ability, because civil society could and must play an essential role in contributing to the visibility and promotion of the Convention. Civil society organizations had made a great contribution during the ratification process. He assured the Committee that such organizations took their role extremely seriously. Finally, he stressed that it was not only civil society organizations that would help to pursue the objective of visibility, but also artists and cultural professionals in general, as the principal and primary bearers of the diversity of cultural expressions.

377. The **Chairperson** requested the Committee to adopt decision 2.EXT.IGC 7 paragraph by paragraph.

378. The delegation of **India** proposed an amendment to be included in paragraph 4 suggesting a strategy to encourage ratification especially in non-represented regions and subregions. With regard to the fact that New Zealand ratified the Convention, the Chairperson suggested to put “under represented” instead of “non-represented” regions.

379. The delegation of **Brazil** proposed a new paragraph in order not to miss the opportunity to discuss at the next Conference of Parties the issue of nominating spokespersons for promoting the Convention. The delegation proposed that the Conference of Parties considers nominating public personalities to promote the visibility of the Convention.

380. The delegation of **India**, recalling the intervention from the delegation of Lithuania with regard to the importance of National Commissions, proposed to amend paragraph 5 of the decision by requesting the Secretariat to also consult National Commissions and civil society on this matter through National Commissions and the NGO-UNESCO Liaison Committee requesting both to focus on this issue and requesting the latter to put this on the agenda of its various meetings.

381. The delegation of **Brazil** preferred to consult the civil society through National Commissions and the NGO-UNESCO Liaison Committee.

382. Supporting the delegation of **India**, the delegation of Slovenia reminded the intervention from Lithuania suggesting that the Secretariat prepares an inventory of key expressions of the Convention for National Commissions allowing them to intervene more easily with the press and the public.

383. Mindful of the need to strengthen the role of National Commissions, the delegation of **France** proposed to request the Secretariat to consult civil society on the matter, chiefly though not exclusively through the UNESCO National Commissions and the NGO-UNESCO Liaison Committee.

384. The delegation of **India** recalled that in many countries National Commissions have a much larger constituency than civil society and was therefore reluctant to agree with the proposal of France to merge National Commissions and civil society. The text should request the Secretariat to consult National Commissions of States Parties to the Convention as well as civil society through *inter alia* these National Commissions as well as the NGO-UNESCO Liaison Committee. Both should furthermore be requested to focus on this issue and request the latter to place this item on the agenda of the next meeting it may hold.

385. The **Chairperson** proposed to “invite” National Commissions and the NGO-UNESCO Liaison Committee to do so, rather than “requesting” them. The delegation of Finland reminded that already in the original version of paragraph 4, the Secretariat has been invited to consult States Parties. In paragraph 5, the Secretariat should be invited to consult civil society. As the Secretariat has experience how to consult who and how, the Committee should refrain from telling the Secretariat how to proceed. In the case of Finland for instance, the National Commission is an advisory body to the Ministry of Education and Culture and therefore is clearly part of the State Party and not civil society. Finally, the delegation of India withdrew its amendment and the original text has been kept.

386. With regard to paragraph 7 of the decision, the delegation of **India** proposed an amendment to delete any reference to financial implications and added that the Secretariat should propose together with the operational guidelines on this issue at the next Committee session a strategy for encouraging ratifications especially in underrepresented regions and subregions.

387. In adopting decision 2.EXT.IGC 7 as amended, the Committee requested the Secretariat to consult Parties to the Convention regarding the strategic reference framework that would facilitate the drafting of operational guidelines to enhance the visibility and promotion of the Convention, with particular reference to best practices, and to suggest a strategy for encouraging ratification, particularly in underrepresented regions and subregions. The Committee recommended that the Conference of Parties give consideration to the selection of eminent public persons to promote the visibility of the Convention. The Committee also requested the Secretariat to consult civil society on that matter through the NGO-UNESCO Liaison Committee and to request the latter to place the subject on the agenda of its meetings. Lastly, the Committee requested the Secretariat to submit to it at its forthcoming session draft operational guidelines on measures to increase the visibility and promotion of the Convention and a strategy to encourage ratification, particularly in underrepresented regions and subregions.

Item 8 – Report of the Committee on its activities and decisions to the Conference of Parties

Document CE/09/2.EXT.IGC/208/8

388. The **Chairperson** invited the Secretariat to provide information on the documents distributed to the Committee and to present working document CE/09/2.EXT.IGC/208/8 which had just been completed to reflect the decisions taken by the Committee at the present session.

389. The **Assistant Director-General for Culture** provided the requested information and explained that the modifications of the draft Report of the Committee to the Conference of Parties have been introduced in the screen version of the document and highlighted in red.

390. The **Chairperson** explained that three new paragraphs, i.e. 23, 29 and 32, have been included by the Secretariat in the draft Report of the Committee and opened the debate on this item.

391. The delegation of **Senegal** proposed a modification in paragraph 23, regarding the draft operational guidelines on Art.16 by adding “preferential treatment” for the sake of clarity. It also proposed that in paragraph 29, the Conference of Parties mandates the Committee to start elaborating a fund-raising strategy at the earliest. The Chairperson noted that this could not be done before the second session of the Conference of Parties.

392. With regard to paragraph 32, the delegation of **Brazil** raised the question as to whether it is acceptable from a legal point of view for the Committee to request the elaboration of guidelines on an issue that had not been raised by the Conference of Parties.

393. The **Chairperson** explained that before the session of the Committee, she had discussed the issue with the Legal Advisor; and stated that the same request is being made by the Committee to be mandated to the Conference of Parties with regard to the visibility strategy and the fund-raising strategy. In case the Conference decides to reply negatively, the decision would fall. After the adoption of the three new paragraphs the Chairperson requested the Committee to make comments on the document as a whole.

394. The delegation of **France** made a comment on paragraph 11 related to the draft operational guidelines on Article 7 which were adopted by the Committee on a temporary basis at its first extraordinary session. Underlining that there have been developments since the first

extraordinary session, the delegation suggested that a new sentence be included at the end of paragraph 11 clarifying that the Committee, at its second extraordinary session, decided to submit for approval to the Conference of Parties the draft operational guidelines concerning Article 7.

395. The **Chairperson** agreed with this new addition, and proceeded with the examination of draft decision 2.EXT.IGC 8 and integrated a paragraph concerning the recommendation of the Committee to the Conference of Parties on the two new issues, namely the preparation of strategies for fund-raising and visibility, as well as the draft operational guidelines concerning the measures to increase the visibility and promotion of the Convention.

396. The draft decision was discussed paragraph by paragraph. Then the first three paragraphs were adopted unanimously.

397. The delegation of **Brazil** with regard to paragraph 4 of the draft, noted that decision 2.EXT.IGC 6 uses a different language than the one proposed in draft Decision 2.EXT.IGC 8, which recommends to the Conference of Parties to mandate the Committee to devise a fund-raising strategy while 2.EXT.IGC 8 provides that the Committee should submit for adoption such a strategy. The delegation of **Brazil** wondered whether it was really the intention of the Committee to postpone the beginning of fund-raising activities for two years, until the fund-raising strategy is adopted by the Conference of Parties at its third session. It also wondered whether it would be more practical to use the same wording as 2.EXT.IGC 6 and recommended to the Conference of Parties to mandate the Committee to devise a fund-raising strategy, without precluding the possibility of the Conference of Parties to adopt it or not; thus allowing fund-raising activities to start before the third session of the Conference of Parties. The delegation underscored that it is a matter of political responsibility to take action as soon as possible.

398. The **Chairperson** thanked the delegation of Brazil for its remarks and proposed a formulation respectful of the wording of Decision 2.EXT.IGC 6 with regard to the fund-raising strategy. The rest of the paragraph concerning the operational guidelines on measures to promote the visibility and the promotion of the Convention was not questioned. The delegation of **Senegal** shared the concern that this formulation leaves unclear as to whether the Conference of Parties should adopt or not the strategy, and to what extent the strategy should be submitted by the Committee.

399. The delegation of **Brazil** provided additional clarifications. It highlighted that, since fund-raising is mainly a national issue for each State Party, it is not urgent that the Conference of Parties adopts a decision binding every State Party that would wish or would be able to take action in favour of fund-raising. Each State Party could decide so and make voluntary contributions to the IFCD. In this context, the Conference of Parties may appraise or endorse the strategy but this is not strictly necessary for the State Parties to implement it.

400. The **Chairperson** agreed that while the Committee cannot elaborate draft operational guidelines without having been requested by the Conference of Parties, the Convention's provisions do not prevent the elaboration of a strategy. This will enable to speed up the fund-raising progress. The delegation of **Senegal** agreed with this conclusion.

401. In adopting decision 2.EXT.IGC 8 unanimously, the Committee decided to submit to the Conference of Parties the report on its activities and decisions between the first and second ordinary sessions of the Conference of Parties and recommended that it mandate the Committee to formulate a fundraising strategy for the IFCD and to submit to it draft operational guidelines on measures to increase the visibility and promotion of the Convention.

Item 9 – Closure of the session

9A – Report of the Rapporteur

402. The **Chairperson** invited the **Rapporteur, Mr Mouhamed Konaté**, to make his oral report on the deliberations and decisions of the Committee's second extraordinary session.

403. The **Chairperson** thanked the Rapporteur for his excellent report, which had been welcomed warmly by all participants and would be available shortly on the Convention's website. She then called on the Assistant Director-General for Culture.

404. The **Assistant Director-General for Culture**, on behalf of all participants, the Director-General and the Secretariat, expressed her deepest gratitude to the Chairperson and commended her determination, patience, courtesy, firmness and endeavour to ensure that the Committee achieved a result. Pointing to the unusual complexity of the substance and discussion of Article 16 and the intensity of the debates during the current session, she welcomed the spirit of cooperation and consensus that had prevailed against all odds. She gave the example of the initiative taken by the Chairperson in sending a written request for amendments to Committee members, a remarkable method that had facilitated the debate and streamlined the Committee's work. She expressed the hope that, in that context, the Convention would be promoted ever more strongly far and wide.

9B – Closure by the Chairperson

405. On behalf of the Committee, the **Chairperson** thanked the Assistant Director-General for Culture for her receptiveness and continued support and for the quality of the documents. She thanked the Convention Secretary for her efficiency and commended her hard-working team; she also thanked the interpreters and, in particular, the word-processing operators who had typed the proposed amendments during the Committee's debates. The Chairperson expressed satisfaction with the Committee's working method, which consisted in gathering proposed amendments in advance and distributing them to Committee Members. Those efforts had been a precious resource for the Committee's deliberations. The Chairperson also expressed her deepest gratitude to the numerous hard-working observers and Committee members, who had been constructive, conciliatory and flexible, thus making it possible to adopt operational guidelines for one of the most complex articles of the Convention. Thanking them for their fruitful collaboration, she hoped that the Conference of Parties would be satisfied with the results of their work and the draft operational guidelines that would be submitted to it.

406. The **Chairperson** declared the second extraordinary session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions closed.