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Diversity of Cultural Expressions

2 CP

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CONFERENCE OF PARTIES TO THE CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

Second ordinary session
Paris, UNESCO Headquarters, Room XII
15–18 June 2009

Item 5 of the Provisional Agenda: Report of the Committee on its activities and decisions to the Conference of Parties

This document presents in Annex the Report of the Committee on its activities and decisions to the Conference of Parties.

Decision required: paragraph 2

1. The document presents in Annex the report of the Committee on its activities and decisions between the first and second ordinary sessions of the Conference of Parties. The Committee adopted the report at its second extraordinary session in March 2009 and decided to submit it at the second ordinary session of the Conference of Parties (Decision 2.EXT.IGC 8).
2. The Conference of Parties may wish to adopt the following resolution:

DRAFT RESOLUTION 2 CP 5

The Conference of Parties,

1. Having examined document CE/09/2.CP/210/5 and its Annex;
2. Taking note of the report of the Committee on its activities and decisions to the Conference of Parties included in this document.

Report of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions on its activities and decisions to the Conference of Parties

Composition of the Committee

1. Article 23 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions provides for the establishment of an Intergovernmental Committee. According to this provision, the Members of the Committee shall be elected for four years and their election shall be based on the principles of equitable geographical representation as well as rotation. In conformity with Rule 15.1 of the Rules of Procedure of the Conference of Parties, the election of the Members of the Committee shall be conducted on the basis of the composition of the electoral groups of UNESCO, as determined by the UNESCO General Conference, it being understood that 'Group V' shall consist of two separate groups, for the African States and Arab States respectively.

2. At its first ordinary session, on 19 June 2007, the Conference of Parties elected 24 Members of the Intergovernmental Committee. In accordance with Rule 16 of the Rules of Procedure of the Conference of Parties, the mandate of half of the Members of the Committee is limited to two years; they have been designated by lot and respecting the principle of equitable geographical distribution.

3. The 24 States Members of the Committee and term of their mandate are as follows:

Group I			
Austria	2007 - 2009	Germany	2007 - 2011
Canada	2007 - 2009	Greece	2007 - 2011
Finland	2007 - 2009	Luxembourg	2007 - 2011
France	2007 - 2009		
Group II			
Albania	2007 - 2009	Lithuania	2007 - 2011
Croatia	2007 - 2011	Slovenia	2007 - 2009
Group III			
Brazil	2007 - 2009	Mexico	2007 - 2011
Guatemala	2007 - 2009	Saint Lucia	2007 - 2011
Group IV			
China	2007 - 2009	India	2007 - 2011
Group V(a)			
Burkina Faso	2007 - 2009	Senegal	2007 - 2011
Mali	2007 - 2009	South Africa	2007 - 2011
Mauritius	2007 - 2011		
Group V(b)			
Oman	2007 - 2011	Tunisia	2007 - 2009

Meetings of the Committee since the First ordinary session of the Conference of Parties (18-20 June 2007)

4. Since its establishment, the Committee met twice in ordinary session and twice in extraordinary session. Those meetings were held as follows:

Sessions	Dates
First ordinary session, Ottawa, Canada (1.IGC), (at the invitation of the Canadian authorities)	10-13 December 2007
First extraordinary session, Paris, France (1.EXT.IGC)	24-27 June 2008
Second ordinary session, Paris, France (2.IGC)	8-12 December 2008
Second extraordinary session, Paris, France (2.EXT.IGC)	23-25 March 2009

5. In conformity with Rule 12.1 of the Provisional Rules of Procedure adopted by the Committee at its first ordinary session, the Committee shall elect a Bureau at the end of each ordinary session whose mandate continues until the next ordinary session. On a transitory basis, the Members of the Bureau of the first session were elected in the beginning of the session and their term of office expired at the end of the second ordinary session of the Committee. During this session, the Committee elected a Bureau whose mandate continue until the end of the third ordinary session. Since the mandate of China will expire in June 2009 and that India, already Member of the Bureau, cannot be re-eligible in accordance to Article 12.1 of the Provisional Rules of Procedure, the Committee has suspended, exceptionally for this election, the application of the rule providing non immediate re-eligibility of the members of the Bureau (Decision 2.IGC 11).

Sessions	Members of the Bureau	Dates
First ordinary session, Ottawa (Canada)	Chairperson: Mr Gilbert Laurin, (Canada) Rapporteur: Mr Antonio Otavio Sa Ricarte (Brazil) Vice-Chairpersons: South Africa, India, Lithuania, Tunisia	10-13 December 2007
First extraordinary session, Paris (France)	Chairperson: Mr Gilbert Laurin, (Canada) Rapporteur: Mr Antonio Otavio Sa Ricarte (Brazil) Vice-Chairpersons: South Africa, India, Lithuania, Tunisia	24-27 June 2008
Second ordinary session, Paris (France)	Chairperson: Mr Gilbert Laurin, (Canada) Rapporteur: Mr Antonio Otavio Sa Ricarte (Brazil) Vice-Chairpersons: South Africa, India, Lithuania, Tunisia	8-12 December 2008
Second extraordinary session, Paris (France)	Chairperson: Ms. Vera Lacoueilhe (Saint Lucia) Rapporteur: M. Mouhamed Konaté (Senegal) Vice-Chairpersons: Croatia, India, Luxembourg, Oman	23-25 March 2009
Third ordinary session Paris (France)	Chairperson: Ms Vera Lacoueilhe (Saint Lucia) Rapporteur: M. Mouhamed Konaté (Senegal) Vice-Chairpersons: Croatia, India, Luxembourg, Oman	December 2009

Activities of the Committee since the First ordinary session of the Conference of Parties

6. Since its establishment, the main activities and decisions of the Committee, in conformity with Article 23.6(b) of the Convention, were the preparation of:

- draft operational guidelines for the implementation of the Convention, particularly articles 7, 8 and 11 to 17 of the Convention;
- draft guidelines on the use of the resources of the International Fund for Cultural Diversity (Article 18 of the Convention).

Provisional Rules of Procedure

7. At its first ordinary session in Ottawa, on December 2007, the Committee adopted its Provisional Rules of Procedure (Decision 1.IGC.4) which it will submit for approval to the Conference of Parties at its second ordinary session (June 2009), in accordance with Article 23.8 of the Convention.

8. The Committee has adopted two decisions relating to Rule 7.4 of the Provisional Rules of Procedure with regard to the participation of non-governmental organizations in the meetings of the Committee as observers. The first, adopted in December 2007 during its first ordinary session, authorized the Chairperson, on a transitory basis and until the modalities under Rule 7.4 are determined by the Committee, to request the Director-General to invite the organizations referred to in this Rule, which have made a written request, to attend its next two sessions (Decision 1.IGC 7, paragraph 3). Then, in June 2008 at its first extraordinary session, the Committee adopted a draft set of criteria concerning the admission of civil society representatives to its sessions as part of the operational guidelines on the role and participation of civil society. Until amendment of the Rules of Procedure of the Intergovernmental Committee concerning the modalities of participation of civil society representatives in its sessions, the Committee has decided that the draft set of criteria would be applied with regard to the admission of civil society representatives to one or all its sessions, after its second ordinary session (Decision 1.EXT.IGC 5).

9. In addition, in June 2008, the Committee also decided to propose to the Conference of Parties to apply the draft set of criteria with regard to the admission of civil society representatives to participate in the sessions of the Conference of Parties (Decision 1.EXT.IGC 5).

Draft operational guidelines

10. At its first ordinary session, further to the Resolution 1.CP 6 adopted by the Conference of Parties at its first ordinary session in June 2007, the Committee examined a draft Table of Contents of the Operational Guidelines and discussed working methods for the drafting of operational guidelines for the implementation of the Convention (Decision 1.IGC 5A).

Measures to promote and protect cultural expressions – articles 7, 8 and 17

11. During its first extraordinary session, the Committee examined a preliminary draft of operational guidelines relating to measures intended to promote and protect cultural expressions (articles 7, 8 and 17 of the Convention). It adopted the draft operational guidelines concerning articles 8 and 17 of the Convention (Decision 1.EXT.IGC.3). The draft operational guidelines concerning article 7 of the Convention were adopted provisionally (Decision 1.EXT.IGC.3). At its second extraordinary session the Committee also decided to submit to the Conference of Parties for approval the draft operational guidelines concerning Article 7.

Participation of Civil Society – Article 11

12. After a first debate during its first ordinary session in December 2007, the Committee, at its first extraordinary session in June 2008, decided to submit for approval to the Conference of Parties draft operational guidelines on the role and participation of civil society in the implementation of the Convention. The draft includes a definition of civil society in the context of the Convention and the modalities relating to the contribution of civil society to the implementation of the provisions of the Convention and to the work of its organs (Decision 1.EXT.IGC 5). The Committee also decided to adopt a Draft set of criteria for admission of civil society representatives to the sessions of the Committee (Decision 1.EXT.IGC 5).

Promotion of International Cooperation – Article 12

13. At its first ordinary session, the Committee had a preliminary debate on the provisions of the Convention concerning International Cooperation (Decision 1.IGC.5B).

14. During its second ordinary session in Paris, in December 2008, the Committee examined the preliminary draft operational guidelines on Article 12 of the Convention (document CE/08/2.IGC/4 and its Annex). Following a general debate on the preliminary draft on Article 12, and in particular on the introductory principles in the chapter on international cooperation as well as on the nature of international cooperation, the Committee decided to propose to the Conference of Parties that it not adopt operational guidelines on the promotion of international cooperation (Article 12 of the Convention), as Article 12 is self-sufficient (Decision 2.IGC 4).

Integration of Culture in Sustainable Development – Article 13

15. At its first ordinary session, the Committee began discussing the provisions of the Convention concerning international cooperation. It invited the Parties to the Convention to submit proposals on the modalities for implementing article 13 regarding the integration of culture in sustainable development policies, with a view to their examination by the Committee at its session in December 2008 (Decision 1.IGC 5B).

16. During its second ordinary session in December 2008, the Committee examined document CE/08/2.IGC/5 and its Annex and adopted draft operational guidelines on the integration of culture in sustainable development (Article 13 of the Convention). The draft includes three sections: “General considerations”, “Guidelines” and “Measures related to the integration of the diversity of cultural expressions in sustainable development”. The Committee decided to submit it for approval at the Conference of Parties, at its second ordinary session (Decision 2.IGC 5).

Cooperation for development – Article 14

17. During its first ordinary session, the Committee held a preliminary debate on the provisions of the Convention concerning International Cooperation and decided to include Article 14 of the Convention on the agenda of its session in December 2008 (Decision 1.IGC 5B).

18. At its second ordinary session, in December 2008, the Committee examined document CE/08/2.IGC/6 and its Annex and adopted Draft operational guidelines on cooperation for development (Article 14 of the Convention). The draft describes the “scope and objectives” of cooperation for development and includes a section “Orientations and measures” divided in four axes : *Strengthening of the cultural industries in developing countries, Capacity-building through*

exchange of information and training, Technology transfer in the areas of cultural industries and enterprises, Financial support. The Committee decided to submit the draft for approval to the Conference of Parties at its second ordinary session (Decision 2.IGC 6).

Collaborative Arrangements – Article 15

19. In June 2008, at its first extraordinary session, the Committee examined a preliminary draft of operational guidelines concerning partnerships. During this session, it adopted draft operational guidelines on the modalities for partnerships within the framework of the Convention which will be submitted for approval to the second ordinary session of the Conference of Parties (Decision 1.EXT.IGC 4).

Preferential Treatment for Developing Countries – Article 16

20. At its first ordinary session in Ottawa in 2007, the Committee invited the Secretariat to select, in consultation with the Chair of the Committee, six qualified experts, representative of the different perspectives relating to preferential treatment and coming from countries in different stages of economic development. Each of the experts was tasked with preparing a factual document on this issue, enumerating definitions, regulations and existing practices (Decision 1.IGC 5B).

21. During its first extraordinary session, the Committee took note of the interim report of the Chairperson on the selection of experts and the terms of reference for the work requested. The Committee also requested the Secretariat to organize a working session at UNESCO headquarters between the experts and the coordinators before completion of the requested reports (Decision 1.EXT.IGC7).

22. The experts' reports were submitted to the Committee for examination at its second ordinary session in December 2008 (Decision 1.IGC 5B). During this session, the Committee examined the reports after having listened to the coordinators' presentation of the reports (document CE/08/2.IGC/8 and its Annex). Underlining the importance of early implementation of preferential treatment for developing countries, the Committee requested the Secretariat to send to Parties to the Convention a questionnaire concerning the elaboration of the operational guidelines on Article 16 of the Convention. The Committee also requested the Secretariat to consult civil society having interests and activities in the fields covered by the Convention, by sending the questionnaire to the NGO-UNESCO Liaison Committee. The Committee requested the Secretariat to present, at its second extraordinary session, preliminary draft operational guidelines on Article 16 of the Convention in the light of the replies to the questionnaire received by the Secretariat (Decision 2.IGC 6).

23. During its second extraordinary session the Committee examined a preliminary draft of operational guidelines on Article 16 prepared by the Secretariat on the basis of the replies to the questionnaire of 42 Parties to the Convention and 4 non-governmental organizations. After an in-depth discussion, which took into account the written proposals of amendments presented by members of the Committee, it adopted the draft operational guidelines as amended. (Decision 2.EXT.IGC 4).

International Fund for Cultural Diversity – Article 18

24. The special account for the Fund was set up in accordance with the Financial Regulations of UNESCO.

25. During its first ordinary session, the Committee had a first debate on the use of the resources of the Fund and asked the Parties to submit to the Secretariat written contributions on that matter (Decision 1.IGC 6).

26. The discussion continued during the first extraordinary session where the Committee examined and discussed the interim report summarizing the written contributions of Parties concerning the use of the resources of the Fund.

27. Preliminary draft guidelines on the use of the resources of the International Fund, based on the Parties' written contributions and the Committee's debates, were presented and discussed in December 2008 during the second ordinary session of the Committee (document CE/08/2.IGC/7 and its Annex). Besides the main objectives and general aspects, the draft describes the field of activities and the beneficiaries as well as the procedure for the submission, selection and approval of requests. The Committee adopted the Draft guidelines on the use of the resources of the International Fund for Cultural Diversity and decided to submit it for approval at the second ordinary session of the Conference of Parties (Decision 2.IGC 7).

28. In addition, the Committee requested the Secretariat, using extra-budgetary funding where available, to hold informal consultations with the Parties, experts, enterprises and donors, with a view to identify potential sources of financing for the Fund. The Committee also appealed to the States and organizations with expertise in the field of fundraising to provide the Secretariat with assistance in this regard. (Decision 1.EXT.IGC 6). The Committee decided as well to include the examination of possible alternatives and innovative financial mechanisms for fundraising for the Fund in the agenda of its second extraordinary session (Decision 2.IGC 9).

29. At its second extraordinary session the Committee took note of the initial exchange of views during the exchange session "Fundraising: Challenges and Opportunities" of 5 March 2009 on innovative mechanisms to be put in place in order to increase the resources of the Fund, exchange which has been completed on 23 March before the opening of the second extraordinary session. It requested the Secretariat to prepare an information document on this issue for the second ordinary session of the Conference of Parties. It also recommended to the Conference of Parties that it mandate the Committee to devise a fund-raising strategy for the International Fund for Cultural Diversity (IFCD). The Committee also called upon all Parties to make voluntary contributions to the IFCD, including by considering the use of innovative financing mechanisms to raise funds. (Decision 2.EXT.IGC 6).

Meetings

30. In conformity with Decision 1.IGC 5C, an exchange session entitled 'The role and participation of civil society in the implementation of the Convention for the Protection and the Promotion of the Diversity of Cultural Expressions: An exchange between civil society and Parties to the Convention', was held at UNESCO Headquarters in Paris on 23 June 2008. It aimed to enable civil society and Parties to discuss the involvement of civil society in the implementation of the Convention and the relevant modalities. More than 200 participants have attended this exchange session, half of which were representatives of Parties and the other half civil society representatives.

31. In conformity with Decision 1.EXT.IGC 6, a session exchange entitled "Fundraising: Challenges and Opportunities" was held on 5 March 2009 at UNESCO Headquarters in Paris (see paragraph 29).

Other Issues

32. At its second ordinary session, the Committee placed on the agenda of its second extraordinary session (Decision 2.IGC 9) the examination of measures to increase the visibility and promotion of the Convention. At its second extraordinary session the Committee examined the document prepared by the Secretariat and invited it to consult the Parties and civil society on this question and on a strategy to encourage ratification especially in under-represented regions and sub-regions. It recommended to the Conference of Parties that it consider nominating public personalities to promote the visibility of the Convention. The Committee also requested the Secretariat to submit at its next session draft operational guidelines on measures to increase the visibility and promotion of the Convention, as well as a strategy for encouraging ratifications, especially in under-represented regions and sub-regions. (2.EXT.IGC 7).

Communication

The Section Diversity of Cultural Expressions of UNESCO constantly updates a website relating to the Convention: www.unesco.org/culture/en/diversity/convention. All working documents, Parties' written contributions, decisions taken as well as the reports of the sessions of the statutory organs are available online.