United Nations · Diversity of
Educational, Scientific and · Cultural Expressions
Cultural Organization ·

Organisation · Diversité
des Nations Unies · des expressions
pour l'éducation, · culturelles
la science et la culture ·

Organización · Diversidad
de las Naciones Unidas · de las expresiones
para la Educación, · culturales
la Ciencia y la Cultura ·

Организация · Разнообразие форм
Объединенных Наций по · культурного
вопросам образования, · самовыражения
науки и культуры ·

منظمة الأمم المتحدة · تنوع أشكال التعبير
للتربية والعلم والثقافة · الثقافي
·
联合国教育、 · 文化表现形式
科学及文化组织 · 多样性

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

Fifth ordinary session
Paris, UNESCO Headquarters, Room II
10-12 June 2015

Item 8 of the provisional agenda: Report on the Evaluation of UNESCO's Standard-setting Work of the Culture Sector Part IV – 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions

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Further to Decision 8.IGC 5b, this document transmits to the fifth ordinary session of the Conference of Parties, the IOS Report on the "Evaluation of UNESCO's Standard-setting Work of the Culture Sector Part IV – 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions" (IOS/EVS/PI/134 REV), along with a summary of the Committee's debates on the report. The Annex to this document provides an update of the actions taken by the Secretariat to implement the IOS recommendations. The full IOS Report is presented in CE/15/5.CP/INF.8.

Decision required: paragraph 24

1. With a view to helping the Culture Sector, Senior Management, and the Governing Bodies of the Conventions strengthen standard-setting activities and generate a better understanding about how conventions work in practice, i.e. how they affect legislation and policies of Parties and the actions of key institutional actors, the Internal Oversight Service (hereafter "IOS") commissioned a three month desk study on the implementation of the Convention for the Protection and Promotion of the Diversity of Cultural Expressions (hereafter "the Convention") that was undertaken during the period October 2013 - January 2014.

2. The final IOS report, "Evaluation of UNESCO's Standard-setting Work of the Culture Sector Part IV – 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions" (IOS/EVS/PI/134 REV) (hereafter "the IOS report"), was published in April 2014 and is presented in CE/15/5.CP/INF.8. It presents the findings of the desk study based on an analysis of existing literature, in particular the quadrennial periodic reports submitted by twenty-two Parties with geographic balance. No extensive interviews or country visits took place. The IOS report provides a summary of trends and visible changes in the policies, legislation and progammes adopted by Parties to the Convention. It also identifies factors that have hindered implementation. It concludes with ten Recommendations for both the Secretariat and the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereafter "the Committee").

3. At its eighth ordinary session, the Committee reviewed the findings of the desk study as presented in the IOS report, examined the ten Recommendations and held a debate on their implementation. In its decision 8.IGC 5b, the Committee requested the Secretariat to transmit the IOS report to the fifth ordinary session of the Conference of Parties, along with a summary of the Committee's debates. In its decision, the Committee also encouraged UNESCO to seek extra-budgetary funds to implement the IOS recommendations, in particular those addressing the analysis and sharing of information on the impact of the Convention, capacity-building in the area of the governance of culture and the development of an overall results framework for the Convention including SMART indicators. An update of the actions taken by the Secretariat to implement the IOS recommendations is presented in Annex.

4. The findings of the IOS report were also presented during an information meeting to Member States on the follow up to the audit of the working methods of all Culture Conventions (IOS/AUD/2013/06) and the evaluations of the 1970, 1972, 2003 and 2005 Conventions. This information meeting was held at UNESCO Headquarters on 29 January 2015.

5. At this session, the Conference of Parties is to examine the results of the desk study as presented in the IOS report, taking into account the Committee's debates and recommendations it identified as priority for future implementation, pending available extra budgetary resources, both human and financial.

Results show the Convention has a visible policy impact

6. The premise upon which the desk study was conducted was that implementation of the Convention should lead to changes in policy and legislation, that result in, among other things:

    - increased legitimacy for cultural policies and mainstreaming culture in other policy areas;

    - strengthened international cooperation for development;

    - active participation of civil society in policy making processes.

7. The study found that **the Convention has been mentioned as a source of inspiration in a number of countries that have adopted new framework legislation or national policies in the field of culture in recent years**. It indicates that the financial and non-financial contributions provided through the programmes implemented by the Secretariat have been important sources of support for developing countries in this context. For example, the EU-funded technical assistance programme on the governance of culture that has resulted in a new long term National Strategy for the Development of the Cultural Industries in Vietnam. Another programme cited is the UNESCO Culture for Development Indicators funded by the Government of Spain that has contributed to improving the knowledge base on the broader cultural sector required for evidence-based policy making.

8. The study observes that the **implementation of the Convention is having a visible impact on the design of new policies and programmes, particularly in the sectors making up the cultural and creative industries in African, Latin American and Asian countries**, including the set-up of new ministries or other governmental departments. For example, Peru, following ratification of the Convention, established a Ministry of Culture in 2010, including a new Directorate for Cultural Industries and Arts and a new Inclusive Cultural Industries Joint Programme. It also notes that in countries that already have in place policy frameworks implementing the objectives of the Convention, it helped raise the profile of such policies as well as provided a framework to strengthen links with other policy areas, in particular, national and regional sustainable development strategies. For example in Brazil where the National Culture Plan 2011-2020 includes references to the Convention and presents an integrated vision of sustainable development including the economic and social role by all sectors of the creative economy. In Burkina Faso, the Framework Programme in Support of the Cultural Sector (2007-2011) included among its objectives and measures the promotion of local film production in the country and across the African continent, while at the same time aiming to strengthen the impact of culture in overall national economic and social development. Consequently, the Burkinabe "Accelerated Growth and Sustainable Development Strategy" 2011-2015 recognized culture for the first time as a priority sector for economic development with accompanying programmes to support infrastructure development, cultural entrepreneurship as well as the export of cultural goods and services.

9. An important **visible change has been the introduction of new capacity-building programmes within international development assistance programmes** of several European countries to address structural aspects of cultural policy frameworks and skills development for both individual creators and organizations working in the cultural industries. For example, the cultural and development strategy of the Spanish Agency of International Cooperation for Development (AECID) that contributed to the achievement of the UN Millennium Development Goals through support for eighteen projects in the cultural field. AECID's contribution of 95.6 million USD is the largest financial contribution made to the integration of culture in international development since the coming into force of the Convention. In Denmark, the Ministry of Foreign Affairs, the Ministry of Culture and the Centre for Culture and Development jointly published a new strategic framework in 2013, "The Right to Arts and Culture" that is based on the Articles of the Convention to provide capacity-building support for the emergence of dynamic cultural sectors in developing countries.

10. There is a *visible shift in the ability of cultural ministries to negotiate* **new partnerships and programmes with other ministerial departments, thus implementing the cross-cutting nature of the Convention and raising awareness of culture's added value for economic and social development**. For example, in Austria, the Working Group and Advisory Panel on Cultural Diversity have a clear focus on the Convention and bring together representatives from federal ministries, provincial and regional governments, artists, cultural professionals, academics, etc. In Sweden, the government's Action Plan on the Cultural and Creative Industries 2009-2012 is the result of cooperation between the Ministry of Culture and the Ministry of Enterprise, Energy and Communications and other agencies.

11. Finally, the study highlights that the ability of **cultural aspects to influence trade negotiations remains indeed one of the touchstones on which the Convention's ultimate effectiveness will be judged**. It notes visible progress in this field, providing examples of Parties that now take the Convention and/or the diversity of cultural expressions into account when negotiating bilateral and regional trade agreements. For example, in Canada, all bilateral and regional trade agreements signed after the adoption of the Convention promote the objectives and principles of the Convention. In Switzerland, the Economy Secretariat in charge of negotiating trade agreements is responsible for ensuring that Swiss trade policy is compatible with the principles of the Convention.

Factors that hinder implementation

12. Slow or no visible policy change is witnessed in some countries that ratified the Convention due to **limited financial capacity and reduced political will due to changes in government**. This means that some countries have been unable to adopt relevant policy instruments or to enforce them when adopted. Other Parties have expressed will, but due to limited technical know-how have been unable to translate the complexity of the Convention into effective legislation, policies and programmes. Structural challenges that would require such policies and incentive programmes mentioned in the study are the absence of sustainable markets (regional, national or local) in many countries, the weakness of creative enterprises, absence of private sector support schemes, lack of access to cultural goods and services distributed through digital platforms, etc.

13. The study highlights *the lack of policies to address barriers faced by individuals (e.g. women) and social groups as defined in Article 7* of the Convention to have access to the necessary resources for the creation, production, distribution and enjoyment/participation in cultural life. In addition, it refers to the lack of dialogue between the State and civil society and the limited trust between them that acts an obstacle to positive implementation.

14. The implementation of the Convention's principles and objectives in other policy fields and in partnership with both governmental and non-governmental actors necessitates the **setting up of broad consultation process, new working groups and cross-ministerial coordination mechanisms**. This transversal and multi-layered governance approach to the creative sector is expected to develop in the years to come, as Parties share more information and as capacity-building and awareness-raising activities increase. The study concludes that promoting the diversity of cultural expressions should not only be a value to inform policy making, but could be increasingly reconciled or combined with objectives in other fields of policy making; a core message not only of the Convention, but of countries negotiating the post 2015 UN Sustainable Development Agenda. This includes the introduction of the necessary pre-conditions for the diversity of cultural expressions that are of a social or political nature such as human rights and fundamental freedoms of expression, communication and information, citizenship participation and gender equality.

15. Given the transversal approach promoted by the Convention, it has the capacity to inspire a new set of actions and continuously drive and feed a global policy agenda to promote culture and development. **Should culture be absent from the UN Sustainable Development Agenda, it could be seen as preventing the further implementation of the Convention's objectives on the international level**. Despite significant advances made within country programmes to integrate culture in their international development assistance programmes, this neglect could deter some countries that are "reluctant to integrate culture as a core priority when negotiating bilateral or multilateral assistance frameworks with donor countries" and hence lead to a reduction of resources allocated to cultural actors and activities.

16. A **related global policy challenge raised in the study refers to international trade negotiations** and the "ability to integrate Internet service providers and the new means of access to cultural content among the services areas which can be potentially subject to government regulation". It indicates that, at present, the prevailing "notion of sustainable development in the trade policy agenda is marked by environmental concerns without reference to broader social or cultural components".

17. Finally, **an important barrier to implementation of the Convention signaled by the study is the lack of baseline data on cultural policies and cultural industries** in some countries that could inform evidence-based policy making, that could inspire other countries by systematizing and disseminating information available and that could be used to encourage further ratification of the Convention.

Recommendations

18. The study concludes with ten recommendations directed to Parties in general and the Committee in particular as well as to the Secretariat. An updated status report on their implementation is provided in Annex.

19. In short, Parties are invited to ensure continued support to technical assistance on the governance of culture and to continue sharing good practices by systematising and disseminating information available in the quadrennial periodic reports and other sources. The *Committee* is encouraged to continue its discussions on key areas, especially the impact of Articles 16 and 21 as regards the international trade agenda. In addition, it was recommended that the Committee continue to explore the implications of changes brought by digitisation and to consider adopting long term strategies paying attention to the conditions for the emergence of sustainable cultural industry markets and the role of civil society. It is recommended that the *Secretariat* work on the development of an overall results framework for the implementation of the Convention as it has for the International Fund for Cultural Diversity.

20. The Secretariat will continue to seek extra-budgetary funds to fully implement the key recommendations identified as priority by the eighth ordinary session of the Committee related to the analysis and sharing of information on the impact of the Convention, capacity-building in the area of the governance of culture and the implementation of an overall results framework for the Convention including SMART indicators.

Committee's debates

21. At its eighth ordinary session, the Committee examined the findings of the desk study. It considered that the IOS report was excellent and congratulated its authors for the holistic approach taken, thus embracing the many different spheres covered by the Convention. It noted that one of the difficulties of UNESCO in recent years is to show evidence that the cultural conventions have an impact. In its opinion, the IOS report begins to make clear how a convention has an impact, how long it takes to have an impact and why it has an impact. The Committee regarded the report as a story on "the Convention in action" that involves the participationof National Commissions for UNESCO, Field Offices, the private sector, civil society as well as other partners to fully implement the Convention.

22. The Committee considered that the findings presented in the IOS report remind Parties that having a global platform is useful for exchanging on specific issues, in particular on preferential treatment and international coordination and consultation as well as on the importance of the freedom of expression, on the impact of digital issues to promote the diversity of cultural expressions, on culture in the post 2015 Sustainable Development Agenda. It underlined the importance of one of the key observations of the study that reads "the ability of cultural aspects to influence trade negotiations remains indeed one of the touchstones on which the Convention's ultimate effectiveness will be judged". In this regard, the Committee, through its decision 8.IGC 11, requested the Secretariat to

develop a training module on the implementation of the Articles 16 and 21 as part of its work to implement the global capacity-building strategy. It suggested that, once prepared, the training modules could be tested on the Committee members for their own learning.

23. Noting the value of having such evidence, the Committee expressed its hope that this report would not be the last and that the IOS would be able to produce another report in a few years' time.

24. The Conference of Parties may wish to adopt the following resolution:

DRAFT RESOLUTION 5.CP 8

The Conference of Parties,

1. *Having examined Document CE/15/5.CP/8, its Annex and CE/15/5.CP/INF.8;*

2. *Takes note of the Internal Oversight Service's (IOS) Evaluation of UNESCO's Standard-setting Work of the Culture Sector Part IV – 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions and progress made in the implementation of the IOS recommendations;*

3. *Requests the Secretariat to provide an update on the implementation of the recommendations made in the IOS report to the ninth ordinary session of the Committee; and*

4. *Encourages UNESCO to seek extra-budgetary funds to implement the IOS recommendations, in particular those addressing the analysis and sharing of information on the impact of the Convention, capacity-building in the area of the governance of culture and the implementation of an overall results framework for the Convention including SMART indicators.*

ANNEX

Status Report on the Implementation of IOS Recommendations

Recommendation	Status 2015
1. Facilitate and encourage Parties and all stakeholders of the Convention, including intergovernmental organizations and civil society organizations, **to share good practices in key areas** (e.g. design and implementation of cultural policies and legislation; integration of culture in sustainable development strategies; strengthening of the cultural dimension in international development policies; international agreements in the field of trade), by systematising and disseminating information available in quadrennial periodic reports and from other sources. (Intergovernmental Committee / Secretariat)	A new Knowledge Management System is being developed for the Convention where good practices identified through the quadrennial periodic reports are shared. The UNESCO-UNDP Creative Economy Report 2013, Special Edition includes numerous best practices, drawn from the periodic reports, the projects supported through the International Fund for Cultural Diversity and the experiences gained through the implementation of the EU-funded technical assistance programme and published in "Strengthening the Governance of Culture to Unlock Development Opportunities, Results of the UNESCO-EU Expert Facility Project". Good practices in the key areas identified will also be shared through the production of a biannual Global Monitoring Report supported by Sida. The first report will be published in December 2015 and the second in June 2017.
2. Continue **discussions on the impact of Articles 16** (Preferential Treatment for Developing countries) **and 21** (International consultation and coordination), particularly as regards the international trade agenda. (Intergovernmental Committee)	In conformity with Resolutions 3.CP 11 and 4.CP 11, as well as Decisions 7.IGC 12 and 8.IGC 11, the Secretariat reports on the implementation of these Articles at each ordinary session of the Committee on the basis of consultations with Parties and civil society organizations. A web based platform was created to disseminate the results and contains over 100 documents collected through the consultations. Further to Decision 8.IGC 11, the Secretariat organized an exchange session on the implementation and impact of Articles 16 and 21 between economists, trade experts and Parties, with the involvement of civil society, ahead of the fifth ordinary session of the Conference of Parties.
3. Encourage Parties to **consider the implications of the 2005 Convention as regards cultural governance** (coordination within national governments, relationships between different tiers of government, public-private dialogue, participation of civil society, etc.) in their respective areas of influence and to foster the exchange of good practices and the provision of technical assistance focusing on this area. (Intergovernmental Committee / Secretariat)	The UNESCO/EU project "Expert Facility to Strengthen the System of Governance for Culture in Developing Countries" (2011-2015) provides evidence of the positive effects of participatory engagement of the culture sector in policy making through a better coordination of public authorities, decision makers, and professional cultural stakeholders, and through the building of a dedicated national team. The results will be the subject of a high level conference to be held in Brussels in June 2015 in the presence of the Director-General of UNESCO and the EU Commissioner for International Cooperation and Development. Project proposals have been prepared to raise extra-budgetary resources to continue the programme.

Recommendation	Status 2015
	Implementation of the UNESCO Culture for Development Indicators in 11 participating countries has drawn attention to issues of cultural governance: governance dimension comprises 4 indicators that help to assess the current cultural governance environment in place regarding standard-setting mechanisms, policies and programs, the distribution of infrastructure, and opportunities for civil society to take part in decision-making processes.
4. Encourage Parties and all stakeholders of the Convention to **reach out to sub-national governments and research bodies in Europe and North America in order to further consider the implications of the 2005 Convention in domestic cultural policies and in other public policies** (e.g. education, citizen participation, gender, social inclusion, etc.) that play a role in the promotion of an enabling environment for the diversity of cultural expressions. (Intergovernmental Committee)	The eighth ordinary session of the Committee underlined the impact of the Convention in multiple areas of policy making.
5. UNESCO should continue its efforts towards the explicit inclusion of culture in the international post-2015 development agenda, both as a 'driver' and as an 'enabler'.(Secretariat / Culture Sector / Bureau of Strategic Planning)	At the global level, the Convention has figured prominently in UNESCO's global advocacy to include culture in the Post 2015 Sustainable Development Agenda. It is referenced in the third Resolution on Culture and Sustainable Development adopted by the UN General Assembly in December 2013 (A/RES/68/223) that recognised the role of culture as an enabler and driver of the economic, social and environmental dimensions of sustainable development and in the United Nations Secretary-General Report on Culture and Sustainable Development (A/69/216) in July 2014.

The Convention continues to be one of the major references in high-level international events such as the Special Thematic Debate on Culture and Sustainable Development in the Post 2015 Development Agenda - UN General Assembly, 5 May 2014, and in campaigns launched by international networks of governmental and non-governmental actors such as "The Future We Want Includes Culture" gathering more than 600 organizations from some 120 countries.

The UNESCO-UNDP Creative Economy Report 2013, Special Edition was undertaken to provide missing evidence from developing countries required to advocate for the inclusion of culture in the Post 2015 Sustainable Development Agenda. |

Recommendation	Status 2015
6. UNESCO should further **explore the areas of convergence addressed by their respective conventions** (world heritage, intangible heritage…), particularly in the perspective of sustainable development. (Secretariat / Culture Sector)	The Cultural Convention Liaison Group (CCLG) made up of the Secretaries of the Culture Sector Conventions meets regularly to explore areas of convergence. Professionals working with the Secretariat participate in the following subgroups to exchange working methodologies and experiences: capacity-building; knowledge management; periodic reporting; and international assistance.
7. Continue to **explore the implications of changes brought about by digitisation** for the effective implementation of the Convention and invite Parties to examine, design and exchange emerging policies and practices in this context. (Intergovernmental Committee / Secretariat)	The Secretariat sent out a survey to Parties in October 2013 to rank thematic areas of action related to digital technologies that currently exist in the Operational Guidelines. The results prioritized future work to be undertaken on digital issues and policies and measures to promote the diversity of cultural expressions. A report was prepared and discussion held during the seventh ordinary session of the Committee based on submissions made by the Parties and NGO observers. As a result, Decision 7.IGC 13 was adopted requesting the Secretariat to prepare an analysis of references to measures on digital technologies made in the Parties' periodic reports and independent sources. This analysis was submitted and examined by the eighth ordinary session of the Committee. Following a joint request by Canada and France, an item on digital technologies was included on the agenda of the eighth ordinary session of the Committee resulting in an extensive discussion and Decision 8.IGC 12 on the current state and actions taken to address the challenges posed by digitization. As a result, the Secretariat was requested to organize an exchange session on the challenges related to the implementation of the Convention in the digital age prior to the fifth ordinary session of the Conference of Parties, as well as to prepare a document for this session covering all the work undertaken on digital issues in the framework of the Convention. The eighth ordinary session of the Committee also adopted revised guidelines on quadrennial periodic reporting referring to digital issues as well as submitted a proposal to the fifth ordinary session of the Conference of Parties to mandate the Committee to prepare draft operational guidelines on digital issues that will take into account, in particular, international cooperation.
8. Encourage Parties to **pay particular attention to the conditions of cultural industries and to the role of civil society actors in their countries**, and consider the adoption of long-term strategies to address needs identified. (Intergovernmental Committee /Secretariat)	Considered by the eighth ordinary session of the Committee.

Recommendation	Status 2015
9. Continue current efforts to **raise awareness of the Convention among countries that have not ratified it**. These should include the design of specific activities (e.g., publications, videos) highlighting tangible results of the Convention in countries that have ratified it, targeting in particular the regions with a lower ratification rate. (Secretariat / Intergovernmental Committee)	A new information kit providing essential information about the 2005 Convention and the benefits of ratification is being finalized and will be disseminated widely in 2015. A video explaining the objectives and principles of the 2005 Convention, how it works and why it is important is to be included in the information kit. A series of videos on the 2005 Convention in general and the IFCD in particular are available on the website of the 2005 Convention. The capacity-building module on "Understanding the Convention" is being finalized and will be disseminated in English, French and Spanish at the end of 2015.
10. Initiate work towards the development of an overall results framework for the Convention, including objectives, indicators and benchmarks. Some of the potential indicators are already implied in the questions included in the periodic reports by Parties, others will have to be newly identified and continuously updated over time in order to capture evolving trends and to respond to changing contexts. (Secretariat /Intergovernmental Committee)	A Results-Based Management Framework was developed for the IFCD with short- and long-term objectives, time-frames and SMART indicators in order to monitor and improve the performance of the Fund and to demonstrate that it is achieving its objectives. The Framework has been introduced into the managing mechanisms of the IFCD. The Secretariat has also initiated the establishment of a result-based baseline for the Framework to gather consistent and comparable data by retrospectively analysing and following up all completed projects. A similar framework for the Convention is being prepared with support from Sida, including the production of indicators and benchmarks that will form the basis of a global monitoring report on the state of implementation of the Convention. The first report, including the framework will be published in December 2015.