



Diversity of Cultural Expressions

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United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

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منظمة الأمم المتحدة
للتربية والعلم والثقافة

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INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

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Item 5B of the provisional agenda: International Cooperation

The Conference of Parties adopted at its first session Resolution 1CP 6 requesting the Committee to prepare the operational guidelines by giving priority attention to, among others, the provisions of Articles 7, 8 and 11 to 17 of the Convention, as well as Article 18 in compliance with Resolution 1.CP 7, and to submit to it at its second ordinary session (June 2009) the results of its work for consideration and approval. This document presents the provisions of the Convention on international cooperation and proposes working methods for their examination for the purpose of preparation of the operational guidelines.

Decision required: paragraph 14

1. The Conference of Parties adopted at its first session a Resolution (Resolution 1.CP 6) requesting the Intergovernmental Committee for the protection and promotion of the diversity of cultural expressions (hereinafter referred to as the "Committee") to prepare operational guidelines for the implementation of the Convention on the protection and promotion of the diversity of cultural expressions (hereinafter referred to as "the Convention"), giving priority attention to, among others, the provisions of Articles 7, 8 and 11 to 17 of the Convention as well as to Article 18 and to submit to it at its second ordinary session the results of its work for consideration and approval.
2. It would therefore be appropriate that the Committee, at this first session, initiate the reflection on international cooperation, subject of Chapter 6 of the draft Table of contents of the operational guidelines (paragraph 8 of document CE/07/1.IGC/5A), and adopt a detailed roadmap comprising a timetable and the working methods necessary for its elaboration.
3. Given the fundamental role that the Convention gives to international cooperation, as illustrated by the numerous provisions dedicated to it, it would be appropriate to distinguish those pertaining to its general aspects (Articles 12, 13 and 15), from those with a specific content (Articles 14 and 16). It is also appropriate to group complementary provisions and to make a selection between those needing preparation of specific guidelines and those that do not.
4. The central place and the fundamental role of international cooperation in achieving the objectives of the Convention are illustrated by the importance, both in quantity and content, of the provisions that refer to it. Firstly, the preamble underlines the necessity to integrate culture as a strategic element in international cooperation for development. Secondly, international cooperation and solidarity appear both at the level of main objectives (Article 1 subparagraph (i)), and in the guiding principles governing the Convention (Article 2.4). Thirdly, the pressing need for its reinforcement is expressed in the seven articles (Articles 12 to 18) that pertain to it under Title IV. There, international cooperation is dealt with both in general terms, in objectives, as well as in rights and obligations of the Parties, or translated in operational modalities.
5. It is worth noting that for the first time an international legal instrument binds the Parties to undertake the integration of culture in their sustainable development policy. Thus the provisions of Article 13 constitute a reference without precedent in international law and must, given their importance with regard to the Convention, appear in the operational guidelines. To this aim, it is proposed that the Committee commission to an expert, on the basis of the debates of the present session, the elaboration of a preliminary draft of paragraph 6.2 of Chapter 6 of the draft Table of contents of the operational guidelines. This preliminary draft will be submitted to the Committee at its next session.
6. The provisions of Article 12, subject in part of paragraph 6.1 of Chapter 6 of the draft Table of contents of the operational guidelines, state the objectives of the promotion of cooperation that the parties undertake to reinforce at the bilateral, regional, and international levels in a non exhaustive list that could be expanded. These provisions are completed by those of Article 15 which specify the collaboration modalities by referring to the development of innovative partnerships between the public and private sectors and the non-profit organizations to allow developing countries to reinforce their capacity in order to protect and promote the diversity of cultural expressions. Article 12, whose relatively detailed subparagraphs specify its objectives, does not seem to present any particular difficulties for its implementation by the Parties, nor does it necessitate an in-depth examination by the Committee, unless it decides otherwise.

7. However, the modalities of collaboration specified in Article 15, notably the innovative partnerships with developing countries, in conjunction with those mentioned in sub-paragraphs (c) and (d) of Article 12, require in-depth examination, given the multiple meanings of the term “partnership” and the many ways the notion can be interpreted and the concept materialized. It would be appropriate to define and circumscribe this notion and its implementation modalities in the framework of the Convention. To this aim, it is proposed that the Committee hold a first debate on this question and then commission to an expert the elaboration of a draft text on partnerships, which would be part of paragraph 6.1 of Chapter 6 of the draft Table of contents of the operational guidelines. This draft text would be submitted to the Committee at its next session.
8. Article 14 on cooperation for development is a key provision in the set of norms concerning international cooperation. It expresses the principles of solidarity and international cooperation, of complementarity between the economic and cultural aspects of development as well as the principle of sustainable development. It stipulates that the Parties shall undertake, in particular, to support cooperation for sustainable development and reduction of poverty, particularly for the specific needs of developing countries, with a view to allow the emergence of a dynamic cultural sector through a non-exhaustive list of means. In this regard, Article 14 should be given special attention. Its implementation by the Parties requires the drafting of specific operational guidelines. Besides, in compliance with Article 14 (d) (i), the International Fund for Cultural Diversity, according to Article 18, constitutes one of the means by which the Parties undertake to support cooperation for sustainable development. In order to guarantee the coherence of the draft operational guidelines, it is proposed that the Committee undertake the preparation of the operational guidelines on the provisions of Article 14, together with those related to the Fund, in the framework of item 6 of the provisional agenda of the present session and of its follow-up. Consequently, it should be noted that the results of this examination should produce *in fine*, on the one hand, the text of paragraph 6.3 on cooperation for development, and on the other, the text of Chapter 7 (the International Fund for Cultural Diversity) of the draft Table of contents of the operational guidelines.
9. The study of Article 18 on the Fund, namely the preparation of guidelines for the use of the Fund’s resources, mentioned in its subparagraph 4, is included in the examination of item 6 of the provisional agenda of the present session (document CE/07/1.IGC/6) and is the subject of draft decision 1.IGC 6, by which the Committee decides to adopt a detailed roadmap comprising a timetable and working methods necessary for the elaboration of Chapter 7 of the draft Table of contents of the operational guidelines.
10. Article 16 on preferential treatment for developing countries constitutes a fundamental provision for achieving the objectives of the Convention concerning international cooperation. It pertains to the implementation of positive actions in favor of the circulation, in developed countries, of cultural activities, goods and services originating from developing countries. It stipulates that developed countries should facilitate cultural exchanges with developing countries by giving, within appropriate institutional and legal frameworks, preferential treatment to their artists and other cultural professionals and practitioners, as well as to their cultural goods and services. Its visibly more imperative language demonstrates the drafters’ will to confer a particular role to this modality of international cooperation. This provision requires an in-depth reflection within the Committee on the existing practices, definitions, and rights and obligations and on their implementation and modalities of application in a complex legal and institutional environment. To this aim, it is proposed that the Committee commission a detailed study on Article 16 on preferential treatment for developing countries, to be submitted to *peer-review*. This study and the results of the

peer review will constitute the working documents for the next session of the Committee. After examination and discussion, the Committee will need to decide on the guidelines it would wish to indicate to the Secretariat for the preparation of paragraph 6.4 on preferential treatment, of Chapter 6 of the draft Table of contents of the operational guidelines, by adopting a detailed roadmap, including a timetable and working methods.

11. Finally, Article 17 of the Convention concerning international cooperation in situations of serious threat to cultural expressions refers to the special situations mentioned in Article 8. These two provisions are the subject of paragraph 2.3 of Chapter 2 of the draft Table of contents of the operational guidelines. In consequence, for the preparation of paragraph 2.3 of the draft Table of contents of the operational guidelines, it is proposed that the examination of Article 17 be included in the agenda of the next ordinary or extraordinary session of the Committee, together with the examination of paragraph 2.2.
12. In summary, in order to develop the text of Chapter 6 of the draft Table of contents of the operational guidelines, and given what has been mentioned above, it is proposed that the Committee proceed to a first exchange of views on this basis and commission experts to prepare:
 - (i) a draft text on the concept and modalities of partnerships, as part of paragraph **6.1**;
 - (ii) a draft text of paragraph **6.2**, on the integration of culture in sustainable development;
 - (iii) a detailed study on Article 16 of the Convention on preferential treatment, subject of paragraph **6.4**, which will be submitted to peer review.

The texts mentioned in (i), (ii) and (iii) will be presented at the next session of the Committee. As concerns the selection of experts, the Member States of the Committee are invited to propose to the Secretariat high-level experts in their respective field of expertise.

As concerns paragraph **6.3** on cooperation for development, it is proposed that the Committee examine it in the framework of point 6 of the provisional agenda of the present session on the guidelines on the use of the Fund's resources.

13. In July 2007, a meeting of independent experts, financed by the UNESCO/Spain Funds-in-Trust, was co-organized by UNESCO, the Spanish Agency for International Cooperation and the Inter-university Institute for Cultural Communication. The purpose of the meeting was to reflect on the implementation of the provisions of the Convention relating to international cooperation, and more particularly to identify major difficulties and to propose implementation modalities. The final report of this meeting was transmitted for information to the members of the Committee (document CE/07/1.IGC/INF.3) who could, should they wish to, take note of it in the reflection process.

14. The Committee may wish to adopt the following decision:

Draft decision 1. IGC 5B

The Committee,

1. *Having examined document CE/07/1.IGC/5B;*
2. *Decides to include international cooperation, the subject of Chapter 6 of the draft Table of contents of the operational guidelines, to the agenda of its next session;*
3. *Decides to commission experts for the preparation of a draft text on the concept and modalities of partnerships, as part of paragraph 6.1 of the draft Table of contents and the preparation of a draft text of paragraph 6.2 on the integration of culture in sustainable development, whose results would be presented to the Committee at its next session;*
4. *Decides, given the complexity of issues related to preferential treatment, subject of paragraph 6.4 of the draft Table of contents, to commission a study to be submitted to peer-review and presented to the Committee at its next session;*
5. *Decides that the examination of the different aspects of international cooperation under Article 14, the subject of paragraph 6.3 of the draft Table of contents, will be conducted in conjunction with the examination of Chapter 7, on the International Fund for Cultural Diversity, in the framework of item 6 of the agenda of the present session;*
6. *Decides that the examination of Article 17 of the Convention on international cooperation in situations of serious threat to cultural expressions, the subject in part of paragraph 2.3 of the Table of Contents, will be conducted in conjunction with the examination of paragraph 2.2.*