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Organización
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para la Educación,
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منظمة الأمم المتحدة
للتربية والعلم والثقافة

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Diversity of cultural expressions

2 CP

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

Second Ordinary Session
Paris, UNESCO Headquarters, Room XII
15 to 16 June 2009

DETAILED SUMMARY RECORD

This document contains the draft detailed summary record of the Second Ordinary Session of the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions. Parties and observers may submit, before 1 June 2010, their comments by email to convention2005@unesco.org and/or in hard copy to the Secretariat of the Convention.

Item 1 – Opening of the session

1. The second session of the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions opened on Monday, 15 June 2009, with an official opening ceremony chaired by **Mr Koïchiro Matsuura**, Director-General of UNESCO.
2. It was attended by 427 participants including 295 participants from 90 Parties (89 States and the European Community (EC)). Also present were 75 representatives from 30 States not Parties to the Convention and a Permanent Observer Mission, 13 representatives from 7 intergovernmental organizations (IGOs) and 44 representatives from 12 non-governmental organizations (NGOs) with observer status. The Section for the Diversity of Cultural Expressions of UNESCO provided the Secretariat for the meeting.
3. The Director-General's opening statement is available on the Convention website: <http://unesdoc.unesco.org/images/0018/001829/182993m.pdf>.

Item 2 – Election of the Chairperson, Vice-Chairperson(s) and Rapporteur of the Conference of Parties

Document CE/09/2.CP/210/2

4. The **Assistant Director-General for Culture** referred to the need to elect a Bureau comprising six persons, one for each electoral group, corresponding to the Organization's six electoral groups, and said that it would consist of a Chairperson, a rapporteur elected in a personal capacity and four Vice-Chairpersons. She then addressed the precise role of the Rapporteur, saying that the Culture Sector had many intergovernmental committees and conferences of States Parties and that the role of the Rapporteur differed from one convention to another. Sometimes an oral report was submitted, outlining and summarizing what the Rapporteur had understood, followed and heard of the proceedings. Sometimes a very detailed written report was issued instead. She then proposed that the Rapporteur's oral report, as itemized on the agenda, should be deemed to contain all decisions adopted by the Conference or the Committee. She also suggested that the Rapporteur should play an active role in drafting the detailed report to be prepared by the Secretariat, which is then submitted for adoption at the following session of the Committee of the Conference of Parties. She also said that the role of the Rapporteur would not be whittled down since he was the guarantor of the body's decisions, which must be reported faithfully. Consequently, the language of the Rapporteur would be less of an issue. She then invited nominations for the office of Chairperson of the Conference.
5. The delegation of the **Lao People's Democratic Republic** nominated Ambassador G. Laurin as a candidate, stating that while the nominee had not been consulted, it seemed important to have someone of that calibre to lead the discussions.
6. The **Assistant Director-General for Culture** asked whether anyone wished to second the proposal and noted that the ensuing applause answered her question. She then asked whether Ambassador Laurin and Canada wished to accept the unanimously supported nomination.
7. **Mr Gilbert Laurin** gave his assent and thanked the Parties for their confidence in him; it had been an honour and a great pleasure for him to chair three meetings of the Committee; it was a great honour for a country. He paid tribute to the Secretariat and to Ms Lacoëuilhe who had endeavoured for two weeks to find someone to chair the Conference; while other events were being held concurrently at UNESCO at the same time and, for that reason, many delegates had been unable to agree to chair the conference during that period.
8. **The Assistant Director-General for Culture** thanked Ambassador Laurin and invited him to take his place on the podium. Recalling that he had chaired the first three sessions of the Committee before Ms Lacoëuilhe, she said that Ms Lacoëuilhe would submit the Committee's report in her capacity as current Chairperson. She also proposed that consideration of the appointment of the other Bureau members and the draft resolution on the election of the Bureau be deferred. She hoped that each electoral group would be able to agree on a nominee. She then gave the floor to Mr Laurin, Chairperson Elect.

Item 3 – Adoption of the agenda

Document CE/09/2.CP/210/3

9. The **Chairperson** introduced the item and invited the Secretariat to outline the items on the agenda of the second session.

10. **Ms Galia Saouma-Forero, Secretary of the Convention**, read out the list of working documents that had been prepared by the Secretariat and submitted on 15 May, within the statutory time limit prescribed by the Rules of Procedure. She said that they were available in the six working languages of the Conference of Parties and bore the CE/09/2.CP/210 code followed by a number corresponding to the agenda item number and the number of each draft resolution.

11. The delegation of **Brazil** congratulated the Chairperson. It noted that the Conference of Parties would be far too bureaucratic if it were only required to consider the Committee's proposals; and that the session was an opportunity for all Parties to the Convention to share opinions in general. It therefore proposed that, between agenda items 4 and 5, the Parties could be enabled to comment on their activities and thus share information on the implementation of the Convention.

12. The **Chairperson** requested the Parties to consider the proposal and called on the delegation of the Lao People's Democratic Republic.

13. After congratulating the Chairperson on his unanimous election, the delegation of the **Lao People's Democratic Republic** requested the formal and provisional suspension of Rule 17 of the Rules of Procedure of the Conference of Parties to enable the Conference to consider nominations for election to the Committee, which had been submitted after the deadline. It said that when the time came to discuss agenda item 8: "Election of Members of the Committee", it would table amendments to the draft resolution in order to avoid further hitches in the future.

14. The delegation of **Saint Lucia** seconded the proposal by the delegation of Brazil. Following the proposal made by the delegation of the Lao People's Democratic Republic, it said that a Rule of Procedure must be suspended if two nominations submitted after the deadlines laid down in the Rules were to be admitted. It proposed to solve the problem by adding a paragraph to the Rules, as had been done with the 1972 Convention, to set a second deadline that was closer to the elections because the deadline of six weeks before the Conference was too long and created problems for States Parties.

15. Summarizing the proposals, the **Chairperson** said that there was a request to amend agenda item 8 in order to add the suspension of Rule 17. Item 8 would thus comprise three parts: suspension of Rule 17 to enable two States Parties to submit their nominations; the election; and after the election, a proposed amendment to Rule 17 so that the Conference of Parties would no longer be required to suspend the Rule whenever nominations were submitted after the six-week deadline.

16. The delegation of **Brazil** then said that the statements by the Lao People's Democratic Republic and Saint Lucia entailed the addition of a new agenda item, namely the revision of the Rules of Procedure of the Conference of Parties, thus constituting a proposed amendment to Rule 17. It said that it considered the proposed amendment to be a separate item which should be added to the agenda in order to provide for a revision of the Rules of Procedure. It considered that the suspension of Rule 17 should not be specifically mentioned in the agenda since it behoved the Conference to take the decision.

17. The Chairperson thanked **Brazil** and noted the request for a separate item on the amendment to Rule 17, which would thus be shown as item 8a of the agenda. He requested that the proposal be reflected in the agenda and asked whether the assembly wished to adopt the agenda as amended by Brazil.

18. The delegation of **Brazil** referred to its proposal that there be an item to permit a general exchange of views on the implementation of the Convention between agenda items 4 and 5.

19. The **Chairperson** asked whether any Party wished to support Brazil's proposal to add an item to the agenda; that would enable delegations that so wished to make a general statement. He recalled that the delegation of Saint Lucia had seconded the proposal.

20. The delegation of **Ecuador** supported the Brazilian proposal.

21. The **Chairperson** noted that there were two proposed amendments to the agenda: first, Brazil's proposal for a general debate between items 4 and 5; and an item on the amendment to Rule 17. The amendments were adopted together with Resolution 2.CP 3. The Chairperson then said that before moving on to agenda item 4, the Conference was required to admit observers to the Conference of Parties.

Item 3a – Approval of the list of observers

22. The **Chairperson** said that the observers registered have no voting rights, in accordance with Rule 2.1 of the Rules of Procedure of the Conference of Parties.

23. The delegation of **Brazil**, keen to ensure the Rules were respected, proposed that an item be added to the agenda so that observers could be admitted under a resolution effectively based on an agenda item. It suggested that the resolution on the adoption of the agenda be revised to include an item on "Admission or authorization of observers", pursuant to Rule 2.3 of the Rules of Procedure.

24. The **Chairperson** said that the list had been simply read out in the past and that no official decision had actually been taken. From the legal point of view, however, the point raised seemed relevant and the Conference of Parties should indeed adopt a resolution formally accepting the presence and participation of observers. He requested the Conference to amend the agenda to add an item for the approval of the list of observers. He then called on the Secretariat to read out the list of observers.

25. The **Secretary of the Convention** read out the list of the 25 States Members of UNESCO and the Permanent Observer Mission with observer status present in the room: Afghanistan, Algeria, Azerbaijan, Bahrain, Belgium, Costa Rica, Czech Republic, Dominica, Dominican Republic, Honduras, Indonesia, Islamic Republic of Iran, Iraq, Japan, Qatar, Lebanon, Liberia, Morocco, Netherlands, Republic of Korea, the Democratic Republic of Congo, Rwanda, Saudi Arabia, Serbia, Turkey and the Holy See. She then read out the list of 7 intergovernmental organizations present in the room: the Arab League Educational, Cultural and Scientific Organization (ALECSO), the Parliamentary Assembly of the Francophonie (APF), the Commonwealth Foundation, the Council of Europe, the International Organization of the Francophonie (OIF), the Islamic Educational, Scientific and Cultural Organization (ISESCO) and the World Intellectual Property Organization (WIPO). Lastly, she listed the 12 non-governmental organizations (NGOs) also present in the room: the NGO-UNESCO Liaison Committee, the International Music Council (IMC), Culture Action Europe, the International Federation of Coalitions for Cultural Diversity (IFCCD), the International Federation of Musicians (FIM), the European Institute for Comparative Cultural Research (ERICarts), the International Theatre Institute (ITI), International Federation of Arts Councils and Culture Agencies (IFACCA), the International Network for Cultural Diversity (INCD), Traditions for Tomorrow, the European Broadcasting Union (EBU) and United Cities and Local Governments.

26. The **Chairperson** then invited the Conference of Parties to approve the list of observers and Resolution 2.CP 3a was adopted.

Item 4 – Adoption of the summary record of the first ordinary session of the Conference of Parties

Document CE/09/2.CP/210/4

27. The **Chairperson** introduced the item, noted that the Secretariat had not received any proposed amendments to the summary record and asked whether the Parties wished to make any comments or amendments.

28. The delegation of **South Africa** pointed to an error in paragraph 27 of the record. Instead of reading “should not be overestimated”, it should read the opposite, namely “should not be underestimated”.

29. The **Chairperson** thanked South Africa and said that the correction was extremely important and would be taken into account. He then said that the summary record was adopted, along with Resolution 2.CP 4. The Chairperson then turned to the new agenda item concerning general statements.

Item 4a – General discussion

30. The **Chairperson** invited Ms Tutu Muna, Minister of Culture of Cameroon, to speak.

31. The **Minister of Culture of Cameroon** made a statement which had been submitted to the Secretariat and is reproduced *in extenso* in Annex 1. She said that her country, famous for its ethnic, linguistic and cultural diversity, considered that the Convention was an important instrument that would ensure the vitality of its cultural potential, its openness to other world cultures and its enrichment.

32. After congratulating the Chairperson and ensuring him of its full cooperation, the delegation of **Brazil** also made a statement which had been submitted to the Secretariat and is reproduced *in extenso* in Annex 2. It stressed that Brazil had fully incorporated the sustainable development challenge into its cultural policies and programmes. In that respect, the Convention was a key element because it enabled the social participation of cultural groups and promoted their autonomy and sustainability; it recognized the technologies developed by societies and ensured access to them. In addition, the delegation mentioned that the International Fund for Cultural Diversity, IFCD (hereinafter “the Fund”) was a key instrument for financing the development policies implemented by developing countries and it aimed to boost international cooperation and solidarity. It therefore recalled that Parties that could do so should therefore commit significant sums, undertake to adopt the fund-raising mechanisms required and be creative in that area.

33. The delegation of **Guatemala** also congratulated the Chairperson and thanked UNESCO for supporting the Committee in implementing the Convention. In view of the profound changes wrought by globalization, which had altered perceptions and points of view and had led to the formation of a vast network of connections, the protection of the diversity of cultural expressions was an essential act of survival for the human species. The delegation also highlighted the efforts and ongoing work in Guatemala to enshrine the provisions of the Convention in its national legislation and to make it a substantive law. It mentioned that this legislation would result in national policies that recognized the protection and promotion of cultural expressions as the very essence of development, democracy and peace because, in national contexts, they can also help to combat poverty.

34. After congratulating the Chairperson and acknowledging his competence, the delegation of **Finland** said that the principles and objectives of the Convention had been incorporated in the new cultural policy strategy. It then highlighted the work under way in several international forums that were contributing to the implementation of the Convention, which was a sign of a willingness to adopt a synergic approach. In that connection, it mentioned the work done by the Council of Europe, which had published a Compendium on Cultural Policies, and by the European Community.

35. The delegation of **Burkina Faso** made a statement which had been submitted to the Secretariat and is reproduced *in extenso* in Annex 3. It called on the Parties to be mobilized generally in order to implement the Convention and stressed that action to combat poverty was also linked to the formulation and implementation of concrete cultural programmes and projects.

36. The delegation of **Mali** made a statement which had been submitted to the Secretariat and is reproduced *in extenso* in Annex 4. It stressed that African cultures in general were weakened by the very difficult institutional, structural and economic climate and that lessons should be learnt in order to develop sustainable cultural policies. It also stressed that from that point of view the

Convention provided a relevant, framework for discussions and highlighted Mali's commitment to achieving its objectives.

37. The delegation of **Mexico** then said that, since Mexico was a multicultural, multiethnic country, the preservation of the diversity of cultural expressions was of prime importance; it was one of the main strands of the ongoing constitutional reform which guaranteed universal access to culture. It informed the Parties that Mexico would make a contribution to the International Fund for Cultural Diversity, which would amount to 1% of Mexico's contribution to UNESCO.

38. The delegation of **China** said that the Convention clearly met aspirations for cultural diversity to be protected throughout the world. In addition, it expressed its belief that implementation of the Convention would contribute, to the formulation of policies and the adoption of measures in the countries of the world.

39. The delegation of **Canada** made a statement which had been submitted to the Secretariat and is reproduced *in extenso* in Annex 5. It said that the Committee had worked extremely hard to assist the Parties in implementing the Convention, particularly as regards preparing the draft operational guidelines for several of the articles. Although they were not perfect, they reflected a broad consensus and would serve as an effective guide for the Parties.

40. The delegation of **France** wished to reaffirm its commitment to implementing the Convention and urged Parties not to slacken their efforts in favour of the ratification of the Convention, as it was very important for it to be ratified as widely as possible. It added that its contribution to the Fund would remain unchanged at €150,000.

41. The delegation of **India** stressed that the Conference was a very important one and hoped that more countries would ratify the Convention. It said that India had made its second contribution, amounting to 1% of its contribution to UNESCO, and intended in future to renew that commitment.

42. The delegation of **Bolivia** said that on 25 January 2009, Bolivia had become a new republic, a plurinational state, in recognizing indigenous nations on its territory, which had been there long before colonization; and whose wealth and cultural diversity enriched humanity.

43. The delegation of **Bosnia and Herzegovina** said that, despite the small size of its country, it possessed an extraordinary wealth of cultural diversity and the implementation of the Convention would be a very important step in enhancing the importance and visibility of that national treasure. Furthermore, it mentioned that Bosnia and Herzegovina wished to play as active a role as possible in all matters relating to the Convention.

44. The **Chairperson** thanked all of the Parties that had congratulated him and had pledged their full cooperation; as it was such cooperation that would enable the proceedings to be conducted successfully. He assured all speakers that their comments would be included in the summary record of the Conference of Parties. He thanked Brazil for adding the item to the agenda because the nature of the comments had shown that it was useful to hold a general discussion in order to ascertain progress achieved by the Parties, in regard to their internal policies, and their thoughts on the role of the Convention. He added that the Parties could propose that in the future, such an item be placed on the agenda of the Conference of Parties.

Item 5 – Report of the Committee on its activities and decisions to the Conference of Parties

Document CE/09/2.CP/210/5

45. The **Assistant Director-General for Culture** reminded the Conference that the Committee's provisional Rules of Procedure required the Committee to report to the Conference of Parties on its activities. Those activities, as mandated by the Conference of Parties, consisted primarily in the drafting of operational guidelines for a number of Convention articles. She suggested, as was customary, that the report be submitted to the Conference of Parties by Ms Vera Lacoëuilhe, the current Chairperson of the Committee.

46. The **Chairperson of the Committee** said that the Committee's report on its activities and on decisions taken during the previous two years and adopted by the Committee at its second extraordinary session in March 2008 was annexed to document CE/09/2CP/210/5 and that it gave

a very clear, accurate picture of the Committee's activities. Since its establishment, the Committee had met twice in ordinary session, in December 2007 and December 2009, but – in order to speed up preparation of the documents requested by the Conference of Parties – an extraordinary session had been held in June 2008 and in March 2009. Pursuant to Resolution 1.CP 6, adopted at the first session, the Conference of Parties had decided that the Committee's sessions would normally be held at UNESCO Headquarters. However, owing to the inaugural nature of the session and in response to an invitation from Canada, the Committee had held its first session in Ottawa, Canada. On behalf of the Committee, she thanked Canada wholeheartedly for its warm welcome and hospitality, and especially His Excellency Mr Gilbert Laurin, who had chaired the Committee's proceedings superbly. Since its establishment in June 2008, the Committee had focused on drafting operational guidelines in explicit conformity with Resolution 1.CP 6. The guidelines dealt with measures to promote and protect cultural expressions (Articles 7, 8 and 17 of the Convention), the role and participation of civil society in implementing the provisions of the Convention (Article 11 of the Convention), the integration of culture into sustainable development (Article 13 of the Convention), cooperation for development (Article 14 of the Convention) collaborative arrangements (Article 15 of the Convention) preferential treatment for developing countries (Article 16 of the Convention) and use of the resources of the International Fund for Cultural Diversity (Article 18 of the Convention). The Chairperson also said that the Committee had adopted its provisional Rules of Procedure, which were subject to approval by the Conference of Parties. She also said that, with regard to Article 12 "Promotion of international cooperation", following a long debate at its second ordinary session, the Committee had felt that the matter was very detailed and had decided to suggest that the Conference of Parties should not adopt operational guidelines on the subject, the article itself being perfectly adequate. The draft operational guidelines which the Committee had framed over 18 months of intensive work represented the bulk of its activities and would enable the Convention to become operational. The Chairperson also recalled that one of the functions of the Committee pursuant to Article 23.6 (a) of the Convention was to promote the objectives of the Convention and encourage and monitor its implementation. In that regard, the Committee had launched a discussion on measures that could improve the visibility and promotion of the Convention and had requested the Secretariat to consult Parties on the case for a strategic framework for the formulation of operational guidelines on the subject and to draw up a strategy for encouraging ratification. In conclusion, she noted that the Committee had considered that the guidelines would be put to the test in practice and could be revised or expanded in future if necessary.

47. The **Chairperson** thanked the Chairperson of the Committee and the Conference adopted Resolution 2.CP 5 under which the Conference of Parties noted the Committee's report on its activities and decisions.

Item 6 – Approval of the Rules of Procedure of the Committee

Document CE/09/2.CP/210/6

48. The **Assistant Director-General for Culture** noted that the Convention required that the Committee's Rules of Procedure be submitted to the Conference of Parties for approval and that they had to date been provisional. They had been modelled on the Rules of Procedure of the Conference of Parties and the Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage, with some minor adjustment, including a reference to "Associate Member States of UNESCO". She also noted that Article 7.4, regarding the participation of NGOs in the sessions of the Committee, proposed a system to allow those with interests and activities in the area of the Convention to participate as observers, subject to a written request to the Director-General rather than by notification in writing, either for several sessions, one of them, or for a specific meeting of the session. The article thus followed Rule 2.3 of the Rules of Procedure of the Conference of Parties, which had been adopted two years earlier to manage admission of NGOs with observer status to the sessions of the Conference of Parties. Lastly, she stressed that Rule 4.2 of the Rules provided that Committee's sessions should, in principle, be held in Paris, pursuant to the resolution adopted by the Conference of Parties.

49. The Conference adopted Resolution 2.CP 6, under which it approved the Rules of Procedure of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions.

50. The **Assistant Director-General for Culture** said that the Conference was still required to appoint another five Bureau members: a Rapporteur appointed in a personal capacity and four Vice-Chairpersons. She requested the electoral groups to confer during lunch.

51. Resuming the session, the Chairperson noted that consideration of item 2 in respect of the election of Bureau members had been deferred. Brazil, China, Egypt and Senegal were elected Vice-Chairpersons and Slovenia was elected Rapporteur of the Conference of Parties following proposals by the delegations of Croatia, supported by Canada, of Saint Lucia, and the Lao People's Democratic Republic, supported by New Zealand, of Zimbabwe, supported by Saint Lucia and Kenya, and of Tunisia, supported by Senegal. Pending receipt of the name of the Rapporteur, the **Chairperson** deferred adoption of Resolution 2.CP 2.

Item 7 – Approval of the operational guidelines for the implementation of the Convention and future activities of the Committee

Document CE/09/2.CP/210/7

52. The **Chairperson** proposed to address the matter in three parts. Firstly, to proceed with the approval of the operational guidelines drawn up by the Committee at the request of the Conference of Parties; secondly, to hold a discussion on the terms of reference to be entrusted to the Committee by the Conference of Parties; and thirdly to discuss the terms of reference that the Conference would entrust to the new Committee.

53. The **Assistant Director-General for Culture** said that the Committee had been required to work fast to draw up the draft operational guidelines within the time allotted for all items to which the Conference of Parties had given priority, namely Articles 7, 8, 11, 13, 14, 15, 16, 17 and 18. In addition to those articles, the Committee had requested that it be given terms of reference to draft operational guidelines on the visibility and promotion of the Convention. Furthermore, given the voluntary nature of contributions to the Fund, the Committee had identified the need for a strategy to boost the Fund's resources, which should eventually be incorporated into the operational guidelines to provide greater clarity with regard to the responsibility of each Party and thus ensure that the Fund received a steady stream of voluntary contributions.

54. The **Chairperson** said that the draft operational guidelines were the result of lengthy discussions, preceded by extensive consultation, and that they had been adopted by consensus, including the most difficult ones. As with any compromise, they were far from perfect and the Parties would certainly have the opportunity to judge which ones should be amended. He invited the Conference to consider the draft guidelines on Article 7: "Measures to promote and protect cultural expressions." Seeing that no Party or observer wished to speak, the Chairperson declared the operational guidelines on Article 7 adopted.

55. The **Chairperson** requested the Conference to turn to the draft guidelines on Articles 8 and 17: "Measures to protect cultural expressions – special situations".

56. The delegation of **Morocco** noted that the guidelines on Article 7 contained a chapter on the principles and another on the measures used; it wished to know why there was no such symmetry in respect of Article 8.

57. The **Chairperson** explained that the Committee had not tried to establish any symmetry for all the operational guidelines since they had very different aims. It had been necessary to include the principles in some cases, but not in others. As no other observers wished to speak, the Chairperson declared the operational guidelines for Articles 8 and 17 adopted.

58. The **Chairperson** then invited the Conference to turn to the draft guidelines on Article 11: "The role and participation of civil society." As no Party or observer wished to speak, the Chairperson declared the guidelines adopted.

59. The **Chairperson** said that the Conference of Parties had requested the Committee to draft guidelines on Article 12 and that, following a lengthy debate, the Committee had decided that the article did not require any, being sufficient as it stood.

60. The **Chairperson** invited the Conference to turn to the draft guidelines on Article 13: "The integration of culture in sustainable development." As no Party or observer wished to speak, the Chairperson declared the guidelines adopted.

61. The **Chairperson** then invited the Conference to consider the draft guidelines on Article 14: "Cooperation for Development".

62. The delegation of **Zimbabwe** said that for developing countries, the operational guidelines captured the essence, the letter and the spirit of the Convention and complimented the Committee for taking account some of the issues raised by those countries and for including them in the guidelines. He hoped that they could be put into practice.

63. The **Chairperson** said that he was convinced that Committee Members, who had indeed worked tirelessly, would heed those words. He added that the results of the Committee's efforts reflected the expectations of Zimbabwe and the developing countries; he hoped that they would be applied in both word and deed. As no other Party or observer wished to speak, the Chairperson declared the operational guidelines for Article 14 adopted.

64. The **Chairperson** invited the Conference to consider the draft guidelines on Article 15 relating to partnerships, "Collaborative arrangements". As no Party or observer wished to speak, the Chairperson declared the guidelines adopted.

65. The **Chairperson** invited the Conference to consider the draft guidelines on Article 16: "Preferential treatment for developing countries". The representative of the **NGO-UNESCO Liaison Committee** said that, following a request from the Committee, the Secretariat had consulted civil society organizations widely when Article 16 was being discussed and welcomed the cooperation that had been established between the Committee and those organizations. He hoped that the constructive cooperation on implementing the Convention, reflecting the provisions of Article 11, might be carried forward in the future work of the Committee and the Conference.

66. The **Chairperson** thanked the representative of the Liaison Committee and, on behalf of the Parties, assured him that the cooperation would continue as it was the main strong point of the Convention. The Chairperson then declared the operational guidelines on Article 16 adopted.

67. The **Chairperson** then invited the Conference to consider the draft "Guidelines on the use of the resources of the Fund" (Article 18). As no Party or observer wished to speak, the Chairperson declared the guidelines adopted.

68. Following adoption of the operational guidelines and the guidelines on the use of the resources of the Fund, the Chairperson invited the Conference to consider draft Resolution 2.CP 7, in particular the terms of reference, that would be entrusted to the Committee.

69. The delegation of **Senegal** said that the wording of paragraph 4 of the draft resolution "[...] decides not to adopt operational guidelines on the promotion of international cooperation (Article 12 of the Convention)", was too negative and somewhat ambiguous. It suggested that it should be clearly stated that the Conference had decided that Article 12, as worded in the Convention, constituted an operational guideline, which was not the same as saying that there was no operational guideline on that Article.

70. The delegation of **France**, supported by the delegation of **Slovenia**, said that while it understood and shared the aims of that proposal, it posed a legal problem. The delegation considered that it would be unwise to put a Convention article, in this specific case, Article 12, on the same footing as operational guidelines as the latter were legally secondary. It suggested the following wording: "Decides that Article 12 of the Convention is already of an operational character and requires no further development in the form of guidelines."

71. The **Chairperson** then declared the paragraph adopted. He noted that paragraph 5 of the draft resolution repeated, in different words, the provisions that the Conference had already adopted in the context of the operational guidelines on the role and participation of civil society. As

no one wished to speak, the Chairperson declared the paragraph adopted. The Chairperson then requested the Conference to consider the recommendations submitted by the Committee to the Conference regarding the Committee's future terms of reference.

72. The **Secretary of the Convention** said that the Committee hoped that the Conference of Parties would give it terms of reference for the preparation of draft operational guidelines on measures to raise the visibility of the Convention and promote it. Two options were proposed in the paragraph.

73. The **Chairperson** asked whether any Parties wished to comment on the Committee's request. As no one wished to speak, the Chairperson declared the second part of paragraph 6 of the draft resolution adopted.

74. The **Chairperson** then invited the Conference to continue its discussion of the terms of reference that would be entrusted to the Committee.

75. The delegation of **Austria** said that when discussing visibility, the Committee had considered several issues including the possibility of appointing an eminent person to promote the Convention. The discussion had resulted in the two options contained in paragraph 7, namely to appoint someone at the Conference or to do so at a later date. The French-speaking countries' working group had preferred the latter option and an amendment had been drafted which had been supported by a dozen States outside the French-speaking group. The idea behind the amendment was to instruct the Committee to study the matter and request it to discuss the mission, the responsibilities, whether one or several persons would promote the Convention and budgetary questions.

76. The **Secretary of the Convention** read the list of the 13 States that had signed the amendment tabled by Austria: Albania, Andorra, Austria, France, Greece, Grenada, India, Luxembourg, Monaco, Lao People's Democratic Republic, Saint Lucia, Switzerland and Tunisia.

77. The delegation of **Senegal** said that in the light of paragraph 6 of the draft resolution adopted by the Conference and in view of the provisions of Article 23.6(e) of the Convention, which stated that "the functions of the Intergovernmental Committee shall be [...] to establish procedures and other mechanisms for consultation aimed at promoting the objectives and principles of this Convention in other international forums", it was unnecessary to add another paragraph 7, since it was only after a comprehensive review of all measures required to promote the Convention that appointments could be proposed. It then said that there was no need to propose any appointments before establishing the mechanisms.

78. The delegation of **Brazil** wondered whether names could be submitted if there were a positive outcome to the discussion on relevance and visibility.

79. The delegation of **South Africa** pointed out that it had not been named as co-sponsor and confirmed that it, too had endorsed the amendment.

80. The delegation of **Saint Lucia** said that if the Conference deemed that the previous paragraph authorized the Committee to prepare operational guidelines on the visibility and promotion of the Convention, and if the terms of reference could include the content of paragraph 7, it would have no objection. Pointing out that it had co-sponsored the amendment, it stressed the principle that no nominations should be made before the framework, objectives and criteria had been established. If the Committee decided to create such a mechanism, difficulties might arise during the deliberations. The delegation stressed that it would require a substantive discussion to consider all consequences and that a very clear framework should be established before making any decision and proceeding with nominations. The delegation concluded by stating that if the Conference decided to retain paragraph 7, it would support option 2 but if the Conference preferred only to keep the reference to the operational guidelines, as proposed in paragraph 6 or by Senegal, then that was also acceptable.

81. The delegations of **Luxembourg, Slovenia, India, Greece, Tunisia, Monaco, Mexico, the Lao People's Democratic Republic and Mali**, supported the proposal by the delegation of Saint Lucia. The delegation of **Luxembourg** said that the Conference of Parties should decide on the appointment once it had considered the Committee's report. The delegations of **Slovenia, India**

and **Monaco** stressed the need for a debate on the financial and budgetary implications of the mechanism. The delegation of **Greece** stressed that, it was an institutionally unprecedented innovation to appoint a spokesperson to promote a Convention. The delegations of **Monaco**, the **Lao People's Democratic Republic** and **Mali** highlighted the profile of the appointee, the need to establish his or her terms of reference and the ways and means of implementing his/her mission.

82. After inviting the Parties who wished to retain paragraph 7 and those who wished to refer only to paragraph 6 to take the floor, the **Chairperson** found that a majority preferred to retain paragraph 7. He then moved the adoption of the paragraph worded as follows: "invites the Committee to examine the pertinence and the feasibility of the nomination of one or several public personalities charged with the promotion of the Convention, taking into account the objectives, the mandate, the modalities and the costs of such a set up and invites the Committee to report on that matter to the next Conference of Parties".

83. The delegation of **Brazil** then proposed a new paragraph 8 on the use of innovative financial mechanisms for raising funds: "Calls on the Committee to continue its reflection on the use of innovative financial mechanisms for raising funds for the International Fund for Cultural Diversity in order to present Member States with alternatives that could help them to mobilize resources for their voluntary contribution to the IFCD."

84. The delegation of **Saint Lucia** supported Brazil's proposal and proposed to refer to "elaboration" of the mechanisms before mentioning their use. Furthermore, it believed that the initial idea of having innovative mechanisms to raise funds for the IFCD exceeded the scope of voluntary contributions. As it saw no reason for introducing any link between the mechanisms and countries' voluntary contributions, it suggested that the text should end after "for the International Fund for Cultural Diversity".

85. The delegation of **Brazil** said that during the Committee's first debate on fund-raising, it had pointed out that it was for the Member States to assume the task of fund-raising so that their voluntary contributions could be substantial. That position had been reaffirmed during the general debate at the Conference. In the delegation's view, that task should not be entrusted to the Committee, nor should it be left to private initiative. The Parties to the Convention should take responsibility for using the financial mechanisms that they have deemed appropriate for mobilizing resources and raising the funds that would permit voluntary contributions to the Fund. It explained that the subtlety of the proposal gave States the flexibility to choose the financial mechanisms that were appropriate for them using a whole range of options. Expressing some reservation concerning the use of the word "elaboration", the delegation pointed out that internationally the options were very varied and a rigid approach should not be imposed. On the contrary, the Parties should understand that they were alternatives and that they should use the financial mechanisms to bolster their voluntary contributions.

86. The delegation of **France** said that the Committee should be able to reflect on the financial mechanisms and new financing methods. It suggested that the report to be submitted at the next Conference of Parties should cover the whole range of topics in order to include both the strategy and the analysis of innovative financial mechanisms.

87. The delegation of **India** supported the delegation of France. It expressed reservations about the link between innovative fund-raising mechanisms and contributions to the Fund, stating that such a link did not differentiate between developing countries, which might find it difficult to make a significant contribution, and developed countries. The Indian Parliament had just made a second contribution to the Fund and it would not be disturbed at all by any innovative mechanism. It added that if the Conference wished to include a separate paragraph to encourage countries to make a contribution to the Fund, then that was a separate issue, but the issue of innovative financing mechanisms covered a whole range of tasks that were unconnected with the contribution to the Fund. It supported the delegation of Saint Lucia and hoped that, if the sentence were reinserted in the text, a distinction would be made between developing countries on the one hand and developed countries on the other, because some developed countries, for political reasons, made no contribution regardless of whether the financial mechanisms were innovative or not.

88. The delegation of **Saint Lucia** said that the point made by the Ambassador of India was of the essence. It reiterated the principle that voluntary contributions should be made by all Parties,

regardless of whether they were able to develop financial fund-raising mechanisms. While understanding the Brazilian delegation's explanation that Parties should act responsibly and be proactive in fund-raising, it said that the Secretariat, the Committee and the Conference could not be denied a role merely because some States lacked the means to develop and use the innovative financial mechanisms and would need assistance.

89. The delegation of the **Lao People's Democratic Republic**, supported by **Peru**, preferred to leave it to the Committee to develop its own strategies and to report at the following session of the Conference.

90. In that spirit, the **Luxembourg** delegation, supported by the delegations of **Peru** and **Zimbabwe**, proposed the following wording: "Mandates the Committee to develop a fund raising strategy for the International Fund for Cultural Diversity and, in this context, to continue to consider innovative financial mechanisms." It also recommended adding at the end "and to report on the results of its work at its next session" in order to mention that alternative without making any assumptions as to the objective of the Committee's discussion on the matter.

91. The delegation of **Brazil** supported Luxembourg's amendment, which referred to reflection on "utilization", adding that most of the Parties that had spoken were Members of the Committee and would therefore contribute to the discussion when the Committee addressed the matter.

92. Noting the consensus towards which the Conference was moving and the proposal by the delegation of Saint Lucia to insert the word "elaboration", the **Chairperson** moved the adoption of paragraph 8 of Resolution 2.CP 7, under which the Conference of Parties "Mandates the Committee to devise a fund-raising strategy for the International Fund for Cultural Diversity (IFCD) and in this framework to continue its reflection on the elaboration and utilization of innovative financial mechanisms and to report to it on the outcome of its work at its next session".

93. The **Chairperson** then requested the Conference to discuss the terms of reference that the Conference of Parties would entrust to the Committee for the following two years.

94. The delegation of **Brazil** recommended that the Committee should consider the issues for which a report must be made to the Conference of Parties and the relevant format; it proposed Articles 9 and 19 of the Convention.

95. The delegation of **India** proposed that, in addition to Articles 9 and 19, there should also be guidelines on Article 10, which was linked to education and public awareness.

96. The delegations of **Germany, Canada, Tunisia, Norway, France** and **Mali** supported the two proposals.

97. The delegation of **Mali** said that public awareness was essential, that information should be shared and that maximum information should be disseminated on the Convention. It was not merely a question of the visibility of the Convention, but also the conceptual framework of the Convention. The delegation said that trade, finance and customs specialists should also contribute to the implementation of the Convention; their contribution was essential and they should be approached with a view to being involved more closely.

98. The **Chairperson** proceeded with the adoption of paragraph 6 of Resolution 2.CP 7 under which the Conference of Parties "Requests the Committee to continue its work and to submit to it for approval at its next session draft operational guidelines concerning Articles 9, 10 and 19 of the Convention, together with draft operational guidelines on the measures to increase the visibility and promotion of the Convention".

99. The delegation of **France** said that ratification of the Convention by as many States as possible remained a priority. On behalf of the European Union it proposed that a new paragraph 9 be inserted reading as follows: "Invites Parties to continue and intensify their efforts with a view to achieving broad ratification of the Convention."

100. The delegation of **Brazil**, while supporting the proposal, proposed that "a broader ratification of the Convention" be used and that reference be made to States Parties.

101. Responding to a comment by the delegation of Zimbabwe, the **Chairperson** said that the idea was that the Parties to the Convention should persuade the States with which they had the

best relations to ratify the Convention in turn. The Chairperson then invited the observers to take the floor.

102. **Mr Bertrand Saint Arnaud**, representative of the **Parliamentary Assembly of the Francophonie (APF)**, said that the APF brought together parliamentarians from 77 parliaments and inter-parliamentary organizations from all continents and had been very actively involved in matters relating to cultural diversity since 2000. He said that Members of the French-speaking community had rallied to work for the adoption of the Convention and had then called for it to be ratified. Since it had been adopted the APF had continued its efforts to galvanize support among its Members for the ratification and implementation of the Convention. He also informed the Conference that the parliamentarians had noted and commended the considerable amount of work carried out by the Committee. Furthermore, he stressed that the APF believed that it was important to implement the Convention as soon as possible; accordingly, parliamentarians had expressed the wish that the Committee would draft operational guidelines for Articles 20 and 21 of the Convention. Regarding the latter, he said that some thought should be given to making it operational and that the form in which consultation would be held should be specified. The Committee would perform its duties well, especially that of promoting the objectives and principles of the Convention in other international forums.

103. **Mr Garry Neil**, representative of the **International Network for Cultural Diversity (INCD)**, said that his organization urged the Parties to reopen their consideration of item 6 in order to request the Committee to draft operational guidelines for Articles 20 and 21, which were essential to the implementation of the Convention. In that regard, he said that the Convention recognized the dual nature of cultural goods and services – both economic and cultural – and the tension between the two approaches underlay the convening of the session there in that room. He wondered how trade agreements could be prevented from undermining cultural policies, which accounted for his insistence on Articles 20 and 21, which required Parties to take proper account of all such problems.

104. **Mr Jim McKee**, representative of the **International Federation of Coalitions for Cultural Diversity (IFCCD)**, supported the position expressed by the representative of the APF regarding the importance of drafting an operational framework for Article 21 and ensuring that the principles and objectives of the Convention were promoted as widely as possible in other international forums. He said that consistency was important to ensure proper implementation of the Convention.

105. Following those statements by the observers, the **Chairperson** proceeded with the adoption of Resolution 2.CP 7 as amended. He also obtained the agreement of Ms Milena Šmit, representative of the delegation of Slovenia, as Rapporteur of the Conference of Parties. Accordingly, the Conference adopted Resolution 2 CP 2 under which it elected Mr Gilbert Laurin (Canada) Chairperson of the Conference of Parties, Ms Milena Šmit (Slovenia), Rapporteur of the Conference of Parties, and Brazil, China, Egypt and Senegal Vice-Chairs of the Conference of Parties.

Item 8 – Election of Members of the Committee

Document CE/09/2.CP/210/8

106. Introducing item 8, the **Chairperson** said that as Canada was a Party to the Convention and a candidate for election, he would not chair that part of the morning session. He said that a vice-chairperson from a State Party that was not a candidate for election to the Committee would chair the elections. He then requested Mr Papa Massène Sene (Senegal), Vice-Chairperson representing the Africa Group, to chair the session.

107. The **Vice-Chairperson** expressed his gratitude for the confidence placed in him and said that the Conference would elect half of the Committee's Members. He invited delegates to refer to documents 8 and INF3 REV, revised on 15 June, which contained the list of candidates for election to the Committee and requested the Secretariat to provide some information on the matter.

108. The **Secretary of the Convention** said that in accordance with paragraphs 1 and 4 of Article 23 of the Convention, the Conference of Parties had elected at its first ordinary session a Committee comprising 24 Members. Article 16 of the Rules of Procedure of the Conference of Parties provided that the term of office of Member States was four years, in accordance with Article 21 of the Convention, and that the term of half of the Member States elected at the first election was limited to two years; they had been appointed by drawing lots. She named the 12 Member States of the Committee whose term was limited to two years: Albania, Austria, Brazil, Burkina Faso, Canada, China, Finland, France, Guatemala, Mali, Slovenia and Tunisia. She also said that Rule 15.2 of the Rules of Procedure required the seats on the Committee to be distributed among the electoral groups in proportion to the number of States Parties from each group, provided that a minimum of three seats and a maximum of six seats were assigned to each of the six electoral groups. She then said that according to the list in document INF3 distributed that morning, the Parties were required, in accordance with the Rules of Procedure, to distribute the 12 vacant Committee seats among the electoral groups.

109. The **Vice-Chairperson** said that the suspension of Rule 17 of the Rules of Procedure of the Conference of Parties had been proposed so that those who had submitted nominations after the 4 May deadline would be eligible to stand for election. There being no objection, he declared Rule 17 suspended. He then requested Ms Lacoeyuilhe, Chairperson of the Committee, as negotiator between the electoral groups, to give the results of the negotiations for the 12 vacant seats.

110. **Ms Vera Lacoeyuilhe** said that the previous Conference of Parties had adopted exceptional measures without really knowing how they would be applied. She said that when the Secretariat document on the election of Committee Members – which included a table distributing the seats among the electoral groups – had been distributed, some confusion had arisen because the States Parties had used the table to begin negotiating the issue of special agreements. Ms Lacoeyuilhe said that the Secretariat had prepared a table which gave a picture of ratifications for the current session with a distribution of seats that did not take into account the minimum of three per electoral group as required by the Rules of Procedure. That explained the confusion because the groups no longer knew how many seats had to be filled at the election. It had therefore been necessary to hold consultations in order to comply with the Rules of Procedure, which required a minimum of three seats per electoral group. As calculated in proportion to the current status of ratifications, two groups had not yet reached the minimum of three: the Asia and the Pacific Group and the Arab States Group. Accordingly, it was first necessary to apply the Rules by giving both groups a minimum of three seats. Then the remaining seats had to be distributed among the other electoral groups in proportion, using the calculation method that had always been applied by the Secretariat. Ms Lacoeyuilhe stressed that the seats that had been distributed for the election would perhaps not be the same for the following one and that it all depended on the number of ratifications in the electoral groups. She said that groups whose States had many ratifications – such as Group III – were stable with four seats; there were groups that currently held many seats – Groups I and II – which would gradually lose some as ratifications increased in other groups, and groups which would gain more seats as ratifications increased – Groups IV and V(a). She then said that for the current election, according to the calculations and in accordance with the Rules of Procedure:

- Group I was entitled to five seats, thus with two to be filled;
- Group II was entitled to four seats, thus with two to be filled;
- Group III remained on four seats, also with two to be filled;
- Group IV would thus have the minimum of three, with two seats to be filled;
- Group V(a) was entitled to five seats, thus with two to be filled;
- Group V(b) was entitled to three seats, thus with two to be filled.

111. The **Vice-Chairperson** added that, consequently, for Group II, there would be no need to vote since there were two candidates competing for two seats.

112. The delegation of the **Syrian Arab Republic** said that it was listed as a candidate for Group V(b) but that the Arab States Group had agreed unanimously that it would withdraw its nomination. The delegation then said that it hoped to be elected to the Committee in two years' time. Thanking

all of the delegations that had given their support, it hoped to take advantage of that spirit of understanding within the Arab States Group in future.

113. The delegation of **India** supported the distribution of seats as outlined and said that it should be borne in mind that it would change at the election to be held during the following Conference of Parties.

114. The **Vice-Chairperson** confirmed that the distribution was valid only for that election.

115. The delegation of the **Lao People's Democratic Republic** thanked Ms Lacoeyuilhe once again for explaining the distribution of seats. It also thanked Group I for giving a seat to Group IV, thus allowing for three seats including two to be filled during the election.

116. The delegation of **Senegal** thanked Ms Lacoeyuilhe for all her assistance during the negotiations and approved the proposed election arrangements.

117. The delegation of **Jordan**, supported by the delegation of **Tunisia**, thanked the Syrian Arab Republic for withdrawing its nomination, which was further proof of the unity of the Arab States Group. The delegation of **Tunisia** assured it of its support in the following elections.

118. The **Vice-Chairperson** said that the general feeling that had emerged was one of a sense of agreement and approval. He thanked Ms Lacoeyuilhe for her productive collaboration and all delegates for displaying a spirit of cooperation, noting that it was thus necessary to hold elections for only two groups: Group I and Group III. As Group II, Group IV, Group V(a) and Group V(b) each had two candidates for two vacancies, no election was held for those groups whose candidates were automatically elected.

119. In order to hold the ballot, the **Vice-Chairperson** requested two delegates to volunteer as tellers. They were required to be nationals of States that were not candidates for election and possibly belonging to groups that were up for election. Ms Margaret Yallou of Benin and Mr Marcelino Jaime Quispe Callisaya of Bolivia volunteered and were invited to take their place on the podium.

120. Before commencing the election, the **Vice-Chairperson** highlighted the need to adopt formally a part of draft Resolution 2.CP 8 and to examine document CE/09/2.CP/210/8 "The Conference decides to suspend Rule 17 of the Rules of Procedure for the purpose of elections at the second ordinary session of the Conference of Parties; decides that, for the purpose of electing the Members of the Committee at the present session, the 12 seats will be distributed among the electoral groups as follows: Group I two; Group II two; Group III two; Group IV two; Group V(a) two; Group V(b) two." He said that after the elections a fourth paragraph listing the countries that had been elected would be added.

121. The delegation of **Brazil** proposed that "for the purpose of elections at the second ordinary session of the Conference of Parties" be replaced by "for the purpose of elections on the occasion of the second session", to make it clear that it was not an election for the Conference but for the Committee. That wording was adopted.

122. The **Secretary of the Convention** said that the two appointed tellers had taken their place on the podium and had received the list of States Parties and candidate States; the ballot papers had been distributed with an envelope in front of the nameplate of each State that was entitled to vote. She added that if a State had not received them and believed that it was entitled to vote, it should request the ballot papers and the envelope immediately. She said that the Chairperson had decided to allot 10 to 15 minutes for the completion of the two ballot papers and that each group was required to select two names. Furthermore, any ballot papers on which more names of States were circled than there were vacancies and those that contained no indication as to the voter's intentions would be considered invalid. Lastly, an envelope containing no ballot paper would be considered an abstention.

123. In reply to a question raised by the delegation of Luxembourg, the **Secretary of the Convention** said that both ballot papers should be placed in a single envelope and that the room clerk had been requested to distribute one envelope and two ballot papers. She then proceeded to call Members to vote in the French alphabetical order. After the votes had been cast, she read out

for the second time the names of Members that were absent: Burundi, Congo, Gabon, Guinea, Ireland, Iceland, Malta, Nicaragua, Sudan, Tajikistan and Chad.

124. The **Vice-Chairperson** said that of the 96 countries listed, 85 voters were present and 11 absent during the elections for Group I and Group III. He requested the tellers to count the votes. The Vice-Chairperson then said that the tellers had performed the task appropriately and announced the results. The results, after the count, for the election of Group I were, by country: Austria 21 votes, Canada 69, Finland 20, France 38, Portugal 22. There were no invalid votes or abstentions. As there were two seats to be filled, the States Parties elected were Canada and France. The results for Group III by country were: Brazil 57 votes, Cuba 61, Jamaica 45. There was one invalid vote but no abstentions. Accordingly, the States Parties elected were Cuba and Brazil. The Vice-Chairperson declared the following 12 candidates elected to the Intergovernmental Committee:

- Group I: Canada and France;
- Group II: Albania and Bulgaria;
- Group III: Brazil and Cuba;
- Group IV: China and Lao People's Democratic Republic;
- Group V(a): Cameroon and Kenya;
- Group V(b): Jordan and Tunisia.

125. The **Vice-Chairperson** congratulated the States Parties that had been elected to the Intergovernmental Committee and moved the adoption of Resolution 2.CP 8 as follows: "The Conference of Parties (1) having examined document CE/09/2.CP/210/8; (2) Decides to suspend Rule 17 of its Rules of Procedure for the purpose of elections on the occasion of the second ordinary session of the Conference of Parties; (3) Decides that, for the purposes of the election of Members of the Committee at that session, the 12 seats will be distributed among the electoral groups as follows: Group I (2); Group II (2); Group III (2); Group IV (2); Group V(a) (2); Group V(b) (2); (4) Elects the following 12 States Parties to the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions for a term of four years from the date of their election: Group I: Canada, France; Group II: Albania, Bulgaria; Group III: Brazil, Cuba; Group IV: China, Lao People's Democratic Republic; Group V(a): Cameroon, Kenya; Group V(b): Jordan, Tunisia. He then thanked the tellers from Bolivia and Benin, declared item 8 of the agenda closed and requested the Chairperson to resume his seat.

Item 8 a – Amendment to the Rules of Procedure of the Conference of Parties

126. Returning to chair the Conference, the **Chairperson** thanked Mr Sene, Vice-Chairperson, for his efforts. He said that item 8a had been added to the agenda.

127. The delegation of **Saint Lucia**, after consulting the Legal Adviser, proposed that a paragraph contained in the Rules of the General Assembly of States Parties to the Convention of 1972 and in those of the Executive Council be added to the Rules of Procedure of the Conference of Parties, which would obviate the need for the Parties to suspend the Rules of Procedure at every election of the Committee. It said that the six-week deadline for submission of nominations was appropriate because it allowed States to announce their nominations and the Secretariat to distribute a provisional list of candidates one month before the election. Such a course was useful because it enabled States Parties to find out who the potential candidates were. Furthermore, the deadline, however, fell quite a long time before the elections and, as the electoral groups did not occasionally have enough candidates to fill all of the allotted seats, it was necessary to suspend the Rules in order to accept those nominations. The delegation therefore proposed that a paragraph be added to Rule 17 so that it would not have to be suspended, reading as follows: "The list of candidatures shall be finalized 48 hours before the opening of the Conference of Parties. No nomination will be accepted in the 48 hour period preceding the opening of the Conference". The proposal was logical in that Rule 17.2 referred to a provisional list. However, when a deadline was fixed, the list could only be final and not provisional; it was therefore necessary for the list to be

finalized and the amendment was being proposed to that end, in as much as the system entailed had to date functioned without incident for the other bodies mentioned above.

128. The delegation of **Brazil** noted that the additional paragraph explained clearly how the Conference would address the issue of elections. However, it noted an inconsistency between paragraphs 1 and 3 of Rule 17 because the former stated clearly that nominations must reach the Secretariat no later than six weeks before the opening of the Conference; that might prevent nominations from being submitted in the interval between six weeks and 48 hours before the Conference of Parties. It therefore proposed the following wording: "Nominations must be submitted".

129. The delegation of **Kenya** wished to know how last-minute nominations were encouraged, given that the matter in hand was the right to submit a nomination 48 hours before the Conference of Parties.

130. The **Chairperson** said that when the first paragraph stated "should", Parties were encouraged to submit nominations six weeks before the Conference, but that if a group wished to propose additional nominations or if a State Party wished to submit its own nomination, it was highly unlikely that Rule 17 would be suspended. It was thus an encouragement and, to ensure that the elections were trouble-free, it was important for nominations to be made known sufficiently in advance. He also said that it was enough to ensure that no candidate was proposed at the last minute so that the Conference of Parties would not be required to suspend Rule 17 in order to admit another nomination. The Chairperson asked the **Legal Adviser** if he wished to add anything.

131. The **Legal Adviser** thanked the Chairperson and said that Brazil's amendment and the proposal from Saint Lucia did not encourage States to disregard the deadline for the nominations submission procedure, but it clarified the obligations of Member States and those of the Secretariat. Nothing unusual had been added because Rule 17.2 already referred to a provisional list. The difficulty was to find a proper interpretation, during a transitional phase, where the repartition was not clear as a result of a mathematical calculation of the Secretariat. If the text remained unchanged, the ambiguity would remain, as would the problem of interpreting "provisional list". The Legal Adviser added that, four weeks before the opening of the Conference of the Parties, the Secretariat would draw up the provisional list. The addition of the new text in Rule 17.3 provided some flexibility in the event that some States in the electoral groups believed or might believe, rightly or wrongly, that the concept of equitable distribution was more or less being observed; furthermore, the addition would allow for negotiation so that some groups would submit a nomination, according to either the minimum or the maximum allowed by Rule 15 of the Rules of Procedure. Finally, he said that the list was closed 48 hours before the Conference, which meant that there was an obligation not to alter it and it would be finalized by the Secretariat as a result of any information concerning the modification or withdrawal of a nomination.

132. As no Parties wished to speak, the **Chairperson** moved the adoption of the amendment to Rule 17 of the Rules of Procedure. He then asked the Parties whether they agreed to give the floor to some civil society representatives who wished to speak about Article 11 of the Convention but had not had the opportunity to do so. As no Parties objected, the Chairperson gave the floor to the civil society representatives.

133. **Mr Rasmané Ouedraogo**, President of the **International Federation of Coalitions for Cultural Diversity**, on behalf of the International Network for Cultural Diversity, Traditions for Tomorrow, the National Council of Musicians, the International Theatre Institute and the European Broadcasting Union, made a statement which had been submitted to the Secretariat and is reproduced *in extenso* in Annex 6. In the statement he said that he was particularly pleased to see that the operational guidelines on Article 11 concerning the role and participation of civil society had been adopted, while stressing that they could have gone beyond United Nations practice in describing its roles; nevertheless, they were a good start. He also welcomed the adoption of the guidelines on the use of the resources of the Fund and urged all Parties that had not yet contributed to do so soon, on a recurring basis and according to their means. Only 13 of the 98 States had paid their contributions. He also supported the initiative taken to attract non-government funding for the Fund and said that the venture would be successful only if civil society were genuinely involved in the decision-making process regarding financing operations. Lastly, the

IFCCD representative said that it was very important to promote the principles and objectives in other international forums and that Article 23.6(e) of the Convention gave the Committee a mandate to implement that commitment.

134. The **Chairperson** then gave the floor to the representative of the European Broadcasting Union (EBU/UER)

135. **Mr Giacomo Mazzone** spoke on behalf of the European Broadcasting Union and its 75 members, representing most public service television and radio networks in Europe. He commended the excellent work that had been carried out and the outcome: at last an international tool had been provided to validate his organization's work. Indeed, he noted that public service institutions in general, not only radio and television networks, found in the fully operational Convention the legal basis for their activities, in particular the last paragraph of Article 6, concerning measures to promote media diversity, including through public service broadcasting. He said that all public service broadcasters in Europe were ready to do their part in that important challenge; owing to the Convention and in agreement with its bodies and civil society, there was a trend towards promoting and protecting cultural diversity, in particular with the assistance of broadcasters in developing countries and support for original artistic production in countries where EBU members operated.

136. The **Chairperson** then asked whether the Parties wished to speak and gave the floor to the Minister of Culture of Cameroon.

137. The Minister of Culture of Cameroon, **Ms Ama Tutu Muna**, said that, in the opinion of the Cameroonian delegation, the work of the second session of the Conference of Parties, which would end on that day, had been a great moment in the history of the Convention owing, firstly to the adoption of several operational guidelines that placed the Convention firmly on the launching pad and, secondly, to Cameroon's election to the Committee. She also expressed sincere thanks and gratitude to all States Parties to the Convention and, in particular to the Chairperson for the tact and skill with which he had conducted the proceedings calmly and diligently.

138. The delegation of **Canada** made a statement, which had been submitted to the Secretariat and is contained in Annex 7. It emphasized its satisfaction with the proceedings and thanked the Secretariat for its continuing support for the Committee. Moreover, it encouraged the Secretariat to ensure that the implementation of the Convention would be underpinned by adequate resources, as the challenges facing the Committee in the coming two years were considerable. It also welcomed the involvement of civil society in the Committee's work and the operational guidelines on its participation.

139. The delegation of **Brazil** expressed its deep satisfaction at being re-elected to the Intergovernmental Committee and thanked those who had given it their support. It also commended the Secretariat – Ms Rivière, Ms Saouma-Forero and their colleagues – for their unwavering support for the Committee and the Parties to the Convention. The delegation was also pleased to note the selection process for the post of Secretary of the Convention and hoped that the process would be completed as soon as possible. It also supported the remarks made by the delegation of Canada concerning Forum U-40 and congratulated the German Commission. Lastly, the delegation commented the way in which the Chairperson had conducted the proceedings of the Conference of Parties.

140. The delegation of **Zimbabwe** said that, given the important role accorded to civil society in the Convention and the operational guidelines, the question was what was going to happen and whether there was a mechanism for monitoring how far it would be taken into account in the Committee's future work. It also said that the operational guidelines should be fully operational in the field, in particular those on Article 16 relating to preferential treatment for developing countries. In that regard, the delegation referred to the experience of a well-known film director who, owing to bureaucratic formalities, could not, unfortunately, travel to a country to which he had been invited. The delegation stressed that much remained to be done before Article 16 could effectively be implemented.

141. The **Chairperson**, speaking in a personal capacity, said that great attention had been paid to the words of the civil society representatives and that their comments would be included in the

record of the meeting; in future deliberations, the Parties and the Convention bodies had a duty to bear in mind the suggestions made by civil society representatives either in the field or during the Committee's work on the implementation of the operational guidelines.

142. The delegation of **Portugal** then congratulated the Secretariat whose work had ensured the success of the Second Conference of Parties, the Chairperson for conducting the proceedings in an exemplary fashion, and the States that had been elected to the Committee. It also announced Portugal's contribution of €50,000 to the Fund and called on the other Parties to pay theirs.

143. The delegation of **Saint Lucia** thanked the Minister of Culture of Cameroon for her kind remarks and congratulated the new Members of the Committee. It also echoed Brazil's comments and thanked the Director-General for announcing the vacancy of the P-5 post and hoped that it would be filled as soon as possible. In that regard, noting that the job description stated that the incumbent would head the Secretariat of the Convention, it took the opportunity to thank the Secretary of the Convention, the Chairperson and Vice-Chairperson who had spared no effort in making the Conference a success.

144. The delegation of the **Lao People's Democratic Republic** then congratulated the States Parties that had been re-elected or newly elected to the Committee. The delegation had appreciated the way in which the proceedings had been conducted and the outcome of the deliberations and was pleased to note the spirit of camaraderie that had prevailed throughout the discussions. It also thanked the Secretariat and stressed that, in order to function properly, it needed good quality staff, open-mindedness and adequate financial resources.

145. The delegation of **Estonia** had submitted to the Secretariat a statement reproduced in full in Annex 8, in which it also congratulated all of the States Parties elected to the Committee and said that it had high expectations. It hoped that the Committee would continue to work as effectively as it had done thus far. It also said that Estonia had established a committee to exchange experiences on achievements under the Convention with other countries and noted that it had paid its first contribution, amounting to 10% of its annual contribution to UNESCO, which demonstrated Estonia's confidence in the objectives of the Convention.

146. The delegation of **South Africa** had also submitted to the Secretariat a statement that is contained in Annex 9. It congratulated the newly elected Members of the Committee and highlighted the results which showed that many African countries were now represented on the Committee. It encouraged Cameroon and Kenya to publicize the Convention in Africa in order to strengthen North-South and South-South relations among African countries. The delegation thanked the Chairperson, who had chaired the Conference's proceedings brilliantly, and all of the other countries, observers, civil society representatives; they should not doubt for one moment how serious their role was, not least concerning Articles 20 and 21 of the Convention; the time had come for civil society to be fully involved in the work of the Convention.

147. Finally, the delegation of **Germany**, in unison with previous speakers, congratulated the Chairperson and all Members elected to the Committee; owing to the Chairperson and the Secretariat, which had prepared the meeting superbly, the Conference had been a success and there was good reason to believe that it would pave the way for dozens of experts – young experts – who would be able to harness their skills for the implementation of the Convention. The delegation, turning to Forum U-40, which it had organized in cooperation with the International Federation of Coalitions for Cultural Diversity, said that it was a good example of what could be achieved and that without each Party's or UNESCO's support, it would not have been able to hold the event, which many NGOs had attended enthusiastically. In all humility the delegation expressed its warmest thanks and said that the way in which the operational directives had been adopted augured well for the spirit in which the work would continue.

Item 9 – Closing of the session

148. The **Chairperson** called on the Rapporteur to submit her report.

149. The **Rapporteur, Ms Milena Šmit** (Slovenia), said that the resolutions adopted at the Second Conference of Parties had been distributed in the morning while that on the election of

Committee Members had been distributed at the beginning of the afternoon. She said that as the Annexes to the resolutions – namely the Committee’s Rules of Procedure and the operational guidelines – had not been amended, they had not been annexed to the resolutions for the sake of saving paper. The agenda was, however, attached to the resolutions as amended by the Conference of Parties. Resolution 2.CP 8a “Amendment to the Rules of Procedure of the Conference of Parties”, which had just been adopted, would be shown on the screens and all of the resolutions that had been adopted, including the annexes thereto, would be available on the website of the Convention on the day after the Conference had closed. The Rapporteur then listed the nine resolutions that had been adopted:

- Resolution 2.CP 2: Election of the Chairperson, Vice-Chairpersons and Rapporteur of the Conference of Parties;
- Resolution 2.CP 3: Adoption of the agenda as amended;
- Resolution 2.CP 3a: Approval of the list of observers;
- Resolution 2.CP 4: Adoption of the summary record of the first ordinary session of the Conference of Parties, as amended in paragraph 27;
- Resolution 2.CP 5: Report of the Committee on its activities and decisions to the Conference of Parties;
- Resolution 2.CP 6: Approval of the Rules of Procedure of the Committee;
- Resolution 2.CP 7: Approval of the operational guidelines for the implementation of the Convention and future activities of the Committee;
- Resolution 2.CP 8: Election of Members of the Committee;
- Resolution 2.CP 8a: Amendment to the Rules of Procedure of the Conference of Parties.

150. After all of the resolutions had been adopted, the **Chairperson** thanked the Rapporteur for her accurate and concise report, along with the translators, interpreters, technical staff and all those who had provided support for the Conference of Parties and facilitated the discussions. He also thanked the Member States, for they had made their work even easier by not prolonging the evening debate. He then thanked the Secretariat and said that the session’s proceedings had been smooth because they had been extremely well prepared; thought should be given to all of the work that had been done in advance by the Committee and, even earlier still, by the Secretariat, which had shown great enthusiasm, and had enabled the Conference of Parties to work effectively. The Chairperson gave special thanks to Ms Galia Saouma-Forero for her assistance and advice at Committee meetings and during the current session of the Conference of Parties; without her, it would have been impossible for him to fulfil his duties as Chairperson. He referred to the Parties which had sought to send a message to the Director-General concerning the recruitment of a P-5 official and hoped that a candidate could be recruited as soon as possible; he stressed that the Secretariat needed the post to be filled. He also thanked the Parties which had voted for the re-election of Canada to the Committee and assured the Conference that the delegation of Canada would work very hard to cooperate with the other delegations to ensure that the Conference of Parties would adopt the remaining operational guidelines in two years’ time. He also thanked Senegal for taking the Chair in his capacity as Vice-Chairperson. He considered himself very lucky and very honoured to end his diplomatic career as Chairperson of the Conference of Parties. He apologized on behalf of Ms Rivière, who had not been present on that day. Finally, the Chairperson declared the second session of the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions closed.

Annex 1 – Statement by the Minister of Culture of Cameroon

« Monsieur le Président,

Madame la représentante du Directeur général de l'UNESCO,

Excellences, Mesdames et Messieurs,

Le Cameroun se sent honoré de prendre part à cette deuxième Conférence des Parties à la Convention de l'UNESCO sur la protection et la promotion de la diversité des expressions culturelles. Mon pays qui avait déjà pris part aux assises de juin 2007 éprouve, en effet, un plaisir renouvelé à être représenté ce jour encore dans cette belle enceinte.

Au nom de mon pays donc, je tiens à remercier l'Organisation des Nations Unies pour la science, l'éducation et la culture (UNESCO) pour toutes les attentions dont elle a su combler le Cameroun depuis trois décennies.

Mes remerciements vont de manières particulières au Directeur général de cette prestigieuse institution internationale, Son Excellence Koïchiro Matsuura, à qui je renouvelle ici la reconnaissance du gouvernement camerounais pour la grande amitié dont il nous a toujours gratifiée.

Je lui dis également merci pour les paroles aimables prononcées à l'endroit des différentes délégations ici présentes, dans la perspective d'un déroulement dans la cordialité et la convivialité des présentes assises.

Connu à travers le monde comme une Afrique en miniature, pour sa diversité ethnique, linguistique et culturelle, le Cameroun trouve en la Convention de 2005 sur la diversité culturelle un précieux instrument qui permettra à son potentiel culturel de s'épanouir, de s'ouvrir aux autres cultures du monde et de s'enrichir.

L'interdépendance des sociétés et l'accroissement des échanges nés du phénomène de la mondialisation affecte au premier chef la question de la circulation des biens et services culturels à l'échelle planétaire.

Avec acuité, la nécessité d'un espace juridique approprié se fait ou se faisait déjà ressentir dans un contexte global où la diversité des expressions culturelles se positionne comme un facteur de développement de paix et de cohésion sociale.

Le Cameroun, pour sa part, est convaincu d'une vertu inhérente à la diversité culturelle, celle d'être créatrice de richesses. Mon pays est tout autant convaincu du développement durable qui en découlerait au profit des communautés, des peuples et des nations.

Au moment où la Convention va entrer dans sa phase opérationnelle, nous avons la possibilité de donner corps aux nombreuses ressources culturelles et artistiques de nos pays respectifs et de consacrer, une fois pour toutes, l'importance de la diversité culturelle dans le progrès social et économique international.

Préserver et promouvoir la diversité des expressions culturelles, noble mission que s'est assignée l'UNESCO, induit un ensemble de valeurs inestimables à défendre et un héritage à protéger.

La diversité des cultures qui sous-tend le monde aujourd'hui est, à la vérité, la reconnaissance de l'interaction entre les peuples.

Le Cameroun, attaché à ces considérations, voudrait apporter toute sa contribution dans la mise en œuvre concrète des mesures destinées à faire de cette Convention un véritable outil d'éclosion des identités culturelles et partant d'une coopération culturelle saine sur la base d'une autorité internationale affirmée.

Le fondement de la cohésion sociale et de la compréhension mutuelle au Cameroun, pays bilingue et pluriel dans ses composantes sociales, se trouve dans le dialogue interculturel, gage de la paix.

Fort de toutes ces valeurs, nous sommes optimistes quant à l'avenir de ce traité qui, à coup sûr, ouvrira une nouvelle ère dans les relations culturelles entre nations. Nous voulons aussi croire que ces retombées en général et celles de son article 16 relatif au Traitement préférentiel pour les pays en développement en particulier seront, le moment venu, de nature à donner plus de saveur à cette Convention.

Enfin, le Cameroun apprécie à sa juste dimension l'important travail accompli par le Comité intergouvernemental au cours de quatre réunions en deux ans pour permettre une mise en application sereine de la Convention à travers les directives opérationnelles soigneusement élaborées. Nous en félicitons cet organe, ainsi que sa Présidente, Mme Vera Lacoeylhe, sans oublier de féliciter M. Gilbert Laurin pour son élection à la présidence de la Conférence des Parties. C'est une nouvelle étape que va franchir la Convention avec les travaux de cette assemblée. Le Cameroun promet tout son soutien au processus y relatif. Nous souhaitons bons travaux à toutes et à tous. Je vous remercie de votre aimable attention. »

Annex 2 – Statement by the delegation of Brazil

« Monsieur le Président,

Permettez-moi tout d'abord de vous féliciter pour votre élection à la Présidence de cette Conférence. La délégation du Brésil vous assure de son entière collaboration pour mener à bien nos travaux.

Depuis 2003, le concept des diversités culturelles et le principe du développement durable sont intrinsèquement liés aux politiques culturelles publiques au Brésil. Avant même l'adoption de la Convention sur la protection et la promotion de la diversité des expressions culturelles, le gouvernement brésilien se penchait déjà sur le défi considérable d'intégrer la culture dans ses politiques de développement. La Convention et sa mise en application sont venues renforcer davantage cet objectif contribuant au renforcement des politiques culturelles au sein de l'État brésilien et face à la société.

Le Brésil a définitivement incorporé le défi de promouvoir le développement durable à travers ses politiques et ses programmes culturels. Dans ce sens, la Convention constitue un élément fondamental dans la mesure où elle permet la participation sociale, la promotion de l'autonomie et la durabilité des groupes culturels reconnaissant les technologies développées par la société et garantissant leur accès.

Nous centrons nos politiques culturelles sur trois leviers : la citoyenneté, l'économie et le domaine symbolique qui réunit les expressions artistiques, le système des connaissances et tous les apports dynamiques qui constituent la société brésilienne. L'objectif principal de notre politique culturelle est de répondre aux demandes et aux besoins de la société brésilienne des artistes et des producteurs du secteur de la culture qui représentent des partenaires de l'État dans cette mission.

Nous avons cherché, ces dernières années, à intégrer aux dynamiques culturelles les populations vulnérables, les groupes autochtones, les populations issues des anciennes communautés d'esclaves et toutes les manifestations régionales jusqu'alors exclues de notre politique culturelle. La diversité culturelle est maintenant reconnue comme étant le plus grand patrimoine de la société et le principe fondateur de la politique culturelle du pays.

C'est dans ce sens que le Secrétariat à l'Identité et à la Diversité Culturelle du Ministère de la Culture a lancé le programme « Identité et diversité culturelle : Brasil Plural (Brésil Pluriel) » qui intègre le plan pluriannuel du gouvernement de 2008 à 2011. Nous avons pour objectif de garantir que les groupes sociaux, les communautés et le réseau des producteurs culturels responsables de mécanismes de création, de diffusion, de soutien et de promotion. Les actions développées dans ce cadre ont été conjointement élaborées avec la population intéressée qui a décidé des orientations et des actions ratifiées par le plan national de la culture en cours de discussion au Congrès National brésilien.

L'initiative du Ministère de la culture de créer le programme « Cultura Viva » (Culture vivante) a été motivée par la recherche d'un programme plus vaste et plus approfondi sur la citoyenneté culturelle et la promotion du concept de diversité à travers les manifestations populaires. Ce programme permet l'accès aux moyens de formation, de création, de diffusion et de jouissance de la culture. Les partenaires immédiats sont les agents culturels, les artistes, les professeurs et les militants sociaux qui perçoivent la culture non seulement comme une expression artistique mais aussi comme un droit d'accès à la citoyenneté, à l'individualité et à l'économie.

Nous avons déjà entrepris des efforts pour la diffusion de la Convention à plusieurs niveaux. Tout d'abord, nous l'avons publiée en portugais pour amplifier sa diffusion. Ce mois de juin, nous avons démarré une série de séminaires ayant pour but de disséminer et de faire comprendre, aux agents publics et à la société, les articles de la Convention. La première édition de ce séminaire a eu lieu à Belo Horizonte, État du Geras Minais. La deuxième sera réalisée prochainement à Sousa, État du Paraíba, dans une des régions les plus défavorisées du point de vue du développement économique mais avec une richesse de diversité culturelle extraordinaire.

Monsieur le Président,

J'aimerais terminer en faisant référence au Fonds prévu dans l'article 18 de la Convention, c'est la protection et la promotion de la diversité des expressions culturelles. Le Brésil considère que le Fonds international pour la diversité culturelle constitue un instrument fondamental pour le financement des politiques de développement mises en place par les pays en voie de développement. C'est un instrument qui vise davantage à dynamiser la coopération et la solidarité internationale. Le soutien financier apporté par ce Fonds, conformément à l'article 14 de la Convention, est l'un des quatre moyens prioritaires pour permettre l'émergence d'un secteur culturel dynamique dans les pays en voie de développement. Et il s'agit d'un moyen pour garantir les ressources nécessaires à la promotion de la coopération internationale à tous les niveaux de manière à ce que des initiatives Sud-Sud, par exemple, puissent être financées par des ressources provenant du Nord.

Ce Fonds représente un important outil de viabilisation de la Convention, lequel, en réunissant les conditions financières nécessaires, lui permettra de faire face aux risques d'homogénéisation culturelle provoqués par la mondialisation. Un exemple concret de ce risque d'homogénéisation est la situation de l'industrie cinématographique mondiale dont 85% du marché sont concentrés dans les mains d'un seul pays.

De ce fait, nous espérons que ce Fonds réunisse assez de ressources financières pour mener à bien des projets et des programmes qui puissent avoir un véritable impact sur le développement durable des pays affectés. Nous envisageons des dizaines, pourquoi pas des centaines de millions de dollars mobilisés pour assister ces pays de façon à leur permettre de structurer leur secteur culturel et de l'insérer de façon compétitive sur le marché mondial. Comme il s'agit d'un Fonds constitué par des contributions volontaires, nous ne pouvons pas espérer que des ressources aussi importantes puissent être collectées par le Secrétariat ou même par le mécénat d'initiatives privées.

Il incombe aux États parties, en mesure de mobiliser des montants significatifs, de prendre un engagement d'adopter les instruments nécessaires afin de récolter les contributions pour ce Fonds. Les contributions des États parties sont forcément volontaires mais rien ne les empêche d'être inventifs dans la conception des moyens d'obtenir ces ressources. Le mécanisme de financements innovants se prête à cet objectif. Le Brésil souhaite qu'une partie importante des efforts du Comité intergouvernemental, dans la prochaine période des sessions, soit consacrée à étudier un menu d'options offert aux États parties pour trouver le meilleur moyen d'apporter des contributions significatives à ce Fonds.

Merci beaucoup, Monsieur le Président ».

Annex 3 – Statement by the delegation of Burkina Faso

« Il y a deux ans, notre Conférence des Parties à la Convention sur la protection et la promotion de la diversité des expressions culturelles avait mis en place son premier Comité intergouvernemental avec pour mission essentielle l'élaboration du projet de directives opérationnelles.

Le Burkina Faso se réjouit de la confiance placée en lui et qui lui a permis de faire partie du premier Comité intergouvernemental.

Aujourd'hui, le moment est venu de faire le bilan. Le Burkina Faso voudrait donc exprimer sa joie pour avoir pu participer pleinement aux réunions du Comité intergouvernemental dont les conclusions sont soumises à votre appréciation aujourd'hui.

Monsieur le Président,

Le Burkina Faso a pu apprécier vos grandes compétences lors des travaux du Comité intergouvernemental que vous avez présidé avec efficacité et clairvoyance. C'est pourquoi je voudrais vous féliciter pour votre élection et vous dire par la même occasion notre disponibilité à vous soutenir.

Le Burkina Faso voudrait rappeler l'enthousiasme et les attentes légitimes des populations au moment de l'adoption de cette Convention. Nous avons le devoir de ne pas les décevoir. C'est pourquoi le Burkina Faso appelle à une mobilisation générale des États parties pour la mise en œuvre de la Convention.

Pour le Burkina Faso, la protection et la promotion de la diversité culturelle ainsi que la lutte contre la pauvreté passe également par l'élaboration et la mise en œuvre de programmes et projets culturels concrets. Dans ce sens, le Burkina Faso souhaite que nous puissions y arriver rapidement au profit du rayonnement et du développement de nos États. Je vous remercie ».

Annex 4 – Statement by the delegation of Mali

« Le Mali, à l'instar du Burkina Faso qui vient de nous précéder au micro, a eu l'honneur de faire partie des États qui ont participé aux travaux du Comité intergouvernemental. C'est l'occasion pour nous de remercier la Conférence des Parties qui nous a fait confiance et nous espérons avoir contribué très modestement à jouer le rôle qui nous a été confié. Ceci dit, je voudrais dire que la mise en œuvre des enjeux de la Convention pour la protection et la promotion de la diversité des expressions culturelles se mesure avant tout aux enjeux qui sont les leurs. En effet, c'est à l'aune de son efficacité que cette Convention saura d'abord apprécier en particulier sa capacité à apporter des réponses concrètes au problème de l'échange culturel inégal. Prenons le cas du Mali.

Au Mali, le marché subit la domination de produits importés, d'œuvres importées qui sont décalés par rapport à l'environnement socioculturel des consommateurs. La situation est rendue difficile par la fragmentation linguistique et culturelle des marchés. Le faible pouvoir d'achat des consommateurs potentiels, l'insuffisance des producteurs qualifiés, le manque de capacité à assurer les activités de marketing, de distribution et de vente, la piraterie, l'alourdissement des coûts de production par les taxes d'importation et d'entrants, etc., ce sont autant de problèmes auxquels le Mali se trouve aujourd'hui confronté à l'instar de beaucoup d'autres pays africains.

D'une manière générale, les cultures africaines sont fragilisées par un environnement institutionnel, structurel et économique des plus difficiles et dont il conviendrait de tirer tous les enseignements pour la mise en place de politiques culturelles qui soient viables. La nouvelle Convention offre de ce point de vue un cadre de réflexion et de propositions qui nous semble pertinent et c'est pour cela que nous nous impliquerons dans cette Convention pour atteindre ces objectifs. Le Mali, bien que son mandat prenne fin lors de cette session, continuera à s'impliquer pour la suite de cette Convention. Je vous remercie ».

Annex 5 – Statement by the delegation of Canada

« Si je prends la parole aujourd'hui, c'est pour souligner jusqu'à quel point beaucoup de travail a été accompli depuis notre dernière rencontre en juin 2007.

Le Comité intergouvernemental a accompli un travail colossal afin d'aider les parties à assurer la mise en œuvre de cette importante Convention, notamment en rédigeant plusieurs projets de directives opérationnelles relatives à de nombreuses dispositions de la Convention. À défaut d'être parfaits, ces projets de directives opérationnelles représentent néanmoins le fruit d'un large consensus et permettront de guider efficacement les parties dans la mise en œuvre de la Convention. Dans cette tâche, le Comité a évidemment bénéficié de l'appui constant du Secrétariat de l'UNESCO. Le Canada tient, d'ailleurs, à saluer l'important travail effectué par le Secrétariat dans la production et la rédaction de nombreux documents de travail et d'information.

Depuis juin 2007, nous avons également eu la chance de voir le nombre de ratifications augmenter considérablement. Alors que nous étions 65 parties à cette Convention réunies lors de notre première session ordinaire, nous pouvons maintenant compter sur l'appui de près d'une centaine d'États parties et d'une organisation d'intégration économique régionale. Voilà donc un succès indéniable et réalisé grâce à l'engagement ferme, la détermination et la volonté politiques de tous les États parties et des nombreuses organisations internationales présentes ici aujourd'hui. Ensemble, nous avons déployé beaucoup d'efforts et le chemin parcouru au cours des dernières années est impressionnant. Le travail est cependant loin d'être achevé. En plus de veiller à la mise en œuvre concrète de cette Convention, nous devons poursuivre la campagne de ratification afin d'obtenir la signature de tous. Il s'agit d'un des moyens d'assurer que cette importante Convention se retrouve au même rang que d'autres accords internationaux. Voilà pourquoi le Canada continue de promouvoir la ratification de la Convention sur la scène internationale, notamment dans les régions encore sous-représentées. À l'occasion de cette deuxième session de la Conférence des Parties, j'aimerais inviter toutes les parties à cette Convention de même que tous les représentants de la société civile à poursuivre leurs efforts afin de permettre à cette Convention de rassembler le plus grand nombre de pays provenant de toutes les régions. Merci, Monsieur le président. »

Annex 6 – Statement by the International Federation of Coalitions for Cultural Diversity on behalf of the International Network for Cultural Diversity, Traditions for Tomorrow, the National Council of Musicians, the International Theatre Institute and the European Broadcasting Union

« Qu'il me soit permis de féliciter les États à cette Conférence pour l'approbation de ce premier ensemble des directives opérationnelles pour la Convention.

Je suis particulièrement heureux que nous ayons maintenant des directives opérationnelles pour l'article 11 qui engage formellement la société civile dans la mise en œuvre de la Convention. Comme vous le savez tous, l'article 11 est unique dans son insistance sans équivoque sur le rôle de la société civile et nous continuons à attacher une grande importance de voir cet article traduit en mécanisme concret. Nous sommes prêts à travailler avec le Secrétariat pour mener des activités concrètes pour donner vie à l'article 11. À travers ces actions, en convenant un échange informel avec la société civile, il y a un an, à la veille de sa première session extraordinaire et en invitant la société civile à fournir un commentaire écrit sur les directives opérationnelles pour l'article 16, l'UNESCO et le Comité intergouvernemental ont démontré une volonté d'accorder une voix à la société civile dans le processus de mise en œuvre.

Membres de la société civile, nous croyons que les directives opérationnelles pour l'article 11 auraient pu aller plus loin dans la description des rôles possibles pour la société civile. Nous croyons que les directives opérationnelles sur cet article doivent correspondre ou dépasser les pratiques dans le Système des Nations Unies. Toutefois, nous croyons que les directives telles qu'adoptées constituent un bon départ et nous souhaitons travailler avec celles-ci, ici à l'UNESCO, dans les forums internationaux et dans le dialogue individuel avec les États membres pour réaliser leur plein potentiel. Nous pouvons considérer ces directives comme une première version sujette à une amélioration et à un approfondissement sur la base des résultats réels dans les prochaines années.

Nous sommes aussi heureux de voir que des directives pour le Fonds international pour la diversité culturelle ont été mises en place. Maintenant, nous invitons vivement tous les États qui n'ont pas encore contribué au Fonds à le faire rapidement, dans une échelle proportionnelle à leurs moyens et sur une base récurrente. Nous notons que seulement 13 des 98 États qui ont ratifié cette Convention ont jusqu'ici contribué au Fonds ; il est maintenant temps pour tous les États de faire un pas en avant. En outre, nous persistons à croire que les organisations de la société civile peuvent contribuer utilement à l'évaluation des projets soumis au Fonds et nous espérons que des dispositions seront créées à cet effet. Nous appuyons l'initiative de recherches de financements non gouvernementales pour le Fonds mais nous affirmons que seule une véritable implication de la société civile dans le processus de prise de décision pour les opérations de financement peut conduire à son succès. Finalement, nous réaffirmons notre engagement à travailler avec vous pour accroître la visibilité de cette importante Convention. Nous avons travaillé très fort pour la mise en place d'un instrument juridique qui reconnaît la nature distincte des biens et services culturels et qui affirme le droit des États d'appliquer des politiques et autres mesures pour appuyer leurs secteurs culturels domestiques.

Pour réaliser son plein potentiel, tous les intervenants doivent œuvrer pour le plein rayonnement de la Convention. Ce qui inclut la promotion des principes et objectifs dans les autres forums internationaux. Nous notons qu'à travers l'article 23.6 (e) de la Convention, le Comité intergouvernemental possède un mandat pour mettre en œuvre cet engagement. Nous offrons notre entière coopération dans la poursuite de ce travail crucial. Je vous remercie, Monsieur le président, auguste assemblée.

Annex 7 – Statement by the delegation of Canada

« Il me fait plaisir cet après-midi d'intervenir à titre de représentant du gouvernement du Québec au sein de la délégation du Canada.

D'entrée de jeu, nous tenons à souligner notre satisfaction à l'égard des travaux menés par le Comité intergouvernemental et à remercier le Secrétariat pour son appui indéfectible au Comité. La qualité des directives opérationnelles adoptées est le reflet du sérieux et de l'ardeur avec lesquels le Comité et le Secrétariat ont œuvré. Nous encourageons d'ailleurs le Secrétariat à faire en sorte que la mise en œuvre de la Convention repose sur des ressources suffisantes car les défis qui attendent le Comité pour les deux années à venir sont importants.

Par ailleurs, nous sommes particulièrement heureux de l'implication de la société civile dans les travaux du Comité et nous nous réjouissons des directives opérationnelles concernant sa participation. Nous croyons également qu'elle continuera d'avoir un rôle essentiel à l'égard de la visibilité et de la Convention. Bien sûr, il faudra sur les organisations qui œuvrent dans le secteur de la culture puisqu'elles sont au premier chef concernées par l'application de la Convention. Elles auront à défendre et à promouvoir la Convention auprès des États et dans toutes les enceintes internationales où elles peuvent s'exprimer, mais il y a aussi les experts qui peuvent concourir à faire connaître la Convention et en expliquer la portée et les objectifs.

Nous saluons, à cet égard, la tenue du Forum mondial U40 qui a précédé la présente session de la Conférence des Parties. Cette initiative aura donné l'occasion à de jeunes experts de se rencontrer et de débattre de la mise en œuvre de la Convention, ce qui contribuera à sa compréhension et à sa promotion. Nous félicitons la Commission allemande pour l'UNESCO qui a eu l'initiative de cet événement et la Fédération internationale des coalitions pour la diversité culturelle qui l'a appuyée pour son organisation.

Dans le même ordre d'idée, nous tenons à rappeler l'existence depuis l'automne 2008 du Réseau international de juristes pour la diversité des expressions culturelles. Réseau qui a, notamment, pour objectif de générer une réflexion indépendante sur des problématiques liées à la mise en œuvre et à l'interprétation de la Convention d'offrir un service de soutien juridique concernant la mise en œuvre de la Convention aux États qui en font la demande et de répondre aux demandes de la société civile. Des informations concernant le réseau sont disponibles sur le site Internet de la Faculté de droit de l'Université Laval à Québec et les responsables du réseau invitent quiconque ayant des questions d'ordre juridique sur la Convention à les leur soumettre.

Finalement, en ce qui nous concerne, nous continuerons dans les années à venir à nourrir la réflexion sur la portée et les objectifs de la Convention au moyen du site Internet et du bulletin d'information hebdomadaire sur la diversité des expressions culturelles qu'opère le Ministère de la culture, des communications et de la condition féminine du gouvernement du Québec.

Nous portons d'ailleurs à l'attention de tous qu'un nouvel essai du Pr. Ivan Bernier, expert indépendant reconnu à l'échelle internationale, sera bientôt déposé sur ce site. Essai qui portera cette fois-ci sur la portée et l'interprétation des articles 20 et 21 de la Convention. Bien entendu, Monsieur le président, comme à l'habitude, ce document est un essai d'auteur et ne constitue ni la position du gouvernement du Québec ni celle du gouvernement du Canada. Je vous remercie, Monsieur le Président. »

Annex 8 – Statement by the delegation of Estonia

„Mr Chairman, Ladies and Gentleman.

Let me be brief. We would like to congratulate all the State Parties elected to the Intergovernmental Committee. Our expectations are high and we are absolutely certain that the Committee will continue its work as effectively as it has done so far.

Estonia has been closely following all the deliberations in both the Conference of the Parties and Intergovernmental Committee as regular observer. We have put in practice new innovative support mechanisms for cultural and creative industries in Estonia. Diversity of cultural expressions is in the very heart of Estonian cultural policy.

We are very much looking forward to what Director-General yesterday called the implementation phase of 2005 Convention. Estonia looks forward into turning the words into actions. We have set up national taskforce for diversity of cultural expressions. We are eager to exchange best practices with other countries to share the experiences in the implementation of the convention. Even though the times are rough and there are ongoing (and sometimes it feels like never-ending) budget cuts, Estonia has made its first contribution to the International Fund for Cultural Diversity, accounting to almost 10% of our annual UNESCO membership fee. This is to show our trust in the objectives of the Convention and the process we have witnessed.

Thank you, Mr Chairman, for your excellent work running this conference. Thank you all for your attention and we wish you all the strength in continuation of this important work.“

Annex 9 – Statement by the delegation of South Africa

“Thank you Mr. Chairman, South Africa would like to take this opportunity to express our congratulations and welcome to all the newly elected members to the IGC for the next 4years.

We are very pleased that we now have more than half of African countries having ratified the 2005 Convention to date and this bodes well for the convention in that through the AU and cooperation other developing countries we will continue to lobby for more ratifications and we trust that with the Minister of culture from Cameroon and the ambassador from Kenya we will all work together to put more effort in ensuring that not only South- South relations are strengthened, but also South – North cooperation to continue the promotion of the Convention.

Mr. Chairperson we would also like to commend the speed with which these guidelines were adopted. Four (4) days had been set aside to conclude this work but we did it in two days and we had “clean–slates” from 3 groups which is an improvement from our 1st COP where there were more candidatures than there were seats.

We worked well with the Bureau members, the Secretariat and yourself as Chairman of the previous IGC. We would like to commend the Secretariat for all their hard work. Thank you for chairing this COP and for your good leadership of this august body and the work you did as chair of the previous IGC.

We cannot over-emphasise the importance of the role of civil society. We have heard their presentation yesterday and their offer to develop guidelines for Articles 20 & 21. It is our believe that we should take up their offer to do so as they sit in other UN agencies like the WTO where discussions that may impact this Conventions are held regularly. Their experience will enrich this august body immensely and also ensure that this Convention is not viewed as subservient to other international trade instruments or Conventions.

Thank you Mr. Chairman.”