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**DRAFT REPORT OF COMMISSION IV**

## CONTENTS

### Introduction

#### Debate 1

Item 4.2 Draft Programme and Budget for 2006-2007 – Part II.A:  
Major Programme IV – Culture (33 C/5)

- Draft resolutions proposed in document 33 C/5
- Recommendations of the Commission concerning other draft resolutions not retained for adoption *in extenso*
- Draft resolutions withdrawn or not retained
- Total budgetary provision for Major Programme IV

#### Debate 2

Item 3.2 Preparation of the Draft Medium-Term Strategy for 2008-2013 (34 C/4)

- Draft resolutions which may be adopted *in extenso* in the Records of the General Conference

#### Debate 3

Item 3.1 Preparation of the Draft Programme and Budget for 2008-2009 (34 C/5)

- Draft resolutions which may be adopted *in extenso* in the Records of the General Conference

#### Debate 4

Item 5.15 Universal Forum of Cultures – 2007 in Monterey, Mexico

Item 5.12 Strategy to facilitate the restitution of stolen or illicitly exported cultural property

Report on the 2004-2005 activities and the thirteenth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation

Item 5.13 Cultural objects displaced in connection with the Second World War

#### Debate 5

Item 8.3 Preliminary report by the Director-General setting out the situation to be regulated and the possible scope of the regulating action proposed, accompanied by the preliminary draft of a convention on the protection of the diversity of cultural contents and artistic expressions

## **Debate 6**

Item 5.34 31st biennial ITI World Congress (Manila, Philippines)

Item 5.22 The South-South Cultural Forum in UNESCO

## **Debate 7**

Item 5.31 Proposal for the establishment of a regional centre for the safeguarding of the intangible cultural heritage (Cuzco, Republic of Peru), under the auspices of UNESCO

Report of the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage on its activities (2004-2005)

Item 5.37 Africa Position Paper on the State of World Heritage in Africa and Proposal for the Creation of an African World Heritage Fund

Item 5.5 The misuse of religious symbols and expressions

Item 5.2 Jerusalem and the implementation of 32 C/Resolution 39

Item 5.3 Implementation of 32 C/Resolution 54 concerning educational and cultural institutions in the occupied Arab territories

## **Reports**

Debate on item 3.2 – Preparation of the Draft Medium-Term Strategy for 2008-2013 (34 C/4)

Debate on item 3.1 – Preparation of the Draft Programme and Budget for 2008-2009 (34 C/5)

## **ANNEX**

Explanation of vote on item 8.3

## INTRODUCTION

1. Pursuant to 29 C/Resolution 87 (paras. 1.21 and 1.22), the Executive Board, at its 171st session (171 EX/Decision 33), recommended to the General Conference the nomination of Mr Jaime Nualart (Mexico) for the office of Chairperson of Commission IV. At the second plenary session, on 3 October 2005, Mr Jaime Nualart was elected Chairperson of Commission IV.

2. At its first plenary session, on 13 October 2005, the Commission approved the proposals of the Nominations Committee for the offices of Vice-Chairpersons and Rapporteur. The following were elected by acclamation:

### **Vice-Chairpersons:**

Italy (H.E. Mr Giuseppe Moscato)

Uzbekistan (H.E. Mr Alisher Ikramov)

South Africa (Prof. Itumeleng Mosala)

China (Mr Jiangan Li)

### **Rapporteur:**

Lebanon (Mr Alexandre Najjar)

3. The Commission then adopted the timetable of work presented in document 33 C/COM.IV/1.Prov.

4. The Commission devoted nine meetings, between 13 October (morning) and 20 October (morning) to examining the items on its agenda.

5. The Commission adopted its report at its ninth meeting on the morning of Thursday 20 October. The report includes the Commission's recommendations to the General Conference on each of the items on its agenda.

## **Debate 1**

### **Item 4.2 – Draft Programme and Budget for 2006-2007 – Part II.A: Major Programme 4 – Culture (33 C/5)**

6. At its second, third and fourth meetings, the Commission examined item 4.2 – Draft Programme and Budget for 2006-2007 – Part II.A: Major Programme IV – Culture (33 C/5, 33 C/5 Rev., 33 C/5 Rev. Add.)

7. The representatives of 65 Member States, one observer and six non-governmental organizations took the floor.

### **Draft resolutions proposed in document 33 C/5**

8. The Commission recommended that the General Conference adopt the resolution proposed in **paragraph 04110 Rev.** of document 33 C/5 Rev. Add concerning Subprogramme IV.1.1 (Reinforcing capacity-building for the protection of World Heritage) as amended by the relevant paragraphs of document 33 C/6 relating to the recommendations of the Executive Board and in the light of document 33 C/6.Add.

The resolution reads as follows:

The General Conference

Authorizes the Director-General:

- (a) to carry out the corresponding plan of action for the implementation of the Convention concerning the Protection of the World Cultural and Natural Heritage by:
  - (i) ensuring the Secretariat for and coordination of the activities of the World Heritage Committee;
  - (ii) contributing to the world's cultural diversity through the safeguarding of sites and monuments with a strategic focus on strengthening the credibility of the World Heritage List especially in developing countries and under-represented regions, including Associate Members;
  - (iii) ensuring the effective and preventive conservation of World Heritage properties, promoting the development of effective capacity-building measures, and increasing public awareness, involvement and support for World Heritage; and ensuring the coordination of the international coordination committees (ICC) in post-conflict situations;
- (b) to allocate for this purpose an amount of \$3,259,200 for programme costs and \$45,700 for indirect programme costs at Headquarters.

9. The Commission recommends that the General Conference adopt the resolution proposed in **paragraph 04120 Rev.** of document 33 C/5 Rev. Add. concerning Subprogramme IV.1.2 (Identifying and safeguarding the intangible cultural heritage) as amended by the relevant paragraphs of document 33 C/6 relating to the recommendations of the Executive Board and in the light of document 33 C/6 Add.

The resolution reads as follows:

The General Conference

Authorizes the Director-General:

- (a) to encourage Member States to ratify the Convention for the Safeguarding of the Intangible Cultural Heritage; to raise awareness among Member States; to assist them in safeguarding and promoting their intangible cultural heritage, mainly through the implementation of the Proclamation of Masterpieces of the Oral and Intangible Heritage of Humanity, the promotion and dissemination of the traditional music of the world, as well as the reinforcement of the Endangered Languages project, by:
  - (i) promoting the entry into force of the Convention for the Safeguarding of the Intangible Cultural Heritage,
  - (ii) strengthening capacities for the safeguarding of intangible cultural heritage;
- (b) to allocate for this purpose an amount of \$2,400,300 for programme costs and \$33,500 for indirect programme costs at Headquarters.

10. The Commission recommended that the General Conference adopt the resolution proposed in **paragraph 04130** of document 33 C/5 Rev. Add. concerning Subprogramme IV.1.3 (Protecting

and rehabilitating cultural heritage) as amended by the relevant paragraphs in document 33 C/6 relating to the recommendations of the Executive Board and in the light of document 33 C/6 Add. and by the following draft resolution:

- 33 C/DR.65 (submitted by Italy and supported by Algeria, Brazil, Canada, Egypt, Greece, Indonesia, Iceland, Kuwait, Morocco, Mali, Nigeria, Philippines, Tunisia, Czech Republic and Serbia and Montenegro).

The resolution reads as follows:

The General Conference

Authorizes the Director-General:

- (a) to implement the corresponding plan of action in order to:
  - (i) respond to emergency situations in post-conflict and post-natural disaster countries, affecting cultural heritage and/or cultural institutions;
  - (ii) coordinate statutory meetings and intergovernmental committees, promote the existing standard-setting instruments by providing advice on becoming party to and implementing these instruments (1954 Hague Convention and its two Protocols; 1970 Convention on Illicit Traffic; 1995 UNIDROIT Convention; 2001 Convention on the Underwater Cultural Heritage) and on elaborating national legislation;
  - (iii) requests the Director-General to encourage coordination initiatives taken in academic circles in order to develop research and support services for the legal protection of the cultural heritage, in particular through the establishment of networks;
- (b) to allocate for this purpose an amount of \$2,283,200 for programme costs and \$31,900 for indirect programme costs at Headquarters.

11. The Commission recommended the General Conference to adopt the resolution proposed in **paragraph 04140 Rev.** of document 33 C/5 Rev. Add. concerning Subprogramme IV.1.4 (Protecting cultural property) as amended by the relevant paragraphs of document 33 C/6 relating to the recommendations of the Executive Board and in the light of document 33 C/6 Add.

The resolution reads as follows:

The General Conference

Authorizes the Director-General:

- (a) to implement the corresponding plan of action in order to:
  - (i) enhance protection of cultural property through the conservation of collections and endangered movable cultural property;
  - (ii) advance heritage conservation practices and museum policy development through the publication of the journal MUSEUM International;

- (b) to allocate for this purpose an amount of \$1,068,000 for programme costs and \$14,900 for indirect programme costs at Headquarters.

12. The Commission recommended that the General Conference adopt the resolution proposed in **paragraph 04210** of document 33 C/5 Rev. Add. concerning Subprogramme IV.2.1 (Developing cultural policies) as amended by the relevant paragraphs of document 33 C/6 relating to the recommendations of the Executive Board and in the light of document 33 C/6 Add. and by 33 C/DR.70 (submitted by Italy) concerning paragraph 04210(a) as amended in the light of the debates.

The resolution reads as follows:

The General Conference

Authorizes the Director-General:

- (a) to implement the corresponding plan of action, drawing on the principles of the UNESCO Universal Declaration on Cultural Diversity and the main lines of its Plan of Action, in order to:
  - (i) promote the convention on the protection of cultural contents and artistic expressions once adopted;
  - (ii) assist Member States by elaborating, updating, implementing and promoting cultural policies, with particular attention given to the cultural dimensions in development policies so as to contribute more effectively to the fight against poverty, and particularly to support the pertinent activities of the New Partnership for Africa's Development (NEPAD);
  - (iii) encourage Member States to disseminate the principles and good practices for a sustainable tourism, as enshrined in the Tourism Charter for Cultural Property;
  - (iv) develop cultural indicators and collect related statistics and data in cooperation with the UNESCO Institute for Statistics (UIS) and national statistics institutes;
- (b) to allocate for this purpose an amount of \$2,032,900 for programme costs and \$28,400 for indirect programme costs at Headquarters.

13. The Commission recommended that the General Conference adopt the resolution proposed in **paragraph 04220** of document 33 C/5 Rev. Add. concerning Subprogramme IV.2.2 (Promoting intercultural dialogue) as amended by the relevant paragraphs of document 33 C/6 relating to the recommendations of the Executive Board and in the light of document 33 C/6 Add. and by 33 C/DR.48 (submitted by the Dominican Republic) concerning paragraph 04220(a)(ii) as amended in the light of the comments of the Director-General.

The resolution reads as follows:

The General Conference

Authorizes the Director-General:

- (a) to implement the corresponding plan of action in order to:

- (i) promote cultural pluralism, based on best practices and regional approaches, and implement policies drawing on the General Histories and projects undertaken with indigenous peoples; identify best practices in cultural pluralism through the UNESCO Chairs network; improve local capacities in this field; and enhance intercultural dialogue in different regions and on an interregional basis;
  - (ii) promote intercultural education and cultural diversity, with emphasis on young people of different cultural traditions and backgrounds;
- (b) to allocate for this purpose an amount of \$1,821,000 for programme costs and \$25,400 for indirect programme costs at Headquarters.

14. The Commission recommended that the General Conference adopt the resolution proposed in **paragraph 04230** of document 33 C/5 Rev. Add. concerning Subprogramme IV.2.3 (Sustaining cultural industries and crafts) as amended by the relevant paragraphs of document 33 C/6 relating to the recommendations of the Executive Board and in the light of document 33 C/6 Add.

The resolution reads as follows:

The General Conference

Authorizes the Director-General:

- (a) to implement a corresponding plan of action in order to:
- (i) develop cultural industries and strengthen public-private partnerships – through the Global Alliance for Cultural Diversity – by contributing to a more equitable and larger choice of diversified cultural products through the development of sustainable cultural industries in developing countries and those in transition – including policy advice, capacity-building, transfer of know-how, the development of infrastructures, copyright and piracy prevention;
  - (ii) promote wide recognition of the contribution of all cultures to literary and cinematographic creations; promote the arts, in close cooperation with artistic NGOs, including contributing to a world conference focusing on arts education as one dimension of quality education; and improve the vocational training and international mobility of artists;
  - (iii) advance crafts and design for sustainable development by fostering their development and contributing to the acknowledgement of their importance by Member States; enhance professional capacity-building in this area, notably through promotional activities such as international and regional prizes, and the development of cultural tourism;
- (b) to allocate for this purpose an amount of \$2,570,900 for programme costs and \$35,900 for indirect programme costs at Headquarters.

15. The Commission recommended that the General Conference adopt the resolution proposed in **paragraph 04300** of document 33 C/5 Rev. Add. concerning Projects relating to cross-cutting themes in MP IV as amended by the relevant paragraphs of document 33 C/6 relating to the recommendations of the Executive Board and in the light of document 33 C/6 Add.

The resolution reads as follows:



## The General Conference

### Authorizes the Director-General:

- (a) to implement the corresponding plan of action to execute to completion the projects related to the two cross-cutting themes, “Eradication of poverty, especially extreme poverty”, and “The contribution of information and communication technologies to the development of education, science and culture and the construction of a knowledge society”;
- (b) to evaluate and monitor the implementation, as well as assess the impact of the various projects;
- (c) to ensure intersectoral cooperation within UNESCO and coordination with other United Nations agencies and funds in order to enhance the coherence and learning process in the execution of approved projects;
- (d) to allocate for this purpose an amount of \$1,050,000 for programme costs.

### **Recommendations of the Commission concerning the other draft resolutions not accepted for adoption *in extenso***

33 C/DR.37 (submitted by Monaco and supported by Benin, Burkina Faso, Costa Rica, Egypt, France, Greece, Italy, Lebanon, Libya, Mali, Morocco, Niger, Romania, Serbia and Montenegro, South Africa, Spain, Togo and Tunisia) concerning paragraph 04110 Rev. After examining 33 C/DR.37, the Commission recommended that the General Conference adopt that draft resolution, it being understood that extrabudgetary resources would be sought to support an intersectoral regional plan of action for the Mediterranean maritime heritage, to promote the *Rencontres Internationales* and establish a Committee in cooperation with the Science Sector and for the contribution of science and culture to sustainable development in the Mediterranean.

33 C/DR.77 (submitted by Romania and supported by France, Morocco, Monaco and Philippines) for paragraph 04110 Rev. After examining 33 C/DR.77 the Commission recommended that the General Conference adopt that draft resolution, it being understood that attention would be given to safeguarding the technical heritage.

33 C/DR.58 (submitted by Benin and supported by Côte d’Ivoire and Mali) concerning paragraph 04120 Rev. After examining 33 C/DR.58 the Commission recommended that the General Conference adopt that draft resolution, it being understood that extrabudgetary resources would be sought to support national and subregional policies and strategies aimed at strengthening the promotion of African national languages.

33 C/DR.36 (submitted by Switzerland and supported by the Czech Republic) relating to paragraph 04130(a)(ii). Having examined document 33 C/DR.36, the Commission recommended that the General Conference adopt this draft resolution, it being understood that extrabudgetary resources will be sought in order to develop UNESCO’s electronic database of national cultural heritage laws.

33 C/DR.59 (submitted by Niger and supported by Algeria, Benin, Congo, Mali, Mauritania, Nigeria, Senegal and South Africa) relating to paragraph 04210. Having examined document 33 C/DR.59, the Commission recommended that the General Conference adopt this draft resolution, it being understood that mention would be made of trans-Saharan meetings in “*Strategic approaches*” in document 33 C/5 Approved.

33 C/DR.6 (submitted by Oman and supported by Afghanistan, Algeria, China, Côte d'Ivoire, Egypt, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kuwait, Lebanon, Lithuania, Libyan Arab Jamahiriya, Mauritania, Mexico, Portugal, Saudi Arabia, Senegal, Tunisia, United Arab Emirates and Yemen) relating to paragraph 04220. Having examined document 33 C/DR.6, the Commission recommended that the General Conference adopt this draft resolution, it being understood that it could be the subject of a Participation Programme request for the organization of a seminar on the concept of “*cultural capitals*” and the development of intercultural dialogue.

33 C/DR.23 (submitted by the Islamic Republic of Iran) relating to paragraph 04220. Having examined document 33 C/DR.23, the Commission recommended that the General Conference adopt this draft resolution, it being understood that extrabudgetary resources could be mobilized for raising youth's awareness on intercultural dialogue on an interregional basis.

33 C/DR.29 (submitted by Angola, Botswana, Democratic Republic of the Congo, Lesotho, Mauritius, Mozambique, Namibia, South Africa, Swaziland, United Republic of Tanzania, Zambia, Zimbabwe and supported by Côte d'Ivoire) relating to paragraph 04220. Having examined document 33 C/DR.29, the Commission recommended that the General Conference adopt this draft resolution, it being understood that extrabudgetary resources will be sought for the “*Roads to Independence: the African Liberation Heritage*” project and mention would be made of the importance of “*Roads to Independence: the African Liberation Heritage*” in “*Strategic approaches*” in document 33 C/5 Approved.

33 C/DR.34 (submitted by Austria and supported by Hungary, Luxembourg, Monaco, Poland, Slovakia and Switzerland) relating to paragraph 05120. Having examined document 33 C/DR.34, the Commission recommended that the General Conference adopt this draft resolution, it being understood that support would be provided for the promotion of linguistic diversity, in particular during the *International Year of Languages 2008*.

#### **Draft resolutions withdrawn or not retained**

33 C/DR.47 (submitted by the Dominican Republic) relating to paragraph 04110.

33 C/DR.49 (submitted by Costa Rica and the Dominican Republic) relating to paragraph 04110.

33 C/DR.10 (submitted by Canada and supported by Italy) relating to paragraphs 04120(b) and 04130(b).

33 C/DR.50 (submitted by Argentina) relating to paragraph 04120.

33 C/DR.4 (submitted by Cuba) relating to paragraph 04210.

33 C/DR.22 (submitted by the Islamic Republic of Iran) relating to paragraph 04210.

33 C/DR.60 (submitted by Sudan) relating to paragraph 04220.

#### **Total budgetary provision for Major Programme IV**

16. The Commission recommends that the General Conference approve a total sum of \$50,574,600 for Major Programme IV, corresponding to \$16,701,200 for total programme activities and \$33,873,400 for staff costs as indicated in the Draft Appropriation Resolution in 33 C/5 Rev., it being understood that this total amount is subject to adjustments in the light of the joint meeting of

the Administrative Commission and of the five Programme Commissions and the decisions taken by the General Conference concerning the budget ceiling.<sup>1</sup>

## DEBATE 2

### Item 3.2 Preparation of the Draft Medium-Term Strategy for 2008-2013 (34 C/4)

17. At its fourth meeting, the Commission examined item 3.2 – Preparation of the Draft Medium-Term Strategy 2008-2013 (34 C/4).

18. The representatives of 19 Member States, one observer and one non-governmental organization took the floor.

19. The Commission recommended that the General Conference adopt the draft resolution with a view to its inclusion *in extenso* in the Records of the General Conference:

- 33 C/COM.I, II, III, IV, V/DR.2 (submitted by Andorra, Australia, Barbados, Belgium, Canada, Colombia, Czech Republic, Estonia, Finland, France, Germany, Hungary, Iceland, Italy, Japan, Lithuania, Monaco, Netherlands, Saint Lucia, Slovakia, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States of America).

The resolution reads as follows:

The General Conference,

1. Recalling the discussions at the 32nd session of the General Conference, as well as at the subsequent sessions of the Executive Board, on the Organization's priorities,
2. Recalling 171 EX/Decision 30 concerning the preparation of the provisional agenda of the 33rd session of the General Conference,
3. Having examined document 33 C/6,
4. Emphasizing the need for UNESCO, as a specialized agency of the United Nations system, to effectively pursue its purposes and functions as laid down in its Constitution, and to contribute effectively to the objectives of the wider multilateral system, to inter-agency activities, and to the development needs of Member States within its domains,
5. Recalling the 2005 World Summit Outcome of the United Nations General Assembly and the Millennium Declaration,

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<sup>1</sup> In relation to this item, the United States of America requested that the statement below be reproduced *in extenso*:

Delegations will recall that yesterday we expressed our concern with adopting a budget that contained provisions for a convention that has not yet been discussed or adopted. As I also mentioned yesterday, we would like to see funds in the Culture Sector go to programmes that strive for real results. This includes, for example, UNESCO's flagship programme, the World Heritage Programme.

Nothing has changed since we made that intervention. I want to make clear that while we are not calling for a vote now, we will not be in a position to vote for a Programme and Budget that contains provisions for funding the costs of a convention with which we do not agree. Though we hope that negotiations will result in a convention that can enjoy consensus adoption next week, we do not yet know if that will be possible.

6. Considering that the Summit Outcome Document of the General Assembly of the United Nations, and reflection undertaken in connection with the 60th anniversary of UNESCO, present an opportunity for the Director-General to set out a vision for UNESCO and how it could be managed as a modern, forward-looking United Nations organization together with the requisite framework,
7. Also considering UNESCO's mandate and its comparative advantage within the system of international organizations in its areas of competence,
8. Further considering that UNESCO's mission, rooted in its Constitution, should be defined in the light of the evolving dynamics of global development,
9. Further considering it essential that the General Conference issue clear guidance to the Secretariat and the Executive Board for the preparation of the Draft Medium-Term Strategy,
10. Further considering it important that UNESCO's programmes have clear results and contribute to genuine change in the world,
11. Cognizant of the good quality of the Medium-Term Strategy for 2002-2007 and the important contribution it already made to strengthen the Organization, in particular thanks to its strategic character and its clear focus,

#### PART I

12. Invites the Director-General to ensure due consideration in the preparation of the Draft Medium-Term Strategy (34 C/4) of the following principles and guidelines, which build on results-based programming, budgeting, management and monitoring (RBB and RBM) methodologies used within the United Nations system:
  - (a) to define UNESCO's **vision** in a single mission statement, describing in contemporary terms the Organization's purpose and objectives, replacing the "unifying theme";
  - (b) to define a limited number of **overarching objectives**, covering the full breadth of UNESCO's mandate, further concretizing the mission statement, replacing the "strategic thrusts";
  - (c) to further define and operationalize the overarching objectives into a limited set of **strategic programme objectives**, one or two for each of the four programmes, which in turn form the basis for a limited number of **biennial sectoral priorities** with measurable goals, expected results and clear benchmarks in future C/5 documents;
  - (d) to set measurable expected outcomes for the overarching objectives and the strategic programme priorities;
  - (e) to draw on the full implementation of RBM, with strict orientation on results and impact;
  - (f) to include in the 34 C/5 a road map, including a timetable, towards full implementation of RBM;

- (g) to structure the Medium-Term Strategy in such a way that it allows, in consecutive C/5 documents, for the development of a larger number of intersectoral programmes;
  - (h) to ensure that due attention is paid to the improvement of the visibility of the Organization;
  - (i) to define the complementary roles of Headquarters and the field, so as to ensure measurable impact of UNESCO's activities at the country level, particularly in LDCs;
  - (j) to define the contribution of category II centres to strategic programme objectives;
  - (k) to focus UNESCO's general role on those areas where the Organization has a core mandate and comparative advantage within the United Nations system, making sure that proposed actions of UNESCO and those of other international organizations are within their respective core mandates and not overlapping with each other;
  - (l) to make the Medium-Term Strategy a reader-friendly reference document for UNESCO's Member States and Secretariat, preferably limited to 30 pages, and with comprehensive summaries, as appropriate;
13. Further invites the Director-General to take into account the guidance offered by the 33rd session of the General Conference in the preparation of the Medium-Term Strategy;
14. Encourages the Director-General to make the appropriate organizational changes for the full delivery of the Medium-Term Strategy, including the introduction of structures facilitating greater intersectorality;

## PART II

15. Requests the Director-General in the consultative process of Member States and National Commissions, which is an integral part of the preparation of the Draft Medium-Term Strategy:
- (a) to reflect the contents of this resolution in the questionnaire to be sent to Member States and National Commissions, as well as in the regional consultations of these Commissions;
  - (b) to create conditions for a high response rate to the questionnaire, among others by considerably reducing the number of questions in the questionnaire;
  - (c) to present to the Executive Board, besides the programmatic analysis of the responses of Member States and National Commissions to the questionnaire, a quantitative analysis of these responses, in order for the Board to assess the extent of support for specific programmes and initiatives;
16. Requests the Director-General to ensure that views shared by a majority of Member States are all taken into account in the process of the preparation of the Medium-Term Strategy;

17. Further requests the Director-General to present progress reports to the 174th and 175th sessions of the Executive Board;
18. Urges the Director-General in preparing the Medium-Term Strategy to take due account of the recommendations and guidance offered by the internal and external auditor and the Joint Inspection Unit, as well as “when appropriate” guidance emanating from other internal or external evaluations or strategic reviews;

### PART III

19. Requests the Member States of UNESCO and the UNESCO National Commissions to take into account this resolution in the process of consultation for the preparation of the draft Medium-Term Strategy;
20. Requests the Executive Board to ensure that the above-mentioned principles and guidelines are taken into account in the preparation of the draft Medium-Term Strategy;
21. Decides that the draft Medium-Term Strategy (34 C/4) shall be presented to the 34th session of the General Conference.

### ANNEX

<b>Vision = Mission Statement (long-term 2015)</b>				
<b>Overarching Objectives (long-term 2015)</b>				
<b>Strategic Programme Objectives (mid-term 2011)</b>				
	<b>Education Programme</b>	<b>Sciences Programme</b>	<b>Culture Programme</b>	<b>Communication Programme</b>
<b>ED Sector</b>	<b>Biennial (Cross-) Sectoral Priorities (short-term 2008-2009)</b>			
<b>SC Sector</b>	<b>Biennial (Cross-) Sectoral Priorities (short-term 2008-2009)</b>			
<b>SHS Sector</b>	<b>Biennial (Cross-) Sectoral Priorities (short-term 2008-2009)</b>			
<b>CLT Sector</b>	<b>Biennial (Cross-) Sectoral Priorities (short-term 2008-2009)</b>			
<b>C&amp;I Sector</b>	<b>Biennial (Cross-) Sectoral Priorities (short-term 2008-2009)</b>			

## DEBATE 3

### Item 3.1 – Preparation of the Draft Programme and Budget for 2008-2009 (34 C/5)

20. At its fourth meeting the Commission examined item 3.1 – Preparation of the Draft Programme and Budget for 2008-2009 (34 C/5).

21. The representatives of seven Member States and one non-governmental organization took the floor.

22. The Commission recommends that the General Conference adopt the draft resolution with a view to its inclusion *in extenso* in the Records of the General Conference:

- 33 C/COM.I, II, III, IV, V/DR.1 (submitted by Australia, Cook Islands, Fiji, Kiribati, Micronesia (Federated States of), Nauru, Niue, New Zealand, Palau, Papua New Guinea, Samoa, Solomon Islands, Tokelau, Tonga, Tuvalu, Vanuatu and supported by Barbados and Seychelles).

The resolution reads as follows:

The General Conference,

Recalling the adoption at its 32nd session of a resolution (32 C/Resolution 48) specifically addressed to the “Sustainable Development of Small Island Developing States: further implementation and review of the Barbados Programme of Action (Barbados+10)”, with its operative paragraphs addressed to Member States and Associate Members, non-governmental organizations in official relations with UNESCO, and the Director-General,

Welcoming the subsequent decision by the Director-General to formalize the coordination of UNESCO inputs to the Barbados+10 process, through the creation in February 2004 of a high-level intersectoral and interregional working group (WG-SIDS) to promote and coordinate UNESCO-wide contributions to the Barbados+10 review and forward-planning process,

Taking note of the convening by the United Nations of the International Meeting to Review the Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, which was held in Port Louis (Mauritius) from 10 to 14 January 2005,

Taking note also of the distinctive contribution made by UNESCO to the review and forward-planning process and to events connected with the International Meeting in Mauritius, in such fields as the role of culture in the sustainable development of SIDS, youth visioning for island living, communities in action, ocean and coastal management, and civil society forum,

Welcoming the adoption by the International Meeting of the Mauritius Declaration and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (Mauritius Strategy for Implementation),

Noting that the principal negotiated outputs of the Mauritius International Meeting – the political declaration and the strategy document – call for action in many fields related to UNESCO’s concerns, programmes and priorities,

Acknowledging the convening in March 2005 at UNESCO Headquarters of an Intersectoral Information Meeting for Permanent Delegates and Observers, which provided an occasion for a preliminary presentation and exchange of views on the possible contribution of the Organization to the Mauritius Strategy,

Noting the endorsement in July 2005 of the Mauritius Declaration and the Mauritius Strategy by the United Nations General Assembly,<sup>2</sup>

Further noting the invitation by the General Assembly to all relevant international and regional organizations, United Nations funds, programmes, specialized agencies and regional economic commissions, among others, to take timely action to ensure the effective implementation of and follow-up to the Mauritius Declaration and the Mauritius Strategy for Implementation,

1. Urges Member States and Associate Members to:
    - (a) participate actively in the implementation of and the follow-up to the Mauritius Declaration and the Mauritius Strategy;
    - (b) mobilize UNESCO's programmes and networks in their respective countries and regions to promote further the implementation of the Programme of Action for the Sustainable Development of SIDS through taking advantage of synergies of action across the Organization's programmes and programme sectors and the opportunities presented by the Participation Programme and other sources of support;
  2. Urges non-governmental organizations in official relations with UNESCO to:
    - (a) work in close partnership with government and other stakeholders in the follow-up to the Mauritius International Meeting;
    - (b) strengthen cooperation with civil society in SIDS in the implementation of the Mauritius Strategy;
  3. Invites the Director-General to:
    - (a) continue to mainstream the Mauritius Strategy in the Organization's activities and work programmes;
    - (b) continue, at the same time, to promote a holistic, integrated approach to sustainable living and development in SIDS, and to nurture intersectoral cooperation with intergenerational dimension, at the interregional level, via the proven platform approach;
    - (c) collaborate fully with United Nations family of institutions and with other international and regional organizations, in contributing to the timely follow-up and effective implementation of the Mauritius Strategy;
    - (d) include appropriate proposals for the further contribution of UNESCO to the implementation of the Mauritius Strategy in preparation of the Organization's Medium-Term Strategy of 2008-2013 (34 C/4).
23. The Commission recommends that the General Conference adopt the draft resolution with a view to its inclusion *in extenso* in the Records of the General Conference:

- 33 C/COM.II, III, IV, V/DR.1 (submitted by Australia and Indonesia)

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<sup>2</sup>

Draft resolution A/59/L.63 presented by Jamaica, adopted by the General Assembly on 14 July 2005.



The resolution reads as follows:

The General Conference,

1. Thanking the Director-General for his efforts to ensure UNESCO plays its role in combating fanaticism, extremism, and terrorism, within all the realms of its mandate and in accordance with the United Nations Secretary-General's call for action in this domain,
2. Recalling General Conference resolutions 31 C/Resolution 39, 32 C/Resolution 30 and 32 C/Resolution 47,
3. Recalling 172 EX/Decision 53 of the Executive Board which, seeking to enhance UNESCO's contribution to international action against terrorism through education, the sciences, culture, communication, and information, has:
  - Recognized the link between activities in support of a dialogue among civilizations, cultures and peoples, and efforts to discourage and dissuade extremism and fanaticism,
  - Underlined the importance of implementing concrete and sustained action in the various domains of UNESCO aimed at fostering a dialogue among peoples and countering extremism and fanaticism,
  - Requested the Director-General to include concrete activities in the work plans for the Programme and Budget for 2006-2007, once approved by the General Conference, and to report to the Executive Board at its 174th session,
4. Acknowledging the range of valuable initiatives and meetings held under the auspices of the "Dialogue Among Civilizations", and building on the results of the International Congress "Education for Shared Values for Intercultural and Interfaith Understanding" initiated by the National Commissions for UNESCO of the Asia-Pacific region, held in Adelaide from 28 November to 3 December 2004, and the "Call to Action" agreed at the Congress founded upon the ideals of the Delors Report pillar "Learning to Live Together" and the Dialogue Among Civilizations, and in the context of the mandate of UNESCO,
5. Requests the Director-General to prepare for the Draft 34 C/5 document an intersectoral programme, involving all sectors, to continue and strengthen initiatives in the development of curriculum frameworks and materials for education for shared values for intercultural and interfaith understanding.

#### **Debate 4**

**Item 5.15 – Universal Forum of Cultures – 2007 in Monterey, Mexico**

**Item 5.12 – Strategy to facilitate the restitution of stolen or illicitly exported cultural property**

**Report on the 2004-2005 activities and the thirteenth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation**

### **Item 5.13 – Cultural objects displaced in connection with the Second World War**

24. At its fifth meeting the Commission examined items 5.15 – Universal Forum of Cultures – 2007 in Monterey, Mexico; 5.12 – Strategy to facilitate the restitution of stolen or illicitly exported cultural property; and 5.13 – Cultural objects displaced in connection with the Second World War.

25. The representatives of 77 Member States, one observer and one non-governmental organization took the floor.

### **Item 5.15 – Universal Forum of Cultures – 2007 in Monterey, Mexico**

26. Having examined document 33 C/50, the Commission recommends that the General Conference adopt the resolution proposed in that document.

The resolution reads as follows:

The General Conference,

Having examined document 33 C/50,

Having taken cognizance of the decision of the government of the state of Nuevo León, Mexico, to hold the Universal Forum of Cultures – Monterey 2007,

Considering with great satisfaction the great significance of the success of the Barcelona 2004 Forum of Cultures, the close links between its objectives and those of UNESCO, and the importance of implementing the recommendations of the World Commission on Culture and Development,

Considering also that the organizers of the Monterey 2007 Forum of Cultures are proposing that UNESCO should be their main partner, and convinced that such cooperation would be particularly fruitful for the attainment of common goals,

Noting in this respect that the costs of the Forum will be fully covered by its organizers, and that this cooperation would therefore have no budgetary implications for UNESCO,

Considering that UNESCO could play a particularly appropriate part, in the framework of the objectives set forth in the Medium-Term Strategy for 2002-2007 and the Programme and Budget for 2006-2007, both in formulating the approaches and principal themes that could guide the work of the Forum and in encouraging official participation by Member States in the Forum and by networks of all kinds to increase the impact and influence of the Forum,

1. Decides that UNESCO should be the main partner of the Universal Forum of Cultures – Monterey 2007 throughout the various phases of the project;
2. Authorizes the Director-General to sign the framework agreement contained in Annex I of document 172 EX/9;
3. Invites the Director-General to report to it at its 34th session on the implementation of this resolution.

**ANNEX I**

**DRAFT FRAMEWORK AGREEMENT CONCERNING THE  
UNIVERSAL FORUM OF CULTURES – MONTEREY 2007**

BETWEEN

The United Nations Educational, Scientific and Cultural Organization (UNESCO)

AND

The Monterey Foundation 2007, established on 31 May 2005, governed by the articles of the Civil Code of the State of Nuevo León, Mexico, and composed of: (a) the Federal Government of Mexico represented by the following ministries: foreign affairs, education, tourism and science and technology; (b) the State of Nuevo León (Mexico) and (c) the Municipality of Monterey.

Noting that the Universal Forum of Cultures – Monterey 2007, an initiative of the City of Monterey, the Government of Nuevo León (Mexico) and the Government of Mexico, seeks to facilitate dialogue among peoples, cultures and civilizations and to promote the values of tolerance and peace,

Considering that the project could make a significant contribution to building a culture of peace, a major objective of UNESCO and one endorsed by the international community,

Noting that the planning, organization and staging of the Forum will be under the direction of the Monterey Foundation 2007, composed of the City of Monterrey, the Government of Nuevo León and the Government of Mexico,

Recalling 33 C/Resolution ... of the 33rd session of the General Conference,

Believing that UNESCO can make a decisive contribution to the success of the Forum through its missions, activities and links with institutions and professional circles throughout the world,

**HAVE THEREFORE AGREED UPON THE FOLLOWING PROVISIONS:**

1. The present framework agreement is intended to establish a framework for cooperation between UNESCO and the Monterey Foundation 2007 (hereinafter referred to as “the Foundation”) for the preparation and holding of and follow-up to the Universal Forum of Cultures – Monterey 2007; it sets out the modalities of UNESCO’s association with the Forum, within the framework of the Organization’s competence and the priorities for its activities determined by its Member States; it covers the period of the preparation and staging of and follow-up to the Forum.
2. UNESCO and the Foundation shall keep each other informed of all activities of common interest that either may undertake; each will propose that the other be represented in such activities in accordance with procedures to be laid down by the joint committee referred to in paragraph 8; they shall consult each other as necessary on the preparation and implementation of activities that they consider should be conducted jointly.
3. In order to add to the Forum’s impact, UNESCO shall endeavour to ensure the broad dissemination of information on the objectives and activities of the Forum and to give them the greatest possible multiplier effect internationally.
4. The parties shall ensure that all activities undertaken in connection with the Forum are given a character distinct from that of an international exhibition, bearing in mind the 1928 Convention regarding International Exhibitions.

5. The parties may, where necessary, conclude particular agreements between themselves or with other partners to implement specific activities involved in preparing for the Forum.
6. UNESCO shall provide such technical services as may facilitate the achievement of the Forum's objectives, in particular by mobilizing the expertise at its disposal, by providing the organizers with appropriate information, by facilitating contact between the latter and the professional circles which are its partners, and by facilitating the participation of interested international governmental and non-governmental organizations.
7. The Foundation may be given written authorization by the Director-General of UNESCO to use the name, logo and seal of UNESCO under conditions and procedures to be proposed by the joint committee referred to in paragraph 8.
8. When the present framework agreement enters into force, UNESCO and the Foundation shall set up a joint cooperation committee in order effectively to coordinate their cooperation under the present agreement [and Resolution ... adopted by the General Conference of UNESCO at its 33rd session]; the parties shall each designate one of their representatives on the joint committee as focal point.
9. The costs of the Forum shall be fully covered by the organizers and UNESCO's cooperation shall have no budgetary implications for the Organization.
10. Each of the parties shall make available to the other appropriate facilities for the implementation of the present agreement.
11. The Director-General of UNESCO shall regularly inform the Executive Board of activities carried out under the present agreement; the Foundation shall likewise regularly report to its participating institutions; both parties shall exchange the information necessary to those ends.
12. This agreement shall become operative once it has been signed by both parties; it may thereafter be amended by their common consent. One year after the close of the Forum, the parties shall agree upon a date for expiry of the framework agreement.

#### **Item 5.12 – Strategy to facilitate the restitution of stolen or illicitly exported cultural property**

27. After examining document 33 C/46, the Commission recommended that the General Conference adopt the following resolution contained in paragraph 8 of that document, as amended by draft resolution 33 C/COM.IV/DR.2 (submitted by Greece and supported by Afghanistan, Albania, Algeria, Argentina, Barbados, Benin, China, Cyprus, Egypt, Ethiopia, India, Kuwait, Pakistan, Poland, Senegal, Serbia and Montenegro, Switzerland, Zambia and Zimbabwe) and in the light of the debates.

The resolution reads as follows:

The General Conference,

1. Recalling 32 C/Resolution 38 paragraph 9, which invited the Director-General “to present to the Executive Board at its 170th session a strategy to facilitate the restitution of stolen or illicitly exported cultural property by: (a) strengthening the mandate of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation, *inter alia* in terms of proposals of mediation and conciliation for Member States; (b) promoting the activities of the Committee in respect of awareness-raising at regional, subregional and national levels; (c) convening its sessions annually”,

2. Noting Recommendation No. 3 adopted by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (hereafter “The Committee”) at its 13th session which addresses each point of 32 C/Resolution 38 paragraph 9,
3. Also recalling 171 EX/Decision 17 in which the Executive Board, after having examined the elements towards a strategy proposed by the Director-General, invited the Director-General to include in the provisional agenda of the 33rd session of the General Conference an item on the strategy,
4. Having examined document 33 C/46 and the proposed elements towards a strategy to facilitate the restitution of stolen or illicitly exported cultural property,
5. Having also examined the Statutes of the Committee, and the proposed amendment thereto,
6. Decides to endorse the consolidated elements towards a strategy to facilitate the restitution of stolen or illicitly exported cultural property as set out in document 33 C/46 and invites the Director-General to take the appropriate measures for its implementation;
7. Decides to amend the Statutes of the Committee so as to include mediation and conciliation as follows:

#### **Article 4**

The Committee shall be responsible for:

1. seeking ways and means of facilitating bilateral negotiations for the restitution or return of cultural property to its countries of origin when they are undertaken according to the conditions defined in Article 9. In this connection, the Committee may also submit proposals with a view to mediation or conciliation to the Member States concerned, being understood that mediation implies the intervention of an outside party to bring the concerned parties to a dispute together and assist them in reaching a solution, while under conciliation, the concerned parties agree to submit their dispute to a constituted organ for investigation and efforts to effect a settlement, provided that any additional, necessary funding shall come from extrabudgetary resources. For the exercise of the mediation and conciliation functions, the Committee may establish appropriate rules of procedure. The outcome of the mediation and conciliation process is not binding on the Member States concerned, so that if it does not lead to the settlement of a problem, it shall remain before the Committee, like any other unresolved question which has been submitted to it.

#### **Report on the 2004-2005 activities and the thirteenth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation**

28. After examining document 33 C/REP/15, the Commission recommended that the General Conference take note of this report.

### **Item 5.13 – Cultural objects displaced in connection with the Second World War**

29. After examining document 33 C/47, the Commission recommended that the General Conference adopt the following resolution contained in paragraph 8 of that document, as amended in the light of the debates.

The resolution reads as follows:

The General Conference,

1. Having taken note of Recommendation No. 4 adopted by the thirteenth session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in case of Illicit Appropriation (Paris, 7-10 February 2005) on the draft Principles relating to Cultural Objects Displaced in Relation to the Second World War,
2. Having examined document 33 C/47 and its annexes and following the debates thereon,
3. Decides:
  - (i) that the subject of cultural objects displaced in connection with the Second World War should be the subject of a standard-setting instrument; and
  - (ii) that the form of this instrument should be a non-binding “Declaration of Principles”;
4. Invites the Director-General to submit to it at its next session a draft of the “Declaration of Principles relating to cultural objects displaced in connection with the Second World War” after having convened an intergovernmental meeting to elaborate such a draft.

### **Debate 5**

#### **Item 8.3 – Preliminary report by the Director-General setting out the situation to be regulated and the possible scope of the regulating action proposed, accompanied by the preliminary draft of a convention on the protection of the diversity of cultural contents and artistic expressions**

30. At its sixth and seventh meetings, the Commission examined item 8.3 – Preliminary report by the Director-General setting out the situation to be regulated and the possible scope of the regulating action proposed, accompanied by the preliminary draft of a convention on the protection of the diversity of cultural contents and artistic expressions.

31. The representatives of 79 Member States, two observers and eight non-governmental organizations took the floor.

32. At the end of this debate, the Commission examined 33 C/COM.IV/DR.4 and 33 C/COM.IV/DR.4 Corr. (English and Arabic only) (submitted by the United States of America). The Commission, by means of a vote by show of hands, recommended that the General Conference not adopt this draft resolution.

33. The Commission then examined documents 33 C/23, 33 C/23 Add., 33 C/23 Corr. (French only) and 33 C/23 Corr.2 (French only) and recommended in a vote by show of hands that the General Conference adopt the preliminary draft of a convention on the protection of the diversity of

cultural contents and artistic expressions as a UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions as contained in Annex V to document 33 C/23. Following the vote by show of hands, five representatives of Member States wished to place on record their explanations of vote, which are annexed to this report. The text of the Convention is reproduced hereafter:

## **CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS**

The General Conference of the United Nations Educational, Scientific and Cultural Organization,  
meeting in Paris from 3 to 21 October 2005 at its 33rd session,

### *Preamble*

1. *Affirming* that cultural diversity is a defining characteristic of humanity,
2. *Conscious* that cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,
3. *Being aware* that cultural diversity creates a rich and varied world, which increases the range of choices and nurtures human capacities and values, and therefore is a mainspring for sustainable development for communities, peoples and nations,
4. *Recalling* that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,
5. *Celebrating* the importance of cultural diversity for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments,
6. *Emphasizing* the need to incorporate culture as a strategic element in national and international development policies, as well as in international development cooperation, taking into account also the United Nations Millennium Declaration (2000) with its special emphasis on poverty eradication,
7. *Taking into account* that culture takes diverse forms across time and space and that this diversity is embodied in the uniqueness and plurality of the identities and cultural expressions of the peoples and societies making up humanity,
8. *Recognizing* the importance of traditional knowledge as a source of intangible and material wealth, and in particular the knowledge systems of indigenous peoples, and its positive contribution to sustainable development, as well as the need for its adequate protection and promotion,
9. *Recognizing* the need to take measures to protect the diversity of cultural expressions, including its contents, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment,
10. *Emphasizing* the importance of culture for social cohesion in general, and in particular its potential for the enhancement of the status and role of women in society,
11. *Being aware* that cultural diversity is strengthened by the free flow of ideas, and that it is nurtured by constant exchanges and interaction between cultures,

12. *Reaffirming* that freedom of thought, expression and information as well as diversity of the media enable cultural expressions to flourish within societies,
13. *Recognizing* that the diversity of cultural expressions, including traditional cultural expressions, is an important factor that allows individuals and peoples to express and to share with others their ideas and values,
14. *Recalling* that linguistic diversity is a fundamental element of cultural diversity, and *reaffirming* the fundamental role that education plays in the protection and promotion of cultural expressions,
15. *Taking into account* the importance of the vitality of cultures, including for persons belonging to minorities and indigenous peoples, manifested in their freedom to create, disseminate and distribute their traditional cultural expressions and to have access thereto, so as to benefit them for their own development,
16. *Emphasizing* the vital role of cultural interaction and creativity, which nurture and renew cultural expressions and enhance the role played by those involved in the development of culture for the progress of society at large,
17. *Recognizing* the importance of intellectual property rights in sustaining those involved in cultural creativity,
18. *Being convinced* that cultural activities, goods and services have both an economic and a cultural nature, because they convey identities, values and meanings, and must therefore not be treated as solely having commercial value,
19. *Noting* that while the processes of globalization, which have been facilitated by the rapid development of information and communication technologies, afford unprecedented conditions for enhanced interaction between cultures, also represent a challenge for cultural diversity, namely in view of risks of imbalances between rich and poor countries,
20. *Being aware* of UNESCO's specific mandate to ensure respect for the diversity of cultures and to recommend such international agreements as may be necessary to promote the free flow of ideas by word and image,
21. *Referring* to the provisions of the international instruments adopted by UNESCO relating to cultural diversity and the exercise of cultural rights, and in particular the Universal Declaration on Cultural Diversity of 2001,

*Adopts*, this Convention on this xxx day of xxx.

## **I. OBJECTIVES AND GUIDING PRINCIPLES**

### **Article 1 – Objectives**

The objectives of this Convention are:

- (a) to protect and promote the diversity of cultural expressions;
- (b) to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner;
- (c) to encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges in the world in favour of intercultural respect and a culture of peace;



- (d) to foster interculturality in order to develop cultural interaction in the spirit of building bridges among peoples;
- (e) to promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels;
- (f) to reaffirm the importance of the link between culture and development for all countries, particularly for developing countries and to support actions undertaken nationally and internationally to secure recognition of the true value of this link;
- (g) to give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;
- (h) to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;
- (i) to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions.

## **Article 2 – Guiding Principles**

### **1. Principle of respect for human rights and fundamental freedoms**

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law or to limit the scope thereof.

### **2. Principle of sovereignty**

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

### **3. Principle of equal dignity of and respect for all cultures**

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

### **4. Principle of international solidarity and cooperation**

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

### **5. Principle of the complementarity of economic and cultural aspects of development**

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

## **6. Principle of sustainable development**

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

## **7. Principle of equitable access**

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

## **8. Principle of openness and balance**

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

## **II. SCOPE OF APPLICATION**

### **Article 3 – Scope of application**

This Convention shall apply to the policies and measures adopted by the Parties related to the protection and promotion of the diversity of cultural expressions.

## **III. DEFINITIONS**

### **Article 4 – Definitions**

For the purposes of this Convention, it is understood that:

#### **1. Cultural diversity**

“Cultural diversity” refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are passed on within and among groups and societies.

Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed, augmented and transmitted through the variety of cultural expressions but also through diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used.

#### **2. Cultural Content**

“Cultural content” refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.

#### **3. Cultural expressions**

“Cultural expressions” are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content.

#### **4. Cultural activities, goods and services**

“Cultural activities, goods and services” refers to those activities, goods and services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural

expressions, irrespective of the commercial value they may have. Cultural activities may be an end in themselves, or they may contribute to the production of cultural goods and services.

#### **5. Cultural industries**

“Cultural industries” refers to industries producing and distributing cultural goods or services as defined in paragraph 4 above.

#### **6. Cultural policies and measures**

“Cultural policies and measures” refers to those policies and measures related to culture, whether at the local, national, regional or international level that are either focused on culture as such or are designed to have a direct effect on cultural expressions of individuals, groups or societies, including on the creation, production, dissemination, distribution of and access to cultural activities, goods and services.

#### **7. Protection**

“Protection” means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions.

“Protect” means to adopt such measures.

#### **8. Interculturality**

“Interculturality” refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.

### **IV. RIGHTS AND OBLIGATIONS OF PARTIES**

#### **Article 5 – General rule regarding rights and obligations**

1. The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.
2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

#### **Article 6 – Rights of Parties at the national level**

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.
2. Such measures may include the following:
  - (a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;
  - (b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for their creation, production, dissemination, distribution and enjoyment of such domestic

cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;

- (c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;
- (d) measures aimed at providing public financial assistance;
- (e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;
- (f) measures aimed at establishing and supporting public institutions, as appropriate;
- (g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions;
- (h) measures aimed at enhancing diversity of the media including through public service broadcasting.

#### **Article 7 – Measures to promote cultural expressions**

1. Parties shall endeavour to create in their territory an environment that encourages individuals and social groups:
  - (a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;
  - (b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.
2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

#### **Article 8 – Measures to protect cultural expressions**

1. Without prejudice to the provisions of Articles 5 and 6, a Party may determine those special situations where cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.
2. Parties may take all appropriate measures to protect and preserve cultural expressions in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.
3. Parties shall report to the Intergovernmental Committee all measures taken to meet the exigencies of the situation, and the Committee may make appropriate recommendations.

### **Article 9 – Information sharing and transparency**

Parties shall:

- (a) provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level;
- (b) designate a point of contact responsible for information sharing in relation to this Convention;
- (c) share and exchange information relating to the protection and promotion of the diversity of cultural expressions.

### **Article 10 – Education and public awareness**

Parties shall:

- (a) encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions, *inter alia*, through educational and greater public awareness programmes;
- (b) cooperate with other Parties and international and regional organizations in achieving the purpose of this article;
- (c) endeavour to encourage creativity and strengthen production capacities by setting up educational, training and exchange programmes in the field of cultural industries. These measures should be implemented in a manner that does not have a negative impact on traditional forms of production.

### **Article 11 – Participation of civil society**

Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.

### **Article 12 – Promotion of international cooperation**

Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of the situations referred to in Articles 8 and 17, notably in order to:

- (a) facilitate dialogue among Parties on cultural policy;
- (b) enhance public sector strategic and management capacities in cultural public sector institutions, through professional and international cultural exchanges and sharing of best practices;
- (c) reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions;
- (d) promote the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions;
- (e) encourage the conclusion of co-production and co-distribution agreements.

**Article 13 – Integration of culture in sustainable development**

Parties shall endeavour to integrate culture in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions.

**Article 14 – Cooperation for development**

Parties shall endeavour to support cooperation for sustainable development and poverty reduction, especially in relation to the specific needs of developing countries, in order to foster the emergence of a dynamic cultural sector by, *inter alia*, the following means:

1. The strengthening of the cultural industries in developing countries through:
  - (a) creating and strengthening cultural production and distribution capacities in developing countries;
  - (b) facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;
  - (c) enabling the emergence of viable local and regional markets;
  - (d) adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the cultural activities, goods and services of developing countries;
  - (e) providing support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world;
  - (f) encouraging appropriate collaboration between developed and developing countries in the areas, *inter alia*, of music and film.
2. Capacity-building through the exchange of information, experience and expertise as well as the training of human resources in developing countries, in the public and private sector relating to, *inter alia*, strategic and management capacities, policy development and implementation, promotion and distribution of cultural expressions, small-, medium- and micro-enterprise development, the use of technology, and skills development and transfer.
3. Technology transfer through the introduction of appropriate incentive measures for the transfer of technology and know-how, especially in the areas of cultural industries and enterprises.
4. Financial support through:
  - (a) the establishment of an International Fund for Cultural Diversity as provided in Article 18;
  - (b) the provision of official development assistance, as appropriate, including technical assistance, to stimulate and support creativity;
  - (c) other forms of financial assistance such as low interest loans, grants and other funding mechanisms.

**Article 15 – Collaborative arrangements**

Parties shall encourage the development of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural

expressions. These innovative partnerships shall, according to the practical needs of developing countries, emphasize the further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.

**Article 16 – Preferential treatment for developing countries**

Developed countries shall facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries.

**Article 17 – International cooperation in situations of serious threat to cultural expressions**

Parties shall cooperate in providing assistance to each other, and, in particular to developing countries, in situations referred to under Article 8.

**Article 18 – International Fund for Cultural Diversity**

1. An “International Fund for Cultural Diversity”, hereinafter referred to as “the Fund”, is hereby established.
2. The Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO.
3. The resources of the Fund shall consist of:
  - (a) voluntary contributions made by Parties;
  - (b) funds appropriated for this purpose by the General Conference of UNESCO;
  - (c) contributions, gifts or bequests by other States; organizations and programmes of the United Nations system, other regional or international organizations; and public or private bodies or individuals;
  - (d) any interest due on resources of the Fund;
  - (e) funds raised through collections and receipts from events organized for the benefit of the Fund;
  - (f) any other resources authorized by the Fund’s regulations.
4. The use of resources of the Fund shall be decided by the Intergovernmental Committee on the basis of guidelines determined by the Conference of Parties.
5. The Intergovernmental Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that those projects have been approved by the Intergovernmental Committee.
6. No political, economic or other conditions that are incompatible with the objectives of this Convention may be attached to contributions made to the Fund.
7. Parties shall endeavour to provide voluntary contributions on a regular basis towards the implementation of this Convention.

**Article 19 – Exchange, analysis and dissemination of information**

1. Parties agree to exchange information and share expertise concerning data collection and statistics on the diversity of cultural expressions as well as on best practices for its protection and promotion.
2. UNESCO shall facilitate, through the use of existing mechanisms within the Secretariat, the collection, analysis and dissemination of all relevant information, statistics and best practices.
3. UNESCO shall also establish and update a data bank on different sectors and governmental, private and non-profit organizations involved in the area of cultural expressions.
4. To facilitate the collection of data, UNESCO shall pay particular attention to capacity-building and the strengthening of expertise for Parties that submit a request for such assistance.
5. The collection of information identified in this Article shall complement the information collected under the provisions of Article 9.

**V. RELATIONSHIP TO OTHER INSTRUMENTS****Article 20 – Relationship to other treaties: mutual supportiveness, complementarity and non-subordination**

1. Parties recognize that they shall perform in good faith their obligations under this Convention and all other treaties to which they are parties. Accordingly, without subordinating this Convention to any other treaty,
  - (a) they shall foster mutual supportiveness between this Convention and the other treaties to which they are parties; and
  - (b) when interpreting and applying the other treaties to which they are parties or when entering into other international obligations, Parties shall take into account the relevant provisions of this Convention.
2. Nothing in this Convention shall be interpreted as modifying rights and obligations of the Parties under any other treaties to which they are parties.

**Article 21 – International consultation and coordination**

Parties undertake to promote the objectives and principles of this Convention in other international forums. For this purpose, Parties shall consult each other, as appropriate, bearing in mind these objectives and principles.

**VI. ORGANS OF THE CONVENTION****Article 22 – Conference of Parties**

1. A Conference of Parties shall be established. The Conference of Parties shall be the plenary and supreme body of this Convention.
2. The Conference of Parties shall meet in ordinary session every two years in conjunction with the General Conference of UNESCO to the extent possible. It may meet in extraordinary session if it so decides or if the Intergovernmental Committee receives a request to that effect from at least one third of the Parties.



3. The Conference of Parties shall adopt its own rules of procedure.
4. The functions of the Conference of Parties shall be, *inter alia*:
  - (a) to elect the Members of the Intergovernmental Committee;
  - (b) to receive and examine reports of the Parties to the Convention transmitted by the Intergovernmental Committee;
  - (c) to approve the operational guidelines prepared upon its request by the Intergovernmental Committee;
  - (d) to take whatever other measures it may consider necessary to further the objectives of this Convention.

#### **Article 23 – Intergovernmental Committee**

1. An Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Intergovernmental Committee”) shall be established within UNESCO. It shall be composed of representatives of 18 States Parties to the Convention, elected for a term of four years by the Conference of Parties upon entry into force of this Convention pursuant to Article 29.
2. The Intergovernmental Committee shall meet annually.
3. The Intergovernmental Committee shall function under the authority and guidance of, and be accountable to the Conference of Parties.
4. The Members of the Intergovernmental Committee shall be increased to 24 once the number of Parties to the Convention reaches 50.
5. The election of Members of the Intergovernmental Committee shall be based on the principles of equitable geographical representation as well as rotation.
6. Without prejudice to the other responsibilities conferred upon it by this Convention, the functions of the Intergovernmental Committee shall be:
  - (a) to promote the objectives of this Convention and to encourage and monitor the implementation thereof;
  - (b) to prepare and submit for approval by the Conference of Parties, upon its request, the operational guidelines for the implementation and application of the provisions of the Convention;
  - (c) to transmit to the Conference of Parties reports from Parties to the Convention, together with its comments and a summary of their contents;
  - (d) to make appropriate recommendations to be taken in situations brought to its attention by Parties to the Convention in accordance with relevant provisions of the Convention, in particular Article 8;
  - (e) to establish procedures and other mechanisms for consultation aimed at promoting the objectives and principles of this Convention in other international forums;
  - (f) to perform any other tasks as may be requested by the Conference of Parties.

7. The Intergovernmental Committee, in accordance with its rules of procedure, may invite at any time public or private organizations or individuals to participate in its meetings for consultation on specific issues.
8. The Intergovernmental Committee shall prepare and submit to the Conference of Parties, for approval, its own rules of procedure.

#### **Article 24 – UNESCO Secretariat**

1. The organs of the Convention shall be assisted by the UNESCO Secretariat.
2. The Secretariat shall prepare the documentation of the Conference of Parties and the Intergovernmental Committee as well as the agenda of their meetings and shall assist in and report on the implementation of their decisions.

### **VII. FINAL CLAUSES**

#### **Article 25 – Settlement of disputes**

1. In the event of a dispute between Parties to the Convention concerning the interpretation or the application of this Convention, the Parties shall seek a solution by negotiation.
2. If the Parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.
3. If good offices or mediation are not undertaken or if there is no settlement by negotiation, good offices or mediation, a Party may have recourse to conciliation in accordance with the procedure laid down in the Annex of this Convention. The Parties shall consider in good faith the proposal made by the Conciliation Commission for the resolution of the dispute.
4. Each Party may, at the time of ratification, acceptance, approval or accession, declare that it does not recognize the conciliation procedure provided for above. Any Party having made such a declaration may, at any time, withdraw this declaration by notification to the Director-General of UNESCO.

#### **Article 26 – Ratification, acceptance, approval or accession by Member States**

1. This Convention shall be subject to ratification, acceptance, approval or accession by Member States of UNESCO in accordance with their respective constitutional procedures.
2. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.

#### **Article 27 – Accession**

1. This Convention shall be open to accession by all States not members of UNESCO but members of the United Nations, or of any of its specialized agencies, that are invited by the General Conference of UNESCO to accede to it.
2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but which have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.

3. The following provisions apply to regional economic integration organizations:
  - (a) This Convention shall also be open to accession by any regional economic integration organization, which shall, except as provided below, be fully bound by the provisions of the Convention in the same manner as States Parties;
  - (b) In the event that one or more Member States of such an organization is also Party to the Convention, the organization and such Member State or States shall decide on their responsibility for the performance of their obligations under the Convention. Such distribution of responsibility shall take effect following completion of the notification procedure described in sub-paragraph (c). The organization and the Member States shall not be entitled to exercise rights under the Convention concurrently. In addition, regional economic integration organizations, in matters within their competence, shall exercise their rights to vote with a number of votes equal to the number of their Member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice-versa;
  - (c) A regional economic integration organization and its Member State or States which have agreed on a distribution of responsibilities as provided in subparagraph (b) shall inform the Parties of any such proposed distribution of responsibilities in the following manner:
    - (i) in their instrument of accession, such organization shall declare with specificity, the distribution of their responsibilities with respect to matters governed by the Convention;
    - (ii) in the event of any later modification of their respective responsibilities, the regional economic integration organization shall inform the depositary of any such proposed modification of their respective responsibilities; the depositary shall in turn inform the Parties of such modification;
  - (d) Member States of a regional economic integration organization which become Parties to this Convention shall be presumed to retain competence over all matters in respect of which transfers of competence to the organization have not been specifically declared or informed to the depositary;
  - (e) “Regional economic integration organizations” means an organization constituted by sovereign States, members of the United Nations or of any of its specialized agencies, to which those States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to become a Party to it.
4. The instrument of accession shall be deposited with the Director-General of UNESCO.

#### **Article 28 – Point of contact**

Upon becoming Parties to this Convention, each Party shall designate a “*point of contact*” as referred to in Article 9.

#### **Article 29 – Entry into force**

1. This Convention shall enter into force three months after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession, but only with respect to those States or regional economic integration organizations that have deposited their respective instruments of ratification, acceptance, approval, or accession on or before that date. It shall enter into force with respect to any other Party three months after the deposit of its instrument of ratification, acceptance, approval or accession.

2. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by Member States of the organization.

### **Article 30 – Federal or non-unitary constitutional systems**

Recognizing that international agreements are equally binding on Parties regardless of their constitutional systems, the following provisions shall apply to Parties which have a federal or non-unitary constitutional system:

- (a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those Parties which are not federal States;
- (b) with regard to the provisions of the Convention, the implementation of which comes under the jurisdiction of individual constituent units such as States, counties, provinces, or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform, as necessary, the competent authorities of constituent units such as States, counties, provinces or cantons of the said provisions, with its recommendation for their adoption.

### **Article 31 – Denunciation**

1. Any Party to this Convention may denounce this Convention.
2. The denunciation shall be notified by an instrument in writing deposited with the Director-General of UNESCO.
3. The denunciation shall take effect 12 months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the Party denouncing the Convention until the date on which the withdrawal takes effect.

### **Article 32 – Depositary functions**

The Director-General of UNESCO, as the Depositary of this Convention, shall inform the Member States of the Organization, the States not members of the Organization and regional economic integration organizations referred to in Article 27, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 26 and 27, and of the denunciations provided for in Article 31.

### **Article 33 – Amendments**

1. A Party to this Convention may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all Parties. If, within six months from the date of dispatch of the communication, no less than one half of the Parties reply favourably to the request, the Director-General shall present such proposal to the next session of the Conference of Parties for discussion and possible adoption.
2. Amendments shall be adopted by a two-thirds majority of Parties present and voting.
3. Once adopted, amendments to this Convention shall be submitted to the Parties for ratification, acceptance, approval or accession.
4. For Parties which have ratified, accepted, approved or acceded to them, amendments to this Convention shall enter into force three months after the deposit of the instruments referred to in

paragraph 3 of this Article by two thirds of the Parties. Thereafter, for each Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.

5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to Article 23 concerning the number of Members of the Intergovernmental Committee. These amendments shall enter into force at the time they are adopted.
6. A State or a regional economic integration organization referred to in Article 27 which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered to be:
  - (a) Party to this Convention as so amended; and
  - (b) a Party to the unamended Convention in relation to any Party not bound by the amendments.

#### **Article 34 – Authoritative texts**

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, all six texts being equally authoritative.

#### **Article 35 – Registration**

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

### **ANNEX**

#### **CONCILIATION PROCEDURE**

##### **Article 1 – Conciliation**

A Conciliation Commission shall be created upon the request of one of the Parties to the dispute. The Commission shall, unless the Parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

##### **Article 2 – Members of the Commission**

In disputes between more than two Parties, Parties in the same interest shall appoint their members of the Commission jointly by agreement. Where two or more Parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

##### **Article 3 – Appointments**

If any appointments by the Parties are not made within two months of the date of the request to create a Conciliation Commission, the Director-General of UNESCO shall, if asked to do so by the Party that made the request, make those appointments within a further two-month period.

##### **Article 4 – President of the Commission**

If a President of the Conciliation Commission has not been chosen within two months of the last of the members of the Commission being appointed, the Director-General of UNESCO shall, if asked to do so by a Party, designate a President within a further two-month period.

**Article 5 – Decisions**

The Conciliation Commission shall take its decisions by majority vote of its members. It shall, unless the Parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the Parties shall consider in good faith.

**Article 6 – Disagreements**

A disagreement as to whether the Conciliation Commission has competence shall be decided by the Commission.

34. Finally, the Commission examined document 33 C/COM.IV/DR.3 Rev. (submitted by Japan and supported by Afghanistan) and recommended to the General Conference that it adopt the draft resolution by means of a vote by show of hands.

The resolution reads as follows:

The General Conference,

1. Expressing satisfaction with the adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions,
2. Aware that this Convention pertains to the field of culture, UNESCO being the unique agency with responsibility for culture within the United Nations system, anticipates the entry into force of the Convention and looks forward to its effective and appropriate implementation, forming a coherent part within the system of international instruments,
3. Invites the Chair of the Intergovernmental Committee of the Convention to share the reports prepared in accordance with Article 23.6 of the Convention with all Member States of UNESCO;
4. Expresses its confidence that the Convention shall be implemented in a manner consistent with the principles and objectives of the Constitution of UNESCO.

**Debate 6****Item 5.34 31st Biennial International Theatre Institute World Congress (Manila, Philippines)****Item 5.22 The South-South Cultural Forum in UNESCO**

35. At its seventh meeting, the Commission examined item 5.34 – 31st biennial International Theatre Institute World Congress (Manila, Philippines) and item 5.22 – The South-South Cultural Forum in UNESCO.

36. The representatives of 13 Member States took the floor.

**Item 5.34 31st biennial International Theatre Institute World Congress (Manila, Philippines)**

37. After examining draft resolution 33 C/COM.IV/DR.1 (submitted by Brunei Darussalam, Cambodia, Indonesia, Malaysia, Myanmar, Philippines and Thailand and supported by Belarus, China, Costa Rica, Iceland and Romania), the Commission recommended to the General Conference that it adopt the draft resolution without amendments.

The resolution reads as follows:

The General Conference,

Recognizing the important role of the theatrical performing arts as an educational tool and as a means of expressing and reflecting the cultural diversity of the human experience,

Aware of its potential as a catalyst for consciousness-building within societies and greater cultural understanding among peoples,

Recalling UNESCO's formal associate relations with the International Theatre Institute (hereinafter ITI), which is UNESCO's principal international NGO partner in the field of the performing arts and counts as its membership approximately ninety (90) national associate ITI Centres,

Recognizing ITI's aim to promote the international exchange of knowledge and practice in theatre arts, including drama, dance, and music theatre, in order to consolidate peace and solidarity between peoples, deepen mutual understanding and increase creative cooperation between all people in the theatre arts,

Noting that the 31st biennial ITI World Congress will be held in Manila, Philippines from 22-29 May 2006, with the theme *Ancestral Roots to New Routes of Artistic Expression: Mobilizing Cultural Diversity to Achieve the United Nations Millennium Development Goals*,

Noting further that the Director-General has accepted the invitation to preside over the Leaders Forum of the said Congress,

1. Associates itself with the 31st biennial ITI World Congress in Manila, Philippines from 22-29 May 2006; and
2. Expresses its best wishes for a successful conduct of the Congress.

#### **Item 5.22 The South-South Cultural Forum in UNESCO**

38. The representative of Costa Rica, speaking on behalf of the Group of 77 and of China, introduced this item, stating that the proposed South-South Cultural Forum was the outcome of a consensus in the Group of 77 and China, in particular in the context of the Second South Summit of the G-77 and China (Doha, September 2005). Following informal consultations in the UNESCO Secretariat, and in agreement with the representatives of the Group of 77 and China at the United Nations, it was decided to propose that the Forum be held within the framework of the UNESCO General Conference at its 34th session through a consolidated document. The Group of 77 and China considered that it was necessary to support this initiative presented by the Dominican Republic and Benin in order to stimulate dialogue between Africa, Latin America and the Caribbean with a view to promoting, on an interregional basis, a mechanism to help to bring closer together peoples and cultures marked by shared historical processes, and a positive enhancement of these processes through respect for cultural diversity. In this connection, the representative of the Dominican Republic informed the Commission that this item would be the subject of a detailed explanatory note which would be submitted by its authors to the Member States of UNESCO and the Secretariat with a view to a more far-reaching discussion at the 34th session of the General Conference. During the discussion, several speakers (Iceland, Brazil, China, South Africa and Pakistan) endorsed the proposal. At the end of the debate, the Commission took note of the information provided by the authors of the proposal during the debate.

## Debate 7

**Item 5.31 – Proposal for the establishment of a regional centre for the safeguarding of the intangible cultural heritage (Cuzco, Republic of Peru), under the auspices of UNESCO**

**Item 5.37 – African Position Paper on the State of World Heritage in Africa and Proposal for the Creation of an African World Heritage Fund**

**Item 5.5 – The misuse of religious symbols and expressions**

**Item 5.2 – Jerusalem and the implementation of 32 C/Resolution 39**

**Item 5.3 – Implementation of 32 C/Resolution 54 concerning educational and cultural institutions in the occupied Arab territories**

39. At its eighth meeting, the Commission examined item 5.31 – Proposal for the establishment of a regional centre for the safeguarding of intangible cultural heritage (Cuzco, Republic of Peru), under the auspices of UNESCO; item 5.37 – African position paper on the state of World Heritage in Africa and proposal for the creation of an African World Heritage Fund; item 5.5 – The misuse of religious symbols and expressions; item 5.2 – Jerusalem and the implementation of 32 C/Resolution 39; and item 5.3 – Implementation of 32 C/Resolution 54 concerning educational and cultural institutions in the occupied Arab territories.

40. The representatives of 50 Member States, one observer and one non-governmental organization took the floor for this debate.

**Item 5.31 – Proposal for the establishment of a regional centre for the safeguarding of the intangible cultural heritage (Cuzco, Republic of Peru), under the auspices of UNESCO**

41. After examining documents 33 C/68 and 33 C/68 Corr. (Arabic, English, Chinese, French and Russian only), the Commission recommended to the General Conference that it adopt the resolution contained in paragraph 10 of the above-mentioned document, without amendments.

The resolution reads as follows:

The General Conference,

Recalling 172 EX/Decision 60,

Further recalling the principles and objectives of the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted by the General Conference at its 32nd session in October 2003,

Having examined document 33 C/68,

1. Welcomes the proposal by the Government of the Republic of Peru for the establishment of a regional centre for the safeguarding of the intangible cultural heritage of Latin America under the auspices of UNESCO;
2. Approves the establishment of such a centre under the auspices of UNESCO (category II) in Cuzco (Peru);



3. Authorizes the Director-General to sign the corresponding agreement between UNESCO and the Government of Peru contained in Annex III hereto.

Annex III of document 33 C/68 Corr. (Arabic, English, Chinese, French and Russian only) is reproduced below:

### **DRAFT AGREEMENT**

#### **BETWEEN THE GOVERNMENT OF THE REPUBLIC OF PERU AND THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION (UNESCO) ON THE ESTABLISHMENT AND OPERATION OF THE REGIONAL CENTRE FOR THE SAFEGUARDING OF THE INTANGIBLE CULTURAL HERITAGE OF LATIN AMERICA (CRESPIAL) IN CUZCO, PERU**

The Government of the Republic of Peru on the one hand, and the Director-General of the United Nations Educational, Scientific and Cultural Organization on the other hand,

Taking into consideration the Final Declaration of the Thirteenth Ibero-American Summit of Heads of State and Government, Santa Cruz de la Sierra, Bolivia, November 2003,

Having regard to 33 C/Resolution ... whereby the UNESCO General Conference seeks to favour international cooperation in respect of the safeguarding of the intangible cultural heritage,

Considering that the Director-General has been authorized by the General Conference (33 C/Resolution ...) to conclude with the Government of the Republic of Peru an agreement in conformity with the draft which was submitted to the General Conference,

Desirous of defining the terms and conditions governing the contribution that shall be granted to the regional centre for the safeguarding of the intangible cultural heritage in Cuzco in this Agreement,

Have agreed as follows:

#### **ARTICLE I INTERPRETATION**

1. In this Agreement, unless the context requires a different meaning, “UNESCO” refers to the United Nations Educational, Scientific and Cultural Organization.
2. “The Centre” means the regional centre for the safeguarding of the intangible cultural heritage of Latin America (CRESPIAL) in Cuzco, Peru.
3. “The Government” means the Government of the Republic of Peru.
4. “The Convention” means the Convention for the Safeguarding of the Intangible Cultural Heritage, adopted by the General Conference of UNESCO in October 2003.
5. “The Intergovernmental Committee” means the body provided for in Article 5 of the Convention.
6. “The Participating States” means the States which have sent the Director-General of UNESCO notification in accordance with the provisions of Article III.2.

## **ARTICLE II ESTABLISHMENT**

The Government agrees to take any measures that may be required for the setting up and operation, in Peru, as provided for under this Agreement, of a regional centre for the safeguarding of the intangible cultural heritage of Latin America, which would have its headquarters in the city of Cuzco (Peru).

## **ARTICLE III PARTICIPATION**

1. The Centre shall be an international autonomous institution at the service of Member States of the Organization to support activities safeguarding the intangible cultural heritage of the countries of Latin America desiring to cooperate with it.

2. Member States of the Latin America region wishing to participate in the Centre's activities, as provided for under this Agreement, shall send the Director-General of UNESCO notification to this effect, as well as the designation of a national institution in charge of the safeguarding of the intangible cultural heritage. The Director-General shall inform the Centre and the Member States and Associate Members mentioned above of the receipt of such notifications.

## **ARTICLE IV PURPOSE OF THE AGREEMENT**

The purpose of this Agreement is to define the terms and conditions governing collaboration between UNESCO and the Government of the Republic of Peru and also the rights and obligations deriving therefrom for the parties.

## **ARTICLE V LEGAL PERSONALITY**

The Centre shall enjoy, in the territory of the Republic of Peru, the personality and legal capacity necessary for the exercise of its functions, in particular the capacity:

- to contract;
- to institute legal proceedings;
- to acquire and dispose of movable and immovable property.

## **ARTICLE VI FUNCTIONS/OBJECTIVES**

### **1. The objectives of the Centre shall be to:**

- (i) coordinate, exchange and disseminate activities to safeguard the intangible cultural heritage of the Participating States;
- (ii) promote the implementation and follow-up of the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage and other international legal instruments in force in this field;
- (iii) promote and strengthen cooperation between the countries of the region and support national capacity in this field;
- (iv) alert Participating States in order that communities may participate in activities to safeguard their intangible cultural heritage.

**2. The functions of the Centre shall be to:**

- (i) create spaces for discussion and exchange;
- (ii) gather, organize and disseminate information in the field of the intangible cultural heritage;
- (iii) establish networks for the exchange of information, specialists and cultural workers;
- (iv) foster cooperation among institutions;
- (v) liaise with the Intergovernmental Committee;
- (vi) promote regional training and capacity-building activities on request from Participating States;
- (vii) promote regional awareness-raising activities relating to enhancement of the intangible cultural heritage through the media.

**ARTICLE VII  
GOVERNING BOARD**

1. The work of the Centre shall be guided by a Governing Board renewed every two years and composed of:

- (a) a representative of the Government concerned;
- (b) a civil society representative of each of the Participating States;
- (c) a representative of the Government and a civil society representative of each of the Participating States;
- (d) a representative of the Director-General of UNESCO.

Each Participating State shall determine the mechanism for selecting the civil society representative.

2. The Governing Board shall:

- (a) adopt the medium-term and long-term programmes of the Centre;
- (b) adopt the annual work plan and budget of the Centre, including the staffing table;
- (c) examine the annual reports submitted to it by the Director of the Centre;
- (d) issue the rules and regulations and determine the procedures for the financial, administrative and personnel management of the Centre;
- (e) decide on the participation of regional intergovernmental organizations and international organizations in the work of the Centre;
- (f) approve the financial reports submitted by the Director.

3. The Governing Board shall meet in ordinary session at regular intervals, at least once every calendar year; it shall meet in extraordinary session if summoned by the Chairperson, either on his/her own initiative or at the request of the Director-General of UNESCO or of a two-thirds majority of its members.

4. The Board shall adopt its own rules of procedure. For its first meeting the procedure shall be established by the Government and UNESCO.

#### **ARTICLE VIII EXECUTIVE COMMITTEE**

1. In order to ensure the effective running of the Centre, an Executive Committee composed of five members elected by the Governing Board shall be established. The Committee shall meet at least twice a year and shall:
  - (a) supervise the Centre's programmes;
  - (b) ensure the monitoring of the Centre's activities approved by the Governing Board;
  - (c) examine the programme and budget and submit its recommendations to the Governing Board;
  - (d) propose the candidature of the Executive Director of the Centre to the Governing Board.
2. The Executive Committee shall adopt its own rules of procedure.

#### **ARTICLE IX SECRETARIAT**

1. The Centre's Secretariat shall consist of a Director and such staff as is necessary for the proper functioning of the Centre.
2. The Director shall be appointed by the Governing Board in consultation with the Director-General of UNESCO, for a term of four years and shall be university-trained and possess recognized professional experience in one of the fields of the intangible cultural heritage.
3. The other members of the Secretariat may comprise:
  - (a) any person appointed by the Director, in accordance with the procedures laid down by the Governing Board;
  - (b) any officials made available to the Centre by the Government, in accordance with national regulations.

#### **ARTICLE X DUTIES OF THE DIRECTOR**

The Director shall discharge the following duties:

- (a) direct the work of the Centre in conformity with the programmes and directives established by the Governing Board and the Executive Committee;
- (b) propose the draft plan and budget to be submitted to the Governing Board for approval;
- (c) prepare the provisional agenda for the sessions of the Governing Board and the Committee and submit to them any proposals that he/she may deem useful for the administration of the Centre;
- (d) prepare and submit reports on the activities of the Centre to the Board;
- (e) represent the Centre in law and in all civil acts;

- (f) appoint staff members in accordance with the staff regulations approved by the Governing Board.

## **ARTICLE XI CONTRIBUTION OF UNESCO**

1. UNESCO shall provide assistance in the form of technical and administrative assistance for the establishment and operation of the Centre. The General Conference of UNESCO may decide to finance specific Centre activities provided that they are considered to be in accordance with the strategic goals and objectives of the Organization.
2. The Organization will involve the Regional Centre in the execution of activities relating to the safeguarding of the intangible cultural heritage of the region and the strengthening of national and local capacities to safeguard that heritage.
3. UNESCO shall agree to:
  - provide the assistance of its experts in the fields of the safeguarding of the intangible cultural heritage;
  - include the Centre in various activities which the Organization implements and in which the Centre's participation seems necessary to it.
4. UNESCO will encourage the international governmental and non-governmental financial entities, as well as the Member States, to provide financial and technical assistance and to propose applicable projects to the Centre, and will facilitate contacts with any other international organizations interested in the safeguarding of the intangible cultural heritage.
5. In all the cases listed above, this contribution shall be provided for in UNESCO's Programme and Budget.

## **ARTICLE XII CONTRIBUTION OF THE GOVERNMENT**

The Government will agree to provide all the resources, either financial or in kind, needed for the administration and proper functioning of the Centre:

- The Government shall make available to the Centre the headquarters premises of the Centre in the city of Cuzco.
- The Government shall entirely assume during the period 2006-2011 the operating and maintenance costs of the Centre and shall examine the use of these resources annually.
- An annual budget of US \$500,000 shall be allocated to the Centre by the Peruvian Government via the National Institute of Culture of Cuzco (INC-Cuzco). This amount shall cover the administrative costs of running the Centre, the organizational expenses of the Board and Committee, and the costs of organizing particular activities.
- The Government shall make available to the Centre the administrative staff necessary for the performance of its functions and shall cover the corresponding expenses.

## **ARTICLE XIII PRIVILEGES AND IMMUNITIES**

1. The Government shall apply to the Organization and its officials and experts, and to the representatives of Member States and Associate Members attending the sessions of the governing

bodies, the provisions of the Convention on the Privileges and Immunities of the Specialized Agencies.

2. The Government shall authorize the entry, free of visa charges, the sojourn in its territory and the exit of any person invited to attend the sessions of the Governing Board and the Executive Committee or proceeding to the Centre on official business.

3. The goods, assets and income of the Centre shall be exempt from all direct taxes. Further, the Centre shall be exempt from the payment of any fees or taxes with respect to equipment, supplies and material imported or exported for its official use.

4. The Centre may have accounts in any currency, hold funds and foreign exchange of any kind and transfer them freely.

5. The Government shall be responsible for dealing with any claims which may be brought by third parties against the Organization, against members of its staff or against other persons employed by the Centre and shall hold the Organization and the above-mentioned persons harmless from any claims or liabilities resulting from operations of the Centre under this Agreement, except where it is agreed by the Organization and the Government that such claims or liabilities arise from the gross negligence or wilful misconduct of such persons.

#### **ARTICLE XIV RESPONSIBILITY**

As the Centre is legally separate from UNESCO, the latter shall not be legally responsible for it and shall bear no liabilities of any kind, be they financial or otherwise, with the exception of the provisions expressly laid down in this Agreement.

#### **ARTICLE XV EVALUATION**

1. UNESCO may, at any time, carry out an evaluation of the activities of the Centre in order to check:

- whether the Centre makes an important contribution to the strategic goals of UNESCO;
- whether the activities effectively pursued by the Centre are in conformity with those set out in this Agreement.

2. UNESCO shall agree to submit to the Government, at the earliest opportunity, a report on any evaluation.

3. UNESCO shall reserve the option to denounce this Agreement or amend its contents, following the results of an evaluation.

#### **ARTICLE XVI USE OF UNESCO'S NAME AND LOGO**

1. The Centre may mention its affiliation with UNESCO. It may therefore use after its title the phrase "under the auspices of UNESCO".

2. The Centre is authorized to use the UNESCO logo or a version thereof on its letter-headed paper and documents.

**ARTICLE XVII  
DURATION OF THE ORGANIZATION’S ASSISTANCE**

UNESCO’s assistance under this Agreement is fixed for a period of six years as from its entry into force and may be renewed by mutual agreement.

**ARTICLE XVIII  
ENTRY INTO FORCE**

This Agreement shall enter into force upon meeting the formalities required to that effect by the domestic law of the Republic of Peru and by UNESCO’s internal regulations.

**ARTICLE XIX  
DENUNCIATION**

1. Failure to observe one or more of the obligations contained in the present Agreement by one of the parties shall entitle the other to denounce unilaterally the Agreement.
2. The denunciation shall take effect within six months following receipt of the notification sent by one of the contracting parties to the other.

**ARTICLE XX  
REVISION**

The present Agreement may be revised by consent between the Government and UNESCO.

**ARTICLE XXI  
SETTLEMENT OF DISPUTES**

1. Any dispute between UNESCO and the Government concerning the interpretation or application of this Agreement, if it is not settled by negotiation or any other appropriate method agreed to by the parties, shall be submitted for final decision to an arbitration tribunal composed of three members; one shall be appointed by the Government of Peru, another by the Director-General of UNESCO, and the third, who shall preside over the tribunal, chosen by these two. If the two arbitrators cannot agree on the choice of the third, the appointment shall be made by the President of the International Court of Justice.
2. The tribunal’s decision shall be final.

**IN WITNESS WHEREOF**, the undersigned have signed this Agreement.

Done in two copies, in the French and Spanish languages, on .....

.....

.....

For the United Nations Educational,  
Scientific and Cultural Organization

For the Government

**Item 5.37 Africa Position Paper on the State of World Heritage in Africa and Proposal for the Creation of an African World Heritage Fund**

42. After considering document 33 C/COM.IV/DR.5 (submitted by Benin, Botswana, Cameroon, China, Congo, Egypt, Kenya, Lesotho, Lithuania, Madagascar, Mauritius, Namibia, Netherlands, Nigeria, Norway, Portugal, Senegal, South Africa, United Republic of Tanzania, Zambia and Zimbabwe and supported by the Seychelles), the Commission recommended that the General

Conference adopt the following draft resolution, without amendment, with a view to its inclusion *in extenso* in the Records of the General Conference:

The General Conference,

Taking note of document WHC-05/15.GA/INF.8,

Welcomes decision 15 GA 8 of the 15th General Assembly of States Parties to the Convention concerning the Protection of the World Cultural and Natural Heritage, which took place on 10 and 11 October 2005 in Paris, and which noted with satisfaction the African Position Paper, encouraging the implementation of the recommendations thereof, and which furthermore supported the creation of the African World Heritage Fund,

Recalling the Africa Periodic Report of 2002 on the state of conservation of world heritage in Africa, in particular its findings and recommendations,

Considering that Africa, the Cradle of Humanity, is a continent rich in unique cultural diversity and biodiversity,

Noting with concern that only 24 out of the 46 sub-Saharan African countries have sites inscribed on the World Heritage List, which constitutes only 7% of all sites inscribed on the World Heritage List,

Noting with further concern that sub-Saharan Africa is the region that has the highest number of sites on the List of the World Heritage sites in Danger,

Strongly supporting this initiative of the Africa Group to develop a Strategy and Action Plan (The African Position Paper) to address the needs of World Heritage in Africa, and the creation of an African World Heritage Fund to support and implement such a Strategy,

Also encouraged by and welcoming the decision of the 29th session of the World Heritage Committee, held in Durban, South Africa, from 10-17 July 2005, that adopted the African Position Paper and particularly the establishment of an African World Heritage Fund,

Notes with satisfaction that the implementation of the Global Strategy for the protection of World Cultural Heritage in Africa is having a positive impact on raising awareness among governments, cultural and natural heritage managers and communities, and that this will also hopefully lead to an increase in the number of Member States that are ratifying the World Heritage Convention as well as the number of African sites inscribed on the World Heritage List;

Expresses appreciation to UNESCO, especially the Africa Department, the World Heritage Centre, the Cultural Sector, and all international partners for their commitment to the protection, conservation and sound management of World Heritage in Africa, including amongst others, training and capacity-building for this purpose, especially through the Africa 2009 Programme;

Further expresses its appreciation to partners at all levels for their support, assistance and resource contribution to the conducting of a feasibility study on the establishment of the African World Heritage Fund following the African Union Summit on culture and education to be held in January 2006;



Appeals to the international community, public and private institutions, the African intergovernmental and non-governmental organizations, the African Diaspora, UNESCO Member States, United Nations agencies, regional organizations, private enterprise, foundations, civil society and individuals to support and contribute to the African World Heritage Fund;

Requests UNESCO Goodwill Ambassadors and UNESCO Artists for Peace to also include in their actions, initiatives oriented towards the support for the African World Heritage Fund;

Applauds the Director-General's pledge, made in his response to the general policy debate during the 33rd session of the General Conference to assist with the implementation of this resolution and to continue to raise awareness and mobilize the international community, especially through the World Heritage Centre to fully support the African World Heritage Fund;

Requests the Director-General to also give careful consideration to support for the African World Heritage Fund, including through the World Heritage Centre, in the preparation of the next Draft Programme and Budget (2008-2009) (34 C/5), and in the preparation of the Draft Medium-Term Strategy for 2008-2013 (34 C/4).

#### **Item 5.5 The misuse of religious symbols and expressions**

43. After considering document 33 C/16, the Commission recommended that the General Conference adopt the resolution contained in paragraph 7 of that document, as amended in the light of the debates.

The resolution reads as follows:

The General Conference,

1. Having examined documents 170 EX/36 and Add. and 170 EX/41 Part II Rev.,
2. Recognizing the importance of dialogue among peoples, cultures and religions, which is a guarantee of respect for the diversity of cultures and a factor of peace and social cohesion,
3. Reaffirming the need to devise educational tools and specific forms of teaching, in particular through the UNESCO Chairs on intercultural, interreligious and interfaith dialogue, in order to avoid stereotypes, which are a source of ignorance of other people and of their cultural and spiritual sensitivities,
4. Taking into account the recommendations contained in the declarations adopted at conferences on intercultural and religious dialogue held by UNESCO with a view to improving reciprocal knowledge and mutual respect (see 171 EX/40, Report by the Director-General on the promotion of the dialogue among peoples, which contains an overview of various recent and current activities undertaken by UNESCO),
5. Invites the Director-General to continue the examination of the place of religion in the programme on interfaith and interreligious dialogue and to strengthen activities designed to promote respect for and dialogue among all cultures, as well as to submit a progress report to the Executive Board at its 176th session prior to the 34th session of the General Conference.

## Item 5.2 Jerusalem and the implementation of 32 C/Resolution 39

44. After considering documents 33 C/13 and 33 C/13 Add., the Commission recommended that the General Conference adopt the resolution contained in paragraph 2 of document 33 C/13 Add. by consensus and without debate with a view to its inclusion *in extenso* in the Records of the General Conference.

The resolution reads as follows:

The General Conference,

1. Recalling 32 C/Resolution 39 and 171 EX/Decision 18, as well as the provisions of the four Geneva Conventions (1949), of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and the related Protocols, and of the Convention for the Protection of the World Cultural and Natural Heritage (1972), the inclusion of the Old City of Jerusalem in the World Heritage List and in the List of World Heritage in Danger, and the recommendations, resolutions and decisions of UNESCO on the protection of the cultural heritage,
2. Affirming that nothing in the present decision, which aims at the safeguarding of the cultural heritage of the Old City of Jerusalem, shall in any way affect the relevant United Nations resolutions and decisions, in particular the relevant Security Council resolutions on the legal status of Jerusalem,
3. Having examined documents 33 C/13 and 33 C/13 Add. concerning Jerusalem,
4. Expresses its sincere thanks to the Director-General for his sustained efforts for the safeguarding of the cultural and natural heritage of the Old City of Jerusalem, in compliance with 32 C/Resolution 39 of the General Conference and 171 EX/Decision 18 of the Executive Board, and reiterates its concern as to the obstacles to the safeguarding of the cultural and natural heritage of the Old City of Jerusalem;
5. Taking note of the declaration by the Director-General concerning Jerusalem at the 172nd session of the Executive Board, which appeals to all parties concerned to respect the outstanding universal value of the Old City of Jerusalem and to refrain from anything that may jeopardize the distinctive character of the Old City of Jerusalem inscribed on the World Heritage List and on the List of World Heritage in Danger, invites him to pursue his efforts with the concerned authorities in this regard;
6. Congratulates the Director-General on his initiatives in favour of the safeguarding of the cultural heritage of the Old City of Jerusalem, particularly the latest UNESCO mission (September 2005);
7. Invites the Director-General to submit to the Executive Board at its 175th session an action plan based on the guidelines proposed by the International Committee of Experts and the results of the missions thereon;
8. Expresses its gratitude to the Director-General for the progress made towards establishing a centre for the conservation of Islamic manuscripts in al-Ashrafiya Madrasa within the Esplanade of the Mosques (al-Haram ash-Sharíf), requests him to intensify his efforts in that regard, and thanks the United Arab Emirates and the Welfare Association for their support and their generous contribution;

9. Recalling that this item is inscribed on the agenda of the 174th session of the Executive Board, decides to include this item in the agenda of its 34th session.

**Item 5.3 Implementation of 32 C/Resolution 54 concerning educational and cultural institutions in the occupied Arab territories**

45. After examining documents 33 C/14 and 33 C/14 Add., the Commission recommended that the General Conference adopt the resolution contained in paragraph 2 by consensus and without debate with a view to its inclusion *in extenso* in the Records of the General Conference.

The resolution reads as follows:

The General Conference,

1. Recalling 32 C/Resolution 54 and 171 EX/Decision 53, as well as Article 26 of the Universal Declaration of Human Rights with regard to the right to education, Articles 4 and 94 of the Fourth Geneva Convention with regard to the denial of the right of children to education, as well as the UNESCO Convention for the Protection of the World Cultural and Natural Heritage (1972) and the Hague Convention (1954) and its Additional Protocols,
2. Having examined document 33 C/14 and 33 C/14 Add.,
3. Further recalling the role that UNESCO is called upon to play in order to satisfy the right to education for all and to meet the need for Palestinians to have safe access to the education system,
4. Recalling paragraph 31 of the Medium-Term Strategy (31 C/4 Approved), defining a “road map for a revitalized UNESCO: principles of action and programming”, and paragraph 12 of 31 C/Resolution 43,
5. Deeply committed to the safeguarding of monuments, works of art, manuscripts, books and other historical and cultural properties to be protected in the event of conflicts,
6. Supports the efforts made by the Director-General with a view to the implementation of 32 C/Resolution 54 and 171 EX/Decision 53, and requests him to do everything possible to ensure that they are fully implemented, and that their implementation be reinforced in the framework of the Programme and Budget for 2006-2007 (33 C/5);
7. Expresses its appreciation for the substantial contributions of all concerned Member States, IGOs and NGOs to UNESCO’s action in the Palestinian Territories, and appeals to them to continue assisting UNESCO in this endeavour;
8. Thanks the Director-General for the results which have been obtained in relation to the implementation of a number of current educational and cultural activities, and also invites him to promote UNESCO’s assistance to the Palestinian educational and cultural institutions;
9. Expresses its concern at any actions undermining the cultural and natural heritage, and cultural and educational institutions, as well as at any impediments which prevent Palestinian and all other schoolchildren and students from being an integral part of their social fabric and from exercising fully their right to education, and calls for the observance of the provisions of 32 C/Resolution 54 and 171 EX/Decision 53;

10. Encourages the Director-General to continue to reinforce his action in favour of the reconstruction, rehabilitation and restoration of the Palestinian archaeological sites and cultural heritage;
11. Invites the Director-General to address the needs for capacity-building in all UNESCO's fields of competence by expanding the financial assistance programme for Palestinian students both from the regular budget and from extrabudgetary resources;
12. Requests the Director-General to follow closely the implementation of the recommendations of the seventh session of the Joint UNESCO/Palestinian Authority Committee (1-2 September 2005), especially in Gaza, and to strengthen cooperation with the Palestinian Authorities in order to convene a donor meeting in compliance with 32 C/Resolution 54;
13. Encourages the Israeli-Palestinian dialogue and expresses the hope that the Arab-Israeli peace negotiations will be resumed, and that a just and comprehensive peace will speedily be brought about in accordance with UNESCO's Constitution and the United Nations resolutions on this matter, particularly the relevant Security Council resolutions;
14. Also invites the Director-General:
  - (a) to continue the efforts he is making to preserve the human, social and cultural fabric of the occupied Syrian Golan, in accordance with the relevant provisions of this resolution;
  - (b) to undertake efforts to offer appropriate curricula, and to provide more grants and adequate assistance to the educational and cultural institutions of the occupied Syrian Golan;
15. Recalling that this item is inscribed on the agenda of the 174th session of the Executive Board, decides to include this item on the agenda of the 34th session of the General Conference.

## Reports

46. After examining the Report by the Director-General on the activities of the International Fund for the Promotion of Culture (2004-2005) (33 C/INF.5) and the Report of the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage on its activities (2004-2005) (33 C/REP/14 and 33 C/REP/14 Add.), the Commission recommended that the General Conference take note of these reports.

## Debate on Item 3.2 – Preparation of the Draft Medium-Term Strategy for 2008-2013 (34 C/4)

47. The representative of the Director-General, Mr Hans d'Orville, introduced the item and the background document contained in document 33 C/48 together with the relevant portions of document 33 C/6. He noted that the observations by delegations would serve as an input to the consultative process on the preparation for document 34 C/4, which was due to start during the second half of 2006. He also mentioned that 2013, the last year of the Medium-Term Strategy, was rather close to the target year of 2015 for the attainment of the Millennium Development Goals. Mr d'Orville highlighted several issues on which Member States were invited to provide guidance and direction, including the scope of UNESCO's future action; UNESCO's mission and functions; the choice of strategic objectives for each of UNESCO's four programmes; the selection of

cross-cutting themes; the results-based approach, which is reflected in the formulation of “expected outcomes” for each strategic objective. Mr d’Orville further stressed the importance for UNESCO to clearly identify its role in a reforming United Nations system, including the contributions to be made at the country level in the context of a unified United Nations response aimed at increasing efficiency and aid effectiveness and to focus on the potential contribution of a culture component in the UNDAF context.

48. Nineteen delegates, one observer and one representative of a non-governmental organization took the floor. They welcomed the opportunity to have a preliminary exchange on the orientations of the future Medium-Term Strategy. They underlined the need to ensure a close linkage between document 34 C/4 and the biennial C/5 documents, also in light of the recent World Summit Outcome of the United Nations General Assembly in September 2005, where in the view of some delegates the fight against poverty had emerged as the overarching objective for the United Nations system. They expressed satisfaction with the structure and scope of document 31 C/4, including the five functions defined for UNESCO which should be preserved. At the same time, however, many delegates stressed the need for enhanced intersectorality and for a more refined results-based programming, budgeting, management and monitoring approach. Several delegates also felt that a reduction in priorities and the number of strategic objectives was desirable, particularly with a view to facilitating strategic coherence and a clearer resource allocation through the biennial programme and budget documents (C/5). One delegate called for a more rigorous enforcement of “sunset clauses” in the execution of the programme.

49. Several delegates commended UNESCO’s unique mandate and competence in the field of culture and cultural policy and the need to articulate this comparative advantage more clearly. They stressed the proactive role of UNESCO in addressing the consequences of globalization, and called for a new visibility and efficiency along with a clear vision that will guide UNESCO’s work and ability to act as an innovative intellectual forum. The importance of enhancing the synergy between the field office structures and Headquarters was also emphasized. One delegate invited UNESCO to seek added impact through the formulation and selection of cross-cutting themes and innovative flagships that should be linked to the MDGs.

50. Many delegates proposed that the protection of cultural heritage, both tangible and intangible, should remain a key priority and a high profile flagship of UNESCO’s culture programme. In this connection, several delegates proposed that the elaboration of new normative instruments be put on hold and that efforts should rather be directed towards the consolidation and implementation of existing instruments. A large number of delegates proposed that the protection and principles of cultural diversity be the key strategic objective of the next Medium-Term Strategy. Some delegates suggested developing an increased synergy and articulation between the two strategic objectives – protection of cultural heritage and promotion of cultural diversity – while maintaining a clear linkage to intercultural dialogue and conflict prevention. The continued relevance of the Stockholm Action Plan was noted in this regard and it was also proposed that the follow-up to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions could provide strategic guidance for document 34 C/4, as a new international framework for cultural policies.

51. Delegates further emphasized UNESCO’s unique mandate allowing for intersectorality, integration and synergy among all its Major Programmes, and they called for a much larger number of intersectoral programmes. The United Nations Decade of Education for Sustainable Development was highlighted as a unique opportunity for increased intersectoral cooperation, and the connectivity of World Heritage actions with the work of all UNESCO’s programme sectors was equally underscored. Some delegations also suggested that the recommendations of the recent Youth Forum in that regard be taken on board.

52. UNESCO was called upon to develop further the conceptual aspects related to both the Delors and the Pérez de Cuéllar Reports in the light of the cultural consequences of globalization in a rapidly changing world, including increased cultural vulnerability. In this regard, one delegate stressed the importance of striking an appropriate balance between cultural tourism and conservation, between development and conservation and between commercial gains and conservation. Several proposals for new or renewed programmatic focus were made by the delegations. Among them, it was suggested new impetus should be given to cultural rights, including women's rights and the rights of immigrants; to the ratification and/or implementation of relevant conventions fighting illicit traffic of cultural heritage; to the protection of cultural property through the conservation of collections and endangered movable cultural property, and to the digitization of cultural heritage, thus establishing a future link to sustainable development and creativity. It was also proposed to enhance language-related activities with a new emphasis on minority languages; and to renew the focus on the status of artists, also in light of the forthcoming World Conference on Arts Education. Attention was also drawn to the significance of continuing to promote cultural industries, especially benefiting Small Island Developing States (SIDS).

53. The representative of the Director-General commented on issues raised in the debate and indicated that the various proposals made would be communicated as an input to the various consultations to be organized by the Director-General for the preparation of document 34 C/4 in the first half of 2006.

54. All delegates endorsed the principles and guidelines set out in draft resolution 33 C/COM.I, II, III, IV, V/DR.2, and it was adopted at the end of the debate.

### **Debate on Item 3.1 – Preparation of the Draft Programme and Budget for 2008-2009 (34 C/5)**

55. The representative of the Director-General, Mr Hans d'Orville, introduced the item and the background document contained in document 33 C/7. He pointed out that the Programme and Budget for 2008-2009 (34 C/5) would constitute the first biennium falling within the period of the new Medium-Term Strategy for 2008-2013 (34 C/4), and would therefore have to be prepared in response to the overall strategic framework of that document. Member States were invited to provide guidance and direction, in particular on the issues identified in paragraphs 3(a) through 3(m) of document 33 C/7.

56. In the subsequent debate, seven Member States and one representative of a non-governmental organization took the floor. The delegates reiterated that as the only United Nations agency with a mandate in culture, UNESCO should seek to further strengthen its comparative advantage and maintain its lead role in this domain. Maintaining clear and visible linkages between documents 34 C/4 and 34 C/5 was of paramount importance. Likewise, continued efforts should be made to concentrate the programme around the strategic objectives as defined in document 34 C/4. With regard to the formulation of intersectoral subjects, some delegates requested that they be more oriented towards development-related topics, thereby underlining that UNESCO should pursue its efforts to advocate the crucial role of culture in national and international development strategies.

57. Some delegates also suggested that UNESCO's activities in the area of protection and safeguarding of World Heritage should continue to be a priority for the Culture Sector. Many Member States emphasized the need for a more equitable approach to conservational efforts and the importance of strengthening the credibility of the World Heritage List through a balanced geographical representation of the cultural and natural sites. Efforts to protect and to enhance contemporary creativity, creative arts, artistic expressions and the rights of artists were also considered important. Several delegates strongly emphasized their commitment to the safeguarding and promotion of cultural diversity, and to the adoption of the Convention on the Protection and

Promotion of the Diversity of Cultural Expressions. Delegations outlined the essential importance of the development of cultural industries and policies as well as of increased efforts in the area of capacity-building in Member States.

58. There was general and widespread agreement about the significance of strengthened intersectoral as well as interdisciplinary action in document 34 C/5. Close cooperation with other United Nations agencies, also with a view to avoiding duplication, was recommended. In that respect, some delegations placed particular emphasis on the interrelatedness of culture and education such as the need to highlight the cultural import on the EFA agenda. It was also proposed to seek enhanced synergy between culture and development and culture and the media. In the same vein, delegates requested that document 34 C/5 should to an even higher degree underline the Sector's potential to promote intercultural and interfaith dialogue and its role in combating fanaticism, extremism and terrorism. UNESCO was equally encouraged to address the cultural aspects of violence in the mass media, to focus its efforts on the return of cultural goods, and to accommodate new initiatives within the "cultural routes" programme. The importance of initiatives such as the Global Alliance was highlighted, especially its contribution to the promotion of cultural industries in developing countries.

59. The representative of the Director-General replied to questions raised during the debate, emphasizing that the statements and observations made by the delegations in Commission IV would become an input to the consultative process to be launched by the Director-General for the preparation of document 34 C/5.

60. At the end of the debate, Commission IV endorsed by consensus the draft resolution contained in 33 C/COM. II, III, IV, V/DR.1 on the preparation of the Draft Programme and Budget for 2008-2009 as well as the draft resolution contained in 33 C/COM. I II, III, IV, V/DR.1 on further implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (SIDS).

## ANNEX

### Explanation of vote on item 8.3

#### JAPAN

Mr Chairperson, I'd like to state the reason of my vote for the record.

I'd like to congratulate all the people concerned for the adoption of this important Convention.

We supported the adoption of the Convention on the premise that our draft resolution, 33 C/DR.3 Rev., will be adopted.

The purpose of our DR is to confirm that this Convention pertains to the field of culture, and that the measures to be taken in accordance with its provisions shall not compromise the rights and obligations under international instruments in other fields.

Though there may be revised wording in our DR.3, I hope that our draft resolution will be accepted by a broadest possible support.

I would also like to take this opportunity to state that we greatly valued the active and constructive participation of the United States in the negotiating process for this Convention.

After all, the Convention is not able to enjoy their support, which is something we would definitely have liked to see. Japan has shared, and still shares to some degree, the concerns expressed by the United States. We believe, however, that all is not so bad as they describe it.

In particular, we sincerely hope that the United States will remain firmly engaged with UNESCO in its many areas of responsibility, where the continued solidarity and cooperation among all Member States will be essential.

#### UNITED STATES OF AMERICA

The United States of America is extremely disappointed with the decision that has just been taken. As we have explained in great detail, we have very serious concerns about the potential of the Draft Convention to be misinterpreted in ways that might impede the free flow of ideas by word and image as well as affect other areas, including trade. We will be explaining our vote more extensively in plenary should this decision be confirmed in that body.

I request that this statement in its entirety be included in the official records of this Commission.

Thank you, Mr Chairperson.

#### NEW ZEALAND

New Zealand [has voted for/joined the consensus on] the adoption of the Convention on the basis of the following understandings regarding Articles 16 and 20:



### Article 16

On the basis of the discussions at the Third Intergovernmental Meeting of Experts in June, 2005, it is New Zealand's understanding that the obligation in Article 16 on developed countries to facilitate cultural exchanges with developing countries by granting preferential treatment to artists and other cultural professionals and practitioners through the appropriate institutional and legal frameworks is not intended to affect the content or implementation of domestic legislation, policies or individual decisions on the entry of persons into New Zealand territory and other immigration matters.

### Article 20

New Zealand considers that the clear legal effect of Article 20 is to ensure that the provisions of the Convention do not modify in any way the rights and obligations of the Parties under other treaties to which they are also parties. Accordingly, any inconsistencies between this Convention and those other treaties must be resolved in favour of the other treaties.

## **REPUBLIC OF KOREA**

Mr President,

My delegation voted in favour of the adoption of the Convention on the protection and promotion of the diversity of cultural expression at this 33rd session of the General Conference of UNESCO. Since this Convention includes the basic principles, rights and obligations for the promotion and protection of the cultural diversity, its adoption is beneficial and desirable for fostering a favourable environment which shall enhance the diversity of cultural expressions all over the world.

Mr President,

In adopting this Convention, my delegation expresses its regret on the adoption of this Convention by voting, not by consensus, as we would have wished. We believe that unanimous support on the adoption of this Convention could have paved the way towards a universal application of this important Convention.

Moreover, our delegation must add its regret over some of the ambiguous wordings of the Convention. Though many efforts have been made to come up with a clear and precise wording of the Convention since the first intergovernmental meeting convened in September, 2004, some of the articles of the Convention were not fully clarified, and may be open to divergent and controversial interpretations.

In this regard, my delegation emphasizes that the provisions of this Convention shall not affect the rights and obligations stated in other international treaties. In particular, Article 20 stipulating the relationship between this Convention and other treaties shall not be interpreted as being able to influence, modify and compromise rights and obligations that are stated under other treaties. My delegation believes that measures to be taken by the provisions of this Convention must be implemented in a way that is harmonious and consistent with rights and obligations under international instruments in other fields as well as the cultural field.

Mr President,

I would like to ask that this statement be duly recorded in the official document.

Thank you.

## **MEXICO**

Thank you very much, Mr President.

Mexico welcomes the adoption of the Convention.

To secure the approval of this Convention today required intense negotiations within each country and within this important forum. The vote of approval of the Mexican State has been a great success for the cultural sector in Mexico.

With regard to Article 20, our interpretation is that the Convention will be implemented in harmony with other treaties. It will not be subordinate to them, nor will they be subordinate to this Convention. We also consider that Mexico's position in future international negotiations has not been predetermined.

Mexico and all our countries, and in particular our creators and artists, have been strengthened by this new Convention, which marks a historic milestone by giving culture pride of place in the development of our countries.

Thank you very much.