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Item 9 of the Provisional Agenda: Assessment of the participation of civil society in implementation of the Convention

In accordance with Decision 8.IGC 7a and the debates of the Committee, this document transmits to the ninth ordinary session of the Committee a study on the participation of civil society in the implementation of the Convention.

Decision required: paragraph 24.

1. The Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereafter “the Committee”) decided at its eighth ordinary session to inscribe an item on the agenda of its ninth ordinary session to examine the assessment of the participation of civil society in the implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter “the Convention”)(Decision 8.IGC 7a). In its debates, the Committee also requested that the information document CE/14/8.IGC/INF.4 providing an initial assessment be transmitted to its ninth ordinary session as a basis for its debates. The Annex presents this assessment that was prepared primarily on the information provided in the quadrennial periodic reports as well as on the outcomes of projects supported through the International Fund for Cultural Diversity (IFCD). It provides quantitative evidence of the correlation between the strength of civil society generally and its involvement in the implementation of the Convention in particular.

2. The purpose of this document is to highlight some of the main findings of the assessment and to indicate proposals that could form the basis of a future road map of activities to further promote cooperation between the Convention’s governing bodies and civil society organisations.

Civil society partnership embedded in the Convention and Operational Guidelines

3. To start, the assessment recalls how civil society organisations were instrumental and worked in partnership with government officials in the preparation, adoption, ratification and now implementation of the Convention. This partnership – legalized in the Convention text - remains a unique and important feature of the Convention today.

4. To recall, Article 11 of the Convention, “Participation of civil society”, states “Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.” The Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereafter “the Conference of Parties”) approved specific Operational Guidelines (June 2009) that define civil society as “non-governmental organizations, non-profit organizations, professionals in the culture sector and associated sectors, groups that support the work of artists and cultural communities.” These Guidelines also state that civil society plays an “essential role in the implementation of the Convention” by bringing their concerns to public authorities, monitoring policies, and serving as “value-guardian and innovator”, while contributing to transparency and accountability in governance. It goes on to delineate civil society’s contribution to the implementation of the Convention and the work of Convention’s organs, and their participation in the IFCD. It also contains an Annex setting out the criteria for admission of civil society representatives to the meetings of the organs of the Convention. Further to this there are the many specified roles for civil society integrated throughout the Operational Guidelines. Together they provide the elements for a new governance model for culture that is to be informed, participatory and transparent.

5. Thus the Convention and the Operational Guidelines provide for numerous and clear roles for civil society that include, but are not limited to the following actions:

On the international level:

- Advocate and support the ratification of the Convention by non Parties;
- Collect data and share information on measures to protect and promote the diversity of cultural expressions within their territories and at the international level;
- Identify examples of development policies and measures and contribute to the achievements of greater transparency and accountability in the governance of culture;
- Carry out capacity building activities in specific domains linked to the Convention.

On the national level:

- Raise visibility of the Convention by: organizing seminars, workshops and forums at every level; developing and publishing information tools to facilitate understanding of the Convention; disseminating information to stakeholders through national media, websites and newsletters;
- Participate in the preparation of quadrennial periodic reports by Parties;
- Participate in consultations with public authorities on the development and monitoring of cultural policies and measures;
- Play a watchdog role, contributing to the achievement of greater transparency and accountability in governance;
- Conduct needs assessment on the application of preferential treatment in national frameworks and programmes and identify any difficulties in the implementation of Article 16.

Convention mechanisms:

- Participate as observers in sessions of the Convention's governing bodies;
- Submit written contributions to the Convention's governing bodies to be circulated to all delegations and observers by the Secretariat as information documents;
- Develop and submit projects to the IFCD.

6. This list demonstrates the wide spectrum through which civil society participates in the implementation and monitoring of the Convention. Indeed, the Operational Guidelines on the role and participation of civil society state "the potential of civil society to act as an innovator and change-agent in the implementation of the Convention should be fully utilized."

Findings of the assessment

7. The assessment on civil society participation in the implementation of the Convention (Annex) prepared by Prof. Helmut K. Anheier, found that countries with stronger and developed civil societies are faster in ratifying the Convention and are in a better position to live up to the expectation of the Convention (including involvement in periodic reporting) than those with weaker civil society organizations. One can note a tendency for less developed countries that have a less robust interaction between civil society and government in general, to reflect a limited consultation with or contribution from civil society in their quadrennial periodic reports. Of 69 reports analyzed in the assessment, less than half (29) explicitly mention the involvement of civil society in preparing the report. Thus the Operational Guidelines are not being fully implemented on this point. Possible reasons for this may be the short time frame to prepare reports, civil society organizations were not solicited or they may lack motivation or the communication channels to engage. Additionally, the assessment considered that civil society engagement on the Convention may be underreported and States may be unaware of their activities.

8. The assessment compared State, INGO and NGO projects that were supported by the IFCD, and found that INGOs had far fewer projects funded (9%) than states (35%) and NGOs (56%), with most IFCD projects being NGOs in Africa. A look at project targets (artists, creative industry, civil society, government, research and youth) revealed that while State projects tend to target research and civil society, NGOs target creative industry, support for cultural expressions and capacity building.

9. The assessment acknowledges that the innovative nature of the Convention requires the participation of non-state actors along-side state actors, and that civil society organizations function not only as innovators in the field of cultural policies and activities but also as change-agents in the process of implementing the Convention. Thus the value of the "public – private partnership" is stressed. It is recalled that the Operational Guidelines on the role and participation of civil society state "Parties should encourage civil society to bring new ideas and approaches to the formulation of cultural policies..." and indicate that civil society can support Parties "in the elaboration and implementation of cultural policies".

Furthermore civil society while playing a “watchdog role”, is a crucial partner in raising awareness of the Convention to the wider public, and serves as an important channel for improved information flows between citizens and governments by passing on citizen’s concerns to public authorities, and by looking over the state of artistic and cultural freedom and other basic policy concerns including status of the artist, copyright, freedom of artistic expression, professional development, artists associations, etc.

10. The assessment identifies a number of challenges that hinder the full engagement with and participation of civil society:

- lack of legal, institutional and financial infrastructure to support civil society organisations and their work;
- the communication and ties between civil society, the private sector and government agencies in terms of mutual awareness, information sharing and joint activities are weak; lack of prior experience or comparable mechanisms means that processes have to be elaborated;
- policy and governance measures and mechanisms are over-centralized, and government and public agencies have a top-down approach;
- there are gaps between regional, national and local government capacity for promoting and monitoring the Convention and for policy-making cooperation, including a lack of financing and qualified human resources;
- civil society and/or the cultural sector are organizationally or professionally weak (especially where democratic institutions are weak), and lack funding and a platform;
- civil society has little knowledge of the Convention or the opportunity to be involved.

Emerging engagement with civil society

11. The assessment notes that there are a number of best practices emerging relating to involvement, dialogue and consultation with civil society in the quadrennial periodic reporting process. Some governments are actively soliciting the contributions of civil society, often with information sessions, open consultations, collaboration with university researchers to collect data, etc. The Secretariat is currently preparing a training module for quadrennial periodic reports that strongly emphasizes the full participation of civil society. INGOs have been encouraged to submit thematic reports to give a complementary and more comprehensive overview (for example, the report on public broadcasting submitted by the European Broadcasting Union). This could be further encouraged and their findings could be presented more formally to the Committee. Operational Guidelines might need to be clarified in this respect, including for civil society organisations from States that are not yet Party to the Convention.

12. The information provided in the quadrennial periodic reports indicate that a majority of Parties include civil society organisations in the policy making process. Many have developed concrete mechanisms for this, for example, Burkina Faso’s national forums of artists and intellectuals for culture, Denmark’s International Cultural Panel, Paraguay’s National Council of Culture, or Poland’s Citizens of Culture movement. More examples are available on the web page of period reports “Innovative Examples”¹. However some Parties reported on gaps between regional, national and local government capacity for policy-making cooperation, often due to the challenges identified in the assessment and summarized above. From civil society members, there is concern that they are not given adequate opportunity to sit at the table with decision-makers and that States make policy decisions without real consultation with artists and cultural professionals working in the sector. The Convention can be conducive to such consultation mechanism but is non-binding and therefore cannot compensate where there is a lack of interest in engaging more fully in participatory governance.

¹ <https://en.unesco.org/creativity/mr/periodic-reports/innovative-examples>

13. In terms of partnering with civil society to implement the Convention, several examples can be identified. The UNESCO Expert Facility funded by the European Union (2011-2015) aims to strengthen the system of governance for culture in developing countries by organizing national teams composed of government officials and civil society representatives. The International Organization of La Francophonie follows a similar approach with its pilot program on capacity building for cultural governance in four priority countries (Burkina Faso, Gabon, Niger, Senegal). Similarly the German National Commission for UNESCO CONNEXIONS initiative in the Arab region is providing training workshops in Egypt, Morocco and Tunisia that bring together government officials at different levels with civil society actors.

Activities of the Convention's governing bodies and the Secretariat to engage with civil society organisations

14. The Convention's governing bodies regularly render decisions and resolutions specifically calling for the involvement of civil society, and more could be done to monitor follow-up actions in subsequent meetings. As mentioned throughout this Report, important decisions concerning quadrennial periodic reporting encourage Parties to engage in multi-stakeholder consultations in the preparation of their quadriennial periodic reports, involving in particular civil society organizations (Decision 7.IGC 5). Conference of Parties Resolution 5.CP 11 invites the Secretariat to actively consult Parties, international organizations and civil society on a biennial basis in order to collect and analyze information on the implementation and impact of Articles 16 and 21, and Resolution 5.CP 13 requests Parties and civil society stakeholders to continue their work in support of the visibility of the Convention. Furthermore in Resolutions 4.CP 13 and 5.CP 14 on Future Activities of the Committee, the Conference of Parties prioritized encouraging and assessing the engagement of civil society in the implementation of the Convention as well as in the work of the Convention's governing bodies.

15. Exchange sessions are regularly organized by the Secretariat to facilitate informal discussion between members of civil society and Parties to the Convention. In some cases, the theme of the exchange session is on the role of civil society. For example, the first session organized in June 2008 entitled "The role and participation of civil society in the implementation of the Convention for the Protection and Promotion of the Diversity of Cultural Expressions: an exchange of views between civil society and the Parties to the Convention" discussed the work on the first set of operational guidelines. In the margins of the fifth ordinary session of the Committee (December 2011), the Secretariat organized the session: "Promoting inclusive governance of culture: the role of civil society in the quadrennial periodic reports" with the collaboration of the NGO-UNESCO Liaison Committee. Two other sessions organised prior to the fifth ordinary session of the Conference of Parties (June 2015) included representatives of important networks such as the International Network of Lawyers for the Diversity of Cultural Expressions in order to exchange on priorities established by the governing bodies such as digital issues and the linkage between trade and culture.

16. The Secretariat regularly works directly with civil society as, for example, when it develops surveys and solicits the responses of civil society for surveys that lead to strategies on ratification, visibility, digital issues, etc. For example in 2013 the Secretariat undertook a survey on the Convention and digital issues, and in its report to the Committee included information submitted from nine civil society organizations². Similarly, to prepare the consolidated report on the implementation of the 1980 Recommendation concerning the Status of the Artist, the Secretariat developed the survey in 2014 in consultation with ten

² CE/15/9.IGC/10. Participating civil society organizations were: Chad coalition for cultural diversity, Culture and traditions, European Broadcasting Union (EBU), French coalition for cultural diversity, IMPALAmusic, International Federation of University Women (IFUW), International Network for Cultural Diversity (INCD), Njock Njock, Union Latina de Economía Política de la Información, la Comunicación y la Cultura (ULEPICC).

international artists associations³, and 55 NGOs participated in the survey providing valuable responses. Additionally, all satisfaction surveys on preparation and organization of the sessions include civil society responses. The Secretariat can continue to consult with civil society to identify relevant themes for its global surveys.

17. The training modules for capacity-building workshops that are being developed by the Secretariat each feature clear roles for the engagement of civil society. Understanding the Convention (module 1); Policy design and implementation (module 2); and in particular Monitoring and periodic reporting (module 3); along with others will concretize the practice of involving civil society in the relevant activities.

Civil society participation in the meetings of the governing bodies

18. Civil society representatives are present and participate as observers at sessions of the governing bodies and are given the right to speak, both in debates and prior to adoption of decisions or resolutions. The governing bodies have passed important decisions inviting civil society to provide information documents on certain items to enrich debates of the sessions⁴.

19. The Table below provides key data on the participation of civil society in sessions of the governing bodies and the number of information documents submitted.

Year	IGC	CP
2007	1 IGC : 7 NGO 1 Information document	1 CP : 15 NGO
2008	1 Ex IGC : 13 NGO 4 Information documents	
	2 IGC : 11 NGO 1 Information document	
2009	2 Ex IGC : 5 NGO	2 CP : 12 NGO
	3 IGC : 11 NGO 1 Information document	
2010	4 IGC : 15 NGO	
2011	5 IGC : 19 NGO	3 CP : 15 NGO
2012	6 IGC : 17 NGO	
2013	7 IGC : 12 NGO 7 Information documents	4 CP : 12 NGO
2014	8 IGC : 10 NGO 3 Information documents	
2015		5 CP : 9 NGO 1 Information document

³ This included the following organisations: Arterial Network; International Affiliation of Writers Guilds; International Authors Forum; International Federation of Actors (FIA); International Federation of Musicians (FIM); International Music Council (IMC); International Theatre Institute; PEN International; UNI Global Union, MEI Division (Media, Entertainment and Arts).

⁴ Some examples: "Civil society and the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions" CE/07/1.IGC/INF.6; "Article 19 – Exchange, analysis and dissemination of information: Culturelink network's twenty years of experience CE/09/3.IGC/211/INF7; "UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions: Analysis of Parties' periodic reports and contemporary digital trends (by Octavio Kulesz)" CE/14/8.IGC/INF.5.

20. The table shows that there is a decline in the attendance of civil society representatives to the meetings of the governing bodies. A review of the list of participants also indicates that while the majority are international in scope, their headquarters are based in Europe. Part of the reason for the decline in participation of civil society at the meetings of the governing bodies is not necessarily location but rather motivation. The main criticism expressed by members of civil society organisations is that while their interventions are appreciated there is rarely a discussion or reaction that follows and their presence could be better utilized. Some suggestions include:

- invite civil society to submit an activity report (both in writing and orally) to the governing bodies (similar to the Secretariat's report);
- organize a working session between civil society representatives and the Bureau prior to the meetings of the governing bodies to address specific issues of importance to civil society that are scheduled on the agenda of each session;
- invite to meetings of the governing bodies, as observers, professional organisations working in the cultural and creative industries whose interests correspond to the agenda of the meeting.

Future action

21. The engagement of civil society in the implementation of the Convention is a main and novel feature of the Convention, and is clearly structured through the numerous operational guidelines. As this is a priority activity for the next years, and in view of the challenges that have been identified, specific reflection and discussion need to result in practical measures that could form a road map or plan of action giving full application to the operational guidelines and the spirit of the Convention.

22. Actions to be considered that have been recommended in the annexed assessment include:

- investigate innovative civil society outreach and consultation mechanisms implemented throughout the UN system;
- invite international non-governmental organisations working in sectors covered by the Convention to submit thematic quadrennial periodic reports;
- develop targeted capacity-building for better engagement with civil society in understanding and implementing the Convention;
- establish partnerships horizontally across national borders – government with government, civil society with civil society, both North and South, to build such capacities;
- further prepare and disseminate best practice models on sustainable partnerships for policy development;
- support the participation (travel) of civil society organizations in the governing body sessions;
- establish within the Convention monitoring framework a set of indicators and some verifiable outputs or outcomes to better measure the involvement and range of civil society engagement;
- as a means to overcome fragile networking between civil society and public authorities, provide alternative mechanisms for the participation of civil society in periodic reporting such as the submission of reports by INGOs or alternatively, non-conventional communication formats such as through social media;

- convene meetings between Parties and civil society representatives outside of UNESCO Paris to facilitate a direct exchange of views;
- encourage National Commissions for UNESCO to proactively engage professional organisations in the cultural and creative industries their work and support their activities to implement the Convention at the country level.

23. Civil society is committed to lending its voice to defining policy, priorities and resource allocation, and to helping raise the visibility, implementation and impact of the Convention. The Secretariat, governing bodies and Parties in recognizing this and their own commitment need to better define activities of cooperation while keeping expectations reasonable in order to ensure that results and change are forthcoming and lead to an increase in civil society's motivation for engagement both at the country level as well as directly in the work of the governing bodies.

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

DRAFT DECISION 9.IGC 9

The Committee,

1. *Having examined document CE/15/9.IGC/9 and its Annex;*
2. *Recalling its Decisions 1.IGC 5C, 1.EXT.IGC 5; 5.IGC 4, 8.IGC 7a and Conference of Parties Resolutions 2.CP 7, and 4.CP 13;*
3. *Acknowledging the fundamental role of civil society in raising the visibility of and implementing the Convention, in the work of the governing bodies, and in supporting Parties in the elaboration and implementation of cultural policies;*
4. *Takes note of the assessment of the Convention and civil society and the recommendations provided in the Annex of document CE/15/9.IGC/9;*
5. *Invites the Parties, the Secretariat and civil society to continue exchanging on and developing mechanisms to strengthen the participation of civil society in the implementation of the Convention;*
6. *Encourages the Parties to support, financially or otherwise, the increased participation of representatives from civil society organizations in the meetings of the governing bodies;*
7. *Requests the Secretariat to work together with key civil society representatives to develop and implement indicators to better measure the involvement and range of civil society engagement, maintain the participation of civil society and report back to the Committee;*
8. *Further requests the Secretariat to inscribe on the agenda of each of its meetings an item on the role of civil society in the implementation of the Convention.*

Annex

The 2005 UNESCO Convention and Civil Society: An Initial Assessment (by Helmut Anheier)

Purpose of the Report

UNESCO's 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions explicitly requires Parties to the Convention to involve civil society in its implementation (see below and Annex A). Eight years into the process of ratification and implementation, now including 133 countries in addition to the European Union, it is time to review to what extent this requirement has been achieved, and what role civil society played in different countries and world-regions within this context.

This report reviews information and data contained in the Parties' quadrennial periodic reports, information from the International Fund for Cultural Diversity (IFCD) and other relevant sources to conduct an initial assessment of the role and participation of civil society in the preparation, adoption and implementation of the 2005 Convention. It thereby assesses the extent to which the objectives of the Convention's Operational Guidelines on Article 11 and Article 9 (see Annex A) have been attained. The report also identifies the main achievements and challenges, especially with regard to the relationship between civil society and the public authorities in the various member states, including the issue of funding. Finally, the report suggests proposals for future monitoring and assessment activities regarding the role and participation of civil society under the Convention.

For the short term, and in view of next steps, the report provides the foundation for a broader and more systematic survey of member states and civil society actors as well as institutions. Most likely this would involve the application of a questionnaire addressed at the international and national levels as well as to selected Parties. The purpose of this survey would be to gauge and assess civil society engagement at the different levels and across diverse fields covered by the Convention.

This report, however, relies exclusively on available information and research findings. The most important sources are:

- national reports that Parties submit to UNESCO every four years;⁵
- summaries of these reports by UNESCO itself;
- information on projects funded by the International Fund for Cultural Diversity (IFCD); and
- other reports and materials dealing with the role of civil society in the context of the 2005 Convention (e.g., van Graan 2012, p6; UIS Framework for Cultural Statistics (UNESCO Institute for Statistics 2009), Culture and Development Indicators (UNESCO 2011-2013), Cultural Indicators for New Zealand (Ministry for Culture and Heritage of New Zealand 2009)).

⁵ Parties are called upon to "ensure the involvement of civil society in the preparation of the reports according to jointly-agreed modalities." The reporting process serves as a platform for the dialogue between governments and civil society and in doing so deepening a shared sense of responsibility (UNESCO 2013, vi).

The Convention on the Protection and Promotion of the Diversity of Cultural Expressions and Civil Society

The 2005 Convention is a major UNESCO treaty on cultural policies and “the first international instrument of its kind to recognize the very specific nature of cultural goods and services, having both an economic and a cultural dimension” (UNESCO 2013). Currently, it has been ratified by more than 130 states. A main objective is to combine economic approaches to culture and creativity with a perspective that values culture in its own right, and to reaffirm the responsibilities of countries to develop cultural policies.

The Convention has a special focus on developing countries for two reasons: First, their cultural industries are seen as being especially under pressure from current trade agreements. Here, the “distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning”(UNESCO 2013, Article 1 g) is highlighted. Second, and at the same time, culture is seen as an important mean for development, stressing *inter alia* its economic potential. However, reconciling those two views on culture is often challenging, politically as well as economically; therefore, the Convention stresses the importance of including a broad range of stakeholders, in particular civil society, as outlined in more detail below.

Parties to the Convention have to provide quadrennial reports on the “measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level” (UNESCO 2013, Article 9a). These reports are an important source of information, as the Convention demands the involvement of civil society in their preparation. The way and extent to which civil society are or have been involved actors in the reports is a good indicator of their overall role for the implementation of the Convention. One aim of this report is therefore to summarize and share the “rich amount of information made available through periodic reporting exercises” and the “rich array of ‘good practices’ of innovative and effective cultural policies and measures” (UNESCO 2013, vi).

An important mechanism of the Convention is the IFCD. Its purpose is the promotion of sustainable development and poverty reduction in developing countries by fostering an often-emergent cultural sector and therefore to unleash its creativity and dynamics. It supports initiatives promoting cultural diversity as well as cultural industries and thereby covers both aspects of the Convention, as mentioned above. One specific aim is to promote cooperation between partners from the South as well as from South and North. Up to date and since 2010, the IFCD has funded 71 projects from 43 countries with around US\$ 4.6 million.

Different reasons are given for the role of civil society in the 2005 Convention: First, civil society organizations are seen as innovators in the field of cultural policies and activities. Second, the organizations function as change-agents in the process of implementing the Convention and help overcome potential gridlocks (UNESCO 2009, p 2). Third, they are seen as important channels for improved information flows between citizens and governments by passing on citizen’s concerns to public authorities, and by taking over a watchdog role (UNESCO 2004).

Accordingly, civil society has been assigned a central role in the 2005 Convention, which is highlighted in Article 11: “Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention”. Reference to civil society is made, explicitly or implicitly, in several other provisions of the Convention, including Articles 6, 7, 12, 15, 19 (see Annex A) (UNESCO 2009, p 1).

Within the Convention civil society is defined broadly, however with a strong focus on actors, be they individuals or organizations: “For the purposes of this Convention, civil society means non-governmental organizations, non-profit organizations, professionals in the culture sector and associated sectors, groups that support the work of artists and cultural communities” (UNESCO, accessed April 2014).

The potential role and ways of participation for civil society in the context of the Convention is explicated in more detail in the Operational Guidelines to Article 11, especially Guideline 6. The following points are mentioned:

1. elaboration and implementation of cultural policy
2. capacity-building and data collection
3. promoting cultural expressions by minorities
4. advocating the ratification and implementation of the Convention
5. input to the quadrennial reports
6. partnerships and international cooperation with public and private sectors as well as with civil society of other regions in the world (referring to Annex A, Article 15).

As mentioned before, the Convention introduces additionally some other aims for the inclusion of civil society in different articles, including those in the Operational Guidelines, listed in Annex A. Altogether they will be the main criteria for the analysis of the involvement of civil society.

Previous Assessments

The Secretariat of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions analyzed various reports submitted by Parties in 2012 and 2013 (Secretariat of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions 2012; 2013, p 6). While Parties did indeed acknowledge the fundamental role of civil society in the protection and promotion of the diversity of cultural expressions, they also identified a number of challenges.

Not surprisingly, given its innovative thrust, a main challenge was to implement the new framework of governance of culture according to the principles and objectives of the Convention itself. This innovative element of the Convention requires the participation of non-state actors, rather than the dependence on competent authorities in member states, as it is the case in other international treaties. Some difficulties might therefore be well expected in this kind of “public-private partnership” which shapes its implementation process. Specifically, the Parties identified several weaknesses relating to civil society in the Convention’s implementation (UNESCO 2013, p 21):

- lack of, or poorly envisioned and designed national strategies for the promotion of the Convention, and with no or little systematic evaluation efforts in place (Burkina Faso, Romania);
- over-centralization of policy measures (Albania, Armenia, Dominican Republic)
- poor communication between government, civil society and the private sector (Albania, Bosnia and Herzegovina);
- insufficiently organized cultural sectors and lack of professionalization (Côte d’Ivoire, Romania, Togo); and
- little and insufficient involvement of civil society (Armenia).

Three clusters seem to emerge from a look at these “early adaptors” of the Convention. In essence, implementation difficulties occur because:

- (i) either civil society or the cultural sector is organizationally or professionally weak;
- (ii) government and public agencies pursue a top-down, controlling approach; and
- (iii) none or weak communication channels and practices exist between government, the cultural sector and civil society.

Van Graan (van Graan 2012) used the national reports submitted to UNESCO and analyzed the responses to article 11 of the 2005 Convention. He focused on the ways in which the stipulations of article 11 and the operational guidelines had been implemented de facto. His aim was to identify patterns and trends, highlight best practices, and inform future actions.

Van Graan noted that 81% of the reports originated from Europe/North America and Latin America/Caribbean, i.e. generally comprising countries with some democratic political system and a civil society presence. Accordingly, the trends and recommendations reflect the experiences of these countries, and not those of other regions in the world, which have different political systems and weaker, even absent, civil societies. Van Graan identifies numerous key challenges for the implementation of the Convention (van Graan 2012, pp. 2-3), which are grouped into issue clusters as follows:

- **Awareness, knowledge, and understanding:** lack of knowledge of the Convention within all tiers of government, public agencies, cultural institutions as well as civil society generally; there seems to be a frequent absence of coordinated and sustained information strategies as well as activities to inform stakeholders about the Convention in general, and their respective roles in specific. Civil society actors do see little benefits of the Convention for them, and incentives remain ill understood. While not all countries provide support for civil society in the same manner, the Convention nonetheless requires civil society to be active and equipped with agency and voice.
- **Political support:** lack of political support for, or importance attached to, the cultural sector on behalf of governments; this meets with a resistance of both the cultural sector and civil society to reduce the arts to their economic value primarily. In some countries, trust levels among stakeholders are low across sectors, and too low for fruitful consultations. This results in persistent communication problems between government agencies and civil society on the one hand, and between government agencies and the cultural sector on the other. There is a variety of ways for capturing the voice of civil society in the periodic reports, and that there is no only one correct way. What matters are transparency and open communication (UNESCO 2011).

The first two issue clusters are clearly seated at “deeper” level of state-society relations. They point to two additional ones that were also identified in the UNESCO report above:

- **Communication:** a lack of functioning communication channels between government and civil society for the purposes of implementing the Convention domestically;
- **Capacity:** a lack of capacity within government and civil society to devote sufficient administrative and organizational resources to the implementation of the Convention.

Related to capacity but going well beyond it, is a cluster of issues that addresses resources:

- **Funding and access:** both cultural and civil society institutions see funding, or the lack thereof, as a major impediment; what is more, specifically cultural actors complain about limited market access for their services or products.
- **North – South relations,** featuring prominently in the Guidelines for implementing the Convention, are seen as problematic as well: Only a few reports tell about sustainable, impactful relationships between countries in the global North and counterparts in the global South in ways that have a meaningful effect on the relevant Convention Articles. It is also of concern that reports from Africa, Asia, the Caribbean, Pacific and Arab regions accounted for less than 20% of the total received ones (van Graan 2012, p 3).

Evaluation of the Involvement of Civil Society in the Implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions

The role of civil society matters in three different phases of the Convention: its preparation, its adoption and its implementation. Within each of these three steps, the role of civil society can be analyzed at least on two levels, the UNESCO itself and the member states. However, information on the first two steps is not readily available, and largely beyond the topic of this report. Nonetheless, it could be argued that strong and broad civil society involvement in the first two phases would facilitate the kind of action required under the Convention in its implementation.

The formation of Convention benefited from initiatives of Canada, France, Germany, Greece, Mexico, Monaco, Morocco and Senegal, supported by the French-speaking group of UNESCO. Available material does not allow us to reconstruct to what extent these governments were “pushed” or held back by civil society actors in their respective countries, and to what extent civil society shaped the initial debates leading to the Convention. Yet we suggest that path dependencies, i.e., early involvement of civil society in the preparation and adoption of the Convention may well be a good predictor of its current and future role – irrespective of funding. By contrast, cases where civil society played little or no role prior to the implementation phase may well take face greater operational difficulties.

With regard to the preparation within UNESCO, an important early initiative was the “Preliminary study on the technical and legal aspects relating to the desirability of a standard-setting instrument on cultural diversity”(UNESCO 2003), first mentioned on the agenda of the Executive Board of UNESCO in 2002, and then discussed at its 166th session in 2003. In this study, different international initiatives are mentioned as encouraging “reflection on the desirability of reinforcing standard-setting action in relation to cultural diversity” (UNESCO 2003), including some with explicit civil society participation (e.g. the International Network on Cultural Policy).

Civil society’s important role in the context of the Convention and its inclusion into the process was also mentioned already by the first meeting of experts for the Convention (December 2003). Additionally, the third meeting “underlined the importance of involving civil society and NGOs in the follow-up to the Convention” (UNESCO 2004, p 8).⁶ Guèvremont reports that “representatives of civil society (...) were actively involved at every stage of the drafting of the new Convention” (Guèvremont, no date, p 1).⁷

The same seems to hold for the level of adoption. Formally, the Convention is adopted by UNESCO and ratified by governments that then become formal party to the Convention. Here, too, civil society might have pushed governments to ratify the Convention. For example: “Even after the adoption of the Convention in October 2005, civil society continued to play an important role. Coalitions for cultural diversity immediately rallied to urge UNESCO member states to ratify the text” (Guèvremont, no date, p 1).

However the available quadrennial reports do not contain explicit information on this phase. One indirect indication, but far from claiming any causal relationship, might be a correlation between the strength of civil society, as featured in the reports, and the extent and time of ratification, as we will test further below. “Since the legitimacy of the new instrument depends on the number of states who are party to it, the pressure exerted by members of civil society will have a definite impact on the process” (Guèvremont, no date, p 1). A hypothesis would be that strong civil societies are able to drive their respective governments to ratify the Convention. However, many other factors play a crucial role here as well.

⁶ See the full “Procedural History” of the Convention in the Audiovisual Library of International Law at <http://legal.un.org/avl/ha/cppdce/cppdce.html>.

⁷ However, a full analysis of the inclusion of civil society and its role in the preparation process of the Convention would need a detailed analysis of the minutes and lists of participants of the main meetings.

The key task is to analyze civil society's role in implementing the 2005 Convention based on information contained in the 64 country reports (except one report submitted in Spanish, see footnotes 5 and 6) and in funding data from the IFCD. The following analyses concentrate on these two data sources.

Civil society involvement in the implementation of the Convention based on quadrennial reports

By the end of 2013, 65 Parties, or around half of all countries party to the Convention, had submitted a report.⁸ The Convention website provides plenty of help for the preparation of the reports (electronic templates, video-tutorials, a FAQ-section etc.). Nonetheless, the format and the amount of information provided by the competent authorities of Parties vary significantly. Most are submitted in English, some in French (14) or Spanish (1),⁹ and answers vary in length, specificity and depth. Some provide extensive data and feature elaborate appendices, but most don't. The Austrian report is often mentioned as an example for good practice in this context.

The Convention requires (operational guideline 7 on article 9) the "involvement of civil society in the preparation of the reports according to jointly agreed modalities. The reports shall indicate the way in which civil society participated in the drafting process". However, within the 64 reports¹⁰ analysed less than half (29 or 45 % of the reports submitted) explicitly mention the involvement of civil society in preparing the report. This is a clear sign of where the implementation realities of the Convention fall short of the stipulations of the guidelines. This gap was already mentioned by UNESCO's 2012 analytical summary cited above. .

The reasons for this, and whether they are primarily located within civil society or the reporting Parties, should be analysed in more depth in future research, e.g. the planned surveys and interviews. A team of international experts that assessed the reports and annexes in 2012 indicated the following reasons regarding civil society (Secretariat of the Convention, 2012, p 27):

- the timeframe for reporting was too short to engage in a comprehensive consultation process;
- civil society was not solicited to participate in the process;
- they did not have an opportunity to participate due to breakdown in trust and communication between the government;
- a certain lethargy on the part of civil society to engage as they do not yet see the direct benefits of the Convention to them.

The reasons given seem to resonate with the findings of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (2009), especially regarding communication and capacity problems in both public administrations and civil society.

However, in this report, we wanted to go beyond previous assessments and take a systematic look at what countries have actually done in involving civil society in the implementation of the Convention. Specifically, we looked for the following when analysing various reports submitted by Parties to the Convention in 2012 and 2013. These aspects or

⁸ 15 Parties had to submit their reports only in 2014 (Azerbaijan, Czech Republic, Democratic Republic of the Congo, Equatorial Guinea, Haiti, Honduras, Korea (Republic of), Lesotho, Malawi, Trinidad and Tobago, and Ukraine) or 2015 (Costa Rica, Gambia, and Palestine, United Republic of Tanzania) due to their later ratification.

⁹ The reports are to be in English or French, as these are the working languages of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions. However, the report from Guatemala is in Spanish. Some Parties have submitted versions in different languages (e.g. Argentina in English and Spanish).

¹⁰ The Spanish-language report from Guatemala was not included in the present analysis.

features of civil society involvement are based on the Convention and subsequent Guidelines):¹¹

- a dedicated organization was created for the purpose of implementing the Convention;
- there are financial state subsidies for civil society organizations in order to implement and strengthen civil society's role;
- measures are taken to foster the access to, and exchange of, cultural goods, especially in trade (import, export) in the spirit of the Convention;
- partnerships are in place or being forged with civil society actors and:
 - State agencies
 - Private sector or business
 - Other civil society organizations;
- civil society actors are engaged in North-South development programs;
- civil society actors attended and were or are involved in UNESCO hearings;
- civil society actors were and are engaged in capacity building and related (surveying, monitoring or building up informational infrastructure);
- civil society actors were or are engaged in public relations in international forums;
- civil society actors took part in preparing and drafting quadrennial reports;
- civil society actors act as political interest broker for local and/or national minorities.

The following table gives an overview of how many of these 13 activities on and about civil society were documented in the different reports. Six reports (Côte d'Ivoire, Dominican Republic, Ireland, Kuwait, Syrian Arab Republic, Tunisia) do not mention civil society in any respect, and three reports (Cyprus, Nigeria, Oman) list only one activity. By contrast, three Parties mention ten or more (Canada, Togo, and the EU). The median number of activities mentioned is 4 and the mean number is 4.1. Most reports mention between two and six different aspects, and only a minority of ten reports (16 %) mentions seven or more. No single report mentions all aspects.

Table 1: Number of Activities Mentioned in Reports

Number of activities mentioned	Number of country reports	Percent of all country reports
0	6	9.4
1	3	4.7
2	9	14.1
3	9	14.1
4	11	17.2
5	8	12.5
6	8	12.5
7	2	3.1
8	3	4.7
9	2	3.1

¹¹ As the different points are not always selective, some were merged. This is why the 13 aspects do not match directly with the mentioned points. The coding does not consider the quality of the involvement or whether different actors from civil society were involved. If a report mentions civil society with regard to a certain aspect, the country was coded as 1 (yes), if civil society was not mentioned, the code is 0 (no).

Number of activities mentioned	Number of country reports	Percent of all country reports
10	1	1.6
11	1	1.6
12	1	1.6
Total	64	100.0

The single most mentioned activity is: cooperation between civil society and partners from state, private sectors and civil society (43), with state-civil society partnerships (38) being by far the most popular. Political interest brokerage for minorities (39) and financial state subsidies for civil society organizations (33) are also mentioned more frequently.

Mentioned by less than half of the reports, but still relatively often, are the following aspects (in descending order):

- Civil society involved in the reporting (29)
- Civil society organizations engaged in capacity-building (27)
- Civil society organizations created for the Convention's implementation (24)
- Civil society's involved in legislation needed for implementing the Convention in domestic policies and laws (23)
- Civil society engaged in global North-South development programs (22)
- Civil society active in public relations in international forums and similar events (19)

Table 2: Frequency of Activities Mentioned

Activity /Aspect	Number of reports mentioning this aspect
Involvement in Convention legislature	23
Organization created for Convention implementation	24
Financial State subsidies	33
Strengthen the access to & trade of cultural goods	8
Partnership of Civil Society actors with (total)	(43) ¹²
State agencies	38
Private organizations, businesses	5
Civil society organizations	12
North-South development programs	22
Involvement in UNESCO events, hearings	2
Engagement in capacity-building	27
Public relations in international forum	19
Participating in reporting to UNESCO	29
Serving as political interest broker for local/national minorities	39

Rarely mentioned are: "Strengthen the access to and the exchange of cultural goods" (8 times) – a main objective of the Convention itself – as well as "Participation in UNESCO hearings" (2 times).

¹² The figure deviates from the sum of the following three, as many countries mentioned more than one such partnership.

However, with regard to the last aspect, we know from the lists of participants of the Conference of Parties to the Convention, that many more actors from civil society took part (12 organizations in 2013, 15 in 2011). One reason for this might be that many of these actors are from international NGOs rather than nationally based organizations. Thus, no single country may account for their involvement.

Another reason might be a lack of awareness by the competent authorities of member states about civil society activities (see problems identified above), and, vice versa, lack of incentives, even distrust, by civil society actors to report to state agencies. As a result, civil society engagement may well be under-reported in the various country reports.

Civil Society Funding under the Convention

The IFCD was established in 2010 in order to support developing and least-developed countries (hereinafter LDCs) in the implementation of the Convention and support civil society involvement as part of this process. As former summary reports indicate, some of these countries have weak or near absent civil societies (Secretariat of the Convention 2012; 2013) for a number of reasons ranging from political control to social underdevelopment of institutions. Therefore, the following paragraphs present an analysis of the civil society involvement in funding Convention-related activities in developing countries and LDCs. Six dimensions are relevant in this respect:

- Funding by type of organization (i.e. INGO, NGO, state agency)
- Funding by level of national economic development
- Funding by continent
- Funding of organization types over time
- Funding of organization types by target groups and target areas

We distinguish three organisational types as fund recipients: INGOs (mostly headquartered in Western countries), national NGOs, and state agencies. In total, 75 fund projects were implemented in 45 countries by 7 INGOs, 42 NGOs, and 26 States. This means that nearly two thirds of the projects are initiated by national NGOs and INGOs (see Table 3).

With regard to total disbursements by organisation type, NGOs and INGOs received more funding than the number of projects would lead one to expect: the figures show that civil society organisations receive more money for single projects than the State does (Table 3).

Table 3: Number of projects and funding by organizational type

	Number of projects	Fund resources retrieved in total (US\$)	Fund resources retrieved for single project on average (US\$)
INGOs	7 (9%)	666,341 (13%)	95,192 (SD: 8,279)
NGOs	42 (56%)	3,052,765 (60%)	72,685 (SD: 27,899)
States	26 (35%)	1,357,974 (27%)	52,230 (SD: 28,153)

SD= standard deviation

At present, we can only speculate about the reasons behind these numbers. INGOs are usually more professional fundraisers and are able to organise large-scale projects, which may explain why they mostly receive the maximum amount of US\$100,000. By contrast, national NGOs may be less professionalised in fundraising from UNESCO. States, on the other hand, might handle the question of requested money in more pragmatic ways. Depending on available human resources, interest in the UNESCO Convention, and on the state's resources, further issues such as challenges in documentation, project management, and reporting procedures (Secretariat of the Convention, 2012, p 5) restrict the project's size and scope, and thus, also the volume of requested money. However, the involvement of INGOs in larger project networks might be another potential reason for the higher amount of money received.

We also analysed funding by organisation type in developing countries and LDCs¹³ (recalling that developed countries are not eligible to apply for the fund). The analysed data on funding show that national civil society actors from more advanced developing countries are either more active or more successful (or indeed: both) in securing funds. In developing countries, 33 (64.7%) out of 51 fund recipients are national NGOs¹⁴, which is a much larger share compared to only 9 (37.5%) out of 24 in LDCs¹⁵. It seems that civil societies in developing countries are organizationally and professionally stronger than in LDCs -- which is consistent with other findings (e.g. CIVICUS 2013). At the same time, INGOs are more active in LDCs: three out of the seven INGO projects are initiated in LDCs – which is slightly more than expected (12.5% compared to 9.3%). INGOs might act as facilitators in these countries and compensate for the weaker or missing engagements by state agencies and local civil society organizations. Again, we can only suggest this as a general explanation, as the cultural, social and political conditions in LDCs vary significantly.

Table 4: Number of projects by recipient and LDC/developing country

	INGO	NGO	State	Total
LDC	3 (12.5%)	9 (37.5%)	12 (50%)	24 (100%)
Developing country	4 (7.8%)	33 (64.7%)	14 (27.5%)	51 (100%)
Total	7 (9.3%)	42 (56%)	26 (34.7%)	75 (100%)

Depending on the continent, the funding patterns and the involvement of civil society differ enormously. The figures indicate that the fund recipients are mainly from Latin American and African countries. Especially the relatively high number of African submissions by civil society stands out. This result can only in part be attributed to two single countries: South Africa and Kenya. Both show noticeable strong participation of national civil society (indicated by three NGO projects in each case). Of course, more qualitative investigation on these countries might discover insights such as the role of greater professionalization of civil society in both countries. Yet even taking these six projects out, Africa is still the continent with the highest number of civil society projects. By contrast, there are surprisingly few requests from Asia and Middle Eastern countries; in large measure because countries may not be eligible.

Table 5: Number of projects by recipient and continent

	INGO	NGO	State	Total
Eastern Europe	2	5	1	8
Latin America	1	13	8	22
Asia	1	1	3	5
Africa	3	23	14	40
Total	7	42	26	75

¹³ Classification based on The World Bank Group 2014.

¹⁴ Developing countries that received funding from the IFCD: Argentina*, Barbados*, Benin*, Bosnia and Herzegovina*, Brazil*, Cameroon*, Côte d'Ivoire*, Croatia*, Cuba*, Grenada, Guatemala*, Indonesia*, Kenya*, Mexico*, Mongolia, Montenegro*, Namibia, Nigeria, Paraguay*, Peru*, Saint Lucia, Saint Vincent and the Grenadines, Serbia*, South Africa*, Tajikistan, The former Yugoslav Republic of Macedonia*, Uruguay, Zimbabwe* (*indicate engagement of national NGOs)

¹⁵ LDCs that got funding from the IFCD: Bangladesh, Burkina Faso*, Cambodia, Chad, Congo, Haiti, Lao People's Democratic Republic, Madagascar*, Malawi, Mali*, Mozambique, Niger*, Senegal*, Togo*, Tunisia (* indicate engagement of national NGOs)

Looking at funding patterns over time, there is a general decline in the distributed funding volume from US\$1.5 million in 2010 to US\$1 million in 2013. In 2010, resources among organisation types were rather evenly distributed among recipient types. Over time, there has been i) a reduction in INGO funding, ii) a disproportionate growth in NGO funding, and iii) a stable growth pattern of increased State funding.

These results might point to distinct roles of each organisation type in the course of time. INGOs might have had a pioneer role at the beginning because of professional information networks, closeness to the UNESCO's objectives, and their ability of professional fundraising. Whereas many NGOs may have needed more 'lead time' as information networks are not that dense. Also, some national NGOs may have adopted a "wait and see" approach and let others experience the funding procedures first in order to reduce uncertainty. The linear increase of resources to state agencies might indicate that these entities also need some lead-time. This might also be due to the uncertain situation and bureaucratic hurdles, which might take time, as well as missing human resources capacities. A positive interpretation would be that INGOs (and States, see below) have helped in developing capacities of NGOs in a first phase, so that the latter were able to apply for money on their own in a second phase. However, to assess such interpretations, more detailed information is needed.

In a next step, we examined whether organisation types implicate qualitative differences with regard to the aims and strategies of projects proposed. For this reason, we analysed the various target groups and target areas by organisation type. The six target groups are: artists, creative industry, civil society, government, research, and youth; and the four target areas include: capacity building/networking, creative industry, legislature/cultural policy, and cultural expression. For example, there is a State-funded project that supports workshops on acting at schools. We classify this project as a *State* initiative that features the *target group* 'youth' and the *target area* 'cultural expression'.

The data shows that the organisational type is greatly meaningful for the strategic focus. The state initiates 'research' on several target areas and is involved in 'capacity building'. INGOs are mostly involved in 'research' on 'legislature' and 'cultural policy' (see Annex B: table 12). Whereas NGOs are relatively often engaged in 'creative industry' as target group and support 'cultural expression' and 'capacity building/networking' as target area. State projects target mostly 'civil society' -- which corresponds to the aim of the Convention.

These findings indicate that each organisational type plays a distinctive role in this field. The state and the mostly Western headquartered INGOs are engaged in providing information, the legislature, and the formal networks for civil society. Hence, they provide the collective foundation for national NGOs -- which over time could strengthen civil society capacity and influence. In that, both INGOs and NGOs reflect the Convention's objectives of encouraging local, 'grassroots' involvement.

Overall, the findings suggest that we need to take a closer look at the performance of individual countries for understanding why they fare better or worse than expected.

Civil Society and the 2005 Convention

Above we mentioned that it is difficult to assess the impact of civil society on the establishment and adoption of the Convention. However, with respect to the ratification of the 2005 Convention, we expect countries with a strong civil society to become party to the Convention earlier than countries with a weaker civil society. Early ratification took place between 2005 and 2007 and late ratification between 2008 and 2009¹⁶. As indicator of the civil society strength, we use the cumulative index of civil society involvement in the

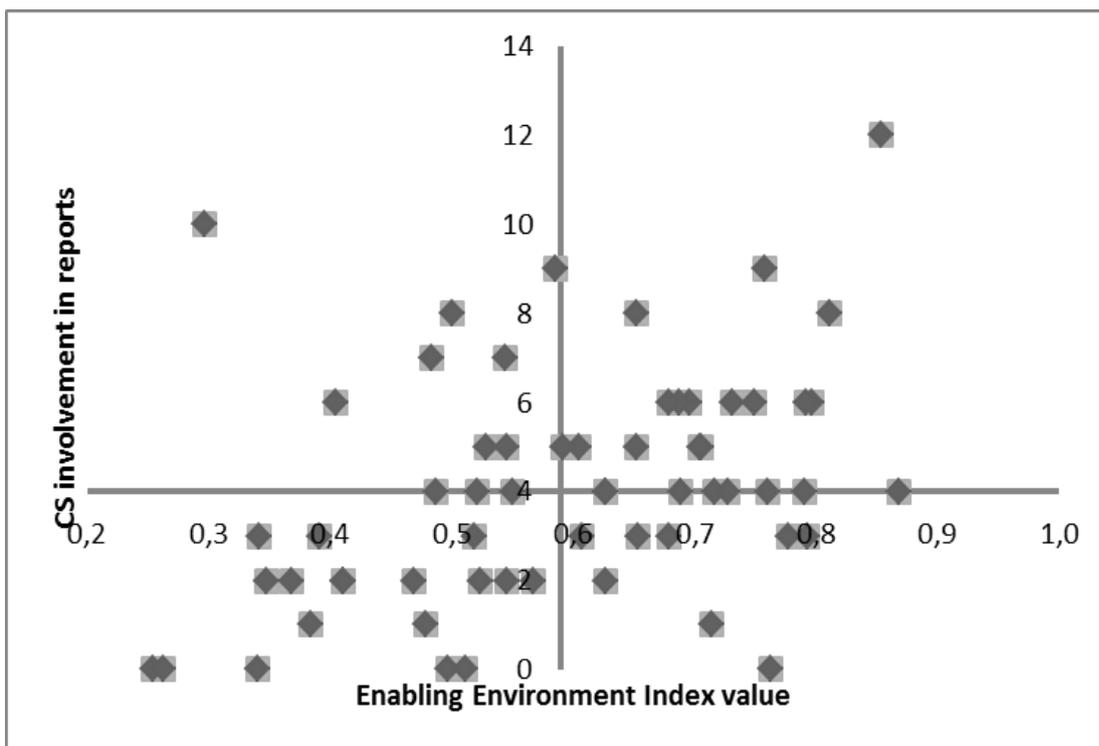
¹⁶ The results contain only ratifications until 2009 because the strength of the civil society can only be calculated for countries that have already handed in quadrennial reports.

quadrennial reports¹⁷. In total, 63 countries are analysed.¹⁸ The results confirm the hypothesis: the mean value of civil society strength of countries ratifying early is much higher (mean of 4.3) than of countries doing so at some later date (mean of 3.3).

Another general hypothesis could be that countries with stronger and more developed civil societies would be in a better position to live up to the expectation of the Convention more fully than those Parties to the Convention with weak, underdeveloped or even absent civil societies. A more specific hypothesis would be that countries with strong state-civil society relations would especially be more likely to show many and more of the kinds of activities involving civil society as foreseen under the Convention and its Operational Guidelines.

To explore these questions, we operationalized the expected civil society involvement by the Enabling Environment Index¹⁹ (EEI) examining the conditions under which civil society works. The EEI ranks more than 200 countries by three dimensions and 17 sub-dimensions. The socio-economic, socio-cultural, and governance dimension display the enabling environment of civil society (CIVICUS 2013). The actual involvement is measured by the civil society's involvement in the Convention's implementation as reported by quadrennial reports (see above).

Figure 1: Correlation between overall civil society strength (EEI) and actual civil society involvement in the Convention as reported by the Party reports



¹⁷ Cumulative Index; ranges from 0 to 12; low figures represent low civil society involvement and vice versa; mean value= 4.1, std= 2.6.

¹⁸ The European Union as a very specific Party to the Convention has been excluded from this analysis.

¹⁹ The Enabling Environment Index by CIVICUS tries to measure the extent to which the social, economic and political context is conducive to civil society's capacity. The index ranges from 0 (lowest level of capability) to 1(highest level of capability) (CIVICUS 2013). See <http://www.civicus.org/eei/downloads/Methodological%20note%20on%20the%20CIVICUS%20Civil%20Society%20Enabling%20Environment%20Index.doc>.

Table 6: Cross tabulation of civil society strength (as measured by the EEI) and actual involvement in the country reports (measured by aspects mentioned)

		Actual involvement		
		Low (0-3 aspects)	high (4 aspects and more)	
EEI	low (<0.6)	18 (60%)	12 (40%)	30 (100%)
	high (>=0.6)	8 (26%)	23 (74%)	31 (100%)
		26	35	

As one can see, in Figure 1 and summarized in Table 6, there is a clear correlation between the strength of civil society (EEI) and the reported strength of civil society’s involvement in the implementation of the Convention. While 60% of those countries that are labelled as having a weak civil society by the EEI also show a weak involvement in the reports, this figure is only 26% for those with a strong civil society as measured by the EEI. However, there are also deviating cases, which we look at further below.

Table 7 shows some exemplary countries for the expected and actual involvement of civil society in quadrennial reports. For each of the variables, the three categories “low”, “medium”, and “high” have been chosen with regard to the distribution of all countries. Only salient countries with “low” and “high” values are listed.

There are some countries that conform to the expectation of the hypothesis above. For example, Denmark, Canada and Austria have developed civil societies with strong state-civil society relations and reveal a pronounced involvement of civil society in implementing the Convention. Others like China, Guinea or Vietnam are exemplars of the opposite pattern.

Then there are inconsistent cases: the low actual involvement of civil society in Finland, Ireland, and the Netherlands. By contrast, the high civil society involvement in Burkina Faso, Egypt, and Togo is also notable. The crucial question therefore is: why is civil society involved in cases that feature “difficult” environments, while it is missing in some cases, where the environment is very friendly?

Clearly, a closer examination would be needed at this stage to understand the reasons behind this finding. It may well be that measures were not needed, since they are already in place, or that measures were not reported for one reason or another. There are also potential policy measures that come to mind: clearly, if those countries with developed, active civil societies could be encouraged to involve civil society more fully, the implementation record of the Convention would improve significantly and therefore with relatively few resources. Vice versa, how do countries with weaker civil societies manage to implement the Convention’s objectives and modus operandi more fully than others? What are the lessons there, and could they be transferred?

Table 7: Cross tabulation; salient country examples for high/low expected and actual involvement of civil society in quadrennial reports

Actual Civil Society involvement (reporting)		
Expected Civil Society involvement	High	Low
	Denmark Canada Austria	Finland Ireland The Netherlands
	Burkina Faso Egypt Togo	China Guinea Vietnam

Expected involvement of civil society high: $EI \geq 0.70$

Expected involvement of civil society low: $EI \leq 0.50$

Actual involvement of civil society high: country mean of CS involved in reports ≥ 7

Actual involvement of civil society low: country mean of CS involved in reports ≤ 3

Table 8 depicts the expected and actual involvement of civil society in terms of *funding behaviour* of developing countries and LDCs. The EEI was adjusted to this country group. Again, the mixed cells are of special interest. There is no country that features an unexpectedly low civil society involvement. By contrast, Kenya, Madagascar, Senegal, and Zimbabwe stand out having an unexpectedly high actual involvement in terms of funding. Unfortunately, these countries have not handed in any reports so far.

Table 8: Examples for expected and actual involvement of civil society in funding (only developing countries and LDCs)

Actual Civil Society involvement (funding)		
Expected Civil Society involvement	High	Low
	Argentina The former Yugoslav Republic of Macedonia South Africa	-
	Kenya Madagascar Senegal Zimbabwe	Tajikistan

Expected involvement of civil society high: $EI > 0.60$

Expected involvement of civil society low: $EI < 0.45$

Actual involvement of civil society high: NGOs involved in fund taking ≥ 1

Actual involvement of civil society low: NGOs involved in fund taking = 0

Table 9 shows the distribution of all Parties to the Convention according to funding and reporting, and table 10 reports the combined outcome of civil society involvement in reports and in funding in developing countries and LDCs. This examination might give hints what kind of relationships between State and civil society are prevalent. Again, the “mixed” cases are of special interest. As already mentioned above, we assume that the reporting reflects the state’s point of view on civil society and the fund taking reflects the actual civil society involvement with national NGOs as self-directed actors. However, Burkina Faso and Togo, where the context, as measured by the EEI, is difficult, perform very well in funding as well as in reporting. These might also be interesting cases to look at in more detail.²⁰

Table 9: Funding and reporting by the Parties to the Convention

		Funding	
		Yes	No
Report	Yes	12	52
	No	14	55

The high figure of countries with reports but without funding is due to the good reporting compliance of the developed countries that are not allowed to apply for funding.

Table 10: Actual civil society involvement as to reports and in funding (only developing countries and LDCs that have already handed in reports)

Civil society involvement based on reports	High	Low
		Burkina Faso Togo Brazil
Civil society involvement in funding	Bangladesh Namibia	Cambodia Tunisia Namibia Nigeria

Actual involvement of civil society high: country mean of CS involved in reports >=7
 Actual involvement of civil society low: country mean of CS involved in reports <=3
 Actual involvement of civil society high: NGOs involved in fund taking >=1
 Actual involvement of civil society low: NGOs involved in fund taking=0

Recent Developments

Putting the 2005 Convention into practice is an on-going process. The Convention’s aim to give a more prominent role to civil society in its implementation requires new procedures and processes. The above-mentioned Guidelines were a first important step, and they have been complemented since to increase the voice options for civil society organizations. The meetings of Governing Bodies decided in the 6th session of the Committee (2012) and the 4th session of the Conference of Parties (2013) that civil society organizations and representatives can report to the Committee and the Secretariat on important aspects of the Convention²¹.

²⁰ We would, however recommend to first have a closer look at the EEI, as it might be that the Index is misspecifying one or both of them.

²¹ See <http://www.unesco.org/new/index.php?id=115725>

Decision 6.IGC 17

Para 5. Invites the Parties that so wish as well as civil society to report to the Committee during its seventh session on aspects of the development of digital technologies that have an impact on the Convention and proposals for future action.

Res. 4.CP 13

Para 6. Invites the Parties that so wish as well as civil society to report to the Secretariat on aspects of the development of digital technologies that have an impact on the Convention and proposals for future action for examination of the Committee during its seventh session, and requests the Committee to transmit the results of its work to its fifth ordinary session

These decisions do indeed represent important milestones in not only making sure that the spirit of the Convention to involve civil society remains intact and meaningful but also in harvesting its potential in terms of cultural diversity.

Best Practices

Initial information about cases of best (or better: good) practice is becoming available (UNESCO 2014). The cases reported in a recent summary seem to fall into four categories:

- **Dialogue.** Ways and means of creating, maintaining or improving meaningful dialogues between civil society and public authorities, in particular ministries and central agencies (Austria, Burkina Faso, Slovenia);
- **Involvement.** Targeting and involving artists, creative talent and audiences either domestically (Brazil) or internationally (Germany), and mobilizing (Latvia, Poland)
- **Consultations.** Conducting multiple stakeholder consultations and participatory forms of involving (Bulgaria, Canada, Ecuador, Norway) and awareness raising (Mexico, Paraguay, UK)
- **Advocacy.** International advocacy coalitions (Coalition for Cultural Diversity).

Clearly, these are early examples and it will be important to monitor these and other cases of good practice to make sure learning effects can be harvested and disseminated accordingly. What is important is that these practices address the major weaknesses in the implementation of the Convention by focussing on more dialogue, greater involvement, broader consultations and increased advocacy. They are also of relevance for other Conventions, agreements and treaties requiring civil society involvement, and the Secretariat should be well advised to make sure that such practices are appropriately disseminated within the international community.

Summary, Implications, and Next Steps

No doubt, the implementation of the 2005 Convention, and especially the Convention's Operational Guidelines of its relevant articles constitute "new ground" for the international community; they pose challenges to UNESCO, the competent authorities of Parties to the Convention as well as to civil society actors alike. Prior assessment pointed to the problems encountered in the implementation and especially in State-civil society relations. Some of the findings in this report resonate with these previous assessments, but we also found indications for progress and achievement in the extent and the way in which civil society actors have become involved.²²

²² We should also keep in mind that the national reports vary in detail, meaning that civil society may have played a bigger role de facto.

There is however one major limitation: The Convention requires “measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level.” Based on the national reports, it is not clear to what extent civil society actors actually achieve, or contribute to the objective of protection and promotion of cultural diversity. In other words, the national reports say little about outcomes. The best practices, too, need to be screened in this respect: do better processes also lead to better outcomes in the light of the Convention?

The same could be said about the 71 IFCD funded projects. What have they achieved so far in relation to the objectives of the Convention? It could also be argued that some US\$ 4.6 million spread around 43 countries is too little to affect sustained change. At the same time, the Convention’s Operational Guidelines for encouraging local, ‘grassroots’ involvement seems to have been met, as most funding goes to civil society actors. Yet are scale and scope of such funded activities commensurate with the changes needed to meet the Convention’s overall objectives?

Against this background, the present report recommends:

- **Assistance:** Some Parties have indicated that they require assistance in the compilation of the report, even though the documentation provided by UNESCO is extensive and readily available. Nonetheless, a substantial number of Parties to the Convention seem to require better instructions and training in this respect, especially in countries with weak civil societies and low degrees of professionalization (Secretariat of the Convention, 2012, p 6). Possible measures other than providing technical assistance is to ask civil society to submit reports on their own and in formats they can manage or to encourage the use “non-conventional” communication such as social media. The recent decisions to enable and encourage civil society are the right steps in this direction.
- **Framework:** Establishing a simple yet meaningful common framework with standard indicators for civil society involvement that range from awareness, capacity, activities to some verifiable outputs or outcomes; indeed, a focus on outcomes should become stronger in future reporting, even if such outcomes cannot be quantified.
- **Awareness:** measures to increase awareness of the Convention among civil society in member States are needed; again the role of social media should be explored.
- **Learning:** Identify best practices in terms of State-civil society cooperation to overcome general distrust and “operational distances” that might exist between public administrators, civil society actors and the cultural community.
- **Partnerships:** Encourage Parties to the Convention to partner horizontally across national borders – government with government, civil society with civil society, both North and South, to build capacity and to facilitate trade in creative goods and services (van Graan 2012, p 3); it would be useful to explore to what extent current forums and platforms can facilitate such horizontal modes of cooperation.
- **Funding:** the overall sum of funds involved appears modest given the scale and scope of the Convention and the implementation task involved. It would make sense to revisit both the rationale and the experiences gained so far and decide about the future magnitude and objectives of the IFCD.

These are clearly only some initial measures to be taken. As the report has shown, there are a number of aspects in the Convention's implementation that would require much closer analysis than it was possible based on the country reports and the IFCD material. In particular, the sometimes perplexing performance of civil society as shown above seems worth of closer investigation, as also the frequent inefficiencies and tensions in public-private cooperation.

Finally, the role of the national and international business community received virtually no attention. A follow-up study, using instruments for gathering first-hand data and information on the role of civil society, government and business in the implementation of the 2005 Convention would be a logical next step. Such an exercise should use survey methods, stakeholder and expert interviews against a mapping of the cultural economy and diversity of member countries.

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Annex A

Relevant Articles and Documents of the 2005 Convention

Article 7: Measures to promote Cultural Expressions

Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

Article 9: Information sharing and transparency

Parties shall:

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;

designate a point of contact responsible for information sharing in relation to this Convention;

share and exchange information relating to the protection and promotion of the diversity of cultural expressions.

Article 12: Promotion of international cooperation

Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of the situations referred to in Articles 8 and 17, notably in order to:

facilitate dialogue among Parties on cultural policy;

enhance public sector strategic and management capacities in cultural public sector institutions, through professional and international cultural exchanges and sharing of best practices;

reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions;

promote the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions;

encourage the conclusion of co-production and co-distribution agreements.

Article 14: Co-operation for development

Parties shall endeavour to support cooperation for sustainable development and poverty reduction, especially in relation to the specific needs of developing countries, in order to foster the emergence of a dynamic cultural sector by, *inter alia*, the following means:

- (a) the strengthening of the cultural industries in developing countries through:
 - (i) creating and strengthening cultural production and distribution capacities in developing countries;
 - (ii) facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;
 - (iii) enabling the emergence of viable local and regional markets;
 - (iv) adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the cultural activities, goods and services of developing countries;
 - (v) providing support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world;
 - (vi) encouraging appropriate collaboration between developed and developing countries in the areas, *inter alia*, of music and film;
- (b) capacity-building through the exchange of information, experience and expertise, as well as the training of human resources in developing countries, in the public and private sector relating to, *inter alia*, strategic and management capacities, policy development and implementation, promotion and distribution of cultural expressions, small-, medium- and micro-enterprise development, the use of technology, and skills development and transfer;
- (c) technology transfer through the introduction of appropriate incentive measures for the transfer of technology and know-how, especially in the areas of cultural industries and enterprises;
- (d) financial support through:
 - (i) the establishment of an International Fund for Cultural Diversity as provided in Article 18;
 - (ii) the provision of official development assistance, as appropriate, including technical assistance, to stimulate and support creativity;
 - (iii) other forms of financial assistance such as low interest loans, grants and other funding mechanisms.

Article 15: Collaborative arrangements

Parties shall encourage the development of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural expressions. These innovative partnerships shall, according to the practical needs of developing countries, emphasize the further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.

Article 16: Preferential treatment for developing countries

Developed countries shall facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries.

Criteria and Steps for Civil Society Participation in Sessions of the Convention's Governing Bodies

Civil society organizations wishing to participate in the sessions of the Convention's governing bodies are advised to submit one written request with the required documentation, mentioning the wish to participate in both the sessions of the Conference of Parties and the Intergovernmental Committee.

Participation of intergovernmental and non-governmental organizations to the session of the Conference of Parties

In accordance with Rule 2.3 of the [Rules of Procedure of the Conference of Parties](#), intergovernmental organizations other than those referred to in Rule 2.2 and non-governmental organizations having interests and activities in the field covered by the Convention, may be invited by the Conference to participate in its work as observers, at all its sessions, at a single session or at a specific meeting of a session upon written request to the Director-General of UNESCO.

Participation of civil society representatives at the sessions of the Intergovernmental Committee

In accordance with Rule 7.4 of the [Rules of Procedure of the Intergovernmental Committee](#) and its [Decision 1.EXT.IGC 5](#), nongovernmental organizations (NGOs) having interests and activities in the field covered by the Convention who wish to participate as observers to a session or all sessions of the Committee, are asked to submit a written request to the Director-General of UNESCO. Only NGOs which meet the criteria provided by the [Annex](#) to the operational guidelines of Article 11 (Role and participation of civil society) are eligible. The request must be accompanied by the documents mentioned in paragraph 2 of the [Annex](#).

Annex B

Background Tables

Table 10: Projects by country and organisation type

	INGO	NGO	State	Gesamt
Argentina	0	2	0	2
Bangladesh	0	0	1	1
Barbados	0	2	0	2
Benin	0	1	0	1
Bosnia and Herzegovina	0	1	0	1
Brazil	0	2	0	2
Burkina Faso	0	1	2	3
Cambodia	1	0	0	1
Cameroon	0	3	0	3
Chad	1	0	0	1
Congo	0	0	1	1
Côte d'Ivoire	0	1	1	2
Croatia	0	1	1	2
Cuba	0	2	0	2
Grenada	0	0	1	1
Guatemala	0	2	0	2
Haiti	1	0	0	1
Indonesia	0	1	0	1
Kenya	1	3	0	4
Lao People's Democratic Republic	0	0	1	1
Madagascar	0	2	0	2
Malawi	0	0	2	2
Mali	0	1	0	1
Mexico	0	1	1	2
Mongolia	0	0	1	1
Montenegro	0	1	0	1
Mozambique	0	0	1	1
Namibia	0	0	1	1
Niger	0	2	0	2
Nigeria	1	0	0	1
Paraguay	0	1	0	1
Peru	0	1	1	2
Saint Lucia	0	0	2	2
Saint Vincent and the Grenadines	0	0	1	1
Senegal	0	2	1	3
Serbia	1	1	0	2
South Africa	0	3	2	5
Tajikistan	1	0	0	1
The former Yugoslav Republic of Macedonia	0	1	0	1
Togo	0	1	1	2
Tunisia	0	0	2	2
Uruguay	0	0	2	2
Zimbabwe	0	3	0	3
	7	42	26	75

Table 11: Retrieved resources by country and organisation type

	INGO	NGO	State
	Summe	Summe	Summe
Argentina	.	158973,00	.
Bangladesh	.	.	38000,00
Barbados	.	200000,00	.
Benin	.	20000,00	.
Bosnia and Herzegovina	.	35700,00	.
Brazil	.	188530,00	.
Burkina Faso	.	35000,00	160813,00
Cambodia	81341,00	.	.
Cameroon	.	191261,00	.
Chad	100000,00	.	.
Congo	.	.	50000,00
Côte d'Ivoire	.	50885,00	29892,00
Croatia	.	26000,00	82988,00
Cuba	.	138181,00	.
Grenada	.	.	42000,00
Guatemala	.	196354,00	.
Haiti	100000,00	.	.
Indonesia	.	99982,00	.
Kenya	100000,00	230547,00	.
Lao People's Democratic Republic	.	.	5000,00
Madagascar	.	71548,00	.
Malawi	.	.	52490,00
Mali	.	67268,00	.
Mexico	.	98871,00	30344,00
Mongolia	.	.	79000,00
Montenegro	.	88705,00	.
Mozambique	.	.	65000,00
Namibia	.	.	5000,00
Niger	.	110588,00	.
Nigeria	100000,00	.	.
Paraguay	.	90000,00	.
Peru	.	70850,00	21090,00
Saint Lucia	.	.	104186,00
Saint Vincent and the Grenadines	.	.	43605,00
Senegal	.	139950,00	50000,00
Serbia	100000,00	97250,00	.
South Africa	.	252766,00	159253,00
Tajikistan	85000,00	.	.
The former Yugoslav Republic of Macedonia	.	74740,00	.
Togo	.	29500,00	98698,00
Tunisia	.	.	80000,00
Uruguay	.	.	160615,00
Zimbabwe	.	289316,00	.

Table 12: Number of funded projects by country and organisation type

	INGO	NGO	State	Gesamt
Argentina	0	2	0	2
Bangladesh	0	0	1	1
Barbados	0	2	0	2
Benin	0	1	0	1
Bosnia and Herzegovina	0	1	0	1
Brazil	0	2	0	2
Burkina Faso	0	1	2	3
Cambodia	1	0	0	1
Cameroon	0	3	0	3
Chad	1	0	0	1
Congo	0	0	1	1
Côte d'Ivoire	0	1	1	2
Croatia	0	1	1	2
Cuba	0	2	0	2
Grenada	0	0	1	1
Guatemala	0	2	0	2
Haiti	1	0	0	1
Indonesia	0	1	0	1
Kenya	1	3	0	4
Lao People's Democratic Republic	0	0	1	1
Madagascar	0	2	0	2
Malawi	0	0	2	2
Mali	0	1	0	1
Mexico	0	1	1	2
Mongolia	0	0	1	1
Montenegro	0	1	0	1
Mozambique	0	0	1	1
Namibia	0	0	1	1
Niger	0	2	0	2
Nigeria	1	0	0	1
Paraguay	0	1	0	1
Peru	0	1	1	2
Saint Lucia	0	0	2	2
Saint Vincent and the Grenadines	0	0	1	1
Senegal	0	2	1	3
Serbia	1	1	0	2
South Africa	0	3	2	5
Tajikistan	1	0	0	1
The former Yugoslav Republic of Macedonia	0	1	0	1
Togo	0	1	1	2
Tunisia	0	0	2	2
Uruguay	0	0	2	2
Zimbabwe	0	3	0	3
	7	42	26	75

Figure 2: Resources received by organization type in the course of time

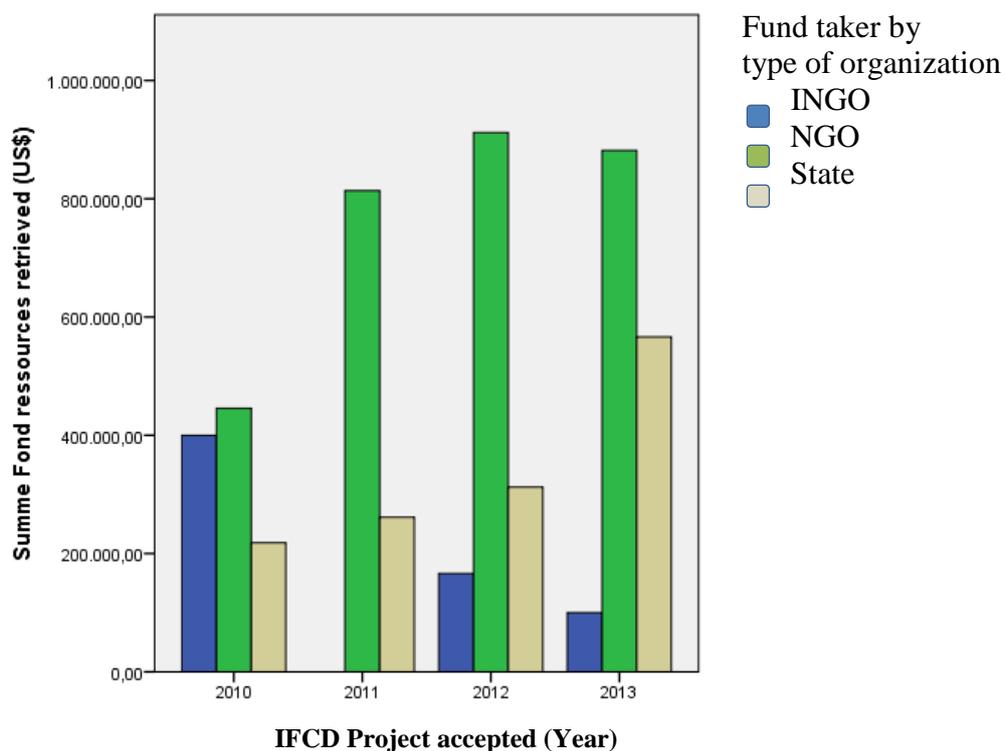


Table 13: Number of fund taker type by target group and target area

Fond Taker - Type of Organisation (State/NGO/INGO)			Target Area (Fund Project)				Gesamt
			capacity building/networking	creative industry	Legislature/Cultural Policy	cultural expression	
INGO	Implementing Group (Fund Project)	Artists	1		0		1
		creative industry	2		0		2
		research	0		4		4
		Gesamt	3		4		7
NGO	Implementing Group (Fund Project)	Artists	0	1	0	3	4
		creative industry	13	2	0	5	20
		CS	3	0	2	1	6
		government	2	0	0	0	2
		research	0	2	3	0	5
		Youth	1	2	0	2	5
Gesamt	19	7	5	11	42		
State	Implementing Group (Fund Project)	Artists	1	0	0	0	1
		creative industry	5	0	1	1	7
		CS	3	0	1	2	6
		government	2	0	0	0	2
		research	0	2	3	2	7
		Youth	2	1	0	0	3
		Gesamt	13	3	5	5	26