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Diversity of cultural expressions

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

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Item 6 of the Provisional Agenda: Draft operational guidelines on
measures to increase the visibility and promotion of the Convention

Pursuant to Decision 2.EXT.IGC 7, adopted at its second extraordinary session, the Committee requested the Secretariat to submit, at its third ordinary session, preliminary draft operational guidelines on measures to increase the visibility and the promotion of the Convention, drawn up on the basis of consultations of the States Parties to the Convention and civil society. The Annex to this document contains the preliminary draft operational guidelines on which the Committee may wish to base its discussion.

Decision required: paragraph 21.

1. Under Article 23.6(a) of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”), the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”) is required to promote the objectives of the Convention and monitor the implementation thereof. At its second ordinary session (8-12 December 2008) the Committee decided to place on the agenda of its second extraordinary session an item concerning the examination of measures to increase the visibility and promotion of the Convention (Decision 2.IGC 9).
2. At its second extraordinary session (23-25 March 2009) the Committee debated the issue for the first time and addressed such themes as education, information, communication and international cooperation. The debate showed that the visibility and the promotion of the Convention were closely linked to the mobilization of resources for the International Fund for Cultural Diversity (IFCD) (hereinafter referred to as “the Fund”) and to the strategy of encouraging ratifications. After that first debate, the Committee requested the Secretariat to consult the Parties to the Convention on the strategic reference framework to be used for drawing up operational guidelines to increase the visibility and promotion of the Convention, making particular reference to good practices. The Committee also requested the Secretariat to consult civil society on the matter through the NGO-UNESCO Liaison Committee (Decision 2.EXT.IGC 7).
3. At its second ordinary session (15-16 June 2009) the Conference of Parties requested “the Committee to continue its work and to submit to it for approval at its next session [...], draft operational guidelines on the measures to increase the visibility and promotion of the Convention” (Resolution 2.CP 7).
4. Although many articles in the Convention stress the need to promote respect for the diversity of cultural expressions and to raise awareness of its value at the local, national and international levels, there is no explicit reference highlighting the need to engage in strategic thinking or to formulate a promotion policy with emphasis on visibility.
5. Nevertheless, the Convention, like all international instruments, must be provided with a strategic framework based on values and concepts intrinsic to the text, such as the dual nature of cultural activities, goods and services, the equal dignity of all cultures, the contribution to intercultural dialogue and sustainable development, and it must involve all stakeholders.
6. Pursuant to Decision 2.EXT.IGC 7 adopted by the Committee and to the mandate given to the Committee by the Conference of Parties, the Secretariat sent a questionnaire on 6 July 2009 to the Parties and the NGO-UNESCO Liaison Committee, which ensured the coordination with representatives of civil society.
7. The Secretariat received replies from the following Parties: **Argentina, Armenia, Austria, Bosnia and Herzegovina, Burkina Faso, Cameroon, Canada, Cuba, Denmark, Egypt, Estonia, Finland, France, Germany, Greece, Guinea, Iceland, India, Italy, Jordan, Kenya, Latvia, Lithuania, Mexico, Oman, Peru, Poland, Romania, Slovenia, Sweden, Switzerland** and the **European Community** (hereinafter referred to as the “EC”). The EC’s contribution reflects the common position adopted by the EC and the Member States of the European Union, Parties to the Convention, which answered the questionnaire, namely, Austria, Denmark, Estonia, Finland, France, Germany, Greece, Italy, Latvia, Lithuania, Romania, Slovenia and Sweden, solely in respect of questions 6 and 7 of the questionnaire. In all, **32 Parties** returned the questionnaire to the Secretariat.
8. The Secretariat also received replies to the questionnaire from civil society, namely a consolidated reply from the International Federation of Coalitions for Cultural Diversity (IFCCD), the International Theatre Institute (ITI), the Observatory of Cultural Policies in Africa (OCPA), the International Network for Cultural Diversity (INCD) and Traditions for Tomorrow. In all, **five** civil society organizations answered the questionnaire.

9. The replies to the questionnaire from the Parties and civil society were taken into consideration when the preliminary draft operational guidelines on measures to increase the visibility and promotion of the Convention were drawn up. The replies are provided in the information document CE/09/3.IGC/211/INF 5.

10. Analysis of the replies shows very rich and diversified national experiences, which can be described as good practices. The replies stress:

- (i) the strategic framework, which must include all stakeholders involved in implementing measures on the visibility and promotion of the Convention;
- (ii) the types of awareness-raising activities;
- (iii) the desirability of choosing an emblem for the Convention and the nature of the accompanying message which will have to be chosen;
- (iv) funding issues.

11. The strategic framework for promoting and increasing the visibility of the Convention necessarily entails the mobilization of all stakeholders, namely the Parties, civil society and the Secretariat, which could carry out activities on their own or within the framework of innovative partnerships (public, private and civil society). In addition, the importance of policy-makers in the public and private sectors, civil society, and the media and the communication sector has been underscored. Indeed, such stakeholders support, or participate in, activities designed to increase the visibility and the promotion of the Convention and conduct activities in this field.

12. In this respect, the replies highlight proven experience in the organization of meetings and seminars, in particular with regard to the issues and challenges relating to the Convention, which have contributed to raising awareness of the Convention and increasing its promotion and visibility. Other more innovative awareness-raising activities have been highlighted, since some cultural events, in particular festivals and fairs, have been specially dedicated to the Convention.

13. The replies also show that, in order to promote the Convention and to enhance its visibility, it is absolutely necessary for it to be appropriated by the Parties through clearly defined messages. In that regard, the replies stressed that such messages should be focused on the concept of the diversity of cultural expressions. The replies emphasize that, rooted in the provisions of the Convention, in particular its objectives and principles, and adapted to the target public, the key messages of the Convention could be based on:

- (i) the protection and promotion of the diversity of cultural expressions with due regard to human rights and fundamental freedoms;
- (ii) the importance of the link between culture and development, and the strengthening of international cooperation and solidarity, particularly in developing countries;
- (iii) the dual nature of cultural activities, goods and services, which convey identities, values and meanings;
- (iv) the strengthening of cultural industries to ensure wider, balanced cultural exchanges in the world;
- (v) the sovereign right of States to maintain, adopt and implement policies and measures they deem necessary for the protection and promotion of the diversity of cultural expressions in their territory.

14. With regard to awareness-raising and promotional tools designed to facilitate the communication of key messages and, hence, the visibility and promotion of the Convention, the formulation and dissemination of content in a clear and understandable language on various types of media – paper, audiovisual and digital – and the enrichment and development of the Convention-dedicated website are recommended.

15. Divergent views were expressed in the replies on the desirability of appointing one or more spokespersons, especially at the national level. In other replies, it was suggested that national committees be established to promote the Convention and enhance its visibility.

16. Lastly, in their replies to the questionnaire, the Parties stressed the financing required for the visibility and promotion of the Convention. To that end, various mechanisms are proposed, including direct public funding, private funding based on tax incentives and funding from international bodies. It was pointed out quite judiciously in some replies that under the guidelines on the use of the Fund's resources, approved by the Conference of Parties at its second ordinary session, the funding of activities linked to the promotion of the Convention was not permitted.

17. The replies by civil society organizations, generally evinced their deep commitment to the Convention, which had begun during the drafting stages and was continued to date with its implementation. The replies also reported on the large number of activities carried out by civil society to ensure the visibility of the Convention and to promote it both at the national and international levels.

18. Furthermore, it is to be noted that the Secretariat will benefit under an extrabudgetary project funded by Spain, in support of the Convention, which focuses on the tools to be developed in order to enhance its visibility. Funds will thus be available in 2010 to enable a communications agency, which will be issued specifications based on the replies to the questionnaire, to identify one or two key messages of universal scope. A seminar bringing together the members of the Committee and the Secretariat will be organized by the communications agency, which will also frame a communication strategy, to be shared with the Parties.

19. Annexed to this document are preliminary draft operational guidelines on measures to increase the visibility and promotion of the Convention (hereinafter referred to as "the preliminary draft"), which reflect the discussions of the Committee at its last session (March 2009) and the replies to the questionnaire.

20. The preliminary draft comprises, in particular, a section on the emblem of the Convention. In compiling that section, the Secretariat reproduced in full and adapted the draft operational guidelines for the use of the emblem of the Convention for the Safeguarding of the Intangible Cultural Heritage, which was adopted by the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage at its fourth ordinary session (October 2009).

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

DRAFT DECISION 3.IGC 6

The Committee,

1. *Having examined document CE/09/3.IGC/211/6 and the Annex thereto,*
2. *Recalling Resolution 2.CP 7 of the Conference of Parties and its Decision 2.EXT.IGC 7,*
3. *Adopts the draft operational guidelines on measures to increase the visibility and promotion of the Convention, as annexed to the present decision;*
4. *Submits the draft to the Conference of Parties for approval at its third ordinary session;*
5. *Thanks the Secretariat for having included in the preliminary draft operational guidelines a section governing the use of an emblem for the Convention;*
6. *Decides to agree to the principle of an open international competition of artists, publicized as widely as possible, for the design of an emblem that best reflects the goals and spirit of the Convention;*
7. *Urges the Secretariat to organize the competition for the design of an emblem, define the message(s) that will accompany it and submit the results to the Committee for approval at its fourth ordinary session.*

ANNEX

Draft operational guidelines on measures to increase the visibility and promotion of the Convention

General considerations

1. In order to ensure effective implementation of the Convention, the Parties are encouraged, by all appropriate means, to take the necessary measures to increase the visibility and promotion of the Convention at the national, regional and international levels.
2. To that end, the mobilization and cooperation of all stakeholders, namely the Parties, civil society, including artists and other cultural professionals and practitioners, as well as the public and private sectors, are essential.
3. Actions taken concerning the visibility and promotion of the Convention are closely linked to those relating to fundraising in support of the International Fund for Cultural Diversity (IFCD, hereinafter referred to as "the Fund"), which has only voluntary contributions, and those made in the context of the strategy for encouraging ratifications.

Measures by Parties to ensure the visibility and promotion of the Convention

4. The measures taken by the Parties could be based on the principles and the objectives of the Convention as well as on its provisions, and fit into a strategic national framework involving all stakeholders while incorporating an international approach based on cooperation; facilitate the full participation and commitment of all of the Convention's stakeholders and take into consideration existing experiences gained under other standard-setting instruments in the field of culture.

At the national level

5. The Parties are encouraged to develop and to adopt measures designed to enhance the visibility and the promotion of the Convention in their territory. Such measures may include, but are not limited to:
 - 5.1 informing and mobilizing economic and political decision-makers, opinion leaders, civil society and the National Commissions in order to strengthen inter-institutional cooperation and dialogue;
 - 5.2 supporting the design and implementation of all public and private sector initiatives taken to promote and to raise awareness of the diversity of cultural expressions;
 - 5.3 establishing or strengthening coordination bodies specifically dedicated to the Convention, including working groups and interministerial committees, in order to highlight the importance of local and national policies in the area of cultural expressions and the development of cultural industries;
 - 5.4 encouraging coordination at every level between the National Commissions and the public authorities of different sectors, including the social, environmental, economic and taxation sectors, by means of consultations and, whenever possible, participative processes;
 - 5.5 encouraging and promoting media campaigns and the dissemination, as much as possible, in all media, of subjects relating to the diversity of cultural expressions, by developing communication tools related to the Convention using language accessible to all and posted online to facilitate access by young people;

- 5.6 organizing and supporting the organization of seminars, workshops and public forums on the diversity of cultural expressions, as well as exhibitions, festivals and dedicated days, in particular the World Day for Cultural Diversity for Dialogue and Development on 21 May;
- 5.7 carrying out educational activities through the development of targeted programmes, in particular for young people, to facilitate understanding of the Convention (for the record, the operational guidelines on Article 10 – Education and public awareness – will be submitted to the Committee at its fourth ordinary session in December 2010);
- 5.8 carrying out training activities designed to raise awareness of young professionals concerning issues relating to the Convention.

At the regional and international levels

6. The measures on the visibility and promotion of the Convention adopted by the Parties at the national level will be reinforced by initiatives taken at the regional and international levels through the development and strengthening of cooperation among the Parties. Such initiatives may include, but are not limited to:

- 6.1 organizing events among countries within the same region and developing and sharing the necessary communication tools on the visibility and promotion of the Convention (e.g. Festival on Cultural Diversity held by UNESCO in the week of 21 May);
- 6.2 encouraging international cooperation in this area at the bilateral, regional and international levels;
- 6.3 adopting measures in support of the visibility and promotion of projects and activities conducted through the Fund;
- 6.4 undertaking awareness-raising actions with intergovernmental and non-governmental organizations having interests and activities in the fields covered by the Convention;
- 6.5 supporting initiatives taken by members of the Friends of Diversity Club.

Contribution of civil society

7. In the light of Article 11 of the Convention concerning the participation of civil society and in conformity with its operational guidelines, civil society is encouraged to continue to play an active role in ensuring the visibility and promotion of the Convention by conducting awareness-raising, coordination and collaborative activities with stakeholders.

8. To that end, civil society's efforts may continue to include, but not be limited to:

- 8.1 organizing seminars, workshops and forums at every level, in particular with cultural professional organizations representing artists and others involved in the creation, production and dissemination/distribution of cultural expressions, and participating in national, regional and international conferences on the Convention;
- 8.2 developing and publishing information tools to facilitate understanding of the Convention;
- 8.3 disseminating information to stakeholders (through the national media, their websites and newsletters);

- 8.4 building partnerships with the ministries concerned, the National Commissions, universities and research institutes to conduct research and training seminars on the Convention.

Coordination of and follow-up to measures to increase the visibility and promotion of the Convention

9. The Parties are encouraged, through designated points of contact (Articles 9 and 28 of the Convention) or through national committees or other bodies, including the National Commissions, to implement and monitor activities to promote the Convention, to share information and best practices with each other and to coordinate their efforts at the international level.

DRAFT GUIDELINES ON THE USE OF THE EMBLEM OF THE CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

Definition

10. The emblem or logo of the Convention to be used as its official seal shall be selected in an international contest and shall be accompanied by a message that encapsulates the spirit of the Convention. (The emblem and message shall be approved by the Committee at its fourth ordinary session).

11. The emblem of the Convention shall be accompanied by UNESCO's logo and may not be used in isolation, it being understood that each of them is governed by a separate set of rules and that any use thereof must have been authorized in accordance with each of the respective sets of rules.

Rules applicable to the use of the UNESCO logo and the emblem of the Convention respectively

12. The provisions of these guidelines apply only to the use of the emblem of the Convention.

13. Use of UNESCO's name and logo together with the emblem of the Convention shall be governed by the Directives concerning the use of the name, acronym, logo and Internet domain names of UNESCO as adopted by the General Conference of UNESCO.¹

14. Use of the Convention's emblem in conjunction with the UNESCO logo must therefore be authorized under these guidelines (in regard to the Convention's emblem) and under the *Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO* (for the part of UNESCO's logo) in accordance with the respective procedures provided under each of these sets of rules.

Rights of Use

15. Only the organs of the Convention, namely the Conference of Parties and the Committee, and the Secretariat shall be entitled to use the emblem of the Convention without prior authorization, subject to the rules set out in these guidelines.

Authorization

16. The granting of authorization to use the emblem of the Convention shall be the prerogative of the organs of the Convention, namely the Conference of Parties and the Committee. In specific cases specified in these guidelines, the organs will, by delegation, empower the Director-General to authorize such use by other bodies. Authority to authorize use of the emblem of the Convention may not be granted to other bodies.

17. The Conference of Parties and the Committee shall authorize the use of the emblem of the Convention by means of resolutions and decisions, notably in the case of activities conducted by National Commissions for UNESCO and official partners, and in relation to world or regional prizes and special events held in the States Parties.

18. The organs of the Convention should ensure that their resolutions and decisions stipulate the terms of the authorization granted, in accordance with these guidelines.

¹ The most recent version of the *Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO* is found in the annex to Resolution 86 of the 34th session of the General Conference (Resolution 34C/86) or at <http://unesdoc.unesco.org/images/0015/001560/156046e.pdf>.

19. The Director-General shall be empowered to authorize the use of the Convention's emblem in connection with patronage, contractual arrangements, partnerships and specific promotional activities.

20. Any decision authorizing the use of the emblem of the Convention shall be based on the following criteria:

- (i) relevance of the proposed association to the Convention's purposes and objectives; and
- (ii) compliance with the principles of the Convention.

21. The organs may request the Director-General to put specific cases of authorization before them and/or submit to them an occasional or regular report on specific cases of use and/or authorization, in particular concerning the granting of patronage, partnerships and commercial use.

22. The Director-General may decide to put specific cases of authorization before the organs of the Convention.

Criteria and conditions for the use of the emblem for the purpose of patronage

23. The use of the emblem for the purpose of patronage may be authorized for various kinds of activities, such as performances, cinematographic works and other audiovisual productions, publications, congresses, meetings and conferences, the awarding of prizes, other national and international events, and works illustrating the diversity of cultural expression.

24. The procedures for requesting the use of the Convention's emblem for the purpose of patronage shall be provided by the Secretariat, in line with the following criteria and conditions:

24.1 Criteria

- 24.1.1 Impact: use may be granted for exceptional activities likely to have a real impact on the protection and promotion of the diversity of cultural expressions and to enhance significantly the Convention's visibility.
- 24.1.2 Reliability: adequate assurance should be obtained concerning persons in charge (professional experience and reputation, references and recommendations, legal and financial guarantees) and the activities concerned (political, legal, financial and technical feasibility).

24.2 Conditions

- 24.2.1 The use of the Convention's emblem for the purpose of patronage must be requested from the Secretariat at least three months before the first day of the desired period; the use of the Convention's emblem for the purpose of patronage shall be authorized in writing and by the Director-General only.
- 24.2.2 In the case of national activities, the decision regarding the authorization to use the Convention's emblem for the purpose of patronage shall be taken on the basis of obligatory consultations with the State Party in which the activity is held.
- 24.2.3 The Convention must be afforded an appropriate degree of visibility, notably through the use of its emblem.
- 24.2.4 The use of the Convention's emblem for the purpose of patronage may be authorized for specific activities or for activities which take place regularly. In the latter case, the duration must be fixed and the authorization renewed periodically.

Commercial use and contractual arrangements

25. All contractual arrangements between the Secretariat and outside organizations involving commercial use of the Convention's emblem by those organizations (for example, in the framework of partnerships with the private sector or civil society, co-publication or co-production agreements or contracts with professionals and public personalities supporting the Convention) shall include a standard clause stipulating that prior written approval must be sought for any use of the emblem.

26. Authorizations granted under such contractual arrangements shall be limited to the context of the designated activity.

27. The sale of goods or services bearing the emblem of the Convention chiefly for profit by persons other than the direct practitioners shall be regarded as "commercial use" for the purpose of these guidelines. All commercial use of the emblem of the Convention must be expressly authorized by the Director-General under a specific contractual arrangement.

28. When commercial profits, within the meaning of the previous paragraph, are expected, the Director-General shall ensure that a fair share of the receipts is credited to the International Fund for Cultural Diversity and shall conclude a contract for the project stipulating the payment of such income to the Fund. Such contributions to the Fund shall be governed in accordance with the Financial Regulations of the International Fund for Cultural Diversity.

Graphical standards

29. The Convention emblem shall be reproduced according to the specific graphical charter elaborated by the Secretariat and published on the Convention's website, and shall not be amended.

Protection

30. To the extent that the emblem of the Convention has been notified [and accepted] by the Paris Union Member States under Article 6 ter of the Paris Convention for the Protection of Industrial Property, adopted in 1883 and revised at Stockholm in 1967, UNESCO has recourse to the Paris Convention Member States' domestic systems to prevent the emblem of the Convention from being used should such use falsely imply a connection with UNESCO or the Convention, or constitute any other abusive use.

31. The Parties are invited to submit to the Secretariat the names and addresses of the authorities in charge of managing the use of the emblem.

32. Anyone requesting to use the emblem at the national level is encouraged to consult the national point of contact responsible for information sharing in relation to the Convention. The Secretariat shall inform the respective point of contact of authorizations that have been granted.

33. In specific cases, the organs of the Convention may request the Director-General to monitor the proper use of the emblem of the Convention and to initiate proceedings, where appropriate, in case of abusive use.

34. The Director-General is responsible for instituting proceedings in the event of unauthorized use of the emblem of the Convention at the international level. At the national level this shall be the responsibility of the relevant national authorities.

35. The Secretariat and the Parties should cooperate closely in order to prevent, in conjunction with competent national bodies and in line with these operational guidelines, any unauthorized use of the emblem of the Convention at the national level.