




United Nations  
Educational, Scientific and  
Cultural Organization



Diversity of  
Cultural Expressions



# Basic Texts

of the 2005 Convention  
on the Protection and  
Promotion of the Diversity of  
Cultural Expressions



## **Diversity of Cultural Expressions**

Culture Sector

UNESCO

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#supportcreativity

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*All the terms used in this Basic Texts to designate the person discharging duties or functions are to be interpreted as implying that men and women are equally eligible to fill any post or seat associated with the discharge of these duties and functions.*

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# 1

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

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# Convention on the Protection and Promotion of the Diversity of Cultural Expressions

Paris, 20 October 2005

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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,

**Affirming** that cultural diversity is a defining characteristic of humanity,

**Conscious** that cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,

**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,

**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,

**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,

**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,

**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,

**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,

**Recognizing** the need to take measures to protect the diversity of cultural expressions, including their contents, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment,

**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,

**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,

**Reaffirming** that freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies,

**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,

**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,

**Taking into account** the importance of the vitality of cultures, including for persons belonging to minorities and indigenous peoples, as 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,

**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,

**Recognizing** the importance of intellectual property rights in sustaining those involved in cultural creativity,

**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,

**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, they also represent a challenge for cultural diversity, namely in view of risks of imbalances between rich and poor countries,

**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,

**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 20 October 2005.



# I. Objectives and guiding principles

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## 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

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**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

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### 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 relating 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

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## 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 the 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 which 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 the existence of 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 referred to in Article 23 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 which 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:

- (a) the strengthening of the cultural industries in developing countries through:
  - (i) creating and strengthening cultural production and distribution capacities in developing countries;
  - (ii) facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;
  - (iii) enabling the emergence of viable local and regional markets;
  - (iv) 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;
  - (v) providing support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world;
  - (vi) encouraging appropriate collaboration between developed and developing countries in the areas, *inter alia*, of music and film;
- (b) 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;
- (c) 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;
- (d) financial support through:
  - (i) the establishment of an International Fund for Cultural Diversity as provided in Article 18;
  - (ii) the provision of official development assistance, as appropriate, including technical assistance, to stimulate and support creativity;
  - (iii) 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 referred to in Article 22.



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 it.
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 nonprofit 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

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#### 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**

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### **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, as far as possible, in conjunction with the General Conference of UNESCO. 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 this 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

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### Article 25 – Settlement of disputes

1. In the event of a dispute between Parties to this Convention concerning the interpretation or the application of the 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 this Convention, the organization and such Member State or States shall decide on their responsibility for the performance of their obligations under this Convention. Such distribution of responsibility shall take effect following completion of the notification procedure described in subparagraph (c). The organization and the Member States shall not be entitled to exercise rights under this 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 this 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 organization” 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

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### Article 1 – Conciliation commission

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 twomonth 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 – Disagreement

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



# 2

## OPERATIONAL GUIDELINES

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# Operational Guidelines

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- Measures to Promote Cultural Expressions
- Measures to Protect Cultural Expressions – Special Situations
- Information Sharing and Transparency
  - Annex – Framework for Quadrennial Periodic Reports on Measures to Protect and Promote the Diversity of Cultural Expressions
- Education and Public Awareness
- Role and Participation of Civil Society
  - Annex – Set of Criteria for Admission of Civil Society Representatives at the Meetings of the Organs of the Convention
- Promotion of International Cooperation
- Integration of Culture in Sustainable Development
- Cooperation for Development
- Modalities for Partnerships
- Preferential Treatment for Developing Countries
- Guidelines on the Use of the Resources of the International Fund for Cultural Diversity
- Exchange, Analysis and Dissemination of Information
- Measures to Ensure the Visibility and the Promotion of the Convention
- Guidelines on the Use of the Emblem of the Convention
- Guidelines on the Implementation of the Convention in the Digital Environment

# Measures to Promote Cultural Expressions

Approved by the Conference of Parties  
at its second session (2009)

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## Article 7 – Measures to Promote Cultural Expressions

1. Parties shall endeavour to create in their territory an environment which 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.
- 

## Principles

1. Cultural policies and measures developed by Parties to promote the diversity of cultural expressions should:
  - 1.1 be part of an integrated approach at the appropriate level and in accordance with the constitutional frameworks;
  - 1.2 be based upon the guiding principles as set forth in Article 2 of the Convention;
  - 1.3 foster the full participation and engagement of all members of society contributing to the diversity of cultural expressions, particularly persons belonging to minorities, indigenous peoples and women;
  - 1.4 take into account the provisions of other international legal instruments in the field of culture which are applicable thereto;
  - 1.5 foster the emergence of a dynamic cultural sector, taking into account all aspects of the cultural activities, goods and services in their diverse modes of creation, production, dissemination, distribution and access, whatever the means and technologies used.

- 1.6** aim, more specifically to:
- 1.6.1** at the stage of creation, support artists and creators in their efforts to create cultural activities, goods and services;
  - 1.6.2** at the stage of production, support the development of cultural activities, goods and services by promoting access to production mechanisms and encouraging the development of cultural enterprises;
  - 1.6.3** at the stage of distribution/dissemination, promote the opportunity of access in the distribution of cultural activities, goods and services through public, private or institutional channels at the national, regional and international level; and
  - 1.6.4** at the stage of access, provide information about available domestic or foreign cultural activities, goods and services by making the appropriate incentives available, and develop the capacity for the public to avail itself of such access.

## Measures used to facilitate the promotion of cultural expressions (best practices)

In accordance with the sovereign right of States to formulate and implement cultural policies and adopt measures (Article 5.1 of the Convention), the Parties are encouraged to develop and implement policy instruments and training activities in the field of culture. Such instruments and activities should aim at supporting the creation, production, distribution, dissemination and access to cultural activities, goods and services with the participation of all stakeholders, notably civil society as defined in the Operational Guidelines.

- 2.** These instruments could be related to the following fields:
- 2.1** Legislative: e.g. establishment of structuring legislation in the cultural field (for example, legislation on broadcasting, copyright, status of the artist, etc.);
  - 2.2** Creation/production/distribution: e.g. creation of cultural organizations mandated to create, produce, present or render access to domestic cultural content;
  - 2.3** Financial support: e.g. development of financial support programmes including tax incentives that provide assistance for the creation, production, distribution and dissemination of domestic cultural activities, goods and services;
  - 2.4** Advocacy and promotion: e.g. participation in exchanges on various international legal instruments to advocate and promote the rights of Parties;
  - 2.5** Export and import strategies: e.g. develop both export-driven (promoting cultural expressions abroad) and import-driven strategies (enabling the distribution of diverse cultural expressions in their respective markets);
  - 2.6** Access strategies: e.g. encourage programmes for economically disadvantaged groups and incentives so as to facilitate their access to cultural goods and services.

3. Bearing in mind the technological changes under way in the field of culture and which have the potential to bring considerable change in matters related to the creation, production, distribution and dissemination of cultural content, Parties are encouraged to promote the following types of intervention:
  - 3.1 place specific emphasis on measures and policies aimed at promoting the diversity of cultural expressions that are best adapted to the new technological environment; and
  - 3.2 foster the transfer of information and expertise to help cultural professionals and the cultural industries, with particular regard for youth, to acquire the knowledge and skills required to benefit fully from the perspectives offered by these new technologies.
4. Policy measures and instruments should, wherever possible, be based on existing structures and networks, including grass root communities. These structures should be examined to see how they could be further developed into strategic platforms. At the same time, the development of cultural policies and the establishment of creative industries at the national level could be reinforced through, *inter alia*, regional approaches, wherever possible.
5. Beyond the principles that Parties should endeavour to apply and the measures they are encouraged to implement, Parties are encouraged to communicate better and share information and expertise on the policies, measures, programmes or initiatives that have achieved the best results in the field of culture.



# Measures to Protect<sup>1</sup> Cultural Expressions

## Special Situations

Approved by the Conference of Parties at its second session (2009)

### Article 8 – Measures to Protect Cultural Expressions

1. Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of 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 referred to in Article 23 all measures taken to meet the exigencies of the situation, and the Committee may make appropriate recommendations.

### 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.

## Special situations

1. The nature of threats to cultural expressions can be *inter alia* cultural, physical or economic.
2. Parties may take all appropriate measures to protect and preserve cultural expressions within their territories in special situations in conformity with Article 8 of the present Convention.

## Measures to protect and preserve cultural expressions

3. Measures taken by the Party under Article 8 (2) will depend on the nature of the “special situation” determined by the Party and may include but will not be

1. According to Article 4.7 of the Convention, “Protection” means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions, and “Protect” means to adopt such measures.

limited to: short-term or emergency measures designed to have an immediate effect; reinforcement or amendment of existing policies and measures; new policies and measures; long term strategies; and appeals to international cooperation.

4. Parties should ensure, that the measures taken under Article 8 (2) do not hinder the guiding principles of the Convention nor are, in any other way, inconsistent with the letter and the spirit of the Convention.

## Reporting to the Committee

5. Whenever a Party reports to the Intergovernmental Committee under Article 8.3, it should be able to:
  - 5.1 determine that the situation cannot be subject to action under other UNESCO Conventions;
  - 5.2 identify the risk or threat to the cultural expression or the urgent safeguarding needed, involving experts, civil society, and including grass root communities as appropriate;
  - 5.3 demonstrate the source of the threat *inter alia* with factual data;
  - 5.4 determine the vulnerability and importance of the cultural expression at risk;
  - 5.5 determine the nature of the consequences of the risk or threat to the cultural expression, and demonstrate the nature of the cultural consequences;
  - 5.6 explain the measures taken or proposed to remedy the special situation, including short-term and emergency measures, or long-term strategies;
  - 5.7 if necessary, appeal for international cooperation and assistance.
6. Where a Party has identified a special situation under Article 8 (1) and taken measures under Article 8 (2), the concerned Party will report to the Committee regarding the measures taken. The report should contain the information listed at paragraph 5 of this chapter.
7. The report should be provided to the Committee at least three months before the opening of an ordinary session of the Committee in order to allow for the dissemination of information and consideration of the issue.

## Role of the Intergovernmental Committee

8. The Committee will include reports on special situations under Article 8 on the agenda of its ordinary sessions. It will examine the reports and the elements attached thereto.
9. Where a Party has determined a special situation on its territory and brought it to the attention of the Committee, the latter may make recommendations and propose remedial measures to be implemented by the Party concerned, if deemed necessary, in compliance with Article 8 (3) and Article 23 (6) (d).

10. Where a special situation under Article 8 (1) has been determined by a Party, the Committee may also recommend the following appropriate measures:
  - 10.1 foster the dissemination of information on best practices of Parties in similar situations;
  - 10.2 inform the Parties of the situation and invite them to take action in order to provide assistance within the framework of Article 17;
  - 10.3 suggest to the Party concerned that it seek assistance, if needed, from the International Fund for Cultural Diversity. This request should be accompanied by the information and data described in paragraph 5 of this chapter and all other information deemed necessary.

## Periodical Report

11. Where a Party has determined a special situation under Article 8 (1) and measures have been taken under Article 8 (2), the Party concerned will include appropriate information about these measures in its periodical report to be provided to UNESCO under Article 9 (a).

## International cooperation

12. In accordance with Article 17, the Parties shall cooperate in providing assistance to each other, paying particular attention to developing countries, in situations referred to under Article 8.
13. Cooperation may take various forms: bilateral, regional or multilateral. In this context, Parties may seek assistance from other Parties in accordance with Article 17, and that assistance may be *inter alia* technical or financial.
14. In addition to the individual action by the Parties concerned to remedy a special situation, coordinated actions by the Parties should be encouraged.

# Information Sharing and Transparency

Approved by the Conference of Parties at its third session (2011) and revised at its seventh session (2019)

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## 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.*
- 

## Quadrennial Periodic Reports of the Parties to the Convention

1. Each Party submits, the fourth year following the year in which it deposited its instrument of ratification, acceptance, approval or accession, and every fourth year thereafter, a report to the Conference of Parties for its review in accordance with Article 22.4 (b).
2. The reports shall provide relevant information on policies and measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level, as well as on the impact and results of these policies and measures.
3. The information and data provided in these reports shall facilitate an exchange of experiences and best practices in order to contribute to the implementation of the Convention and its monitoring.
4. The reports shall be written in language consistent with the United Nations Charter and the 2005 Convention with a view to encourage dialogue and mutual respect among Parties and avoid politicisation.

## Format and Content of Reports

5. The Parties will provide information according to the format approved by the Conference of Parties and contained in the framework for reports annexed to these Guidelines. It is understood that the Conference of Parties may decide to adapt the framework, taking into account the timetable it has set itself in conformity with Article 9 (a).

6. The quadrennial periodic reports provide qualitative and quantitative information and analyse how, why, when and with what impact, policies and measures, based on the guiding principles set forth in Article 2 of the Convention, to protect and promote the diversity of cultural expressions have been introduced. The reports also provide statistical evidence, as much as possible, as well as examples of measures and experiences Parties wish to share.
7. In preparing their reports, Parties will consider the implications of the Convention on the governance of culture and integrated policy-making for the creative sector. Parties are encouraged to form inter-ministerial working groups, involving various governmental institutions responsible for arts and culture, education, trade, industry, tourism, labour, social and economic development, finance, planning, investment, communications and other governmental institutions concerned, to compile their reports. They are also encouraged to ensure that different government tiers, such as regions and cities, contribute to the preparation of the report.
8. In accordance with the Operational Guidelines for Article 16 of the Convention concerning preferential treatment for developing countries, developed countries will describe how they have implemented their obligations in conformity with this Article. In their turn, developing countries will report on the needs assessment they have carried out and the measures implemented to enhance their benefit from preferential treatment.
9. For each reporting cycle the Conference of Parties may establish, through a corresponding resolution, one or more thematic focus areas in order to address current policy issues and respond to changing contexts.
10. In accordance with the UNESCO Global Priority Gender Equality, the reports shall include information on the measures taken in order to facilitate and promote access for and the participation of women as creators and producers of cultural expressions, as well as the participation of women in the cultural life of societies.
11. Pursuant to the new UNESCO Operational Strategy 2014-2021 for Youth, the reports of the Parties shall include information on the measures taken in order to facilitate and encourage the participation of youth in cultural life as creators, producers and beneficiaries of cultural activities, goods and services.
12. Information shall be presented in a clear and concise manner.

## Ensuring a Participatory Process

13. In preparing their reports, Parties shall conduct multi-stakeholder consultations involving governmental and non-governmental actors, in order to capture the entire range of existing levels of engagement and sources of information.
14. In conformity with Article 11 of the Convention and the Operational Guidelines on the role and participation of civil society, Parties ensure the involvement of civil society in the preparation of the reports according to jointly-agreed modalities. The reports shall indicate the way in which civil society participated in the drafting process.
15. Parties are encouraged to cooperate with specialised bodies at local, national, regional and international levels to collect information and data requested in the framework of the quadrennial periodic reports.

## Submission and Dissemination of Reports

16. Upon request of the Conference of Parties, the Secretariat invites Parties to prepare their quadrennial periodic reports, at the latest six months before the date set for submission. To this end, the Secretariat refers to the points of contact appointed by Parties and to the Permanent Delegations to UNESCO as well as the National Commissions for UNESCO.
17. Parties submit reports to the Secretariat in one of the working languages of the Committee (English or French) in electronic form and on paper, if an electronic signature has not been included. In order to facilitate the processing of data and information, Parties should give priority to the use of the online platform for the submission of reports. For purposes of information sharing, Parties are encouraged to submit their reports in additional languages, whenever possible.
18. Upon receipt of the reports of the Parties, the Secretariat registers them, acknowledges their receipt and transmits them to the Committee.
19. The Secretariat forwards to the Committee before its ordinary sessions preceding every two Conference of Parties (i.e., every four years) a report monitoring the implementation of the Convention at the international level on the basis of the information and data derived from the quadrennial periodic reports and other sources. The report will indicate transversal issues as well as challenges identified in the reports to be addressed in the future implementation of the Convention.
20. In accordance with Articles 22.4 (b) and 23.6 (c) of the Convention, quadrennial periodic reports, after deliberation by the Committee, are forwarded to the Conference of Parties for review. These reports are accompanied by the Committee's comments and the monitoring report prepared by the Secretariat.
21. To facilitate the exchange of information relating to the protection and promotion of the diversity of cultural expressions, quadrennial periodic reports are made public on the website of the Convention before each session of the Committee at which they have been considered.

## Points of Contact

22. Upon ratification, Parties designate a point of contact responsible for sharing information on the Convention at the national level and, via the Secretariat, at the international level. If the point of contact changes, the Parties shall notify the Secretariat as soon as possible.
23. Points of contact are communication channels through which information about the Convention can be disseminated to relevant Ministries and public agencies. Points of contact shall be in a position to respond to queries about the Convention from the public.
24. Parties shall involve the points of contact in gathering relevant information, coordinating the inputs from different governmental and non-governmental sources, and drafting their quadrennial periodic reports.

# Annex

## Framework for Quadrennial Periodic Reports on Measures to Protect and Promote the Diversity of Cultural Expressions

### Structure

Quadrennial periodic reports (hereinafter “reports”) are divided into five sections.

Number	Section	Sub-section
1	<i>General information</i>	Technical information
		Executive summary
2	<i>Policies and measures</i>	<b>Goal 1</b> – Support sustainable systems of governance for culture <ul style="list-style-type: none"> <li>• Cultural and creative sectors</li> <li>• Media diversity</li> <li>• Digital environment</li> <li>• Partnering with civil society</li> </ul>
		<b>Goal 2</b> – Achieve a balanced flow of cultural goods and services and increase the mobility of artists and cultural professionals <ul style="list-style-type: none"> <li>• Mobility of artists and cultural professionals</li> <li>• Flow of cultural goods and services</li> <li>• Treaties and agreements</li> </ul>
		<b>Goal 3</b> – Integrate culture in sustainable development frameworks <ul style="list-style-type: none"> <li>• National sustainable development policies and plans</li> <li>• International cooperation for sustainable development</li> </ul>
		<b>Goal 4</b> – Promote human rights and fundamental freedoms <ul style="list-style-type: none"> <li>• Gender equality</li> <li>• Artistic freedom</li> </ul>
		<b>Emerging Transversal Issues</b>
3	<i>Achievements and challenges</i>	Results achieved
		Challenges encountered
		Solutions found
		Next steps
4	<i>Civil society</i>	Technical information
		Measures and initiatives
		Achievements and challenges
5	<i>Annexes</i>	

## Guidelines for writing reports

The following guidelines shall be taken into consideration when collecting information and data, and writing reports:

- (i) Declarative statements shall be supported by facts and explanations.
- (ii) The reports shall be written in language consistent with the United Nations Charter and the 2005 Convention with a view to encourage dialogue and mutual respect among Parties and avoid politicisation.
- (iii) Information and analysis are to be derived from a variety of sources and be illustrated with examples and, whenever possible, with data.
- (iv) Long historical accounts are to be avoided.
- (v) Means of verification, presented as quantitative and qualitative questions, relating to any of the 11 areas of monitoring of the Convention, shall, as far as possible, receive answers and be justified.
- (vi) While it is not mandatory to report policies and measures in each of the 11 areas of monitoring, it is highly recommended that as many areas of monitoring as possible be covered, so as to provide a coherent and comprehensive picture of the work carried out at the national level to implement the Convention.
- (vii) The description of the policies and measures should be clear and succinct, focusing on priority lines of action and, where possible, achieved impact.
- (viii) Intangible cultural heritage is not covered by the scope of the 2005 Convention and should therefore not be covered in this report.
- (ix) Parties that have already submitted a quadrennial periodic report on the implementation of the Convention will report on policies and measures, achievements and challenges faced during the four years following their previous report.

## Technical procedures for submission and follow-up of reports

The following procedures shall be respected:

- (i) Parties submit the reports in English or French (the working languages of the Committee) and, when possible, in other languages, using the electronic form prepared for this purpose by the Secretariat based on the Framework for Periodic Reports.
- (ii) The report shall conclude with the original signature, which may be electronic, of the official designated to sign on behalf of the Party.
- (iii) If the online form has not been signed electronically, the original signed version(s) is (are) sent to the following address: UNESCO, Diversity of Cultural Expressions, 7 place de Fontenoy, 75352 Paris 07 SP, France.



## 1. General Information

### Technical Information

#### Executive summary

Parties shall provide a one-page summary in their reports, describing the main objectives and priorities of their current cultural policy, in direct relation with the Convention.

The summary is not an introduction to the report or an annotated table of contents.

The summary is submitted to the Committee and the Conference of Parties in accordance with Articles 22.4 (b) and 23.6 (c) of the Convention.

## 2. Policies and measures

- > The “Policies and measures” section is the core of the periodic reports. Its structure is based on the Monitoring Framework of the Convention so as to promote a systematic follow-up of the implementation of the 4 goals of the Convention.
- > Thus, the “Policies and measures” section covers the 11 areas of monitoring of the Convention. An identical structure is proposed for each area of monitoring, including:
  - a brief introduction on the type of information that Parties are invited to provide;
  - means of verification, presented as qualitative and quantitative questions, allowing for systematic data collection on the implementation of the area of monitoring at the national level;
  - a narrative presentation of the key policies and measures implemented for each area of monitoring.
- > For each policy or measure, specific questions are included concerning their link with the IFCD and the UNESCO Operational Strategy on Youth 2014-2021.
- > For further information on the types of measures to be reported, a list of innovative examples is available on the Policy Monitoring Platform on the Convention’s website.



### Goal 1 – Support sustainable systems of governance for culture



#### Cultural and creative sectors

Parties shall provide information on policies and measures adopted to support cultural and creative sectors and protect and promote the diversity of cultural expressions within their territory, at the national, regional or local levels, at the different stages of the cultural value chain: creation; production; distribution/dissemination; participation/enjoyment.

Parties shall also provide information on the mechanisms of inter-ministerial cooperation, as well as cooperation between national and local/regional government authorities, established to promote the diversity of cultural expressions.

### Media diversity

Parties shall provide information on the efforts made to protect the editorial independence and freedom of the media, uphold regulations on media concentration, and support access to diverse content for all groups in society.

They are also required to report on the policies and measures adopted to support the diversity of cultural content in all types of media (public, private and community-based).

### Digital environment

Parties shall provide information on policies and measures that support digital creativity, local cultural industries and markets, for instance by promoting fair remuneration for creators or by modernising cultural industries in the digital environment.

They shall also report on initiatives to improve access to digital culture and to diverse cultural expressions in the digital environment.

### Partnering with civil society

Parties shall provide information on measures targeting civil society organisations<sup>2</sup> involved in the promotion of the diversity of cultural expressions and providing, *inter alia*: public funding to achieve the objectives of the Convention; opportunities for networking with public authorities and other civil society organisations; training opportunities to acquire skills; spaces for dialogue with government authorities to design and monitor cultural policies.



## Goal 2 – Achieve a balanced flow of cultural goods and services and increase the mobility of artists and cultural professionals



### Mobility of artists and cultural professionals

Parties shall provide information on policies and measures, including preferential treatment as defined in Article 16 of the Convention,<sup>3</sup> aimed at promoting the inward and outward mobility of artists and other cultural professionals around the world.

<sup>2</sup> For the purposes of this Convention, civil society means non-governmental organisations, non-profit organisations, professionals in the culture sector and associated sectors, groups that support the work of artists and cultural communities (see paragraph 3 of the Operational Guidelines on the Role and Participation of Civil Society).

<sup>3</sup> Article 16 of the Convention stipulates that preferential treatment is to be granted by developed to developing countries, through appropriate legal and institutional frameworks to achieve, *inter alia*, the emergence of a dynamic cultural sector in developing countries and wider and more balanced cultural exchanges. Preferential treatment is understood as having both a cultural and a trade component. It creates an obligation for developed countries in favour of developing countries with regard to persons (artists and cultural professionals) and cultural goods and services.

They shall also report on operational programmes implemented to support the mobility of artists and cultural professionals, particularly those moving to and from developing countries, through programmes for South-South and triangular cooperation.

### Flow of cultural goods and services

Parties shall report on policies and measures, including preferential treatment as defined in Article 16 of the Convention, to facilitate a balanced exchange of cultural goods and services throughout the world, and to regularly monitor the evolution of these exchanges.

Such policies and measures include, *inter alia*, export and import strategies, North-South and South-South cultural cooperation programmes and aid for trade programmes as well as foreign direct investment into the cultural and creative industries.

### Treaties and agreements

Parties shall report on the ways in which cultural goods and services are treated in trade and investment agreements to which they are signatories or which are under negotiation at the international, regional and bilateral levels and provide information on the introduction of cultural clauses related to e-commerce and digital products.

Parties shall also report on the initiatives undertaken to promote the objectives and principles of the Convention in other treaties and agreements as well as in declarations, recommendations and resolutions.



## Goal 3 – Integrate culture in sustainable development frameworks



### National sustainable development policies and plans

Parties shall provide information on policies and measures designed to integrate creativity and cultural expressions as strategic elements in national sustainable development planning and sustainable development policies. Information shall also be provided on how these measures contribute to achieving economic, social and environmental outcomes and ensuring equitable distribution and access to resources and cultural expressions.

Typically, these measures are implemented by agencies responsible for economic growth, environmental sustainability, social inclusion and culture. The measures should reflect this interdependence and indicate the establishment of dedicated coordination mechanisms.

### International cooperation for sustainable development

Parties shall report on policies and measures that are designed to integrate culture as a strategic element in international and regional cooperation and assistance programmes for sustainable development, including South-South cooperation, in order to support the emergence of dynamic creative sectors in developing countries.

Such policies and measures are generally implemented by international cooperation agencies and/or ministries and agencies in charge of foreign affairs and culture. The measures to be reported should include, where appropriate, the establishment of coordination mechanisms.



## Goal 4 – Promote human rights and fundamental freedoms



### Gender equality

Parties shall describe policies and measures taken to promote gender equality<sup>4</sup> in the culture and media sectors. Parties shall present, *inter alia*, policies and measures aiming to support women as creators, producers and distributors of cultural activities, goods and services, as well as women's access to decision-making positions. They shall also report on the policies and measures that support women as beneficiaries of diverse cultural expressions and citizens fully participating in cultural life.

Parties shall also report on efforts to generate up-to-date data on progress made towards gender equality in the culture and media sectors.

### Artistic freedom

Parties shall report on policies and measures adopted and implemented to promote and protect the artistic freedom of artists and their audiences.<sup>5</sup>

Parties shall thus highlight actions taken to protect and promote: the right to create without censorship or intimidation; the right to have artistic activities supported, distributed and remunerated; the right to freedom of association; the right to the protection of artists' social and economic rights; and the right to participate in cultural life.

### Emerging transversal issues

In this sub-section, Parties report on the emerging transversal issues identified by the governing bodies of the Convention for each reporting cycle.

A resolution of the Conference of Parties will determine the transversal issue(s) to be reported on for each four-year reporting cycle.

This sub-section also enables Parties to present any other policies and measures that directly contribute to the implementation of the Convention and that would not be covered by one of the 11 monitoring areas of the Convention.

<sup>4</sup> Gender equality is a global priority of UNESCO. According to Article 7 of the Convention, Parties are encouraged to "pay due attention to the special circumstances and needs of women."

<sup>5</sup> Article 2 of the Convention states in its first guiding principle that "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."

### 3. Achievements and challenges

In this section of the reports, Parties shall share information on:

- ➔ the main results achieved in implementing the Convention;
- ➔ the main implementation challenges encountered or foreseen;
- ➔ the solutions found or envisaged to overcome those challenges;
- ➔ the steps planned for the next four years towards the implementation of the Convention and the priorities identified for that period.

### 4. Civil society

- > *This section is intended to promote cooperation with civil society in the preparation of periodic reports. It is the subject of a separate electronic form focused on the protection and promotion of the diversity of cultural expressions by civil society organisations.*
- > *The electronic form can be downloaded and sent to civil society organisations involved in the drafting of the periodic report.*
- > *It is recommended that a working meeting be convened with key civil society organisations involved in the implementation of the Convention, so that they can collectively complete the different sub-sections of the form.*
- > *If this participatory approach is not possible, Parties can send the electronic form to the civil society organisations and then consolidate the various contributions into the final periodic report submission form.*

### Technical Information

#### Measures and initiatives

- > *The section “Measures and initiatives” targeting civil society organisations has the following structure:*
  - *a brief introduction on the type of information that civil society organisations are invited to provide;*
  - *means of verification, in the form of qualitative and quantitative questions;*
  - *a narrative presentation of key measures and initiatives for the protection and promotion of the diversity of cultural expressions that civil society organisations have participated in and/or pursued.*

This sub-section is intended to encourage civil society to present information on what it is doing to implement the Convention.

In accordance with its role and responsibilities defined in Article 11 of the Convention and its Operational Guidelines, civil society is encouraged to report, *inter alia*, on:

- ➔ the levels of organisation and structuring of civil society organisations concerned by the 2005 Convention;
- ➔ opportunities for training and mentoring with public authorities and other civil society organisations;
- ➔ participation in mechanisms for dialogue and consultation with public authorities and/or other sectors of civil society to contribute to the design and/or implementation and/or monitoring of public policies;
- ➔ activities to promote the diversity of cultural expressions;
- ➔ public funding to implement programmes and projects supporting the diversity of cultural expressions;
- ➔ specific initiatives to promote artistic freedom and the mobility of artists and cultural professionals.

### **Achievements and challenges**

In this sub-section, civil society organisations can share information on:

- ➔ the main results achieved in implementing the Convention;
- ➔ the main implementation challenges encountered or foreseen;
- ➔ the solutions found or envisaged to overcome those challenges;
- ➔ the steps planned for the next four years towards the implementation of the Convention and priorities identified for that period.

## **5. Annexes**

In this section, Parties can upload documents that provide additional information on the actions undertaken in the last four years to promote the implementation of the four goals of the Convention (strategic documents, policies, laws, statistical studies, impact assessments of their action, etc.).

# Education and Public Awareness

## Approved by the Conference of Parties at its third session (2011)

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### 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 which does not have a negative impact on traditional forms of production.*
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### General considerations

1. *Parties to the Convention have a crucial responsibility to encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions, including through formal and non-formal educational programmes, as well as public awareness activities aimed at citizens of all ages.*
2. *Educational and public awareness-raising programmes and measures should, inter alia, highlight the distinct characteristics of this Convention and bring out its specificities in comparison to other UNESCO normative instruments in the field of culture.*

### Educational tools and programmes

3. *Parties should encourage, at the appropriate levels, the adoption of an integrated approach in the design and implementation of educational programmes that promote the objectives and principles of the Convention. This should involve strengthening the ties between culture and education at the policy, programme and institutional levels.*
4. *Professions in the field of cultural industries have undergone rapid change; training for these professions must therefore be subject to a continual process of reflection and initiatives. In this respect, Parties shall consider, but not restrict themselves to the following: identification of skills required and gaps in training, particularly related to digital expertise; the development of curricula; building partnerships between training institutions and industrial sectors concerned. Finally, cooperation with public authorities and private institutions involved in sustainable development and youth programmes should also be encouraged.*

5. *Schools are important platforms* for transmitting information and knowledge on the importance of protecting and promoting the diversity of cultural expressions to young people. In this context, Parties can encourage, at the appropriate levels, the introduction of policies and programmes as well as the dedication of required resources aimed at:
  - (a) including the diversity of cultural expressions in school curricula adapted to local contexts and cultures;
  - (b) developing educational and training materials in multiple formats, including those online, such as books, CDs, videos, documentaries, manuals or brochures, interactive games, etc.;
  - (c) inviting artists and cultural professionals in the development of such materials and to participate in the activities of schools and other educational institutions;
  - (d) enhancing the capacities of teachers to raise students' awareness about the diversity of cultural expressions and use, wherever available, guides and manuals to this end;
  - (e) involving adults and parent associations to suggest themes and modules for teaching about the diversity of cultural expressions in schools;
  - (f) involving youth in collecting and disseminating information about the diversity of cultural expressions in their communities;
  - (g) transmitting acquired experiences through the promotion of participatory educational methodologies, mentoring activities and apprenticeships.
  
6. *Higher education, training and research institutions* are important environments for nurturing creativity and building capacities in the field of cultural industries and development of cultural policies. In this context, Parties can support such institutions and encourage them to introduce programmes that facilitate skills development, the mobility and exchange of the next generation of cultural industry and cultural policy professionals. Parties may also consider establishing UNESCO Chairs in the field of cultural policies and industries.

## Raising public awareness

7. Parties can devote resources to develop *awareness-raising tools* in multiple formats that meet the needs of diverse audiences, employ new information and communication technologies as well as non-formal means of transmitting knowledge. Artists and cultural professionals are to be invited to participate in the development of such tools.
  
8. Parties shall *provide support for events* that can raise public awareness and disseminate information on the diversity of cultural expressions through, for example, the organization of symposia, workshops, seminars and public fora as well as exhibitions, concerts, festivals, competitions, international days, etc. In this context, whenever possible, Parties should partner with public and private actors as well as existing civil society structures and networks.



9. The media can effectively contribute to raising public awareness about the importance of protecting and promoting the diversity of cultural expressions. Parties should provide support for the production of specialized programmes and campaigns that can be distributed through all types of media and reach diverse target groups. The establishment of a network of cultural journalists specializing in this field could be encouraged. Local broadcasting networks and community radios could play a major role in enhancing knowledge of diverse cultural expressions and events, as well as sharing information on good practices.

### **Promoting cooperation**

10. Parties are encouraged to establish close collaboration with other intergovernmental and regional organizations in their efforts to raise awareness of the importance of protecting and promoting the diversity of cultural expressions.
11. Parties are encouraged, through their designated points of contact (Articles 9 and 28 of the Convention) or through the National Commissions, to monitor the implementation of educational programmes and public awareness activities and to share information and good practices between them.

# Role and Participation of Civil Society

Approved by the Conference of Parties at its second session (2009)

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1. The Convention's most explicit provision with regard to civil society is Article 11 (Participation of civil society). Reference to civil society is made, explicitly or implicitly, in several other provisions of the Convention, including Articles 6, 7, 12, 15 and 19.

2. **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.*

## Definition and roles of civil society

3. For the purposes of this Convention, civil society means non-governmental organizations, non-profit organizations, professionals in the culture sector and associated sectors, groups that support the work of artists and cultural communities.
4. Civil society plays an essential role in the implementation of the Convention: it brings citizens', associations' and enterprises' concerns to public authorities, monitors policies and programmes implementation, plays a watchdog role, serves as value-guardian and innovator, as well as contributes to the achievement of greater transparency and accountability in governance.

## Contribution of civil society to the implementation of the provisions of the Convention

5. Parties should encourage civil society to participate in the implementation of the Convention by associating it by appropriate means on cultural policy-making and by facilitating access to information relating to the protection and promotion of the diversity of cultural expressions, and facilitating the strengthening of capacities in this field. Parties could foresee the provision of *ad hoc*, flexible and effective mechanisms in this regard.
6. The potential of civil society to act as an innovator and change-agent in the implementation of the Convention should be fully utilised. Parties should encourage civil society to bring new ideas and approaches to the formulation of cultural policies, as well as to the development of innovative cultural processes, practices or programmes that help achieve the objectives of the Convention.

The contribution of civil society could be exercised in the following areas:

- support to Parties, as appropriate, in the elaboration and implementation of cultural policies;
- capacity-building in specific domains linked to the implementation of the Convention and carrying out data collection in the field of the protection and promotion of the diversity of cultural expressions;
- promotion of specific cultural expressions by giving voice to groups such as women, persons belonging to minorities, and indigenous peoples, so as to ensure that all stakeholders' special circumstances and needs are taken into account when formulating cultural policies;
- advocating the widespread ratification of the Convention and its implementation by governments, as well as in assisting Parties to promote the objectives and principles of the Convention in other international forums;
- input in the establishment of periodical reports of Parties, within their field of competence. This input would give more responsibility to civil society and would encourage transparency in the elaboration of the reports;
- cooperation for development at local, national and international levels, by initiating, creating or being associated to innovative partnerships with the public and private sectors as well as with civil society of other regions of the world (Article 15 of the Convention).

## Contribution of civil society to the work of the organs of the Convention

7. Civil society is encouraged to contribute to the work of the organs of the Convention according to the modalities to be defined by these organs.
8. The Committee may consult at any time public or private organizations and individuals on specific issues in accordance with Article 23 (7) of the Convention. In such cases, the Committee may invite them to attend a specific meeting of the Committee, regardless of whether the organization or group has been accredited to participate in the sessions of the Committee.
9. Civil society organizations authorised to participate as observers in the Conference of Parties and the Intergovernmental Committee, according to the Rules of Procedure of the respective body, may:
  - maintain the dialogue with Parties in an interactive manner with regard to their positive contribution to the implementation of the Convention, preferably, as appropriate, before the sessions of the organs;
  - participate in the meetings of these bodies;
  - be given the floor by the Chairperson of the respective body;
  - submit written contributions relevant to the work of the respective bodies when authorized by the Chairperson, to be circulated to all delegations and observers by the Secretariat to the Convention as information documents.

## **Participation of civil society in the International Fund for Cultural Diversity**

10. The elements concerning this participation are addressed within the framework of the operational guidelines on the use of the resources of the Fund.

# Annex

## Set of Criteria for Admission of Civil Society Representatives at the Meetings of the Organs of the Convention

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1. Civil society organizations or groups could be admitted to attend the sessions of the organs of the Convention, according to the procedure established by the Rules of Procedure of each organ, if they comply with the following criteria:
  - (a) have interests and activities in one or more fields covered by the Convention;
  - (b) have a legal status in compliance with the established rules of the jurisdiction in the country of registration;
  - (c) are representative of their respective field of activity, or of the respective social or professional groups they represent.
2. The request for admission shall be signed by the official representative of the organization or group<sup>6</sup> and will be accompanied by:
  - (a) a copy of its statutes or bylaws;
  - (b) a list of members or, in the case of non-membership entities (e.g. foundations), a list of board members;
  - (c) a brief description of their recent activities, which also illustrates their representativeness in the fields covered by the Convention.

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6. This does not apply to NGOs maintaining official relations with UNESCO.

# Promotion of International Cooperation

**At its second session in June 2009, the Conference of Parties decided that ‘Article 12 of the Convention is already of an operational character and needs no further explanation in the guidelines’ (Resolution 2.CP 7)**

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## **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.*
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# Integration of Culture in Sustainable Development

Approved by the Conference of Parties  
at its second session (2009)

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## 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.*

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### General considerations

1. Sustainable development is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (Report of the World Commission on Environment and Development, 1987).
2. The economic, cultural, social and environmental aspects of sustainable development are complementary.
3. Protection, promotion and maintenance of cultural diversity are essential requirements for sustainable development for the benefit of present and future generations (Article 2.6 of the Convention), since they contribute to social and cultural fulfilment, individual and collective well-being, and to the maintenance of creativity and vitality of cultures and institutions.
4. The diversity of cultural expressions must be taken into account in the development process because it contributes to the strengthening of identity and social cohesion and to the building of inclusive societies that uphold the equal dignity of and respect for all cultures.
5. Culture should be integrated into national policies and plans and into international cooperation strategies in order to achieve human development goals<sup>7</sup> and notably poverty reduction.
6. The integration of culture into development policies at all levels (local, national, regional and international) makes it possible to:
  - 6.1 contribute to the protection and promotion of the diversity of cultural expressions;

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7. “Human development is a process of enlarging people’s choices”, *Human Development Report*, UNDP, 1990, p.10.

- 6.2 foster universal access, participation in and enjoyment of creation and production of cultural expressions, especially for disadvantaged groups;
- 6.3 realize the full potential and contribution of cultural industries to sustainable development, economic growth and the promotion of decent quality of life through the creation, production, distribution and dissemination of cultural expressions;
- 6.4 maintain social cohesion, fight violence through cultural activities that promote human rights and the culture of peace and reinforce the sense of social integration of youth;
- 6.5 reinforce and improve development policies, *inter alia*, in the sectors of education, tourism, public health, security and urban planning.

## Guidelines

- 7. Sustainable development is the result of a collection of policies and measures suited to national and local contexts that maintain the harmony of the local cultural ecosystem. For the sake of ownership and harmonization of development policies, when developing such policies, Parties shall endeavour to take into account the following elements.
  - 7.1 Since economic, environmental, social and cultural systems are interdependent and cannot be considered separately, sustainable development policies and measures should be formulated, adopted and implemented in concert with all the relevant public authorities in all sectors and at all levels. Thus effective coordination mechanisms should be established, particularly at the national level.
  - 7.2 Raising awareness among decision makers and their partners of the importance of the cultural dimension of development policies and sensitizing development policy managers from other sectors to cultural issues are essential for achieving the objectives of Article 13.
  - 7.3 The integration of culture into sustainable development policies entails acknowledgment, in particular, of:
    - 7.3.1 the fundamental role of education for sustainable development and the inclusion of culture in the different aspects of educational delivery to foster an understanding and appreciation of diversity and its expressions;
    - 7.3.2 recognition of the needs of women, of the various social groups mentioned in Article 7 of the Convention, and of disadvantaged geographical areas;
    - 7.3.3 the use of new technologies and the expansion of networked communication systems.



## Measures related to the integration of the diversity of cultural expressions into sustainable development

8. In order to integrate and foster aspects related to the protection and promotion of the diversity of cultural expressions as elements of their sustainable development policies, Parties are encouraged to:
  - 8.1 provide the necessary conditions for creative abilities to flourish by taking into account the needs of all concerned artists, professionals and practitioners in the cultural sector with special attention to the needs of women, social groups and individuals in disadvantaged geographical areas;
  - 8.2 foster the development of viable cultural industries and in particular of micro, small, and medium enterprises working at the local level;
  - 8.3 encourage long-term investment in the infrastructure, institutions and establishment of legal frameworks necessary for the viability of cultural industries;
  - 8.4 raise awareness among public authorities and their partners, local stakeholders and the various components of society, of the challenges posed by sustainable development and the importance of taking into account its cultural dimension;
  - 8.5 build sustainable technical, budgetary and human capacities in cultural organizations at the local level by, *inter alia*, facilitating their access to financing;
  - 8.6 facilitate sustained, equitable and universal access to the creation and production of cultural goods, activities and services, particularly for women, youth and vulnerable groups;
  - 8.7 consult and include public authorities responsible for issues related to the diversity of cultural expressions, as well as civil society and representatives of the cultural sector involved in the creation, production, distribution and dissemination of cultural activities, goods and services;
  - 8.8 invite civil society to participate in the identification, elaboration and implementation of development policies and measures related to the cultural sector.
9. In order to better evaluate the role of culture in sustainable development, Parties are encouraged to facilitate the elaboration of statistical indicators, the exchange of information and the dissemination and sharing of best practices.

# Cooperation for Development

Approved by the Conference of Parties  
at its second session (2009)

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## 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:*

- (a) *the strengthening of the cultural industries in developing countries through:*
    - (i) *creating and strengthening cultural production and distribution capacities in developing countries;*
    - (ii) *facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;*
    - (iii) *enabling the emergence of viable local and regional markets;*
    - (iv) *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;*
    - (v) *providing support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world;*
    - (vi) *encouraging appropriate collaboration between developed and developing countries in the areas, inter alia, of music and film;*
  - (b) *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;*
  - (c) *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;*
  - (d) *financial support through:*
    - (i) *the establishment of an International Fund for Cultural Diversity as provided in Article 18;*
    - (ii) *the provision of official development assistance, as appropriate, including technical assistance, to stimulate and support creativity;*
    - (iii) *other forms of financial assistance such as low interest loans, grants and other funding mechanisms.*
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## Cooperation for development: scope and objectives

1. Article 14 sets out a non-exhaustive list of means and measures intended to foster the emergence of a dynamic cultural sector, to respond to the specific needs of developing countries with regard to the diversity of cultural expressions and to strengthen the link between culture and development:
  - measures aimed at strengthening of the cultural industries;
  - capacity-building programmes;
  - technology transfer;
  - financial support.
2. Given the links between Articles 14 and 16 (Preferential treatment for developing countries) as well as 18 (International Fund for Cultural Diversity), Parties should apply coherently and consistently the operational guidelines of these three articles.
3. Within the framework of their cooperation activities with developing countries, Parties are also encouraged to develop partnerships as stated in Article 15 of the Convention and with the provisions of Article 16 on preferential treatment.
4. Parties recognize the importance of the International Fund for Cultural Diversity (Article 18) as a multilateral tool for promoting and developing the diversity of cultural expressions in developing countries, underlining however, that the Fund shall not act as a substitute for means and measures used bilaterally or regionally to provide support to these countries.

## Orientations and measures

5. Developing countries will endeavour to identify their priorities, specific needs and interests with regard to the protection and promotion of the diversity of cultural expressions and to produce an operational action plan in order to optimize international cooperation.
6. Cooperation for development between Parties and concerned partners may take, *inter alia*, but not limited to, the forms listed in Article 14 and should foster, in developing countries, an environment conducive to access to and creation, production, distribution/dissemination of cultural activities, goods and services. Paragraphs 6.1 to 6.5 present a non-exhaustive list of measures that could be taken to this end.

In the following domains the measures could in particular consist of:

- 6.1** Strengthening of the cultural industries in developing countries
  - 6.1.1** setting-up and enhancing support mechanisms, including institutional, regulatory, legal and financial incentives for the production, creation, and distribution/dissemination of cultural activities, goods and services at the local, national and regional levels;
  - 6.1.2** supporting the elaboration of export-oriented strategies for cultural activities, goods and services, while strengthening local enterprises and maximizing benefits for the artists, professionals and cultural practitioners in the cultural sector;

- 6.1.3** assist in increasing exchanges of cultural activities, goods and services between developed countries and developing countries and amongst the latter, and increase support to distribution networks and systems at the local, national, regional and international levels;
  - 6.1.4** fostering viable local and regional markets for cultural activities, goods and services, in particular through regulatory action and cultural cooperation programmes and activities, as well as through social inclusion and poverty reduction policies that take into consideration the cultural dimension;
  - 6.1.5** facilitating the mobility of artists and other cultural professionals and practitioners from developing countries and their entry into the territory of developed and developing countries through, *inter alia*, consideration of flexible short-term visa regimes in both developed and developing countries to facilitate such exchanges;
  - 6.1.6** fostering the conclusion of co-production and co-distribution agreements between developed and developing countries and amongst the latter, as well as market access for co-productions.
- 6.2** Capacity-building through exchange of information and training
- 6.2.1** fostering contacts between all concerned artists, professionals and practitioners in the cultural sector and public administrators working in the different fields of the cultural sector of developed and developing countries through networks, cultural exchanges and capacity-building programmes;
  - 6.2.2** supporting the exchange of information on existing and new business models and existing and new forms of promotion and distribution mechanisms on evolving information and communication technologies;
  - 6.2.3** enhancing the entrepreneurial and business competences of professionals working in the cultural industries through management, marketing and financial skills development.
- 6.3** Technology transfer in the areas of cultural industries and enterprises
- 6.3.1** regular assessments of evolving technological needs in terms of both physical resources and skills development with the intention of progressively addressing these, notably through international cooperation, in addition to supplying fair and favourable conditions for technology transfer to developing countries;
  - 6.3.2** facilitate access to new information and communication technologies with regards to production and distribution/dissemination and encourage their use;
  - 6.3.3** support dialogue and regular exchanges between information and communication technology experts and governmental and non-governmental actors of the cultural sector;

- 6.3.4** take appropriate measures to facilitate joint development of technology for the benefit of developing countries.
- 6.4** Financial support
- 6.4.1** integrating the cultural sector within framework plans for official development assistance;
  - 6.4.2** facilitating and supporting the access of micro, small- and medium-sized enterprises, cultural industries, artists, professionals, practitioners of the cultural sector, to sources of public and private funding through appropriate measures, such as subsidies, low-interest loans, guaranteed funds, microcredit, technical assistance, tax benefits, etc;
  - 6.4.3** encouraging Parties to put in place measures, in particular, fiscal incentives to increase the contribution of the private sector to the development of technological innovations and the culture sector.

## The role of the Secretariat

- 7.** Given the role of UNESCO with regard to cooperation for development, Parties shall encourage the Secretariat to support and sustain the implementation and follow-up of the provisions of Article 14. This support will notably consist in collecting information on best practices regarding cooperation for development to the benefit of the Parties.

# Modalities for Partnerships

## Approved by the Conference of Parties at its second session (2009)

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1. The Convention's most explicit provision with regard to partnerships is Article 15 (Collaborative arrangements). Reference to partnerships is made, explicitly or implicitly, in other provisions of the Convention, more particularly in Article 12 (Promotion of international cooperation).

2. **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.*

### Definition and features of partnerships

3. Partnerships are voluntary collaborative arrangements between two or more organizations from different parts of society, such as governmental authorities (at the local and national levels) and authorities (at the regional and international levels) and civil society – including the private sector, the media, academia, artists and artistic groups, etc., in which the risks and benefits are shared between the partners and the modalities of functioning, such as decision-making or allocation of resources, are agreed upon collectively by them.
4. The major principles underpinning successful partnerships include equity, transparency, mutual benefit, responsibility and complementarity.

### The objectives and scope of partnerships

5. Partnerships aim at, but are not limited to, value-added activities seeking to accomplish the following objectives:
  - 5.1 capacity-building of professionals and of public sector officials in the culture – and associated sectors;
  - 5.2 institution building for cultural practitioners and professionals and associated sectors;
  - 5.3 cultural policy elaboration and advocacy;

- 5.4 fostering and mainstreaming protection and promotion of diversity of cultural expressions;
  - 5.5 protection of cultural goods and services and cultural expressions deemed at risk in accordance with Article 8 of the Convention;
  - 5.6 creating and nurturing local, national and regional markets;
  - 5.7 accessing international markets and other appropriate assistance regarding aspects related to the flow of cultural goods and services and cultural exchanges.
6. In conformity with Article 15, partnerships initiated under the Convention should be in accordance with the needs of developing countries, Parties to the Convention.
- 6.1 In order to take forward these collaborative arrangements in the interests of developing countries, they may wish, as far as possible, to undertake an analysis of these needs in consultation with stakeholders from the relevant cultural industries and sectors, and where appropriate, in collaboration with national, regional and international partners, in order to identify cultural expressions or areas in greatest need of attention;
  - 6.2 Needs assessment should include analytical, statistical and quality data, and lead to the formulation of a strategy with focused priorities and set objectives, to allow for proper monitoring;
  - 6.3 Partnerships should build, as much as possible, on existing and potential structures and networks with and amongst the public sector and the civil society, including non-governmental organizations, non-profit organizations, and the private sector.

## The partnering process

7. For the establishment of a partnership, four stages are to be taken into consideration.
- 7.1 Creation and relationship building:  
Parties take into consideration the assessment of the needs and the identification of partners and priority areas regarding development and investment. Parties and partners take into consideration an equitable distribution of resources, roles and responsibilities for the participation and establishment of the necessary means of communication.
  - 7.2 Implementing, managing and maintaining:  
Parties should ensure a concrete and effective implementation of the partnerships. Partnerships should build as much as possible on existing or potential structures and networks with and amongst civil society, including non-governmental organizations and the private sector.
  - 7.3 Reviewing, evaluating, revising, and sharing best practices:  
Parties encourage partners to examine and evaluate the effectiveness of the partnership, particularly at the following three levels: (1) partnership as such, (2) their own role in the partnership, and (3) the results or aim of this

partnership. Taking into account the acquired experience and their individual and collective evaluation, the partners then consider revising or amending the partnership or the initial project, in light of, *inter alia*, the costs of the partnership. Parties are encouraged to share best practices, identified from reviews conducted on successful partnerships.

**7.4** Sustaining outcomes:

Needs assessment should include analytical, statistical and quality data, and lead to the formulation of a strategy with focused priorities and set objectives, to allow for proper monitoring and sustaining of the outcomes.

## **The role of the UNESCO Secretariat**

- 8.** The UNESCO Secretariat, basing itself in particular on the Global Alliance for Cultural Diversity which is its platform for developing public-private partnerships in support of cultural industries, should play a role of facilitator and motivator on an international level, by:
  - 8.1** promoting intersectoral partnerships among various stakeholders;
  - 8.2** providing information on existing and prospective partners in the public and private sectors as well as the non-profit sector (including data on needs, projects and case studies of best practices), as well as links to useful management tools, particularly through its website.
- 9.** Headquarters and field offices share responsibility in relation to their respective mandates. They are encouraged to utilise the capacities and networks of National Commissions for UNESCO in the promotion of their objectives in this regard;
- 10.** In addition, the Secretariat elaborates and submits innovative projects to donors in the fields covered by the Convention.



# Preferential Treatment for Developing Countries

Approved by the Conference of Parties  
at its second session (2009)

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## 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.*

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### 1. Introduction

- 1.1 In the light of the strategic objectives of the Convention, Article 16 sets the goal of facilitating cultural exchanges between developed and developing countries. Preferential treatment to be granted by developed to developing countries, through appropriate legal and institutional frameworks, is the tool prescribed by Article 16 to achieve, *inter alia*, the emergence of a dynamic cultural sector in developing countries and wider and more balanced cultural exchanges.
- 1.2 Article 16 is to be interpreted and applied in relation to the Convention as a whole. Parties should seek complementarities and synergies with all relevant provisions of the Convention and the various operational guidelines.
- 1.3 The principles and spirit of cooperation should govern the relations between all Parties in the efficient implementation of preferential treatment within the meaning of Article 16.

### 2. Role of Parties

- 2.1 Article 16 creates an obligation for developed countries in favour of developing countries with regard to:
  - (a) artists and other cultural professionals and practitioners;
  - (b) cultural goods and services.
- 2.2 Developed countries shall therefore play a pro-active role by putting in place national policies and measures at the appropriate institutional level, as well as multilateral, regional and bilateral frameworks and mechanisms to implement and operationalize Article 16.

- 2.3** Developed countries are encouraged to provide opportunities, to developing countries, which are beneficiaries in the preferential treatment framework and schemes, to articulate their own needs and priorities, which should be duly taken into account when putting in place such frameworks and schemes. Developing countries are encouraged to put in place national policies for the efficient implementation of preferential treatment, it being understood that the implementation of the preferential treatment is not conditional on the implementation of these national policies. Towards this end developed countries should also assist in putting in place national policies and measures in developing countries beneficiaries to enable them to benefit from an efficient implementation of preferential treatment frameworks and schemes.
- 2.4** Whereas Article 16 does not provide an obligation for developing countries to offer preferential treatment to other developing countries, developing countries are encouraged to offer a preferential treatment to other developing countries, in the framework of South-South cooperation.

### **3. Institutional and legal frameworks**

- 3.1** Preferential treatment as defined by Article 16 is wider than the narrow trade meaning. It is to be understood as having both a cultural and a trade component.
- 3.2** Legal and institutional frameworks that could be used by the Parties are organized, as the cases may be, around the following dimensions:
- the cultural dimension;
  - the trade dimension;
  - a combination of the trade and cultural dimensions.
- 3.3** Cultural dimension
- 3.3.1** Cultural cooperation, in the context of sustainable development, is a core element of preferential treatment within the meaning of Article 16 of the Convention. Parties are therefore encouraged to develop their existing cultural cooperation arrangements and put in place mechanisms of cultural cooperation that expand and diversify their bilateral, regional and multilateral exchange agreements and programmes.
- 3.3.2** In the light of the Convention's provisions (Articles 6, 7, 12 and 14) related to national policies as well as those related to international cooperation and cooperation for development and in conformity with their respective operational guidelines, measures that shall be developed, through cultural cooperation mechanisms for preferential treatment, may include but are not limited to:
- (a) with regard to artists and other cultural professionals and practitioners from developing countries:

- (i) providing support and expertise to developing countries for the development of policies and measures aimed at nurturing and supporting artists and others involved in the creative process;
  - (ii) sharing of information on existing legal frameworks and on best practices;
  - (iii) capacity-building, notably by means of training, exchanges and orientation activities (for example, residencies for artists and cultural professionals) to help them integrate professional networks of developed countries;
  - (iv) taking measures to facilitate the mobility of artists, other cultural professionals and practitioners, and, in particular, to favour those from developing countries who need to travel to developed countries for professional reasons. These measures should include, in conformity with the applicable provisions in this respect, for example: simplification of procedures for issue of visas regarding entry, stay and temporary travel; lower cost of visas;
  - (v) funding arrangements and resource-sharing, including supporting access to cultural resources of developed countries;
  - (vi) encouraging the creation of networks between civil society actors in developed and developing countries, including partnerships for development;
  - (vii) providing specific fiscal incentives for artists and other cultural professionals and practitioners from developing countries within the framework of their activities related to the present Convention;
- (b) with regard to cultural goods and services from developing countries:
- (i) providing support and expertise to developing countries for the elaboration of policies and measures related to the creation, production, distribution and dissemination of domestic cultural goods and services;
  - (ii) providing special fiscal measures and incentives for cultural enterprises from developing countries, such as tax credits and double taxation avoidance agreements;
  - (iii) providing technical assistance, including equipment acquisition, technology transfer and expertise;
  - (iv) improving access of cultural goods and services of developing countries through specific support and assistance schemes for the distribution and dissemination of such goods and services to the markets of developed countries, notably

through co-production and co-distribution agreements or support to domestic initiatives in this regard;

- (v) providing financial aid which may take the form of direct or indirect assistance;
- (vi) facilitating the participation of developing countries in cultural and trade events to promote various cultural goods and services from developing countries;
- (vii) encouraging the presence and the initiatives, as well as the investment of cultural enterprises from developing countries in developed countries through e.g. information services, assistance or appropriate measures of fiscal or legal nature;
- (viii) fostering private sector investment in the cultural industries of developing countries;
- (ix) fostering the access of cultural goods and services from developing countries through facilitating temporary importation of the necessary technical material and equipment for the purposes of cultural creation, production and distribution from developing countries;
- (x) ensuring that development aid public policies of developed countries also give adequate attention to cultural sector development projects in developing countries.

### 3.4 Trade dimension

**3.4.1** Multilateral, regional and bilateral frameworks and mechanisms belonging to the field of trade can be used by Parties to implement preferential treatment in the field of culture.

**3.4.2** Parties to the Convention that have concluded multilateral, regional and/or bilateral trade agreements may take into account the provisions of these agreements and the respective mechanisms provided by them with a view to offering preferential treatment in favour of developing countries within the meaning of Article 16.

**3.4.3** When making use of such frameworks and provisions for preferential treatment, Parties shall take into account the relevant provisions of the Convention, pursuant to its Article 20.

### 3.5. Combination of the trade and cultural dimensions

**3.5.1** Parties may develop and implement specific agreements bringing together trade and cultural dimensions which concern notably cultural goods and services, and/or artists and other cultural professionals and practitioners (e.g. Florence Agreement and its Nairobi Protocol).

## 4. National policies and measures for the efficient implementation of preferential treatment in developing countries

- 4.1** In light of the articles of the Convention related to national policies and to cooperation for development (Articles 6, 7 and 14), developing countries are encouraged to implement, where possible, policies and measures designed to enhance their benefit from preferential treatment. Such policies and measures may include, but are not limited to:
- 4.1.1** fostering an enabling environment for the emergence and development of a cultural sector and cultural industries at national level;
  - 4.1.2** enhancing the production and provision of cultural activities, goods and services;
  - 4.1.3** providing strategic support to their domestic cultural sectors and cultural industries;
  - 4.1.4** capacity-building and strengthening of competences, in terms of both artistic and entrepreneurial skills in the cultural field;
  - 4.1.5** actively seeking knowledge and expertise in the areas of enhancement and dissemination of all cultural expressions.

## 5. Role of civil society

- 5.1** In the light of Article 11 of the Convention concerning the participation of civil society and in conformity with the respective operational guidelines, civil society should be encouraged to play an active role with respect to the implementation of Article 16.
- 5.2** Civil society in order to facilitate the implementation of Article 16 may, without being limited to:
- 5.2.1** contribute to needs assessment and provide information, advice and innovative ideas regarding elaboration, improvement and efficient application of preferential treatment frameworks and schemes;
  - 5.2.2** provide, upon request by the competent authorities, consultative information on visa requests of artists and other cultural professionals and practitioners from developing countries;
  - 5.2.3** provide feedback to the Parties and in its capacity as observer, to the organs of the Convention, concerning difficulties and challenges in the implementation of Article 16, notably in the field;
  - 5.2.4** engage and play an innovative and proactive role in the field of research on the implementation and the monitoring process of Article 16 at the national level.

## 6. Coordination

- 6.1** In view of the effective implementation of preferential treatment under Article 16 Parties are invited to adopt consistent policies and approaches in the trade and cultural spheres. Parties are furthermore invited to seek close coordination between the national authorities responsible for culture and trade as well as other public authorities concerned, in developed and developing countries alike.

## 7. Monitoring and exchange of information

- 7.1** Monitoring of the implementation of the Convention, including Article 16, shall be ensured through the application of Article 9 of the Convention (Information-sharing and transparency), in particular through the periodical reporting obligations of the Parties.
- 7.2** Developed countries, in accordance with the modalities (to be) defined by the operational guidelines on Article 9 of the Convention, will illustrate in their periodical reports to UNESCO, every four years, how the obligations under Article 16 have been implemented. The information provided will be examined by the Committee and the Conference of Parties.
- 7.3** Parties should put in place mechanisms and measures facilitating and enhancing the exchange of information and sharing of expertise and best practices, as provided for by Article 19 of the Convention (exchange, analysis and dissemination of information).
- 7.4** Parties recognize the important role of research for the efficient implementation of preferential treatment under Article 16. Research should be conducted by the largest number of partners, where possible. To this end, Parties shall seek to compile and share the results of any relevant research relating to Article 16.

# Guidelines on the Use of the Resources of the International Fund for Cultural Diversity

Approved by the Conference of Parties at its second session (2009) and revised at its fourth session (2013)

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## 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 referred to in Article 22.*
  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 it.*
  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.*
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## Strategic considerations and objectives

1. The purpose of the International Fund for Cultural Diversity (IFCD) is to finance projects and activities approved by the Intergovernmental Committee (herein after “the Committee”) on the basis of guidelines determined by the Conference of Parties, notably to facilitate international cooperation for sustainable development and poverty reduction to foster the emergence of dynamic cultural sectors in developing countries,<sup>8</sup> in accordance with Article 14 of the Convention (Article 3 of the Financial Regulations of the IFCD).
2. The main objective of the IFCD is to invest in projects that lead to structural change through the introduction and/or elaboration of policies and strategies that have a direct effect on the creation, production, distribution of and access to a diversity of cultural expressions, including cultural goods, services and activities, as well as through the reinforcement of institutional infrastructures deemed necessary to support viable cultural industries at the local and regional levels.
3. IFCD projects demonstrate the value and opportunities that the cultural industries bring to sustainable development processes, in particular to economic growth and the promotion of a decent quality of life.
4. The IFCD is managed as a Special Account pursuant to Article 1.1 of its Financial Regulations and, given its multi-donor nature, cannot receive tied or earmarked contributions.
5. Use of the IFCD’s resources must be consistent with the spirit and provisions of the Convention. Pursuant to Article 18.3(a) and 18.7, Parties shall endeavour to provide voluntary contributions on an annual basis. The Committee encourages Parties to provide contributions on an annual basis, the amount being at least equal to 1% of their contribution to the UNESCO budget. The resources of the IFCD will be used to fund projects in developing countries. Public development aid which is not tied may be used to fund the activities of the IFCD for projects approved by the Committee in accordance with the provisions governing UNESCO Special Accounts.
6. In managing the IFCD, the Committee shall ensure that the use of the resources:
  - 6.1 meets the programmatic and strategic priorities established by the Committee;
  - 6.2 meets the needs and priorities of beneficiary developing countries;
  - 6.3 promotes South-South and North-South-South cooperation;
  - 6.4 contributes to achieving concrete and sustainable results as well as structural impacts in the cultural field;
  - 6.5 respects the principle of ownership by the beneficiaries;
  - 6.6 respects, to the extent possible, an equitable geographical distribution of the resources of the IFCD and gives priority to Parties who have not yet benefited or who have benefited the least from these resources;

8. Parties to the UNESCO 2005 Convention on the Protection and the Promotion of the Diversity of Cultural Expressions that are recognized by UNCTAD as developing economies, economies in transition and least developed countries.



- 6.7** satisfies the principle of financial accountability, as understood within the United Nations system;
- 6.8** satisfies the need for funds to be spent principally on project activities and ensuring minimum overhead costs as referred to in paragraph 15.7;
- 6.9** avoids spreading resources too thinly or supporting sporadic activities;
- 6.10** promotes gender equality;
- 6.11** promotes the participation of various social groups as identified in Article 7 of the Convention in the creation, production, dissemination, distribution and enjoyment of diverse cultural expressions;
- 6.12** complements other international funds covering similar fields without, however, compromising the IFCD's possibility to provide funding to projects that have already received or could receive financial assistance from a third party.

## Areas of intervention

- 7.** Funds will be allocated:
  - 7.1** For projects that:
    - 7.1.1** introduce and/or develop policies and strategies that have a direct effect on the creation, production, distribution, and access to a diversity of cultural goods, services and activities;
    - 7.1.2** strengthen corresponding institutional infrastructure<sup>9</sup>, including professional capacities and organizational structures, deemed necessary to support viable local and regional cultural industries and markets in developing countries;
  - 7.2** For assistance for participation, within the limits of funding decided by the Committee. This assistance may cover:
    - 7.2.1** the cost of participation of public or private organizations or individuals from developing countries invited by the Committee to its meetings for consultation on specific issues in conformity with Article 23.7 of the Convention;
    - 7.2.2** the cost of participation at the meetings of the organs of the Convention by government experts from least-developed countries that are members of the Committee, upon their request. Requests must reach the Secretariat of the Convention at least two months before each session of the Committee or of the Conference of Parties;
  - 7.3** For the evaluation of projects by the Panel of Experts, to be constituted by the Committee, before their submission for examination to the Committee. Funds

9. Institutional infrastructure is to be understood as any public, collective and professional organizational structures (excluding working space and equipment, physical construction or restoration of buildings), capacities as well as legislative (legal) and administrative provisions deemed necessary for the implementation of policies.

could also be allocated for a meeting between the Secretariat and the members of the Panel of Experts every two years in Paris.

8. Projects aimed at offsetting a deficit, repaying a debt or paying interest, relating solely to the production of cultural expressions or sustaining ongoing activities with recurring costs, will not be eligible for assistance from the IFCD.
9. At each session, on the basis of the funds available in the Special Account, the Committee will adopt a budget for each of the above-mentioned types of assistance.

## Beneficiaries

10. Entitled to benefit from the IFCD:
  - 10.1 For projects:
    - 10.1.1 all developing countries which are Parties to the Convention;
    - 10.1.2 non-governmental organizations (NGOs) coming from developing countries that are Parties to the Convention, which meet the definition of civil society and criteria regulating admission of its representatives at meetings of organs of the Convention as mentioned in the Operational Guidelines relating to the role and participation of civil society;
    - 10.1.3 international non-governmental organizations (INGOs), which meet the definition of civil society and criteria regulating admission of its representatives at meetings of organs of the Convention as mentioned in the Operational Guidelines relating to the role and participation of civil society;
    - 10.1.4 micro, small and medium enterprises of the private sector active in the cultural field of developing countries that are Parties to the Convention, to the limit of available funds from contributions provided by the private sector, in full conformity with the domestic laws of the Parties concerned;
  - 10.2 For participatory assistance:
    - 10.2.1 public or private organizations or individuals from developing countries, in conformity with Article 23.7 of the Convention;
    - 10.2.2 governmental experts from least-developed countries, which are members of the Committee.
  - 10.3 To avoid any conflict of interest, National Commissions and any other organizations participating in the pre-selection or approval of projects submitted to the Secretariat are not eligible for IFCD funding.

## Funding and submission ceilings

11. Regarding the funding and submission ceilings, the following shall be taken into consideration:
  - 11.1 the maximum amount requested from the IFCD for each project is US\$100,000;
  - 11.2 the project implementation period can be between 12 and 24 months;
  - 11.3 National Commissions or other official channels designated by Parties can forward a maximum of four applications per funding cycle, maximum two per Party (public authority/institution) and maximum two from NGOs;
  - 11.4 Each INGO may present a maximum of two applications per funding cycle with written support from beneficiary countries.

## Pre-selection process at the country level

12. Regarding the pre-selection process at the country level, the following shall be taken into consideration:
  - 12.1 National Commissions or other official channels designated by the Parties shall launch a call for funding requests within their countries, setting appropriate deadlines that take into account the submission deadlines communicated by the Secretariat;
  - 12.2 National Commissions or other official channels designated by the Parties shall form a pre-selection panel made up of, in particular, Ministries of Culture and/or other Ministries responsible for the cultural industries, and members of civil society organizations specializing in the field of culture to evaluate and pre-select projects to be submitted to the Secretariat;
  - 12.3 the pre-selection panel is to undertake an assessment on how the projects are relevant, meet the country's needs and priorities, and have been subject to consultation among stakeholders.

## Procedure for the submission of funding requests

13. Regarding the procedure for the submission of funding requests, the following shall be taken into consideration:
  - 13.1 the Secretariat shall launch the call for funding requests in January each year. All funding requests will be received by the Secretariat by 15 May at the latest. Those received after the deadline are considered ineligible;
  - 13.2 funding requests by Parties and NGOs are submitted to the Secretariat through the National Commissions or other official channels designated by the Parties, that ensure projects are relevant and meet the country's needs and priorities;

- 13.3 funding requests by INGOs are submitted directly to the Secretariat with written support from the beneficiaries concerned to ensure projects are relevant and meet the beneficiary's needs and priorities. Funding requests by INGOs are submitted on a separate form and must demonstrate a sub-regional, regional or inter-regional impact;
- 13.4 upon receiving the requests, the Secretariat will perform a technical assessment to ensure that the applications are complete, fall within the areas of intervention of the IFCD and therefore are eligible. Upon completion, the Secretariat will forward eligible project files to the members of the Panel of Experts for evaluation.

### **Funding Request Forms**

14. Forms provided by the Secretariat on the website of the 2005 Convention shall be used and considered the official funding request forms.
15. All funding requests shall be submitted in either English or French and contain the following information:
  - 15.1 background information about the beneficiary, including mission and activities, and biographical information about project staff members;
  - 15.2 a brief summary of the project;
  - 15.3 a project outline (title, short- and long-term measurable objectives, country context and needs assessment, activities and expected results, including the cultural, social and economic impact, beneficiaries and partnerships);
  - 15.4 the name and address of the representative of the beneficiaries' organization that will hold financial and administrative responsibility for implementation of the project;
  - 15.5 a work schedule and time frame;
  - 15.6 measures to promote the sustainability of the proposed project;
  - 15.7 a detailed budget, including the amount of funding sought from the IFCD, as well as other sources. Self or co-funding is encouraged to the extent possible. Expenditures for project-related overhead costs required to implement the project are limited to a maximum of 30% of the total project budget;
  - 15.8 any information relating to the status of completion of earlier funding requests from the IFCD.

### **Panel of Experts**

16. A six-member Panel of Experts shall be proposed by the Secretariat to the Committee for its approval based on the following criteria:
  - equitable geographical distribution and representation;
  - university degree or professional experience in the fields of cultural policy and/or cultural industries;

- experience in evaluating projects;
  - professional experience in international cooperation;
  - in-depth professional experience in one of the UNESCO regions;
  - gender equality;
  - fluency in French or English and, if possible, a good understanding of the other language.
- 16.1** Members of the Panel of Experts have a four-year mandate. Half are renewed each two years in order to ensure the continuity of work;
- 16.2** A coordinator shall be designated from among the six members of the Panel of Experts by the members themselves;
- 16.3** A meeting is organized for the Panel of Experts by the Secretariat every two years in Paris;
- 16.4** The Panel of Experts is responsible for preparing recommendations for the Committee for examination and possible approval. The Coordinator shall be invited to the Committee's ordinary session when it examines projects recommended by the Panel of Experts;
- 16.5** Each project application should be assessed by two experts using the evaluation forms provided by the Secretariat. No expert should assess a project from his/her country.

## Recommendations by the Panel of Experts

- 17.** The Panel of Experts shall undertake an evaluation of funding requests it receives from the Secretariat, using the official evaluation tools and taking into account the overall objectives of the IFCD.
- 17.1 The Panel of Experts can recommend to the Committee:**
- 17.1.1** a list of projects to be funded within the limits of the funds available;
  - 17.1.2** only projects that receive at least 75% of the maximum number of points attributable;
  - 17.1.3** only one project per beneficiary;
  - 17.1.4** if applicable, adjustment of the funds requested for projects and activities from the IFCD with accompanying explanation(s).
- 17.2** The Secretariat shall make available online four weeks before the Committee session all project files, their evaluation and recommendation by the Panel of Experts.

## Decision-making of the Committee

18. The Committee shall examine and approve projects at its ordinary session.
19. To facilitate the decision-making of the Committee, the recommendations of the Panel of Experts will be accompanied by a detailed presentation, including:
  - 19.1 a brief summary of the project presented in the request;
  - 19.2 the potential impact and expected results;
  - 19.3 an opinion on the amount to be financed from the IFCD;
  - 19.4 the relevance/appropriateness of the project to the objectives of the IFCD as well as to the areas of intervention of the IFCD;
  - 19.5 an assessment of the feasibility of the project proposed, the relevance and effectiveness of its modalities of execution, as well as the expected structural impacts, where appropriate;
  - 19.6 an analysis of the sustainability of the project, reflecting the level of ownership demonstrated by the beneficiaries, plans for longer-term expected results that go beyond the output level, as well as the potential of projects to produce structural effects or put in place measures/create conditions for future structural effects to take hold;
  - 19.7 an assessment as to the interest of the project;
  - 19.8 an assessment of how the project takes into consideration gender equality.

## Monitoring

20. UNESCO shall develop a systemic and risk-based project monitoring system with adequate human and financial resources to identify and address project implementation challenges and to ensure project sustainability. This monitoring system shall be based on short and long term objectives and SMART<sup>10</sup> indicators.
21. All relevant UNESCO Field Offices shall designate a focal point to cooperate with the Secretariat in ensuring ongoing monitoring of IFCD projects, and their complementarity and synergies with UNESCO's other work at the country level. The involvement of UNESCO Field Offices should also facilitate the establishment of contacts and sharing of experiences between IFCD project partners and potential future donors.

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10. Specific, Measurable, Achievable, Relevant and Timed.

## Evaluation

22. An evaluation and audit of the IFCD shall be carried out every five years.
23. In addition, any project may be evaluated ex-post facto at the request of the Committee with regard to its efficiency, and the achievement of its objectives relative to the resources spent. Evaluation of funded projects should present lessons learned, as well as the impact of these projects on strengthening and/or fostering the emergence of dynamic cultural industries in developing countries. The evaluation should showcase how experience gained could benefit other projects, with a view to compiling and disseminating best practices on the Convention knowledge platform.
24. Under the Financial Regulations applicable to the Special Account for the IFCD, the UNESCO Comptroller is responsible for maintaining the IFCD's accounting records and submitting the annual accounts to the UNESCO External Auditor for audit.

## Reporting

25. The beneficiaries shall submit a mandatory descriptive, analytical and financial report on the execution of the project and the realization of expected results to the Secretariat. The report must be presented using the reporting forms provided by the Secretariat in order for the beneficiary to receive its final payment. No financial contributions for new projects will be allocated to beneficiaries who have not received their final payment.

# Exchange, Analysis and Dissemination of Information

Approved by the Conference of Parties at its third session (2011)

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## 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 nonprofit 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.
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## General considerations

1. The operational guidelines of Article 19 define the measures to be taken at the international level to ensure the exchange, analysis and dissemination of information, statistics and best practices. They are complementary to the operational guidelines defining the elaboration and submission of quadrennial periodic reports of Parties (Article 9).
2. The objectives of Article 19 are:
  - to establish a common framework of collaboration and cooperation of Parties in the field of exchange, analysis and dissemination of information, statistics and best practices, particularly, where appropriate, for the elaboration of standard indicators;
  - to ensure the relevance, and to the extent possible, the comparability of information, statistics and best practices, to be collected, analyzed and disseminated;
  - to identify the appropriate partners and mechanisms to carry out the collection, analysis and dissemination of information, statistics and best practices;
  - to strengthen the required expertise, particularly, capacities in the collection of information and data, and their analysis.



## Role and responsibilities of Parties

3. Parties should engage in actions both within their territories and in the framework of international cooperation, as specified in the following paragraphs.
4. Parties are encouraged to develop data collection and information infrastructure at the national level. To this end, they can seek international assistance for capacity building activities.
5. Parties are encouraged to take actions to exchange, analyse and disseminate information and data *in their territory*, using information and communication technologies as appropriate. Such actions shall be undertaken within open and transparent processes through, or in cooperation with, the national points of contact. They should involve the participation of national points of contact and civil society actors that have competencies in the field. The information and data collected can feed into the quadrennial periodic reports Parties are to submit under Article 9.1 of the Convention.
6. Actions taken by Parties within their territories may be reinforced and/or strengthened by initiatives at *international, regional and sub-regional levels*. Parties are particularly encouraged to:
  - (i) join efforts to foster information and knowledge-sharing activities on the international, regional and sub-regional levels;
  - (ii) promote the exchange of meaningful best practices on ways and means to protect and promote cultural expressions;
  - (iii) facilitate the exchange of expertise on data collection and indicator development on the diversity of cultural expressions. This may include support for the exchange or mentoring of professionals, especially young professionals.

## Role and responsibilities of the UNESCO Secretariat

7. UNESCO shall (a) facilitate the collection, analysis and dissemination of information, statistics and best practices; (b) produce and update information on the main public, private and civil society actors that have competencies in the field of cultural expressions; (c) facilitate capacity-building.
8. The UNESCO Secretariat endeavours to:
  - develop and maintain a database of experts involved in the implementation of the Convention, in particular to respond to requests for capacity building;
  - promote international exchanges of information and of best practices *inter alia* through online discussion forums for experts and practitioners with a view to facilitating their comparability;
  - facilitate the networking of existing information sources from different regions and subregions of the world, as well as facilitate access to these sources.
9. The UNESCO Institute for Statistics (UIS) as a global and permanent structure to collect statistical information for use by Member States is encouraged to: (i) pursue

the organisation of regional training workshops as part of an overall capacity building strategy to facilitate the implementation of the 2009 Framework for Cultural Statistics and (ii) continue its work with international experts on innovative methodologies of relevance to the Convention. In addition, training guides and statistical methodological manuals could be produced in multiple languages and adapted to the different needs and competencies of target groups at national, regional and local levels. The active participation of the UIS network of regional advisors for cultural statistics and UNESCO Field Offices in such exercises is necessary.

### **Contribution of civil society**

10. Civil society actors should be involved as information and data producers as well as distributors.
11. Civil society organizations from different regions of the world are encouraged to establish cooperation links between them at the international, regional and subregional levels and to keep the Secretariat informed of their activities.

# Measures to Ensure the Visibility and the Promotion of the Convention

Approved by the Conference of Parties  
at its third session (2011)

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## General considerations

1. In order to ensure effective implementation of the Convention, the Parties are encouraged, by all appropriate means, to take the necessary measures to increase the visibility and promotion of the Convention at the national, regional and international levels, taking into account more specifically the objectives and principles of the Convention (Articles 1 and 2).
2. To that end, the mobilization and cooperation of all stakeholders, namely the Parties, civil society, including artists and other cultural professionals and practitioners, as well as the public and private sectors, are essential.
3. Actions taken concerning the visibility and promotion of the Convention are closely linked to those related to fundraising in support of the International Fund for Cultural Diversity (IFCD, hereinafter referred to as “the Fund”), which has only voluntary contributions, and to those made in the context of the strategy for encouraging ratifications.

## Measures by Parties to ensure the visibility and promotion of the Convention

### At the national level

4. The Parties are encouraged to develop and to adopt measures to ensure the visibility and the promotion of the Convention in their territory. Such measures may include, but are not limited to:
  - 4.1 informing and mobilizing political decision-makers, opinion leaders in all different sectors, civil society and National Commissions and encouraging coordination between them in order to strengthen inter-institutional cooperation and dialogue;
  - 4.2 supporting the design and implementation of initiatives of the public and private sectors as well as civil society aimed at promoting and raising awareness of the diversity of cultural expressions;
  - 4.3 establishing or strengthening coordination structures dedicated to the Convention in order to highlight the importance of local and national policies in the area of cultural expressions and the development of cultural industries;

- 4.4 encouraging and fostering media campaigns in order to disseminate the principles and the objectives of the Convention;
- 4.5 facilitating the availability of communication tools related to the Convention accessible to all and also available on the Internet;
- 4.6 supporting the organization of seminars, workshops and public forums on the diversity of cultural expressions, as well as exhibitions, festivals and dedicated days, in particular, the World Day for Cultural Diversity for Dialogue and Development on 21 May;
- 4.7 carrying out educational activities through the development of targeted programmes, in particular for young people, to facilitate understanding of the Convention;
- 4.8 carrying out awareness-raising activities with young professionals in the cultural sector regarding issues addressed by the Convention.

#### **At regional and international levels**

- 5. The measures adopted by the Parties at the national level to ensure the visibility and promotion of the Convention may be reinforced by initiatives at bilateral, regional and international levels. Parties, with the support of the Secretariat and Field Offices, are particularly encouraged to:
  - 5.1 develop and share communication tools relevant to ensuring the visibility and promotion of the Convention and organize events between countries of the same region (e.g. Festival on Cultural Diversity held by UNESCO in the week of 21 May);
  - 5.2 publicize projects and activities supported by the Fund;
  - 5.3 raise awareness of intergovernmental and non-governmental organizations, having interests and activities in the fields covered by the Convention and, if appropriate, undertake joint activities.

#### **Contribution of civil society**

- 6. In the light of Article 11 of the Convention concerning the participation of civil society and in conformity with its operational guidelines, civil society is encouraged to actively contribute to ensuring the visibility and the promotion of the Convention by conducting awareness-raising, cooperation and collaborative activities with stakeholders.
- 7. To that end, civil society's efforts may include, but not be limited to:
  - 7.1 organizing seminars, workshops and forums at every level, in particular with cultural professional organizations representing artists and others involved in the creation, production and dissemination/distribution of cultural expressions, and participating in national, regional and international conferences on the Convention;

- 7.2 developing and publishing information tools to facilitate understanding of the Convention;
- 7.3 disseminating information to stakeholders (through national media, websites and newsletters);
- 7.4 building partnerships with the ministries concerned, National Commissions, universities and research institutes to organise research and training seminars on the Convention.

## **Role of the Secretariat of UNESCO**

- 8. In order to help the Committee to improve the visibility and foster the promotion of the Convention, the Secretariat of UNESCO shall, without being limited to:
  - 8.1 collect, share and distribute information on the protection and promotion of the diversity of cultural expressions and facilitate the exchange of information between Parties, non-governmental organisations, cultural professionals and civil society;
  - 8.2 develop tools to disseminate the key messages of the Convention to different audiences and to distribute information regarding its implementation. These tools shall be developed in such a way as to facilitate their subsequent translation in several languages;
  - 8.3 facilitate the organisation of workshops, seminars or conferences in order to raise awareness about the Convention;
  - 8.4 underscore the importance of the Convention in international celebrations, such as the World Day for Cultural Diversity for Dialogue and Development;
  - 8.5 publicize projects and activities carried out in the framework of the Fund.

## **Coordination of and follow-up on measures to ensure the visibility and promotion of the Convention**

- 9. The Parties are encouraged, through the designated points of contact (Articles 9 and 28 of the Convention), or through National Commissions, to implement and monitor activities to promote the Convention, to share information and best practices with each other and to coordinate their efforts at the international level.

# Guidelines on the Use of the Emblem of the Convention



Approved by the Conference of Parties at its fourth session (2013)

## I. General Considerations

1. In order to increase the visibility and encourage the promotion of the Convention at the national, regional and international levels, the Parties to the Convention deem necessary to create an emblem encapsulating its objectives and principles.
2. The emblem of the Convention is a graphic representation, visually exploring the relationships, concepts and ideas of the Convention and their interactions with one another.
3. The emblem of the Convention can be used independently as a stand-alone emblem (hereinafter “stand-alone emblem”) or be used together with the UNESCO logo (hereinafter “linked emblem”).
4. The use of the stand-alone emblem is governed by the provisions stipulated in the present Guidelines.
5. The use of the linked emblem is governed both by the present Guidelines and by the *Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO*, as adopted by the General Conference of UNESCO<sup>11</sup>. The use of the linked emblem must therefore be authorized both under the present Guidelines and under the *Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO* (for the part of the UNESCO logo) in accordance with the procedures provided in their respective Guidelines.

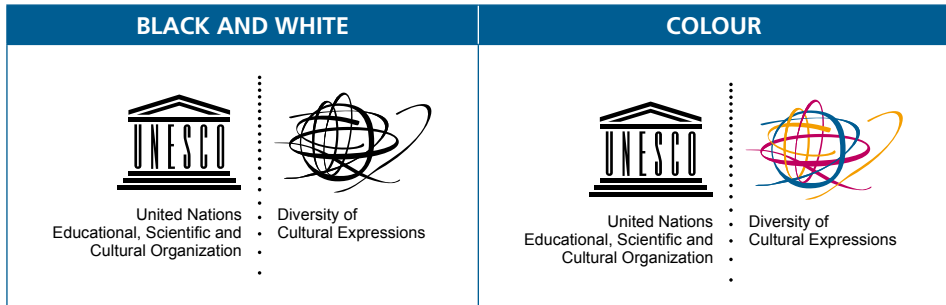
## II. Graphic design of stand-alone and linked emblems

6. The stand-alone emblem, which is used as the official seal of the Convention, is shown below:

BLACK AND WHITE	COLOUR
 <p>Diversity of Cultural Expressions</p>	 <p>Diversity of Cultural Expressions</p>

11. The most recent version of the *Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO* is found in the annex to Resolution 86 of the 34<sup>th</sup> session of the General Conference (Resolution 34C/86) or at <http://unesdoc.unesco.org/images/0015/001560/156046e.pdf>.

7. The linked emblem is shown below:



### III. Rights of use of the emblem

8. The following have the right to use the stand-alone emblem without prior authorization, subject to the rules set out by the present Guidelines:
- (a) the statutory organs of the Convention:
    - i) the Conference of Parties;
    - ii) the Intergovernmental Committee for the Protection and the Promotion of the Diversity of Cultural Expressions (hereinafter “Committee”); and
  - (b) the UNESCO Secretariat of the 2005 Convention (hereinafter “Secretariat”).
9. All others desiring the right to use the emblem must request and receive authorization pursuant to the procedures set forth below.

### IV. Graphical standards

10. Both the stand-alone and linked emblems can be used in the six official languages of UNESCO. They shall be reproduced according to the specific graphical charter and a Brand Tool Kit elaborated by the Secretariat and published on the Convention’s website and shall not be altered.
11. Use of languages other than those six official languages of UNESCO in the stand-alone and linked emblems must be approved by UNESCO, prior to their use.

### V. Authorization procedure for use of the stand-alone emblem

12. Authorizing the use of the stand-alone emblem is the prerogative of the Conference of Parties and/or the Committee, and the authorization may be granted by either one.
13. The Conference of Parties and the Committee delegate the authority to grant the use of the stand-alone emblem to the Secretariat.

14. The decision authorizing the use of the stand-alone emblem shall be evaluated based on the following criteria:
  - (a) relevance to and compliance with the Convention's principles and objectives;
  - (b) potential impact to raise visibility and awareness of the Convention and the diversity of cultural expressions; and
  - (c) adequate assurance is provided to demonstrate the successful organization of a proposed activity, including the professional experience and reputation of the requesting body, and the financial and technical feasibility of the proposed activity.
15. Requests for the use of the stand-alone emblem can be submitted at any time for activities such as one-off activities that are international, regional, national and/or local in scope, that present a large diversity of cultural expressions and that involve artists, cultural producers, policy makers and/or civil society. These activities may include performances, exhibitions, audio-visual productions or publications (printed or electronic), or public events such as conferences or meetings and festivals and trade fairs for example in the film, book or music sectors.
16. The following steps are required to request the use of the stand-alone emblem:
  - (a) Step 1: For national, regional as well as international activities, a requester must fill in a "Request Form" on the use of the stand-alone emblem and submit it to National Commissions for UNESCO of the Party or Parties, or other national authorities duly designated by respective Parties, in whose territory the planned activities are to be held.
  - (b) Step 2: The National Commissions or designated national authorities will undertake a review to decide whether they support or do not support the request and forward to the Secretariat those requests they recommend, using an "Endorsement Form". The requests must be submitted to the Secretariat three months prior to the beginning of the proposed activities.
  - (c) Step 3: Those requests forwarded will be evaluated and granted by the Secretariat, according to the criteria stipulated in paragraph 14 of the present Guidelines.
  - (d) Step 4: All requests will receive a response from the Secretariat. For those requests granted, the Secretariat will provide to the requester the appropriate electronic file with the stand-alone emblem and a Brand Tool Kit. The concerned National Commissions or other designated national authorities and Permanent Delegations will be informed.
  - (e) Step 5: The Secretariat will prepare and submit a report to the Committee and the Conference of Parties at each of their sessions, on the use of the emblem.

## VI. Authorization of the linked emblem

17. The Director-General is empowered to authorize the use of the linked emblem in connection with patronage and contractual arrangements as well as specific promotional activities.



18. **Patronage** may be given as UNESCO’s moral endorsement of an activity for which the Organization is not directly involved, is not providing financial support, or cannot be held legally responsible. Patronage is limited in time and can be granted to one-off activities that are international, regional and national in scope and that present a large diversity of cultural expressions and that involve artists, cultural producers, policy makers and/or civil society. These activities may include performances, exhibitions, cultural industry festivals and trade fairs for example in the film, book or music sectors. Patronage may also be granted for one-off audio-visual productions or publications (printed or electronic), or public events such as conferences or meetings.
19. Request for the use of the linked emblem for the purpose of patronage must be submitted to the Director-General of UNESCO along with an endorsement of National Commissions for UNESCO of the Party or Parties, or other national authorities duly designated by respective Parties, in whose territory the planned activities are to be held.
20. **Projects receiving support from the International Fund for Cultural Diversity** (hereinafter “IFCD-funded projects”) are those that are approved by the Committee for IFCD funding.
21. After the approval of the Committee of the IFCD-funded projects, it is only through signing of the “Intergovernmental Body Allocation Contract” with UNESCO that the linked emblem can be used in the framework of the implementation of the IFCD-funded projects according to conditions of use stipulated in the contract.
22. **Partnership agreements** are negotiated between UNESCO and partners such as public sector institutions, private sector or civil society to carry out defined activities that advance the objectives and principles of the Convention and its implementation on the international, regional, national and/or local levels.
23. Use of the linked emblem within partnership agreements shall be authorized by the UNESCO Secretariat.
24. **Fundraising activities** encompass activities undertaken by Convention stakeholders (public, private and civil society) whose sole objective is to raise donations for the IFCD.
25. Use of the linked emblem for fundraising activities shall be authorized by the UNESCO Secretariat.
26. **Commercial use** is the sale of goods or services bearing the name, acronym, logo or internet domain names of UNESCO chiefly for profit.
27. Requests for commercial use of the linked emblem including those received by National Commissions or other national authorities duly designated shall be sent to the Director-General of UNESCO for written approval.

## VII. Donation to the IFCD through the commercial use of the emblem

28. When profit is generated through commercial use of the emblem, the contribution of a percentage of the profit to the IFCD is obligatory.

29. Contributions to the IFCD shall be governed in accordance with the Financial Regulations of the Special Account for the IFCD.

## VIII. Protection

30. To the extent that the name, acronym and logo of UNESCO have been notified and accepted by the Paris Union Member States under Article 6ter of the Paris Convention for the Protection of Industrial Property, adopted in 1883 and revised at Stockholm in 1967, and to the extent that the emblem of the Convention [has been submitted] to the International Bureau of the World Intellectual Property Organization (WIPO) and [has been notified and accepted] by the Paris Union Member States under Article 6ter of the Paris Convention for the Protection of Industrial Property, adopted in 1883 and revised at Stockholm in 1967, UNESCO has recourse to the Paris Convention Member States' domestic systems to prevent the emblem of the Convention and the name, acronym or logo of UNESCO from being used where such use falsely suggests a connection with the Convention or UNESCO, or any other abusive use.
31. The Parties are invited to submit to UNESCO the names and addresses of the authorities in charge of managing the use of the emblem.
32. In specific cases, the statutory organs of the Convention may request the Director-General of UNESCO to monitor the proper use of the emblem of the Convention and to initiate proceedings, where appropriate, in case of abusive use.
33. The Director-General of UNESCO is responsible for instituting proceedings in the event of unauthorized use of the emblem of the Convention at the international level. Parties to the Convention should take all possible measures to prevent the use of the emblem in their respective countries by any group or for any purpose not explicitly recognized by the Statutory organs of the Convention.
34. The Secretariat and the Parties cooperate closely in order to prevent, in conjunction with competent national bodies and in line with the present Guidelines, any unauthorized use of the emblem of the Convention at the national level.

# Guidelines on the Implementation of the Convention in the Digital Environment

Approved by the Conference of Parties at its sixth session (2017)

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## I. General Considerations

1. These guidelines provide a strategic framework for understanding, interpreting and implementing the Convention on the Protection and Promotion of the Diversity of Cultural Expressions in a digital environment where cultural goods and services are created, produced, distributed, disseminated, consumed and/or stored electronically. These goods and services transmit cultural expressions through, for example, a computer program, a network, a text, a video, an image or an audio recording and are distributed through constantly evolving digitally-encoded platforms.
2. The distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning does not change in the digital environment. Consequently, the recognition of the dual nature of cultural goods and services (cultural and economic) is also applicable to cultural expressions in the digital environment or those produced with digital tools.
3. Protecting and promoting human rights and the freedom of creation, expression, information and communication in the digital environment means supporting the principles of Internet universality that promote a Human Rights-based open Internet, which is accessible to all and characterized by multi-stakeholder participation.
4. There are significant differences in the rate at which digital technologies are adopted and accessed around the world. The resulting digital divide exists between and within countries and between women and men as well as urban and rural areas, in both developed and developing countries. This has an impact on the way in which cultural goods and services are created, produced, distributed and accessed in the digital environment.
5. The accelerated expansion of social networks and user generated content (UGC), the explosion of data, the complexity of distribution models, and the proliferation of connected multimedia devices in the hands of the users have had a huge impact on the creative sector in all parts of the world. Technological changes have also led to the emergence of new players and new logics, and will continue to provide new challenges and opportunities to promote the diversity of cultural expressions and, in particular, to design relevant public policies.
6. Recalling that technological neutrality is affirmed as a principle in the Convention, these guidelines shall be interpreted and applied in relation to the Convention as a whole, thus promoting a transversal approach to the diversity of cultural expressions

in the digital environment. They complement all relevant provisions of the Convention and existing guidelines that refer to digital issues and new information and communication technologies.

7. All stakeholders are encouraged to respect and promote the Convention and these guidelines, which are interlinked with the United Nations Sustainable Development Goals (Agenda 2030) and the United Nations Guiding Principles on businesses and human rights, as well as international human rights instruments and principles. These guidelines primarily address public authorities. Non-governmental organizations, cultural and creative industries from the public and private sectors, including global digital platforms, Internet service providers (ISP) and other actors in the digital environment, are also encouraged to follow them.

## Guiding Principles

8. Complementing the goals and principles set out in Articles 1 and 2 of the Convention, these guidelines aim to:
  - 8.1 reaffirm the Convention's principle of technological neutrality;
  - 8.2 reaffirm the recognition of the dual nature (cultural and economic) of cultural goods and services, whatever the means and technologies used;
  - 8.3 encourage the use of digital tools and provide for digital competencies through education programmes;
  - 8.4 reaffirm the Parties' sovereign right to formulate, to adopt and to implement policies and measures for the protection and promotion of the diversity of cultural expressions in the digital environment;
  - 8.5 safeguard, following the principle of Internet neutrality, equal and non-discriminatory treatment of data traffic in the provision of Internet access services and related end-users' rights (in order to prevent data traffic management practices which block or slow down specific applications that could affect the circulation of local cultural goods and services);
  - 8.6 promote equitable access and balance in the flow of cultural goods and services in the digital environment, in particular through the application of preferential treatment provisions for works created or produced by artists and cultural professionals, enterprises and independent organizations from developing countries;
  - 8.7 recognize the complementarity of economic, educational, and cultural aspects of sustainable development in national digital strategies as well as within international assistance programmes that support digital programmes and projects;
  - 8.8 promote international cooperation for development to enable greater and more affordable access to digital technologies, to develop related skills and competencies and to support mechanisms that are required for the emergence of dynamic cultural and creative industries in the digital environment;

- 8.9** promote respect for fundamental freedoms of expression, information and communication and for privacy and other human rights as pre-requisites for the creation, distribution and access to diverse cultural expressions. This includes promoting artistic freedom as a corollary to freedom of expression, the social and economic rights of authors and artists working in the digital environment and the connectivity of all partners with partners of their choice;
- 8.10** promote respect for human rights in the digital environment, including gender equality and the empowerment of women and girls through support for their participation in the cultural and creative industries as creators, producers and consumers of cultural expressions in the digital environment;
- 8.11** affirm that the same rights that people have offline must also be protected online, in particular freedom of expression, which is applicable regardless of frontiers and through any media of one's choice, in accordance with Articles 19 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

## **Parties strengthen systems of governance for culture in the digital environment**

- 9.** Pursuant to Articles 5, 6, and 7 of the Convention and to these guidelines, Parties shall aim to adopt or update existing policies and measures to protect and promote the diversity of cultural expressions in the digital environment paying due attention to the special circumstances and needs of women as well as various social groups.
- 10.** These policies and measures shall aim to address all areas - creation, production, distribution, dissemination, access and enjoyment - taking into account the profound changes to the value chain and the arrival of new actors.
- 11.** Parties are invited to update their legislative and regulatory frameworks for public service, private and community media as well as independent media organizations to promote the diversity of cultural expressions and the diversity of media in the digital environment, taking into account the increasing convergence of operations across the value chain.
- 12.** Parties are encouraged to strengthen the level of digital competencies of the cultural sector and the general public, and to promote know-how and skills needed to fully participate in the ongoing changes to the creation, production, distribution, dissemination and access to diverse cultural expressions in the digital environment.
- 13.** Parties are encouraged to establish interministerial groups on digital issues that would bring together representatives of relevant ministries and institutions (including those responsible for culture, research, trade, industry, telecommunications and education), and involve the Convention's contact point and civil society representatives in their work.
- 14.** At the stage of creation, Parties shall aim to support new forms of creativity in the digital environment, including artistic practices that are interactive and occur in real-time. This may include national, regional or local policies and programmes and funding schemes that:

- 14.1** provide direct support to artists and other cultural professionals working with digital tools;
- 14.2** contribute to creation and to the fair remuneration of creators and performers;
- 14.3** establish new training programmes and education curricula for artists and other cultural professionals in the use of digital technologies to deepen their knowledge and skills for improved participation in a digital environment;
- 14.4** provide spaces dedicated to digital creativity and innovation that enable artistic experimentation and collaboration such as incubators and laboratories, artist residences and centres that promote international cooperation through networking activities;
- 14.5** promote cooperation among artists, educational and cultural professionals working in the cultural and creative industries, with actors in the digital environment, including designers, programmers, engineers and scientists;
- 14.6** recognize and value the work of creators in the digital environment, by promoting:
  - fair and equitable remuneration for artists and cultural professionals;
  - transparency in the distribution of income between digital distributors, Internet service providers (ISP) and rights holders as well as among rights holders;
  - access to necessary bandwidth;
  - respect for and protection of intellectual property rights, allowing for collective management, if applicable, and for collective bargaining of digital rights; and
  - electronic legal deposit systems to document and archive their works.
- 15.** At the stage of production, Parties shall aim to support the modernization of the cultural and creative industries. Measures relating to the production of cultural expressions in the digital environment should aim to:
  - 15.1** promote digitization and the incorporation of technological tools into the cultural and creative industries' production processes, in particular among micro, small and medium-sized enterprises and civil society organizations;
  - 15.2** provide support to cultural entrepreneurs, civil society organizations, local production companies or incubators wishing to expand their activities in the digital environment;
  - 15.3** promote new forms of financing for cultural and creative industries in the digital environment and encourage new types of partnerships between the public and private sectors in the digital environment;
  - 15.4** recognize the role played by artists using digital technologies in research and development, which is a benefit to society and produces new and different communication tools.
- 16.** At the stage of distribution/dissemination, Parties shall aim to support and provide opportunities for works to be distributed in the digital environment as well as promote

and consolidate the development of emerging and local digital markets. Measures at this stage of the value chain should aim to:

- 16.1** encourage the diversity of digital media, including the multiplicity of digital distributors of cultural goods and services and digital actors (online platforms, Internet service providers (ISP), search engines, social networks), while also ensuring visibility and discoverability of national and local cultural content;
  - 16.2** promote dialogue between private operators and public authorities in order to encourage greater transparency in the collection and use of data that generates algorithms, and encourage the creation of algorithms that ensure a greater diversity of cultural expressions in the digital environment and promote the presence and availability of local cultural works;
  - 16.3** work toward the standardization and interoperability of electronic communications networks and services, of formats, protocols, software, interfaces and metadata in order to achieve diverse digital environments for the distribution of cultural goods and services;
  - 16.4** adapt and modernize online transaction mechanisms and processes in order to facilitate and secure e-commerce;
  - 16.5** encourage fair, transparent, sustainable and ethical trade in the exchange of cultural goods and services in the digital environment, in particular with developing countries;
  - 16.6** develop the legal framework for online distribution of cultural goods and services such as ratification of relevant international copyright and related rights treaties, contractual arrangements and measures to protect against piracy and the illicit trafficking of cultural goods online;
  - 16.7** promote cooperation between online platforms (video, audio and other aggregators) and the rights holders of these goods and services (including licensing agreements and deployment of technical tools) in order to improve the online distribution of cultural goods and services and to better find the content being disseminated.
- 17.** At the stage of access, Parties shall aim to ensure the free and permanent access to diverse cultural expressions as well as to increase participation in cultural life in the digital environment. This includes measures which aim to ensure continuous access to digital technologies, know-how and diverse cultural goods and services and should aim to:
- 17.1** introduce greater transparency and readability of indexing and content referencing modes in order to ensure that the digital mechanisms (recommendation algorithms) determining the content available to the users provide a wide range of diverse cultural expressions in the digital environment;
  - 17.2** invest in, develop and strengthen telecommunications infrastructures to improve access to diverse cultural expressions in the digital environment;
  - 17.3** encourage the implementation of digital preservation measures and the development of infrastructure to ensure universal and continuous access to cultural content, despite the constant and rapid evolution of the digital environment;

- 17.4 support linguistic diversity and translation interfaces in the digital environment;
- 17.5 encourage public cultural institutions to provide online access to diverse cultural expressions;
- 17.6 supply the necessary digital equipment to public institutions such as schools, libraries and cultural centres;
- 17.7 set up programmes for digital literacy, public education and awareness on using the Internet and on mastering digital tools;
- 17.8 encourage legislative measures that allow for the fair remuneration of rights holders.

## Rebalancing the flow of cultural goods and services

- 18. In the context of international solidarity and cooperation, Parties shall aim to introduce preferential treatment provisions to facilitate more balanced flows of cultural goods and services from developing countries in the digital environment, pursuant to Article 16 of the Convention. Parties may:
  - 18.1 improve the distribution of cultural goods and services in the digital environment produced by artists and cultural professionals, enterprises and independent organizations from developing countries, including through artistic and cultural collaboration, co-production and co-distribution agreements;
  - 18.2 take into account the provisions of international trade agreements they have concluded and will conclude, and their respective mechanisms with a view to offering preferential treatment in favour of cultural goods and services from developing countries in the digital environment.
- 19. Consistent with their obligations in Article 21 of the Convention to promote the objectives and principles of the Convention in other international fora, and in order to foster an integrated approach in the areas of culture, trade and investment in the digital environment, Parties are encouraged to promote:
  - 19.1 complementarity and coherency among the various legal instruments addressing the diversity of cultural expressions in the digital environment;
  - 19.2 transparency in bilateral, regional or multilateral negotiations having an impact on cultural goods and services in the digital environment;
  - 19.3 close coordination between national authorities responsible for culture and trade, as well as other relevant public authorities and bodies and civil society representatives;



- 19.4** the consideration of introducing cultural clauses in international bilateral, regional or multilateral agreements, namely provisions that take into account the dual nature of cultural goods and services, including preferential treatment clauses, with particular attention to the status of e-commerce that shall recognize the specificity of cultural goods and services;
- 19.5** the incorporation of explicit references to the Convention and these guidelines on the digital environment in trade and investment agreements, as well as provisions that enable their implementation, including the preservation of the capacity to design new public policies when necessary.

## Integration of culture in sustainable development frameworks

- 20.** In the context of the United Nations 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs) and pursuant to Articles 13 and 14 of the Convention, Parties may elaborate national development policies and international assistance programmes that recognize the importance of cultural aspects and the complementarity of the economic, social and environmental dimensions of sustainable development in the digital environment.
- 21.** Parties shall integrate culture into their information and communication technologies (ICTs) plans and digital strategies, by including references to the Convention and to its aims and principles.
- 22.** Parties shall support, at the national and international levels, capacity-building activities, the transfer of know-how and sustainable technologies (hardware and software), as well as the development of infrastructure.
- 23.** At the national level, measures should aim to:
  - 23.1** raise awareness and promote the consumption of local cultural content and, as a result, foster the development of viable cultural and creative industries in the digital environment at the local, regional and national levels;
  - 23.2** assess specific technological needs in order to promote geographical equity in the distribution of cultural resources as well as equitable access to those resources for various individual and social groups, as foreseen in Article 7 of the Convention;
  - 23.3** encourage inter-ministerial collaboration to integrate culture into the programmes of other ministries working on digital matters;
  - 23.4** reinforce and improve development policies in the digital environment in other sectors such as education, public health, security, research and urban planning.
- 24.** At the international level, measures should aim to support developing countries by:
  - 24.1** updating cultural cooperation agreements so that they take into account the impact of digital technologies, particularly in the implementation of co-production and co-distribution agreements;

- 24.2 developing new forms of cooperation that facilitate the co-production and co-distribution of networked artistic works, regardless of distances between creators;
- 24.3 prioritizing bottom-up cultural cooperation initiatives involving local actors, over top-down initiatives which, for example, are restricted to simple donations in kind (of equipment, software, content and connectivity);
- 24.4 ensuring equitable access to resources and cultural content in the digital environment through educational and public awareness activities on the uses of the Internet and digital tools;
- 24.5 supporting projects linked to the implementation of the Convention in the digital environment, particularly through regular voluntary contributions to the International Fund for Cultural Diversity (IFCD).

## Role of civil society

- 25. Pursuant to Article 11 of the Convention and its Guidelines, partnering with civil society organizations is essential in the digital environment by contributing to monitoring the evolution of the digital world, and may take the form of:
  - 25.1 initiatives to raise awareness of the potential of the digital environment through the use of digital technologies (such as social networks, mobile applications, online discussion platforms), the organization of events and the creation of communication tools (such as shared-work platforms, real-time interactive exchange platforms, blogs, electronic information bulletins);
  - 25.2 efforts to consult actors in the cultural sector on digital matters, and to share the results with the Convention's governing bodies through the submission of written documents (information documents) and oral contributions to the Conference of Parties and the Intergovernmental Committee;
  - 25.3 active contribution to the preparation of the Parties' quadrennial periodic reports, by providing relevant information on the opportunities and challenges for artists and other cultural professionals and practitioners arising from digital technologies;
  - 25.4 collaboration between civil society representatives, including artists and cultural professionals, academics, researchers and experts, to provide input for reflection within other international organizations and to directly or indirectly focus on issues relating to the diversity of cultural expressions in a digital environment.

## Gathering and sharing of information and good practices

- 26.** When implementing Articles 9 and 19 of the Convention, Parties shall:
- 26.1** systematically include information in their quadrennial periodic reports on policies to address the opportunities and challenges linked to the protection and promotion of the diversity of cultural expressions within a digital environment;
  - 26.2** encourage the collection of comparative statistics on the uses, practices and markets for cultural goods and services in the digital environment;
  - 26.3** support discussions and share good practices in developing countries on the opportunities and challenges for the diversity of cultural expressions in the digital environment.

## Role of the UNESCO Secretariat

- 27.** Pursuant to Article 19 of the Convention, the Secretariat shall, in an intersectorial manner and in collaboration with the Parties, civil society and relevant international organizations:
- 27.1** gather, analyze and disseminate information and statistics on the protection and promotion of the diversity of cultural expressions in the digital environment, including on related technological developments;
  - 27.2** set up and maintain, through its Knowledge Management System, a list of good practices;
  - 27.3** establish a dialogue with the Parties and civil society in order to strengthen cooperation with other international actors concerned by digital technologies, particularly those responsible for trade, intellectual property and telecommunications, to raise their awareness of the Convention and to share information with all Convention stakeholders;
  - 27.4** encourage discussions among Parties and report to the governing bodies on the opportunities and challenges for the promotion of the diversity of cultural expressions in the digital environment.



# 3

## RULES OF PROCEDURE OF THE CONFERENCE OF PARTIES TO THE 2005 CONVENTION

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# Rules of Procedure of the Conference of Parties to the 2005 Convention

Adopted by the Conference of Parties at its first session (2007), amended at its second session (2009) and at its seventh session (2019)

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## I. Participation

### Rule 1 – Chief participants

The representatives of all Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”), adopted by the General Conference on 20 October 2005, may take part, with the right to vote, in the work of the Conference of Parties (hereinafter referred to as “the Conference”).

### Rule 2 – Observers

- 2.1 The representatives of Member States of UNESCO not parties to the Convention, and permanent observer missions to UNESCO may participate in the work of the Conference as observers, without the right to vote, and subject to the provisions of Rule 9.3.
- 2.2 Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations, which have concluded mutual representation agreements with UNESCO, may participate in the work of the Conference, without the right to vote, and subject to the provisions of Rule 9.3.
- 2.3 Intergovernmental organizations other than those referred to in Rule 2.2 and non-governmental organizations having interests and activities in the field covered by the Convention, may be invited by the Conference to participate in its work as observers, without the right to vote, and subject to the provisions of Rule 9.3, at all its sessions, at a single session or at a specific meeting of a session upon written request to the Director-General of UNESCO.

## II. Organization of the Conference

### Rule 3 – Meetings of the Conference

The Conference shall meet in ordinary session every two years. It may meet in extraordinary session if it so decides or if the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”) receives a request to that effect from at least one third of the Parties.

#### **Rule 4 – Provisional agenda**

The Provisional Agenda of an ordinary session of the Conference may include:

- (a) Any question required by the Convention and the present Rules;
- (b) Any question, the inclusion of which has been decided by the Conference at a previous session;
- (c) Any question referred by the Committee;
- (d) Any question proposed by Parties to the Convention;
- (e) Any question proposed by the Director-General.

#### **Rule 5 – Election of officers**

The Conference shall elect a Chairperson, one or more Vice-Chairpersons and a Rapporteur.

#### **Rule 6 – Duties of the Chairperson**

- 6.1 In addition to exercising the powers, which are conferred upon him/her elsewhere by the present Rules, the Chairperson shall open and close each plenary meeting of the Conference. He/she shall direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to the present Rules, shall control the proceedings and the maintenance of order. He/she shall not vote, but he/she may instruct another member of his/her delegation to vote on his/her behalf.
- 6.2 Should the Chairperson be absent during a meeting, or any part thereof, he/she shall be replaced by a Vice-Chairperson. The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

### **III. Conduct of Business**

#### **Rule 7 – Public nature of meetings**

Meetings shall be held in public unless decided otherwise by the Conference.

#### **Rule 8 – Quorum**

- 8.1 A quorum shall consist of a majority of the Parties referred to in Rule 1 and represented at the Conference.
- 8.2 The Conference shall not decide on any matter unless a quorum is present.



**Rule 9 – Order and time-limit of speakers**

- 9.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.
- 9.2 For the convenience of the discussion, the Chairperson may limit the time to be allowed to each speaker.
- 9.3 The consent of the Chairperson must be obtained whenever an observer wishes to address the Conference.

**Rule 10 – Points of order**

- 10.1 During a discussion, any representative of a Party may raise a point of order, which shall be immediately ruled on by the Chairperson.
- 10.2 An appeal may be made against the ruling of the Chairperson. Such an appeal shall be put to the vote immediately and the Chairperson's ruling shall stand, unless overruled by a majority of the Parties present and voting.

**Rule 11 – Procedural motions**

- 11.1 During a discussion, any representative of a Party may move the suspension or adjournment of the meeting or the adjournment or closure of the debate.
- 11.2 Such a motion shall be put to the vote immediately. Subject to the provisions of Rule 10.1, such motions shall have precedence in the following order over all other proposals or motions before the meeting:
  - (a) suspension of the meeting;
  - (b) adjournment of the meeting;
  - (c) adjournment of the debate on the question under discussion;
  - (d) closure of the debate on the question under discussion.

**Rule 12 – Working languages**

- 12.1 The working languages of the Conference shall be Arabic, Chinese, English, French, Russian and Spanish.
- 12.2 Speeches made at the Conference in one of the working languages shall be interpreted into the other languages.
- 12.3 Speakers may, however, speak in any other language, provided that they make their own arrangements for interpretation of their speeches into one of the working languages.

### **Rule 13 – Resolutions and amendments**

- 13.1** Draft resolutions and amendments may be proposed by the Parties referred to in Rule 1 and shall be transmitted in writing to the Secretariat of the Conference, which shall circulate copies to all participants.
- 13.2** As a general rule, no draft resolution shall be discussed or put to the vote unless it has been circulated reasonably in advance to all participants in the working languages of the Conference.

### **Rule 14 – Voting**

- 14.1** The representative of each Party referred to in Rule 1 shall have one vote in the Conference.
- 14.2** In accordance with Article 27.3 (b) of the Convention, 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 this Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice-versa.
- 14.3** Subject to the provisions of Rules 8.2, 21 and 22, decisions shall be taken by a majority of the Parties present and voting.
- 14.4** For the purpose of the present Rules, the expression “Parties present and voting” shall mean Parties casting an affirmative or negative vote. Parties abstaining from voting shall be regarded as having not voted.
- 14.5** After the chairperson has announced the beginning of voting, no one shall interrupt the voting except on a point of order in connection with the actual conduct of the voting.
- 14.6** Voting shall be by a show of hands, except for the election of the Members of the Committee.
- 14.7** When the result of a vote by show of hands is in doubt, the Chairperson may take a second vote by a roll-call. A vote by roll-call shall also be taken if it is requested by not less than two delegations before the voting takes place.
- 14.8** When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Conference shall first vote on the amendment deemed by the Chairperson to be furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom and so on, until all the amendments have been put to the vote.
- 14.9** If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.
- 14.10** A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.
- 14.11** If two or more proposals, other than amendments, relate to the same questions, they shall be voted on in the order in which they were submitted.

The Conference may, after each vote on a proposal, decide whether to vote on the next proposal.

## IV. Election and Term of Office of the Members of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

### Rule 15 – Geographical distribution

- 15.1** The election of the Members of the Committee shall be conducted on the basis of the composition of the electoral groups of UNESCO, as determined by the UNESCO General Conference at its most recent session, it being understood that “Group V” shall consist of two separate groups, for the African States and Arab States respectively.
- 15.2** Membership in the Committee, as composed of 24 States Parties, shall be distributed at each election among electoral groups in proportion to the number of States Parties from each group, provided that, after such distribution, a minimum of three seats and a maximum of six seats have been attributed to each of the six electoral groups. In case the above formula cannot be practically applied, an exceptional arrangement may be made to accommodate such special circumstances.

### Rule 16 – Term of office of the Members of the Committee

The States Members of the Committee shall be elected for a term of office of four years. Nevertheless, the term of office of half of the States Members of the Committee elected in the first election shall be limited to two years. Those States will be chosen by lot at the time of the first election. Every two years, the Conference shall elect half of the membership of the Committee with due regard to the principle of rotation. A Member cannot be elected to two consecutive mandates unless:

- (i) A regional group presents a “clean slate”;
- (ii) Following the first election, a State serves for only two years;
- (iii) The number of States Parties of an electoral group is less than the minimum number of seats foreseen in Rule 15.2.

### Rule 17 – Procedures for the presentation of candidatures to the Committee

- 17.1** The Secretariat shall ask all States Parties, at least three months prior to the opening of the Conference, whether they intend to stand for election to the Committee. If so, the State Party’s candidature should be sent to the Secretariat at least six weeks prior to the opening of the Conference.
- 17.2** At least four weeks prior to the opening of the Conference, the Secretariat shall send to all States Parties the provisional list of candidates, indicating the electoral group to which they belong and the number of seats to be filled in each electoral group.

- 17.3** The list of candidatures shall be finalized seven days prior to the opening of the Conference of Parties. No candidature will be accepted in the seven-day period preceding the opening of the Conference.

### **Rule 18 – Election of Members of the Committee**

- 18.1** The election of Members of the Committee shall be conducted by secret ballot except that, where the number of candidates, according to geographical distribution, is the same as or less than the number of seats to be filled, the candidates shall be declared elected without the need to hold a ballot.
- 18.2** Before the election begins, the Chairperson shall appoint two tellers from among the delegates present; he/she shall hand to them the list of States candidates. He/she shall announce the number of seats to be filled.
- 18.3** The Secretariat shall prepare for each delegation an envelope without any distinguishing mark and separate ballot papers, one for each of the electoral groups. The ballot paper for each electoral group shall bear the names of all the States Parties that are candidates for election in that electoral group.
- 18.4** The representative of each Party shall cast his/her vote by circling the names of those States for which he/she desires to vote.
- 18.5** The tellers shall collect from each delegation their ballot papers and shall proceed to count the votes, under the supervision of the Chairperson.
- 18.6** The absence of any ballot paper in the envelope shall be considered an abstention.
- 18.7** Ballot papers on which more names have been circled than there are seats to be filled and those which bear no indication of the voter's intention shall be considered invalid.
- 18.8** The counting of the votes for each electoral group shall take place separately. The tellers shall open the envelopes, one by one, and shall sort the ballot papers into electoral groups. The votes cast for the candidate States Parties shall be entered on lists prepared for that purpose.
- 18.9** The Chairperson shall declare elected those candidates who obtain the greatest number of votes up to the number of seats to be filled. If two or more candidates obtain the same number of votes, and, as a result, there are still more candidates than seats to be filled, there shall be a second secret ballot restricted to those candidates who obtained the same number of votes. If in the second ballot two or more candidates obtain the same number of votes, the Chairperson shall draw lots to determine which candidate has won.
- 18.10** When the counting of the votes is completed, the Chairperson shall announce the results of the ballot separately for each of the electoral groups.

## V. The Secretariat of the Meeting

### Rule 19 – Secretariat

- 19.1** The Director-General of UNESCO or his/her representative shall participate in the work of the Conference, without the right to vote. He/she may, at any time, make either oral or written statements to the Conference on any question under discussion.
- 19.2** The Director-General of UNESCO shall appoint an official of the Secretariat of UNESCO to act as Secretary to the Conference, and other officials who shall together constitute the Secretariat of the Conference.
- 19.3** The Secretariat shall receive, translate and distribute all official documents in the six working languages, at least 30 days before the opening of the session of the Conference. It shall arrange for the interpretation of the discussions and shall also perform all other duties necessary for the proper conduct of the work of the Conference.

## VI. Adoption and Amendment of the Rules of Procedure

### Rule 20 – Adoption

The Conference shall adopt its Rules of Procedure by a decision taken in plenary meeting by a simple majority of the representatives of Parties present and voting.

### Rule 21 – Amendment

The Conference may amend these Rules of Procedure by a decision taken in plenary meeting by a two-thirds majority of the representatives of Parties present and voting.

### Rule 22 – Suspension

A Rule of Procedure, except when it reproduces provisions of the Convention, may be suspended by a decision of the Conference taken by a two-third majority of the Parties present and voting.



# 4

## RULES OF PROCEDURE OF THE INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

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# Rules of Procedure of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

Adopted by the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions at its first session (2007) and approved by the Conference of Parties at its second session (2009)

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## I. Composition

### Rule 1 – Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (Article 23 of the Convention)

The Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as the “Committee”, shall be composed of the States Parties to the Convention, hereinafter referred to as “Members”, elected in accordance with Article 23 of the Convention for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as the “Convention”.

## II. Sessions

### Rule 2 – Ordinary and extraordinary sessions

- 2.1 The Committee shall meet annually in ordinary session.
- 2.2 The Committee shall meet in extraordinary session at the request of at least two thirds of its Members.

### Rule 3 – Convocation

- 3.1 Sessions of the Committee shall be convened by the Chairperson of the Committee, hereinafter referred to as “the Chairperson”, in consultation with the Director-General of UNESCO, hereinafter referred to as “the Director-General”.
- 3.2 The Director-General shall inform the Members of the Committee of the date, place and provisional agenda of each session, not less than sixty days in advance in the case of an ordinary session and, if possible, not less than thirty days in advance in the case of an extraordinary session.

- 3.3** The Director-General shall, at the same time, inform organizations, individuals and observers mentioned in Rules 6 and 7 of the date, place and provisional agenda of each session.

#### **Rule 4 – Date and place of the session**

- 4.1** The Committee shall determine at each session, in consultation with the Director-General the date of the next session. The Bureau may, if necessary, modify the date, in consultation with the Director-General.
- 4.2** The sessions of the Committee will normally take place at UNESCO Headquarters in Paris. On an exceptional basis, the Committee may decide by a two-thirds majority to hold a session on the territory of one of its Members in consultation with the Director-General.

### **III. Participants**

#### **Rule 5 – Delegations**

- 5.1** Each Member of the Committee shall designate a representative who may be assisted by alternates, advisers and experts.
- 5.2** Members of the Committee shall nominate as their representatives persons who are qualified in the fields covered by the Convention.
- 5.3** Members of the Committee shall transmit to the Secretariat in writing the names, functions and qualifications of their representatives.

#### **Rule 6 – Invitations for consultation**

The Committee may invite at any time public or private organizations or individuals to participate in its meeting for consultation on specific issues (Article 23.7 of the Convention).

#### **Rule 7 – Observers**

- 7.1** Parties to the Convention which are not Members of the Committee may attend its sessions as observers, as well as all its subsidiary bodies, and shall benefit from the rights as described in Article 20 below, subject to the provisions of Article 18.
- 7.2** The representatives of Member States of UNESCO not Parties to the Convention, Associate Members and permanent observer missions to UNESCO may, upon written notification, participate in the work of the Committee as observers, without the right to vote, and subject to the provisions of Rule 20.3.
- 7.3** Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations, which have concluded mutual representation agreements with UNESCO, may, upon written notification, participate

in the work of the Committee as observers, without the right to vote, and subject to the provisions of Rule 20.3.

- 7.4** Intergovernmental organizations other than those referred to in Rule 7.3 and nongovernmental organizations having interests and activities in the field covered by the Convention, could be authorized by the Committee, according to modalities to be determined by the latter, to participate in its work as observers, without the right to vote, and subject to the provisions of Rule 20.3, at several of its sessions, at a single session or at a specific meeting of a session upon written request to the Director-General.

## IV. Agenda

### Rule 8 – Provisional Agenda

- 8.1** The provisional agenda of the sessions of the Committee shall be prepared by UNESCO Secretariat (Article 24.2 of the Convention).
- 8.2** The provisional agenda of an ordinary session of the Committee may include:
- (a) Any question required by the Convention or the present Rules;
  - (b) Any question referred by the Conference of Parties to the Convention;
  - (c) Any question the inclusion of which has been decided by the Committee at a previous session;
  - (d) Any question proposed by Members of the Committee;
  - (e) Any question proposed by Parties to the Convention which are not Members of the Committee;
  - (f) Any question proposed by the Director-General.
- 8.3** The provisional agenda of an extraordinary session shall include only those questions for the consideration of which the session has been convened.

### Rule 9 – Adoption of the Agenda

The Committee shall adopt at the beginning of each session its agenda for that session.

### Rule 10 – Amendments, deletions and new items

The Committee may amend, delete or add items to the agenda so adopted if so decided by a two-thirds majority of the Members present and voting.

## V. Bureau

### Rule 11 – Bureau

- 11.1** The Bureau of the Committee shall consist of the Chairperson, one or more Vice-Chairpersons and a Rapporteur, in conformity with the principle of equitable geographical representation. The Bureau shall coordinate the work of the Committee and fix the dates, times and order of business of meetings. The Chairperson will be assisted in carrying out his/her duties by the other members of the Bureau.
- 11.2** The Bureau shall meet during the sessions of the Committee as frequently as it deems necessary.

### Rule 12 – Elections

- 12.1** The Committee, at the end of each ordinary session, shall elect, from among those Committee Members whose term of office continues through the next ordinary session, a Chairperson, one or more Vice-Chairpersons and a Rapporteur who shall remain in office until the end of that session, and shall not be immediately re-eligible. On a transitory basis, the members of the Bureau of the first session shall be elected at the beginning of the session and their term of office shall expire at the end of the next ordinary session. The election of the Chairperson should respect the principle of geographic rotation without prejudice to the provisions of Rule 12.2.
- 12.2** On an exceptional basis, a session held outside of UNESCO Headquarters may elect its own Bureau.
- 12.3** In electing the Bureau, the Committee shall have due regard to the need to ensure equitable geographical representation and, as much as possible, a balance among the fields covered by the Convention.

### Rule 13 – Duties of the Chairperson

- 13.1** In addition to exercising the powers conferred upon him/her elsewhere by these Rules, the Chairperson shall open and close each plenary meeting of the Committee. He/she shall direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these Rules, shall see to the smooth conduct of the proceedings and the maintenance of order. He/she shall not vote, but he/she may instruct another member of his/her delegation to vote on his/her behalf. He/she shall exercise all other duties entrusted to him/her by the Committee.
- 13.2** A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.
- 13.3** The Chairperson or Vice-Chairperson(s) of a subsidiary body of the Committee shall have the same powers and duties in regard to the bodies over which they are called upon to preside, as the Chairperson or the Vice-Chairperson(s) of the Committee.

**Rule 14 – Replacement of Chairperson**

- 14.1** If the Chairperson is unable to act at any session of the Committee or Bureau, or part thereof, his/her functions shall be exercised by a Vice-Chairperson.
- 14.2** If the Chairperson ceases to represent a Member of the Committee or is for any reason unable to complete his/her term of office, he/she shall be replaced by a Vice-Chairperson, after consultation within the Committee, for the remainder of the term of office.
- 14.3** The Chairperson shall abstain from exercising his/her functions for all issues that concern the State Party of which he/she is a national.

**Rule 15 – Replacement of the Rapporteur**

- 15.1** If the Rapporteur is unable to act at any session of the Committee or Bureau, or part thereof, his/her functions shall be exercised by a Vice-Chairperson.
- 15.2** If the Rapporteur ceases to represent a Member of the Committee or if for any reason he/she is unable to complete his/her term of office, he/she shall be replaced by a Vice-Chairperson, after consultation within the Committee, for the remainder of the term of office.

**VI. Conduct of business****Rule 16 – Quorum**

- 16.1** At plenary meetings, a quorum shall consist of a majority of the Members of the Committee.
- 16.2** At meetings of subsidiary bodies, a quorum shall consist of a majority of the States which are members of the bodies concerned.
- 16.3** Neither the Committee nor its subsidiary bodies shall decide on any matter unless a quorum is present.

**Rule 17 – Public nature of meetings**

Meetings shall be held in public unless decided otherwise by the Committee.

**Rule 18 – Private meetings**

- 18.1** If, in exceptional circumstances, the Committee decides to hold a private meeting, it shall determine the persons who shall be present, in addition to the representatives of the Members of the Committee.
- 18.2** Any decision taken by the Committee at a private meeting shall be presented in written form at a subsequent public meeting.

- 18.3** At each private meeting, the Committee shall decide whether the summary records and working documents of that meeting shall be published. Documents resulting from private meetings shall be made public after a period of twenty years.

#### **Rule 19 – Subsidiary bodies**

- 19.1** The Committee may establish such subsidiary bodies as it deems necessary for the conduct of its work.
- 19.2** It shall define the composition and the terms of reference (including mandate and duration of office) of such subsidiary bodies at the time of their establishment. These bodies are composed of Members of the Committee.
- 19.3** Each subsidiary body shall elect its Chairperson and, if necessary, its Vice- President(s) and its Rapporteur.
- 19.4** In appointing members of subsidiary bodies, due regard shall be given to the need to ensure an equitable representation of the different regions of the world.

#### **Rule 20 – Order and time-limit of speeches**

- 20.1** The Chairperson may give the floor to speakers, Members of the Committee, in the order in which they signify their wish to speak. Observers may speak at the end of the debate in the following order: representatives of Parties to the Convention, representatives of Member States not Parties to the Convention, other observers. At the request of a Member of the Committee, which is a Member of a regional economic integration organization Party to the Convention, the Chairperson may give the floor to a representative of that organization to speak on issues on which the organization has declared its competence under Article 27 (3) (c) of the Convention.
- 20.2** The Chairperson may limit the time allowed to each speaker if circumstances make this desirable.
- 20.3** Organizations, individuals and observers referred to in Rules 6 and 7 may address the meeting with the prior consent of the Chairperson.

#### **Rule 21 – Text of proposals**

At the request of any Member of the Committee, supported by two other Members, discussion of any substantive motion, resolution or amendment shall be suspended until the text is circulated in the two working languages to all Committee Members present.

#### **Rule 22 – Division of proposals**

Part of a proposal shall be voted on separately if so requested by a Member of the Committee. Those parts of a proposal which have been approved in separate vote shall then be put to a vote as a whole. If all the parts, constituting the proposal, have been rejected, the proposal shall be considered to have been rejected as a whole.

**Rule 23 – Voting on amendments**

- 23.1** When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment deemed by the Chairperson to be furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom and so on, until all the amendments have been put to a vote.
- 23.2** If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.
- 23.3** A motion is considered an amendment to a proposal if it adds to, deletes from or revises part of that proposal.

**Rule 24 – Voting on proposals**

If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

**Rule 25 – Withdrawal of proposals**

A proposal may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal has not been amended. A proposal withdrawn may be reintroduced by another Member of the Committee.

**Rule 26 – Points of order**

- 26.1** During a discussion, a Member of the Committee may raise a point of order which shall be immediately ruled on by the Chairperson.
- 26.2** An appeal may be made against the ruling of the Chairperson. Such appeal shall be put to the vote immediately and the Chairperson's ruling shall stand unless overruled by a majority of the Members present and voting.

**Rule 27 – Procedural motions**

During a discussion, a Member of the Committee may propose a procedural motion: suspension or adjournment of the meeting, adjournment of the debate or closure of the debate.

### **Rule 28 – Suspension or adjournment of the meeting**

During the discussion of any matter, a Member of the Committee may move the suspension or adjournment of the meeting. Any such motion shall be put to the vote immediately and without discussion.

### **Rule 29 – Adjournment of the debate**

During the discussion of any matter, a Member of the Committee may move the adjournment of the debate on the item under discussion. On moving the adjournment the Member shall indicate whether he moves the adjournment sine die or to a particular time which he/she shall specify. In addition to the proposer of the motion, one speaker may speak in favour of, and one against, the motion.

### **Rule 30 – Closure of the debate**

A Member of the Committee may at any time move the closure of the debate, whether or not any other speaker has signified his wish to take part in the discussion. If application is made for permission to speak against the closure, it may be accorded to not more than two speakers. The Chairperson shall then put the motion for closure to the vote and, if the Committee is in favour of the motion, the Chairperson shall declare the closure of the debate.

### **Rule 31 – Order of procedural motions**

Subject to the provisions of Rule 26, such motions shall have precedence, in the following order, over all other proposals or motions before the meeting:

- (a) Suspension of the meeting;
- (b) Adjournment of the meeting;
- (c) Adjournment of the debate on the question under discussion;
- (d) Closure of the debate on the question under discussion.

### **Rule 32 – Decisions**

**32.1** The Committee shall adopt such decisions and recommendations as it may deem appropriate.

**32.2** The text of each decision shall be adopted at the end of the discussion of the agenda item.



## VII. Voting

### Rule 33 – Voting rights

Each Member of the Committee shall have one vote in the Committee.

### Rule 34 – Conduct during voting

After the Chairperson has announced the beginning of voting, no one shall interrupt the voting except a Member of the Committee on a point of order in connection with the actual conduct of the voting.

### Rule 35 – Simple majority

Except where otherwise specified in these Rules, all decisions of the Committee shall be taken by a simple majority of the Members present and voting.

### Rule 36 – Counting of votes

For the purposes of these Rules, the expression “Members present and voting” shall mean Members casting an affirmative or negative vote. Members abstaining from voting shall be regarded as having not voted.

### Rule 37 – Method of voting

- 37.1** Voting shall be by a show of hands unless a secret ballot is requested by one Member of the Committee and seconded by two others.
- 37.2** If there is any doubt concerning the result of a vote by show of hands, the Chairperson may take a second vote by a roll call.
- 37.3** A vote by roll call shall also be taken if it is requested by not less than two Members of the Committee before the voting begins.

### Rule 38 – Conduct of voting by secret ballot

- 38.1** Before the vote begins, the Chairperson shall appoint two tellers to scrutinize the votes cast.
- 38.2** When the counting of the votes is completed and the tellers have reported to the Chairperson, he/she shall announce the results of the ballot bearing in mind that the voting will be recorded as follows:

From the total number of the Members of the Committee will be deducted:

- (a)** the number of Members absent, if any;
- (b)** the number of blank ballot papers, if any;
- (c)** the number of invalid ballot papers, if any.

The remaining number will constitute the number of votes recorded.

## VIII. Secretariat of the Committee

### Rule 39 – The Secretariat

- 39.1 The Committee shall be assisted by the UNESCO Secretariat (Article 24 of the Convention).
- 39.2 The Director-General or his/her representative shall participate in the work of the Committee and of its subsidiary bodies, without the right to vote. He/she may at any time make either oral or written statements on any question under consideration.
- 39.3 The Director-General shall appoint an official of the Secretariat of UNESCO to act as Secretary to the Committee, and other officials who shall together constitute the Secretariat of the Committee.
- 39.4 The Secretariat shall receive, translate and distribute all official documents of the Committee and shall arrange for the interpretation of the discussions.
- 39.5 The Secretariat shall perform all other duties necessary for the proper conduct of the work of the Committee.

## IX. Working languages and reports

### Rule 40 – Working languages

- 40.1 The working languages of the Committee shall be English and French. Every effort shall be made, including through extra-budgetary funding, to facilitate the use of the other official languages of the United Nations as working languages.
- 40.2 Statements made at a meeting of the Committee in one of the working languages shall be interpreted into the other language.
- 40.3 Speakers may, however, speak in any other language, provided they make their own arrangements for interpretation of their statements into one of the working languages.
- 40.4 The documents of the Committee shall be issued simultaneously in English and French.

### Rule 41 – Deadline for distribution of documents

The documents relating to the items on the provisional agenda of each session of the Committee shall be made available in the two working languages in electronic format and distributed as hard copies to the Members of the Committee at the latest four weeks before the beginning of the session. They shall be provided to organizations, individuals and observers under Rules 6 and 7 in electronic format.

### Rule 42 – Reports of the sessions

At the end of each session, the Committee shall adopt the list of decisions that shall be published simultaneously in the two working languages in the month that follows the closure of the session.

**Rule 43 – Summary record**

The Secretariat shall prepare a detailed draft summary record of the Committee's meetings in the two working languages for approval at the opening of the next session. This draft summary record shall be published electronically simultaneously in the two working languages, at the latest three months after the closure of the session.

**Rule 44 – Communication of documentation**

The list of decisions and the final summary record of the debates in public meetings shall be transmitted by the Director-General to the Members of the Committee and to the organizations, individuals and observers under Rules 6 and 7.

**Rule 45 – Reports to the Conference of Parties**

- 45.1** The Committee shall submit a report on its activities and decisions to the Conference of Parties.
- 45.2** The Committee may authorize its Chairperson to submit these reports on its behalf.
- 45.3** Copies of the reports shall be sent to all Parties to the Convention.

**X. Adoption, amendment and suspension of the Rules of Procedure****Rule 46 – Adoption**

The Committee shall adopt its Rules of Procedure by a decision taken in plenary meeting by a majority of the Members present and voting.

**Rule 47 – Amendment**

The Committee may amend the Rules of Procedure, except when they reproduce provisions of the Convention, by a decision taken in plenary meeting by a two-thirds majority of the Members present and voting, provided the proposed amendment has been included in the agenda of the session in accordance with Rules 8 and 9.

**Rule 48 – Suspension**

The Committee may suspend the application of any Rule of Procedure, except when it reproduces provisions of the Convention, by a decision taken in plenary meeting by a two-thirds majority of the Members present and voting.



# 5

## FINANCIAL REGULATIONS OF THE SPECIAL ACCOUNT FOR THE INTERNATIONAL FUND FOR CULTURAL DIVERSITY

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# Financial Regulations of the Special Account for the International Fund for Cultural Diversity (IFCD)

Approved by the Conference of Parties at its first session (2007) and revised at its seventh session (2019)

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## Article 1 – Creation of a Special Account

- 1.1 Article 18 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”) establishes an International Fund for Cultural Diversity.
- 1.2 In accordance with Article 18 of the Convention and Article 6, paragraphs 5 and 6, of the Financial Regulations of UNESCO, there is hereby created a Special Account for the International Fund for Cultural Diversity (hereinafter referred to as the “Special Account”).
- 1.3 The following regulations shall govern the operation of the Special Account.

## Article 2 – Financial period

- 2.1 The financial period for budget estimates shall be two consecutive calendar years beginning with an even-numbered year.
- 2.2 The financial period for accounting shall be an annual calendar year.

## Article 3 – Purpose

In accordance with Article 18 of the Convention, the purpose of the Special Account is to finance activities decided by the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereafter referred to as “the Committee”), on the basis of guidelines determined by the Conference of Parties to the Convention, (hereafter referred to as “the Conference of Parties”), notably to assist Parties 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, in accordance with Article 14 of the Convention.

#### **Article 4 – Governance**

- 4.1** The Committee has authority over the appropriation of the resources under the Special Account, based on the guidelines of the Conference of Parties.
- 4.2** The Director-General shall manage and administer the funds of the Special Account in accordance with the text of the Convention, the decisions approved by the Committee, and the present Financial Regulations.
- 4.3** The Director-General shall, on an annual basis, submit to the Committee narrative and financial reports and, every two years, submit to the Conference of Parties a narrative report as indicated under Article 9 below.

#### **Article 5 – Income**

With due regard to the text of the Convention, the income of the Special Account shall consist of:

- (a)** voluntary contributions made by the Parties of the Convention;
- (b)** funds appropriated for this purpose by the General Conference of UNESCO;
- (c)** contributions, gifts or bequests which may be made by:
  - (i)** other States;
  - (ii)** organizations and programmes of the United Nations system;
  - (iii)** other regional or international organizations;
  - (iv)** public or private bodies or individuals;
- (d)** any interest due on the resources of the Special Account;
- (e)** funds raised through collections and receipts from events organized for the benefit of the Voluntary Fund;
- (f)** miscellaneous income.

#### **Article 6 – Expenditure**

- 6.1** The appropriation of the resources of the Special Account shall be approved by the Committee on a biennial basis.
- 6.2** The Special Account shall be debited with the expenditure relating to its purpose as described in Article 3 above, including administrative expenses specifically relating to it and programme support costs applicable to Special Accounts.
- 6.3** Expenditure shall be made within the limits of funds available.



**Article 7 – Accounts**

- 7.1 The Chief Financial Officer shall maintain such accounting records as are necessary.
- 7.2 Any unused balance at the end of a financial period shall be carried forward to the following financial period.
- 7.3 The accounts of the Special Account shall be part of the consolidated financial statements presented for audit to the External Auditor of UNESCO.
- 7.4 Contributions in kind shall be recorded outside the Special Account.

**Article 8 – Investments**

- 8.1 The Director-General may make short-term or long-term investments of sums standing to the credit of the Special Account.
- 8.2 Revenue from these investments shall be credited to the Special Account in line with UNESCO's Financial Rules.

**Article 9 – Reporting**

- 9.1 An annual financial report showing the income and expenditure under the Special Account shall be prepared and submitted to the Committee.
- 9.2 An annual narrative report shall be submitted to the Committee and every two years a narrative report shall be submitted to the Conference of Parties.

**Article 10 – Closure of the Special Account**

- 10.1 The Director-General shall consult the Committee when he/she considers that the operation of the Special Account is no longer necessary. Such consultation shall cover the decision on the use of any unspent balance.
- 10.2 The decision of the Committee shall be approved by the Conference of Parties and shall be transmitted to the Executive Board prior to the effective closure of the Special Account.

**Article 11 – General provisions**

- 11.1 Any amendment to these Financial Regulations shall be adopted by the Committee and approved by the Conference of Parties. The Executive Board shall be informed accordingly of any such amendments.
- 11.2 Unless otherwise provided in these Regulations, the Special Account shall be administered in accordance with the Financial Regulations of UNESCO.



# 6

## ANNEXES

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## 6.a Model Instrument of Ratification

(or of acceptance, of accession or of approval as the cases may be)

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### Instrument of Ratification

Whereas the Convention on the Protection and Promotion of the Diversity of Cultural Expressions is open to ratification by *(name of the country)*

.....

under the terms of its Article 26 *(in the case of accession, Article 27)*,

Now therefore the Government of *(name of the country)*

.....

having considered the aforesaid Convention hereby ratify the said Convention and undertake faithfully to carry out the stipulations therein contained.

IN WITNESS THEREOF, I have signed and sealed this instrument.

Done at *(place)* .....

this day of *(date)* .....

.....

*(Signature)*

*Head of State or*

*Prime Minister or Minister of Foreign Affairs*



## 6.b Sessions of the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions

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Session	Date	Location
First session	18-20 June 2007	Paris, France
Second session	15-16 June 2009	Paris France
Third session	14-15 June 2011	Paris, France
Fourth session	11-13 June 2013	Paris, France
Fifth session	10-12 June 2015	Paris, France
Sixth session	12-15 June 2017	Paris, France
Seventh session	4-7 June 2019	Paris, France

## 6.c Sessions of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

Session	Date	Location
First session	10-13 December 2007	Ottawa, Canada
First extraordinary session	24-27 June 2008	Paris, France
Second session	8-12 December 2008	Paris, France
Second extraordinary session	23-25 March 2009	Paris, France
Third session	7-9 December 2009	Paris, France
Fourth session	29 November – 3 December 2010	Paris, France
Fifth session	5-7 December 2011	Paris, France
Sixth session	10-14 December 2012	Paris, France
Seventh session	10-13 December 2013	Paris, France
Eighth session	9-11 December 2014	Paris, France
Ninth session	14-16 December 2015	Paris, France
Tenth session	12-15 December 2016	Paris, France
Eleventh session	12-15 December 2017	Paris, France
Twelfth session	11-14 December 2018	Paris, France

