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Diversity of Cultural Expressions

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

First session
Paris, UNESCO Headquarters, Room XI
18-20 June 2007

Item 3 of the provisional agenda: Adoption of the Rules of Procedure of the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions

SUMMARY

The General Conference of UNESCO adopted on 20 October 2005 the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, which entered into force on 18 March 2007. This document contains provisional rules of procedure, preceded by an introduction on their preparation, and a draft resolution regarding their adoption.

Decision required: paragraph 10.

1. The General Conference of UNESCO adopted on 20 October 2005 the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”), which entered into force on 18 March 2007, three months after the deposit with the Director-General of the thirtieth instrument of ratification. Article 22.1 of the Convention establishes a Conference of Parties (hereinafter referred to as “the Conference”) which is the plenary and supreme body of the Convention. Article 22.3 stipulates that the Conference shall adopt its own rules of procedure.
2. In accordance with Article 24.2 of the Convention, the UNESCO Secretariat prepares the documentation of the Conference. The provisional rules of procedure set out below are modelled on the Rules of Procedure of the General Assembly of the States Parties to the Convention for the Safeguarding of the Intangible Cultural Heritage (hereinafter referred to as the “Intangible Heritage Convention”).
3. The provisional rules of procedure comprise six sections: I – Participation, II – Organization of the Conference, III – Conduct of business, IV – Election and term of office of the Members of the Committee, V – Secretariat of the meeting, and VI – Adoption and amendment.
4. According to Article 11 of the Convention, the Parties “acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions” and they “shall encourage the active participation of civil society in their efforts to achieve the objectives” of the Convention. Thus, under rule 2.3 of the provisional rules of procedure, non-governmental organizations (NGOs) that have expressed the wish to participate as observers may be invited by the Conference of Parties to be represented at its sessions.
5. Article 27.3(b) of the Convention stipulates that regional economic integration organizations have the right to vote in matters within their competence. Such organizations and their Member States cannot exercise their rights to vote concurrently. Rule 13.2 of the provisional rules of procedure thus sets out the arrangements for the exercise of the right to vote by regional economic integration organizations and their Member States.
6. According to Article 23.4 of the Convention, the number of Members of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”) shall be increased to 24 once the number of Parties to the Convention reaches 50. The threshold of 50 having been reached, the Conference of Parties must elect a Committee composed of 24 Members, as provided for under rule 14.2 of the provisional rules of procedure.
7. Article 23.5 of the Convention stipulates that the election of the Members of the Committee shall be based on the principles of equitable geographical representation and rotation. Rule 14 of the provisional rules of procedure therefore proposes to introduce a voting system taking into account the composition of UNESCO’s electoral groups, as decided by the General Conference at its most recent session, and based on the method used by the General Assembly of the States Parties to the Intangible Heritage Convention. Following the practice of the UNESCO General Conference, Group V is divided into two groups, one for the African States and the other for the Arab States. The voting system is based on the pro rata principle whereby the number of Parties in each electoral group is divided by the number of Parties to the Convention, and the resulting figure is multiplied by the number of seats available. The distribution of the seats on the Committee among the electoral groups is the subject of item 5A of the provisional agenda of the Conference.
8. Article 23.1 of the Convention provides that the Members of the Committee shall be elected for a term of four years. Nevertheless, in order to ensure the continuity of the Committee’s work, rule 15 of the provisional rules of procedure proposes that the term of office of half of the States Members of the Committee elected in the first election be limited to two years. Those States will be chosen by lot at the time of the first election. Every two

years, the Conference will renew half of the membership of the Committee, as is done in the case of the Intangible Heritage Convention.

9. The provisional rules of procedure are as follows:

I. PARTICIPATION

Rule 1 Chief participants

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

Rule 2 Observers

2.1 The representatives of Member States of UNESCO not parties to the Convention, and permanent observer missions to UNESCO may participate in the work of the Conference as observers, without the right to vote, and subject to the provisions of Rule 8.3.

2.2 Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations which have concluded mutual representation agreements with UNESCO may participate in the work of the Conference, without the right to vote, and subject to the provisions of Rule 8.3.

2.3 Intergovernmental organizations other than those referred to in Rule 2.2 and non-governmental organizations may be invited by the Conference to participate in its work as observers, without the right to vote, and subject to the provisions of Rule 8.3, at all its sessions, at a single session or at a specific meeting of a session. They may be invited between two sessions by the Chairperson of the Conference to send representatives to the following session or to a specific meeting of that session.

II. ORGANIZATION OF THE CONFERENCE

Rule 3 Meetings of the Conference

The Conference shall meet in ordinary session every two years. It may meet in extraordinary session if it so decides or if the Intergovernmental Committee receives a request to that effect from at least one third of the Parties.

Rule 4 Election of officers

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

Rule 5 Duties of the Chairperson

5.1 In addition to exercising the powers which are conferred upon him/her elsewhere by the present Rules, the Chairperson shall open and close each plenary meeting of the Conference. He/she shall direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to the present Rules, shall control the proceedings and the maintenance of order. He/she shall not vote, but he/she may instruct another member of his/her delegation to vote on his/her behalf.

5.2 Should the Chairperson be absent during a meeting, or any part thereof, he/she shall be replaced by a Vice-Chairperson. The Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

III. CONDUCT OF BUSINESS

Rule 6 Public nature of meetings

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

Rule 7 Quorum

7.1 A quorum shall consist of a majority of the Parties referred to in Rule 1 and represented at the Conference.

7.2 The Conference shall not decide on any matter unless a quorum is present.

Rule 8 Order and time-limit of speakers

8.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.

8.2 For the convenience of the discussion, the Chairperson may limit the time to be allowed to each speaker.

8.3 The consent of the Chairperson must be obtained whenever an observer wishes to address the Conference.

Rule 9 Points of order

9.1 During a discussion, any representative of a Party may raise a point of order, which shall be immediately ruled on by the Chairperson.

9.2 An appeal may be made against the ruling of the Chairperson. Such an appeal shall be put to the vote immediately and the Chairperson's ruling shall stand, unless overruled by a majority of the Parties present and voting.

Rule 10 Procedural motions

10.1 During a discussion, any representative of a Party may move the suspension or adjournment of the meeting or the adjournment or closure of the debate.

10.2 Such a motion shall be put to the vote immediately. Subject to the provisions of Rule 9.1, such motions shall have precedence in the following order over all other proposals or motions before the meeting:

- (a) suspension of the meeting;
- (b) adjournment of the meeting;
- (c) adjournment of the debate on the question under discussion;
- (d) closure of the debate on the question under discussion.

Rule 11 Working languages

11.1 The working languages of the Conference shall be Arabic, Chinese, English, French, Russian and Spanish.

11.2 Speeches made at the Conference in one of the working languages shall be interpreted into the other languages.

11.3 Speakers may, however, speak in any other language, provided that they make their own arrangements for interpretation of their speeches into one of the working languages.

Rule 12 Resolutions and amendments

12.1 Draft resolutions and amendments may be proposed by the Parties referred to in Rule 1 and shall be transmitted in writing to the Secretariat of the Conference, which shall circulate copies to all participants.

12.2 As a general rule, no draft resolution or amendment shall be discussed or put to the vote unless it has been circulated sufficiently in advance to all participants in the working languages of the Conference.

Rule 13 Voting

13.1 The representative of each Party referred to in Rule 1 shall have one vote in the Conference.

13.2 In accordance with Article 27.3(b) of the Convention, regional economic integration organizations, in matters within their competence, shall exercise their rights to vote with a number of votes equal to the number of their Member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice-versa.

13.3 Subject to the provisions of Rules 7.2 and 19, decisions shall be taken by a majority of the Parties present and voting.

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

13.5 Voting shall normally be by a show of hands, except for the election of the Members of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”).

13.6 When the result of a vote by show of hands is in doubt, the Chairperson may take a second vote by a roll-call. A vote by roll-call shall also be taken if it is requested by not less than two delegations before the voting takes place.

13.7 When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Conference shall first vote on the amendment deemed by the Chairperson to be furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom and so on, until all the amendments have been put to the vote.

13.8 If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.

13.9 A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

**IV. ELECTION AND TERM OF OFFICE OF THE MEMBERS OF THE
INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION AND PROMOTION
OF THE DIVERSITY OF CULTURAL EXPRESSIONS**

Rule 14 Geographical distribution

14.1 The election of the Members of the Intergovernmental Committee for the Promotion and Protection of Cultural Diversity (hereinafter referred to as “the Committee”) shall be conducted on the basis of the composition of the electoral groups of UNESCO, as determined by the UNESCO General Conference at its most recent session, it being understood that “Group V” shall consist of two separate groups, for the African States and Arab States respectively.

14.2 Membership in the Committee, as composed of 24 States Parties, shall be distributed at each election among electoral groups in proportion to the number of States Parties from each group, provided that, after such distribution, at least three seats have been attributed to each group.

Rule 15 Term of office of the Members of the Committee

The States Members of the Committee shall be elected for a term of office of four years. Nevertheless, the term of office of half of the States Members of the Committee elected in the first election shall be limited to two years. Those States will be chosen by lot at the time of the first election. Every two years, the Conference shall renew half of the membership of the Committee. [*A member of the Committee may not be elected for more than two consecutive terms of office.*]

Rule 16 Procedures for the presentation of candidatures to the Committee

16.1 The Secretariat shall ask all States Parties, at least three months prior to the opening of the Conference, whether they intend to stand for election to the Committee. If so, the State Party’s candidature shall be sent to the Secretariat at least six weeks prior to the opening of the Conference.

16.2 At least four weeks prior to the opening of the Conference, the Secretariat shall send to all States Parties the provisional list of candidates, indicating the electoral group to which they belong and the number of seats to be filled in each electoral group.

Rule 17 Election of Members of the Committee

17.1 The election of Members of the Committee shall be conducted by secret ballot except that, where the number of candidates, according to geographical distribution, is the same as or less than the number of seats to be filled, the candidates shall be declared elected without the need to hold a ballot.

17.2 Before the election begins, the Chairperson shall appoint two tellers from among the delegates present; he/she shall hand to them the list of States candidates. He/she shall announce the number of seats to be filled.

17.3 The Secretariat shall prepare for each delegation an envelope without any distinguishing mark and separate ballot papers, one for each of the electoral groups. The ballot paper for each electoral group shall bear the names of all the States Parties that are candidates for election in that electoral group.

17.4 The representative of each Party shall cast his/her vote by circling the names of those States for which he/she desires to vote.

17.5 The tellers shall collect from each delegation their ballot papers and shall proceed to count the votes, under the supervision of the Chairperson.

17.6 The absence of any ballot paper in the envelope shall be considered an abstention.

17.7 Ballot papers on which more names have been circled than there are seats to be filled and those which bear no indication of the voter's intention shall be considered invalid.

17.8 The counting of the votes for each electoral group shall take place separately. The tellers shall open the envelopes, one by one, and shall sort the ballot papers into electoral groups. The votes cast for the candidate States Parties shall be entered on lists prepared for that purpose.

17.9 The Chairperson shall declare elected those candidates who obtain the greatest number of votes up to the number of seats to be filled. If two or more candidates obtain the same number of votes, and, as a result, there are still more candidates than seats to be filled, there shall be a second secret ballot restricted to those candidates who obtained the same number of votes. If in the second ballot two or more candidates obtain the same number of votes, the Chairperson shall draw lots to determine which candidate has won.

17.10 When the counting of the votes is completed, the Chairperson shall announce the results of the ballot separately for each of the electoral groups.

V. THE SECRETARIAT OF THE MEETING

Rule 18 Secretariat

18.1 The Director-General of UNESCO or his/her representative shall participate in the work of the Conference, without the right to vote. He/she may, at any time, make either oral or written statements to the Conference on any question under discussion.

18.2 The Director-General of UNESCO shall appoint an official of the Secretariat of UNESCO to act as Secretary to the Conference, and other officials who shall together constitute the Secretariat of the Conference.

18.3 The Secretariat shall receive, translate and distribute all official documents in the six working languages, at least 30 days before the opening of the session of the Conference. It shall arrange for the interpretation of the discussions and shall also perform all other duties necessary for the proper conduct of the work of the Conference.

VI. ADOPTION AND AMENDMENT OF THE RULES OF PROCEDURE

Rule 19 Adoption

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

Rule 20 Amendment

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

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

DRAFT RESOLUTION 1.CP 3

The Conference of Parties,

1. *Having examined the provisional rules of procedure set out in document CE/07/1.CP/CONF/209/3,*
2. *Adopts its Rules of Procedure, as contained in that document.*