



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

Организация  
Объединенных Наций по  
вопросам образования,  
науки и культуры

منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
科学及文化组织

## Diversity of cultural expressions

3 IGC

CE/09/3.IGC/211/7  
Paris, 2 November 2009  
Original: French

**Distribution: limited**

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

Third ordinary session  
Paris, UNESCO Headquarters  
7 to 11 December 2009

**Item 7 of the agenda:** Preparation of the operational guidelines on information sharing and transparency (Article 9 of the Convention).

The Conference of Parties, in Resolution 2.CP 7 adopted at its second session, asked the Committee to continue with its work and prepare the operational guidelines for implementing the Convention, including Article 9 (Information sharing and transparency). The annex to this document contains a framework of reference as a basis for the discussion of these operational guidelines.

**Decision required:** paragraph 19.

1. At its second ordinary session, the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”) requested the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter “the Committee”) to submit to it for approval at its next session (June 2011) draft operational guidelines concerning Article 9 of the Convention, dealing with information sharing and transparency (Resolution 2.CP 7).

2. Article 9 of the Convention specifically calls upon the Parties to: (a) provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level; (b) designate a point of contact responsible for information sharing in relation to this Convention; and (c) share and exchange information relating to the protection and promotion of the diversity of cultural expressions. Another provision of the Convention also refers explicitly to information sharing, namely Article 19 – Exchange, analysis and dissemination of information.

3. The Committee is invited to begin preliminary discussions at the current session with a view to preparing draft operational guidelines on Article 9. These draft operational guidelines shall be submitted for adoption at the next ordinary session of the Committee and will take into account the results of this discussion.

4. It is proposed that the draft operational guidelines not be limited to Article 9, which lays down the basic principles for information sharing and transparency, but also take account of the references made in other provisions of the Convention. Specifically, Article 19.1 provides that the Parties will share information and expertise on, *inter alia*, best practices for protecting and promoting the diversity of cultural expressions. The Committee is also reminded that at the second session of the Conference of Parties, a number of Parties took the initiative of presenting examples of best practices applied in respect of cultural policies and measures.

5. Under subparagraph (a) of Article 9, the Parties are required to provide appropriate information in their reports to UNESCO on measures taken to protect and promote the diversity of cultural expressions. It is up to the Committee to determine the format and content of the reports to be submitted periodically to UNESCO by the Parties. At this session, accordingly, the Committee is invited in particular to:

- (a) consider which provisions of the Convention the Parties are to report on;
- (b) identify what information on measures to protect and promote the diversity of cultural expressions is appropriate so that Parties can share it in a harmonized fashion, taking account of the capabilities of all the Parties;
- (c) reach decisions about the periodicity of reporting and procedures for reception, processing and follow-up of reports, and the question of their dissemination.

6. Considering that subparagraph (a) of Article 9 states that the information concerns measures to protect and promote cultural expressions, it is proposed that the Committee should determine which articles of the Convention should be addressed in the Parties’ reports. One possible article is Article 6 of the Convention concerning the rights of Parties at the national level, as it expressly provides a non-exhaustive list of measures that Parties may adopt to protect and promote the diversity of cultural expressions within their territory. Article 6 could accordingly be taken into consideration when they report on the measures they have taken.

7. Furthermore, the Committee is reminded that the operational guidelines on articles 8, 11 and 16, approved by the Conference of Parties at its second session in June 2009 (Resolution 2.CP 7), specifically refer to the periodical reports covered by subparagraph (a) of Article 9.

8. Thus, for instance, the operational guidelines for Article 8, which concerns measures to protect cultural expressions – special situations, include paragraph 11 entitled “Periodical report” which states that “where a Party has identified a special situation under Article 8 (2), the Party concerned will include appropriate information about these measures in its periodical report to be provided to UNESCO under Article 9(a)”.

9. Secondly, the operational guidelines concerning Article 11, which deals with the role and participation of civil society in the implementation of the Convention, indicate in paragraph 6 that Parties may ask civil society organizations to provide input in the establishment of periodical reports of Parties, within their field of competence.

10. The operational guidelines concerning Article 16 on preferential treatment for developing countries, provide that: “Monitoring of the implementation of the Convention, including Article 16, shall be ensured through the application of Article 9 of the Convention (Information sharing and transparency), in particular through the periodical reporting obligations of the Parties”(paragraph 7.1). The guidelines provide as well that: “**Developed countries**, in accordance with the modalities (to be) defined by the operational guidelines on Article 9 of the Convention, will illustrate in their periodical reports to UNESCO, every four years, how the obligations under Article 16 have been implemented. The information provided will be examined by the Committee and the Conference of Parties” (paragraph 7.2).

11. The Committee is also reminded that the operational guidelines for certain articles of the Convention, while not referring explicitly to periodical reports, do stress the need to encourage the Parties to share information. The operational guidelines concerned are those for Articles 7 (paragraph 5), 13 (paragraph 9) and 14 (paragraph 6.2.2).

12. Furthermore, in order to ensure the proper collection of information on measures taken by the Parties to protect and promote the diversity of cultural expressions at the different stages of creation, production, distribution/dissemination, access and enjoyment, the Committee is called upon to identify the themes and information available on any measures that have already been adopted at the national level and might be examined at an expert meeting in 2010.

13. Lastly, still with reference to Article 9(a), the Committee is invited to begin discussion of the timetable of reporting, modalities for reception and processing, as well as their follow-up and dissemination. In this respect, the Committee should take account of Articles 22.4(b) and 23.6(c) of the Convention. The first of these indicates that the functions of the Conference of Parties include receiving and examining reports of the Parties transmitted by the Committee. The second states that one of the functions of the Committee is to transmit reports from Parties to the Conference of Parties together with its own comments and a summary of their contents. It is understood that the Secretariat will receive the periodical reports and prepare the summaries. It will be up to the Committee, in due course, to determine the reports’ follow-up and dissemination procedures.

14. The attention of the Committee is also drawn to the fact that submission of the Article 9 operational guidelines for approval by the Conference of Parties will not take place until its third session, in June 2011. Accordingly, the Conference of Parties cannot invite Parties to submit their first reports before that date. Two **options** may be considered:

- (1) The submission deadlines for the Parties’ first reports shall be spread out in time by region, in accordance with the timetable given below. Thereafter, Parties will submit reports every four years.

| Region                          | First reports submitted | Reports examined by Committee | Transmitted to Conference of Parties | Second reports submitted |
|---------------------------------|-------------------------|-------------------------------|--------------------------------------|--------------------------|
| Africa                          | June 2014               | December 2014                 | June 2015                            | June 2018                |
| Latin America and the Caribbean | June 2013               | December 2013                 | June 2015                            | June 2017                |
| Asia and the Pacific            | June 2014               | December 2014                 | June 2015                            | June 2018                |
| Arab States                     | June 2013               | December 2013                 | June 2015                            | June 2017                |
| Europe and North America        | June 2012               | December 2012                 | June 2013                            | June 2016                |

- (2) Irrespective of region, the Parties will submit their reports by June 2013 so that the Committee can examine them at its December 2013 and December 2014 sessions and then submit them to the Conference of Parties at its June 2015 session. Thereafter, the Parties will submit their reports every four years (2017, 2021, 2025, etc.).

15. In addition to subparagraph (a) of Article 9, subparagraphs (b) and (c) invite the Parties to designate a point of contact responsible for information sharing in relation to the Convention (see also Article 28 – Point of contact) and to share and exchange information relating to the protection and promotion of the diversity of cultural expressions.

16. To facilitate the work of the Committee in preparing operational guidelines on Article 9, on 31 July 2009 the Convention Secretariat invited Parties that had not yet done so to notify it by 16 September 2009 at the latest of the point of contact designated by them. By 26 October 2009, 33 Parties have designated a point of contact (see information document CE/09/3.IGC/211/INF.6). Given this low rate of response, the Committee may wish to urge the Parties to notify the Secretariat of their point of contact as soon as possible.

17. To facilitate the initial discussions of the Committee, the annex to this document contains a frame of reference drafted by the Secretariat for the operational guidelines on information sharing and transparency.

18. Once the Committee has carried out its deliberations and made its recommendations, the Secretariat will be in a position to move ahead with preparation of the Article 9 operational guidelines by producing a preliminary draft for the next Committee session in December 2010.

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

#### **DRAFT DECISION 3.IGC 7**

*The Committee,*

1. *Having examined document CE/09/3.IGC/211/7 and the annex thereto,*
2. *Recalling Resolution 2.CP 7,*
3. *Requests the Secretariat to continue its work on the matter and submit to it, for examination at its next session, draft operational guidelines for Article 9 that take account of its discussions;*
4. *Invites Parties that have not yet done so to designate their points of contact as soon as possible and notify them to the Secretariat.*

## ANNEX

### Framework of reference as a basis for the discussion of operational guidelines on information sharing and transparency

#### Article 9 – Information sharing and transparency

##### *Parties shall:*

- (a) *provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level;*
- (b) *designate a point of contact responsible for information sharing in relation to this Convention;*
- (c) *share and exchange information relating to the protection and promotion of the diversity of cultural expressions.*

#### **Parties' periodical reports to UNESCO**

1. The Parties to the Convention will submit periodical reports to the Conference of Parties by virtue of Article 22.4(b), through the Convention Secretariat, providing relevant information on the measures they have taken to protect and promote the diversity of cultural expressions at the national and international levels, in order to ensure the transparent and effective implementation of the Convention.

##### *Format of reports*

2. The Parties will submit their periodical reports in the following format: (this format will be specified in the operational guidelines and will therefore be adopted by the Committee and the Conference of Parties).

3. A meeting of **experts** representing the different regions of UNESCO ([1 or 2] per region) could establish the format and specify the content of the periodical reports, in the light of the Committee's discussions. The experts could be chosen from among the points of contact responsible for information sharing in relation to the Convention. This meeting should be held during the first half of 2010.

##### *Content of the reports*

4. In the light of the provisions of the Convention and in accordance with their respective operational guidelines, the Parties will supply information on the measures taken to protect and promote cultural expressions at the national and international levels. This information may concern, without being limited to, the following articles of the Convention:

- Article 6 – Rights of Parties at the national level

This article provides a non-exhaustive list of measures Parties may adopt to protect and promote the diversity of cultural expressions on their territory.

- Article 7 – Measures to promote cultural expressions

This article covers, *inter alia*, the measures Parties should adopt in relation to the special circumstances and needs of women, persons belonging to minorities and indigenous peoples.

- Article 8 – Measures to protect cultural expressions

This article deals with measures taken by a Party in special situations where cultural expressions on its territory are at risk of extinction, under serious threat or otherwise in need of urgent safeguarding.

- Article 13 – Integration of culture in sustainable development

This article deals with measures to be taken to incorporate aspects associated with the protection and promotion of the diversity of cultural expressions as an element in Parties' sustainable development policies.

- Article 14 – Cooperation for development

This article gives a non-exhaustive list of means and measures for fostering the emergence of a dynamic cultural sector by strengthening cultural industries in developing countries, capacity-building through exchanges and information, technology transfer in cultural industries and cultural enterprises, and financial support.

- Article 16 – Preferential treatment for developing countries

This article particularly concerns the measures that should be taken by developed countries to implement and render operational the application of preferential treatment for developing countries.

- Participation of civil society (Article 11)

5. The Parties will associate civil society in their countries with the preparation of their reports, within their fields of competence and in the interests of transparency. The reports will accordingly acknowledge the contribution of the Parties and that of civil society.

6. The Parties will also include information on best practices in their reports.

6.1. Parties may draw inspiration from the information-gathering work done by other international organizations for the implementation of other conventions.

6.2. The Parties could also draw on the work done by the Council of Europe for its 2005 social cohesion methodological guide, and adapt certain elements to their own realities. In particular, four types of public actions could be envisaged at different levels: public, private and civil society (see table below, which is offered by way of example as a discussion tool).

|                                       | <b>Legislative actions</b>   | <b>Regulatory actions</b>  | <b>Remedial actions</b>  | <b>Facilitation actions</b>  |
|---------------------------------------|--|--|--|--|
| <b>State</b>                          | <ul style="list-style-type: none"> <li>– Recognition of the cultural dimension, and cultural diversity in particular, in basic legislative texts</li> <li>– Legislation to recognize the value of cultural diversity and cultural expressions</li> <li>– Legislation to support research in the field of cultural expressions</li> </ul> | <ul style="list-style-type: none"> <li>– Direct and indirect State aid for cultural industries and cultural expressions</li> <li>– State aid for cultural development</li> <li>– State budget for culture and arts education</li> <li>– Encouragement to “amateur arts”</li> <li>– Support for the creation, production and distribution/ dissemination of cultural activities, goods and services</li> <li>– Regulation of cultural content of TV and radio programmes</li> </ul> | <ul style="list-style-type: none"> <li>– Budget for cultural development programmes focusing on women, persons belonging to minorities and indigenous peoples</li> <li>– Price reductions for access to cultural activities, goods and services</li> </ul> | <ul style="list-style-type: none"> <li>– Forums for dialogue with representatives of culture</li> <li>– Forums for intercultural dialogue</li> <li>– Legislative coordination of programmes between institutional structures responsible for culture, education, the environment, the economy, etc.</li> </ul> |
| <b>Local and regional authorities</b> | Institutional structures for the protection and promotion of the diversity of cultural expressions and for local and regional development  | <ul style="list-style-type: none"> <li>– Regional and/or local budget for cultural development, particularly cultural expressions</li> <li>– Support for “amateur arts”</li> </ul>   |  |  |
| <b>Business/market</b>                | Incorporation of ethical criteria ensuring respect for cultural diversity in the documents governing companies’ activities (charters, internal regulations, etc.)  |  |  | <ul style="list-style-type: none"> <li>– Mechanisms for sponsoring cultural activities in the field of cultural expressions</li> <li>– Donations for cultural activities, particularly cultural expressions</li> </ul>   |
| <b>Civil society</b>                  | Creation of cultural associations and foundations  | Importance of cultural foundations and associations  | Creation of associations that facilitate access to culture for vulnerable groups in society  | Working population involved in the culture sector  |

*Timetable of reporting, reception and processing of reports*

7. The Parties will submit their reports to the Secretariat periodically every four years.

8. Two options:

Option 1: The submission deadlines for the Parties’ first reports shall be spread out in time by region, in accordance with the timetable given below. Thereafter, Parties will submit reports every four years.

| <b>Region</b>                   | <b>First reports submitted</b> | <b>Reports examined by Committee</b> | <b>Submitted to Conference of Parties</b> | <b>Second reports submitted</b> |
|---------------------------------|--------------------------------|--------------------------------------|---|---------------------------------|
| Africa                          | June 2014                      | December 2014                        | June 2015                                 | June 2018                       |
| Latin America and the Caribbean | June 2013                      | December 2013                        | June 2015                                 | June 2017                       |
| Asia and the Pacific            | June 2014                      | December 2014                        | June 2015                                 | June 2018                       |
| Arab States                     | June 2013                      | December 2013                        | June 2015                                 | June 2017                       |
| Europe and North America        | June 2012                      | December 2012                        | June 2013                                 | June 2016                       |

Option 2: All Parties will submit their reports by June 2013 so that the Committee can examine them at its December 2013 and December 2014 sessions and then submit them to the Conference of Parties at its June 2015 session. Thereafter, the Parties will submit their reports every four years (2017, 2021, 2025, etc.).

9. The Parties will submit their reports to the Secretariat in hard copy and electronically in one of the working languages of the Committee (English or French).

10. Upon receiving the reports from the Parties, the Secretariat will register them and acknowledge receipt. If a report is incomplete, the Secretariat will inform the Party that it requires completion and will check that civil society has been involved.

11. The Secretariat will then transmit to the Committee, before each of its ordinary sessions, a presentation of the reports received together with a summary of their contents.

12. In accordance with Articles 22.4(b) and 23.6(c) of the Convention, after being examined by the Committee the reports will be transmitted to the Conference of Parties for examination, together with the comments of the Committee and a summary of their contents. The presentation of reports, the summaries and the reports themselves will be made available to the Parties electronically.

13. Following the session during which they have been examined by the Conference of Parties, the reports will be made available to the public for information purposes via the Convention website; the Conference of Parties may decide otherwise in exceptional circumstances.

#### **The Parties' points of contact**

14. By virtue of Articles 9(b) and 28 of the Convention, the Parties are required to designate a point of contact responsible for information sharing in relation to the Convention.

15. The Parties are requested to notify the Convention Secretariat as soon as possible if the point of contact changes.

#### **Information sharing and exchange**

16. To ensure effective and sustained implementation of the Convention, Article 9(c) invites the Parties to share and exchange information on measures taken in the field of the protection and promotion of cultural expressions.

17. To facilitate this information sharing and exchange, the Parties might also finance seminars, consider seeking input from specialized category 2 centres, call upon the assistance of institutions specializing in collection of information and/or public policy analysis in the field of culture and encourage research on Article 9 of the Convention, for example through the network of UNESCO Chairs.

18. In accordance with Article 19 of the Convention (Exchange, analysis and dissemination of information), this information supplements the information-gathering requirements of this provision.