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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 I
18–20 June 2007

ORAL REPORT

by

Ms Nina Obuljen

Rapporteur

Deputy Minister of Culture of Croatia

Mr Chairperson of the Conference of Parties,
Ms Françoise Rivière, Assistant Director-General for Culture,
Honourable Delegates,
Ladies and Gentlemen,

I should like to thank all of the Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions for giving this honour to Croatia and for the trust that you have shown in appointing me Rapporteur of the First Session of the Conference of Parties.

You have vested in me the responsibility of reporting to you as faithfully and as objectively as possible on the conduct, content and outcome of the debates. I shall endeavour to fulfil this discerning task and I hope you will be forgiving should there be any omissions or imperfections in this report.

The aim of the report is to summarize the substance of the debates, while highlighting the major progress made during the three days of discussion. I should like to point out that all of the resolutions adopted by the Conference of Parties at its first session will be annexed to the draft summary record.

The skill and experience of our Chairperson, H.E. Professor Kader Asmal, and the Parties' constructive participation and pertinent proposals have been instrumental to our success in completing all of the items on the agenda within the allotted time. I should like to thank all of the delegations: driven by their strong sense of responsibility and insightful approach to the implementation of the Convention, they have rigorously established the principles that are to guide its operational rules, while judiciously and creatively adapting appropriate mechanisms to ensure the effective and lasting functioning of the governing bodies of the Convention in compliance with its provisions.

Before summing up the debate, allow me to commend the Parties' open-mindedness, desire for mutual understanding and shared will to find common solutions in the interest of the implementation of the Convention.

I wish to thank the Director-General for his unfailing support for the protection and promotion of the diversity of cultural expressions and to express wholeheartedly our gratitude to the Assistant Director-General for Culture and to our Secretary and her team for the quality of the documents prepared for us. I should also like to thank the Director of the Office of International Standards and Legal Affairs for his informed advice and to extend special thanks to the interpreters.

Item 1A – Opening of the Conference of Parties

The first session of the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions began on Monday, 18 June 2007, with an official opening ceremony chaired by the Director-General, during which the following guests of honour took the floor:

Professor Kader Asmal, Chairperson of the Intergovernmental Meeting of Experts in charge of elaborating the draft of the Convention;

Mr Javier Pérez de Cúellar, former Secretary-General of the United Nations and President of the Commission on Culture and Development that produced the report "Our Creative Diversity";

H.E. Mr bin Jaafar bin Hassan, President of the General Conference of UNESCO.

Item 1B – Election of a Chairperson, one or more Vice Chairpersons and Rapporteur of the Conference of Parties

The Conference of Parties then elected its Bureau and adopted Resolution 1.CP 1B:

1. Chairperson of the Conference of Parties: Kader Asmal (South Africa)
2. Vice-Chairperson: Chile
3. Vice-Chairperson: Spain
4. Vice-Chairperson: India
5. Vice-Chairperson: Tunisia
6. Rapporteur: Croatia

It should be noted that all the electoral groups are represented among the members of the Bureau.

The Chairperson invited Parties wishing to make an official statement to do so. Twenty-two speakers representing the Parties, including three Ministers, took the floor in the following order:

H.E. Ms Paulina Urrutia, Minister, Chairperson of Chile's National Council of Culture and the Arts;

H.E. Mr Gabriel Sassouvi Dosseh-Anyron, Minister of Culture, Tourism and Leisure of Togo;

H.E. Mr Jean Marie Atangana Mebara, Minister of State, Minister of External Relations of Cameroon.

The above were followed by deputy ministers, other heads of delegations and Ms Odile Quintin, Director-General, Directorate General for Education and Culture of the European Commission, who spoke on behalf of the European Community.

The vast majority of the delegations that took the floor spoke of the central role of culture and the equal dignity of cultures in regard to sustainable human development, social cohesion and international security. They stressed the particular importance of this legal instrument which is unique in the international standard-setting, political and strategic environment. Accordingly, the Intergovernmental Committee's weighty responsibilities, including the drafting of operational guidelines, were mentioned by the majority of the Parties. The importance of cooperation in all of these areas among all stakeholders; the role assigned to all representatives of society and their interrelations in particular, were recognized and encouraged. In this regard, the establishment of the International Fund for Cultural Diversity was a matter of interest to all, particularly the delegations that have undertaken to make financial contributions. Expressing their intentions and expectations with regard to the new Convention, they informed the Conference of Parties of action taken at the national level, congratulated the Chairperson on his election and thanked him for his contribution to the drafting of the text of the 2005 Convention.

During the Conference, the Chairperson also invited the United Nations Conference on Trade and Development (UNCTAD), a representative of NGOs participating in the meeting and representatives of observer States that have already ratified the Convention to take the floor.

Item 2 – Adoption of the Provisional Agenda of the first Session of the Conference of Parties

In the afternoon of 18 June, the Chairperson opened the debate on item 2 concerning the adoption of the provisional agenda. The Conference of Parties adopted the provisional agenda: Resolution 1.CP 2.

Item 3 – Adoption of the Rules of Procedure of the Conference of Parties to the Convention on the Protection of the Diversity of Cultural Expressions

Introducing item 3, Ms Rivière, Assistant Director-General for Culture, stressed the distinctive features of the Convention and referred to some innovative provisions in the draft rules of procedure, including the provisions on the participation of civil society representatives as observers. She also pointed out that the Convention could be ratified by States and by regional economic integration organizations.

The Chairperson proposed that the Parties examine the provisional rules of procedure one by one. The Conference of Parties adopted rules 1, 2.1 and 2.2, 3, 5, 6, 7, 8, 9, 10, 11, 12.1, 13.1, 13.2, 13.3 and 13.4, 13.6, 13.7, 13.8, 13.9, 14.1, 16, 17, 18, 19 and 20 of the provisional rules of procedure.

The insertion of a new rule 4 relating to the provisional agenda and of rules 14.5, 14.11 and 22, the latter relating to the temporary suspension of the application of certain rules of procedure, was proposed and those provisions were adopted. The rules and their related subparagraphs were renumbered accordingly. Rules 2.3, 12.2 and 13.5 of the provisional rules of procedure were adopted as amended.

After amendments were proposed, rule 14.2 relating to geographical distribution and rule 15 relating to the duration of the terms of office of the members of the Committee were discussed in depth.

In regard to geographical distribution, a number of delegations recommended that a minimum of three and a maximum of six seats could be allocated to each electoral group to ensure equitable geographical representation and an optimum presence of the electoral groups within the Committee, while suggesting recourse to ad hoc solutions should difficulties arise. Other delegations were opposed to the establishment of ceilings or thresholds that were likely to result in one group being over-represented. The Conference ultimately found a consensus solution by adopting an amended version of rule 14.2, renumbered as rule 15.2.

The debates on rule 15 continued during the morning of Tuesday, 19 June. After in-depth exchanges prompted by the question of the length of the term of office, the Chairperson called on Canada to coordinate the drafting of rule 15 with the Latin America and Caribbean Group (GRULAC), Group I, represented by Germany and Greece, and Group V(a), represented by Senegal. The amendment submitted by the drafting group fully reflected the principle of rotation and established clearly defined exceptions, duly taking specific eventualities into account. The Conference adopted rule 15, as amended and renumbered as rule 16, and Resolution 1.CP 3.

Item 4 – Date and venue of the sessions of the Conference of Parties

Following the accreditation of the observers, the Chairperson opened the debate on agenda item 4 “Date and venue of the sessions of the Conference of Parties”. Referring to Article 22.2 of the Convention, he stated that the Conference of Parties should meet in ordinary session every two years.

The Conference adopted Resolution 1.CP 4 in which it decided to convene its ordinary sessions every two years, around the month of June. The second ordinary session of the Conference of Parties would therefore be held in June 2009.

Item 5 – Election of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

Item 5A – Distribution among electoral groups of the seats of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

On account of the complexity in applying the rule on the distribution among the electoral groups of the seats on the Intergovernmental Committee, the Chairperson convened a Bureau meeting, followed by a meeting of representatives of all electoral groups chaired by India. The Bureau's discussions, endorsed thanks to fruitful cooperation among the States Parties, resulted in the formulation of Resolution 1.CP 5A which was adopted by the Conference of Parties as indicated hereafter: the Conference of Parties decided that for the purposes of the election of the members of the Committee at the present session and, in view of the special circumstances mentioned in Rule 15.2 of the Rules of Procedure, the twenty-four seats would be distributed among the electoral groups, as exceptionally agreed, as follows: Group I (7); Group II (4); Group III (4); Group IV (2); Group V(a) (5); and Group V(b) (2), it being understood that at the next ordinary session of the Conference of Parties one seat would be returned by Group I to Group IV and one seat by Group V(a) to Group V(b).

Item 5B – Election of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

The Conference of Parties decided to elect the 24 members of the Committee, in accordance with the proposal on the distribution of seats in document CE/07/1.CP/CONF/209/5B and in accordance with the principles set out in Rule 15.

In a spirit of consensus, several delegations informed the Chairperson that their State had withdrawn its candidature, more particularly Madagascar (Group V(a)) and Jordan (Group V(b)).

As the number of candidates in Groups I, II, IV and V(b) was equivalent to the number of seats to be filled, the Conference of Parties proceeded with the election of the Committee's members from Electoral Groups III and V(a).

Under the careful supervision of the tellers, the representatives of Ireland and Madagascar, the following States Parties were elected as members of the Committee:

Group I: Austria, Canada, Finland, France, Germany, Greece and Luxembourg;

Group II: Albania, Croatia, Lithuania and Slovenia;

Group III: Brazil, Guatemala, Mexico and Saint Lucia;

Group IV: China and India;

Group V(a): Burkina Faso, Mali, Mauritius, Senegal and South Africa;

Group V(b): Oman and Tunisia.

I am pleased to inform the Conference of Parties that 56 States Parties present and voting took part in the election. All of the ballot papers were valid and there were no abstentions.

Item 5C – Selection by lot of twelve States Members of the Intergovernmental Committee whose term of office will be limited to two years

The Conference decided to select by lot the twelve States Members of the Intergovernmental Committee whose term of office would be limited to two years, duly taking geographical distribution

into account, in accordance with Rule 16 of the Rules of Procedure. In so doing, it also drew lots between Groups I and V(a), owing to the uneven number of members in those groups.

The 12 States were:

4 members for Group I: Austria, Canada, Finland and France;

2 members for Group II: Albania and Slovenia;

2 members for Group III: Brazil and Guatemala;

1 member for Group IV: China;

2 members for Group V(a): Burkina Faso and Mali;

1 member for Group V(b): Tunisia.

The Conference adopted Resolution 1.CP 5C.

Item 6 – Date and venue of the first session of the Intergovernmental Committee

The Conference decided that the meetings of the Intergovernmental Committee would as a rule be held at UNESCO Headquarters. Furthermore, in response to the generous invitation of Canada, it decided that the Intergovernmental Committee's first meeting, owing to its inaugural character, would convene in Ottawa, Canada, as of 10 December 2007.

Considering that it was important to implement the Convention as soon as possible, the Conference, pointing to the provisions to which it gave priority, requested that the Committee draw up the operational guidelines mentioned in Article 22.4(c) of the Convention and submit the result of its work to the Conference of Parties at its second ordinary session. Accordingly, it adopted Resolution 1.CP 6.

Item 7 – Functioning and administration of the International Fund for Cultural Diversity

Introducing item 7, the Chairperson spoke of the primary role given to cooperation for sustainable development in the spirit and the letter of the Convention, stating that the International Fund for Cultural Diversity was a means of supporting such cooperation.

In the ensuing discussion, the Parties spoke overwhelmingly in favour of the establishment and effective operation of the Fund. They stressed that guidelines on the use of its resources should faithfully reflect the Convention's goals, which included the emergence of a dynamic cultural sector in developing countries.

They placed particular emphasis on: the multilateral origin of its resources; the need for efficiency, collegiality and thrift in its management; its complementarity with other Funds; and the production of periodical reports by beneficiaries of the projects supported. The Parties recommended that the resources be used mainly for projects that would structure and encourage regional partnerships that develop cultural policies, infrastructure and capacity-building.

The Conference approved the draft financial regulations applicable to the Special Account of the International Fund for Cultural Diversity and requested that the Committee submit draft guidelines on the use of the Fund's resources to the Conference at its second ordinary session. It adopted Resolution 1 CP 7.

Andorra, Brazil, Cameroon, Canada, China, Germany, France, India, Italy, Mexico, Saint Lucia, South Africa, Spain and Uruguay all confirmed that they would participate in the Fund.

I hope that I have managed to convey the richness of the proceedings, the innovative pathways that our Conference seems to have taken and, above all, the will and openness that have guided the Parties. Their like-mindedness offers promising prospects for the future, despite the complex nature of the subject matter. We have, quite clearly, fulfilled our first mandate everything is yet to be put in place. I thank you for your attention.