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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

**Sixth ordinary session
Paris, UNESCO Headquarters
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Item 11 of the provisional agenda: International consultation and coordination:
taking stock of Article 21 of the Convention

The Conference of Parties, at its third ordinary session (June 2011), and the Committee, at its fifth ordinary session (December 2011), requested the Secretariat, in the context of the implementation of Section V of the Convention on the relationship to other instruments, to compile, in pursuance of Article 21, a yearly compendium of cases in which the Convention has been invoked and utilized in other international forums (Resolution 3.CP 11 and Decision 5.IGC 8). This document provides an update on consultations held on this subject in 2011.

Decision required: paragraph 10

1. At its third ordinary session, the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”) requested “the Secretariat to present, in relation to Article 21, a compendium of cases wherein the Convention is invoked or utilized in other international fora for examination by the Committee at each ordinary session” (Resolution 3.CP 11).

2. Article 21 – International consultation and coordination – appears in Section V of the Convention, which concerns its relationship to other instruments. It requires Parties to accept responsibility for promoting the Convention’s objectives and principles. For that purpose, Parties may, as appropriate and in parallel with their individual activities and initiatives, hold consultations on the subject in the interests of the Convention¹.

3. Pursuant to Resolution 3.CP 11, the Secretariat consulted the Parties to the Convention in 2011. The outcome and analysis of that consultation were submitted to the Committee at its fifth ordinary session in December 2011 (document CE/11/5.IGC/213/8REV2). That analysis showed that the definition of “international forum” has been very broadly defined to encompass fora whose primary mission might or might not be cultural. It also showed that Parties had invoked the Convention in a variety of contexts and ways, notably: in statements at meetings and conferences, strong assertion of the Convention’s principles in cultural and trade agreements, consultation of other Parties with a view to signing new, bilateral agreements based on the Convention’s principles and objectives and dialogue with States that were not Parties in order to encourage them to ratify the Convention.

4. The Committee’s debates on the implementation of Article 21 covered most of the issues highlighted in the analysis (Adoption of the detailed summary record of the fifth ordinary session of the Committee, document CE/12/6.IGC/3, paragraphs 137 to 157), which included: the Parties’ broad interpretation of the expression “international forum”, which encompassed, in particular, bilateral and multilateral trade agreements; specific references to the Convention in official statements at bilateral or multilateral meetings; the need to preserve the Parties’ room for manoeuvre in refining and implementing their cultural policy while negotiating trade agreements; and encouragement of States Members of other organizations to accede to the Convention. During the Committee’s debates on this issue, one observer, who was not a Party to the Convention, expressed a concern that Article 21 might be used ill-advisedly to block activities in areas other than culture, such as trade and industry, that conflicted with the objectives and principles of the Convention. The Secretariat then stated that the consultation exercise was only a matter of collecting information from the Parties and presenting it factually, and that the Committee did no more than take note of the information provided. The results of the consultation would subsequently be submitted to the Conference of Parties for information at its fourth session in June 2013, and it would be for the Conference to assess the information collected and decide on action to be taken thereon. The Legal Adviser gave some additional information, stressing that nothing in the document fell outside UNESCO’s field of competence. He also said that the Secretariat’s analysis complied with the mandate given to the Committee by the Conference of Parties.

¹ In conjunction with Article 21, Article 23.6 (e) also provides for consultation aimed at promoting the objectives and principles of the Convention within other international forums. Since this article falls within the mandate given to the Committee by the Convention, the Committee may, if it so wishes, establish procedures and other mechanisms for consultation aimed at promoting the Convention’s objectives and principles in other international forums.

5. After those discussions, the Committee, in pursuance with Resolution 3.CP 11, requested the Secretariat to consult the Parties again on the implementation of Article 21 (Decision 5.IGC 8). The Secretariat therefore sent to Parties, on 12 April 2012, a letter enclosing the questionnaire² drawn up for the first consultation in 2011 (Annex I), inviting them to provide information on the steps that they had taken to implement Article 21. Thirty-six (36) Parties sent replies to the Secretariat in 2011³ and sixteen (16) in 2012⁴, thus raising the number of Parties to 38 that have taken part in the consultation in the last two years.

6. The replies are analysed in Annex II to this document. The results of the second consultation show that Parties have restated facts provided for the first consultation together with additional information concerning, in particular, references to the Convention in cultural and trade agreements, be they bilateral, regional or multilateral. They also show that Parties have provided details covering references to the Convention in discussions on the link between culture and development and in declarations and resolutions adopted at international meetings. The consultation has, moreover, contributed to the updating of Parties' documents and events that have promoted the Convention and raised its visibility (those documents and events are listed in Annexes III and IV respectively).

7. As the Parties had indicated their high expectations of the quadrennial periodic reports and of the information contained therein of relevance to the implementation of Article 21, the Secretariat has acknowledged and included them in the analysis⁵.

8. Furthermore, as a result of the two consultations, many documents have been submitted by the Parties and have been brought together in Annex III. The Parties had been informed that these documents would be important sources for an inventory of experiences and practices in the implementation of Article 21. The inventory has been posted on the Convention website at <http://www.unesco.org/new/index.php?id=65590> since November 2012, enabling anyone interested to view information on how Parties consult each other in other international forum to promote the Convention and providing specific examples of the implementation of Article 21. The inventory will be updated and developed to establish a database, which is one of the priorities of the Secretariat as required under Article 19 of the Convention to encourage the sharing of information and the exchange of best practices. To assist the Parties in that endeavour, the Secretariat has posted two online questionnaires that Parties may complete at their convenience. The first one serves to provide the Secretariat with information on events relating to the Convention and the other to transmit documents relating to the promotion and visibility of the Convention.

9. The Committee is invited at this session to examine the outcome of this second consultation on the implementation of Article 21 and to provide guidance to the Secretariat's future work on this matter.

² The questionnaire is in three parts. In the first, the Parties were asked whether they had already invoked or used the Convention in other international forums and, if so, to indicate the circumstances and outcomes. In the second part of the questionnaire, the Parties were asked whether they had already taken part in consultations with other Parties to the Convention with a view to promoting its objectives and principles within the context of international forums other than UNESCO and, if so, to give the details in their reply. In the third and last part, the Parties were requested to consider other ways in which the Convention could be used or invoked in international forums in order to promote its objectives and principles.

³ The questionnaire was completed in 2011 by the following Parties: Argentina, Armenia, Australia, Azerbaijan, Bosnia and Herzegovina, Brazil, Cameroon, Canada, China, Congo, Cuba, Egypt, Ecuador, Guatemala, Jordan, Madagascar, Malawi, Mauritius, Mexico, Namibia, Vietnam and the European Union, and its following Member States: Austria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Italy, Latvia, Portugal, Romania, Slovakia and Slovenia.

⁴ The questionnaire was completed in 2012 by the following Parties: Argentina, Australia, Canada, China, Costa Rica, Egypt, Ecuador, Jordan and the European Union, and by its Member States :Cyprus, France, Greece, Italy, Latvia, Netherlands and Portugal.

⁵ For example, Canada, Italy, Peru, Slovakia and the European Union referred, in their reports, to the relevant information to the implementation of this article.

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

DRAFT DECISION 6.IGC 11

The Committee,

1. *Having examined document CE/12/6.IGC/11 and its Annexes;*
2. *Recalling Resolution 3.CP 11 of the Conference of Parties and its Decision 5.IGC 8;*
3. *Takes note of the information collected as a result of the second consultation on the implementation of Article 21 of the Convention as set out in the above-mentioned document;*
4. *Invites the Parties to bring to the attention of the Secretariat all relevant information concerning the implementation of Article 21 of the Convention;*
5. *Requests the Secretariat to continue its work on this matter, including the development of the database;*
6. *Further requests the Secretariat to compile an information document on the implementation of Article 21, taking into account its discussions and decisions at the fifth and sixth ordinary sessions, and to submit it to the Conference of Parties at its fourth ordinary session.*

ANNEX I

QUESTIONNAIRE ON THE IMPLEMENTAION OF ARTICLE 21 OF THE CONVENTION

1. Has your government ever invoked or utilized the Convention in other international forums?

Yes No

• If yes :

- 1.1. Which forum (s)?
- 1.2. What type of intervention was made (e.g. formal or informal)? Please describe.
- 1.3. How was the Convention promoted / defended?
- 1.4. What were the results?
- 1.5. If possible, please add a link to the reference document(s) or attach a PDF file to your response.

2. Has your government engaged in consultations with other Parties to the Convention to promote its objectives and principles in international forums other than at UNESCO?

Yes No

• If yes :

- 2.1. Which forum (s)?
- 2.2. What type of consultations (e.g. bilateral or regional consultations, formal or informal procedures)?
- 2.3. How was the Convention promoted / defended?
- 2.4. What were the results?
- 2.5. If possible, please add a link to the reference document(s) or attach a PDF file to your response.

3. In which other ways could the Convention be invoked or utilized in international forums in such a way that it would promote its objectives and principles?

ANNEX II

Implementing Article 21 Analysis of Parties' replies to the 2011 and 2012 consultations

This document is a summary of the questionnaire replies received from the Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) and of the information contained in the quadrennial periodic reports transmitted by Parties in 2012 on ways and means of implementing Article 21 in order to promote the Convention in other international forums. Replies were received from thirty-eight (38) Parties to the Convention. Six (6) Parties provided in their quadrennial periodic report information pertaining to this issue. New information – collected during the second consultation – appears in italics in the analysis.

1. Broad definition of the term “international forum”

Parties have a broad conception of “international forums”, which embraces multilateral and regional forums run by governmental or non-governmental international organizations, within or outside the cultural sphere. In their replies the Parties mentioned organizations that already featured in the first analysis, in addition to others (italicized in the text below), for example:

- **international organizations** such as the United Nations, the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO);
- **regional economic organizations** such as the Association of South-East Asian Nations (ASEAN), the European Union (and its institutions, namely the Council of Ministers of the European Union and the European Council of Heads of State or Government), MERCOSUR, the *Andean Community of Nations* and the Organization of the Black Sea Economic Cooperation;
- **inter-governmental organizations** such as the Asia-Europe Meeting (ASEM), the Commonwealth of Independent States, the Council of Europe, *the Organisation for Economic Co-operation and Development (OECD)*, the Organization of American States (OAS), the Organization of the Ibero-American States for Education, Science and Culture, the International Organisation of La Francophonie (OIF), *the Union of South American Nations (UNASUR)*, *the Bolivarian Alliance for the Peoples of our America (ALBA)* and the Southern African Development Community;
- **government institutes and networks active internationally or regionally** such as the Central American Educational and Cultural Coordination, the International Network on Cultural Policy (INCP) and the Regional Centre for Book Development in Latin America and the Caribbean;
- **international non-governmental organizations** such as the *International Council of Museums*, the *International Federation of Coalitions for Cultural Diversity (IFCCD)*, the *International Federation of Musicians (FIM)*, the *International Network for Cultural Diversity (INCD)*, the *International Federation of Arts Councils and Culture Agencies (IFACCA)*, the International Publishers Association and the Anna Lindh Foundation.

2. Invoking the Convention in other international forums

In the 2011 and 2012 consultations, twenty-eight (28) Parties replied that they had invoked or utilized the Convention in international forums and fourteen (14) replied that they had not. The types of intervention are both formal and informal.

2.1 Formal statements

The majority of replies received showed that Parties had made formal interventions invoking the Convention in international forums. Those interventions took the form of legal cases and other case-law, resolutions and declarations adopted at international meetings. The Convention was also taken into consideration by working groups and committees in international organizations other than UNESCO.

Legal cases and other case-law

The two legal cases noted in the earlier consultation were mentioned again, and, for the record, were:

- World Trade Organization (WTO) – Measures affecting trading rights and distribution services for certain publications and audiovisual entertainment products (WT/DS363/R, 12 August 2009, and WT/DS363/AB/R, 21 December 2009);
- Court of Justice of the European Union – Unión de Televisiones Comerciales Asociadas (UTECA) case (C-222/07, 5 March 2009).

One Party referred in its quadrennial periodic report to legal cases in which the Convention had been used by other Parties to uphold the legality of measures relating to cultural goods and services under competition law. Those cases concerned State aid granted by European Union Member States to their cultural industries:

- *Case C 47/2006 (ex. N648/2005) – France, Tax credit for the creation of video games;*
- *Case E 4/2008, Sweden, State aid to the press*

Other cases included:

- *Case SA.34138 (2012/N) – Spain, Aid for the publication of cultural magazines;*
- *Case SA.34168 (2012/N) – Spain, Publishing aid for literature in the Basque country*

Resolutions and declarations adopted at international meetings

As a result of Parties' written or oral submissions⁶, several resolutions and declarations adopted at international meetings refer to the Convention and its principles and objectives, call for its ratification and contain recommendations for action to be taken in the areas of cultural policies and/or cultural industries. The following examples were provided for the 2011 and 2012 consultations (the latter being italicized):

- *the Dhaka Ministerial Declaration on the Diversity of Cultural Expressions, Bangladesh (2012), relating specifically to the Convention, recommended that States in the Asia-Pacific region that had not yet done so should consider ratifying the Convention expeditiously. Furthermore, the Declaration called on States to “facilitate dialogue among people and States on cultural policies promoting and protecting the diversity of cultural expressions”, and to “foster co-production and co-distribution agreements among States, as well as facilitate market access for co-productions”;*

⁶ Examples from the second consultation include the address by Latvia's Culture Minister at the World Forum on Intercultural Dialogue, in Baku, Azerbaijan (2011) and the statements by Latvia and Italy at the Third United Nations Alliance of Civilizations Forum, Rio de Janeiro, Brazil (2010). Canadian officials promoted the Convention's objectives and principles during debates on the Global Effort to Reach the Millennium Development Goals (2011), on preparation for the United Nations World Conference on Sustainable Development-Rio+20 (2012) and at the fifth Inter-American Meeting of Ministers of Culture and Highest Appropriate Authorities, Washington (2011).

- *paragraph 52 of the Kinshasa Declaration, adopted at the XIVth Summit of La Francophonie (2012) reiterated the commitment of Heads of State and Government of Countries using French as a common language: "We are determined to continue the development of our cultural industries and policies in the spirit of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and integrate culture in our development policies to create conditions conducive to sustainable development"; see also paragraph 36 of the Montreux Declaration adopted at the end of the Thirteenth Summit of La Francophonie (2010) ;*
- *paragraph 3 (d) of United Nations General Assembly resolution 66/208 "Culture and Development" (2011), which urges States to "actively support the emergence of local markets for cultural goods and services and to facilitate the effective and licit access of such goods and services to international markets, taking into account the expanding range of cultural production and consumption and, for States parties to it, the provisions of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions"; see also paragraph 2 (d) of United Nations General Assembly resolution 65/166 on "Culture and Development" (2010);*
- *paragraph 9 of the Ljubljana Resolution on Books, adopted at the World Summit on Books (2011), recommended that "professional associations lead an active policy promoting and implementing cultural policies in the book sector, in line with the objectives of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions";*
- *paragraph 24.3 of the Quebec Declaration, adopted at the Inter-parliamentary Conference on the Diversity of Cultural Expressions on 3 February 2011, urged all heads of state and government to bring the full force of the Convention to bear in commercial negotiations in order to defend their right to introduce or maintain policies and measures in support of cultural expressions;*
- *the Declaration of the Tenth Summit of Heads of State of South-East Europe, Mostar, (2012), reaffirmed in its preamble the importance of the Convention, as did the Riga Declaration, adopted at the 8th Conference of Ministers of Culture of the Baltic Sea States (2008).*

Working groups and committees in other international forums

Some Parties indicated that they had made interventions within working groups in other international forums. For the first consultation, Canada stated that it contributed to the working group on cultural diversity at the International Organisation of La Francophonie, working with other Parties to promote the ratification and implementation of the Convention. *For the second consultation, Canada and the European Union referred to the activities of the OECD's Trade Committee working group, concerned with developing a Services Trade Restrictiveness Index (STRI) for the audiovisual sector, the goal being to gather accurate comparative data and not to pass judgement on the legitimacy of the measures that would form part of the Index. Within the MERCOSUR framework, the technical working group proposed by Brazil and established in 2010 continued its activities designed to promote the Convention, as evidenced by the second Technical Meeting on Cultural Diversity, held in Buenos Aires, Argentina, in 2012.*

As to interventions in working committees, Canada continues contributing to the work of the Inter-American Committee on Culture of the Organization of the American States (OAS), where it promotes the strengthening of cultural industries in order to boost economic development and employment through culture. Cyprus referred to European committees, such as the European Union Cultural Affairs Committee, which promoted the Convention.

2.2 Informal interventions

For the second consultation, Parties gave examples of their interventions during seminars, symposia and conferences:

- *the symposium “Reflections on the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005): 10th anniversary of the UNESCO Universal Declaration on Cultural Diversity”, MERCOSUR Cultural, held on 18 and 19 April 2012 in Buenos Aires, Argentina;*
- *the workshop “EU-China Cooperation in Growing the Cultural Industry and Implementing the 2005 Convention”, held in May 2012, in Hefei, China;*
- *the 18th Forum of Ministers of Culture and Officials in Charge of Cultural Policies in Latin America and the Caribbean, held on 21 and 22 July 2011, in Santa Cruz de la Sierra, Bolivia (Plurinational State of);*
- *the Latvian National Commission’s 2010 project under the UNESCO Participation Programme entitled “Implementation of the UNESCO Convention on the Diversity of Cultural Expressions in the EU’s External Policies” brought those Member States’ National Commissions together to discuss on the Convention at an international meeting held in 2011.*

For the first consultation, several Parties had replied that informal interventions had been made at international events in order to raise awareness of the Convention and promote its visibility, for example, at the sixth International Cultural Games of La Francophonie, in Lebanon (2009), the World Book Summit, held in Slovenia (2011), and international festivals such as the International Day for Cultural Diversity (Mexico), the International Jazz Festival (Baku, Azerbaijan) and the International Crafts Festival (FIAT) (Cuba).

The international meetings and events mentioned in the Parties’ questionnaire replies and in some periodic reports are listed in full in Annex IV.

3. Cooperation among Parties to promote the objectives and principles of the Convention

In reply to the second question, eighteen (18) Parties stated that they had consulted other Parties in order to promote the Convention’s objectives and principles. Such consultations had resulted in the conclusion of bilateral and multilateral cultural agreements, are still relevant to the negotiation of bilateral and multilateral trade agreements and have given rise to the development of tools for raising awareness of the Convention.

The bilateral and multilateral agreements mentioned in the Parties’ questionnaire replies and in some periodic reports are listed in full in Annex III.

3.1 Bilateral and multilateral cultural negotiations and agreements

Several Parties referred to bilateral cultural agreements, protocols and multilateral agreements concluded in recent years or under negotiation, which implement the principles and objectives of the Convention. As noted for the first consultation, some agreements had led to the establishment of specific cultural cooperation programmes (Brazil-Argentina cooperation, which had given rise to the *Puntos de Cultura* programme adopted in August 2011). Some Memoranda of Understanding (MOU) had led to action plans stressing the importance of bilateral cultural cooperation in facilitating the implementation of the 2005 Convention (for instance, the MOU signed by Austria and Cyprus in 2010). In their 2009 joint declaration, Brazil and the European Commission agreed to a series of initiatives designed to strengthen cooperation and dialogue in the field of culture, particularly with a view to implementing the Convention.

In the second consultation, Parties gave new examples of bilateral cultural agreements. Those signed by Italy with Belarus and the Czech Republic in 2011 were examples of the promotion of Convention principles and obligations. Other examples included cultural agreements and programmes such as the Canada-China Cultural Cooperation Programme (2013-2015) and the agreement between the Provincial Government of Quebec and the State of Rio de Janeiro (Brazil) signed in October 2011. Equally noteworthy was the common declaration on cultural cooperation signed by Quebec City and the autonomous City of Buenos Aires (Argentina) on 12 August 2011. Lastly, some protocols, while reaffirming the benefits of bilateral cultural cooperation, contributed at the same time to the promotion of the Convention (for example, the protocols signed by Italy with Brazil (2010-2013), San Marino (2011-2013) and Spain (2009-2013).

Multilaterally, references were made, for instance, to the Convention at the World Intellectual Property Organization in Article 3 of the draft WIPO Treaty on the Protection of Broadcasting Organizations (2006) and in the negotiations on the Beijing Treaty on Audiovisual Performances (2012).

Two Parties (Slovakia and Tunisia) stated in their quadrennial periodic report that it had been a challenge to insert a reference to the Convention in bilateral cooperation agreements, especially in the audiovisual, copyright sectors or cultural cooperation.

3.2 Bilateral and multilateral culture-trade negotiations and agreements

The 2011 consultation had shown that several bilateral culture-trade agreements referred to the Convention. For example, all bilateral and regional trade agreements signed by Canada after the adoption of the Convention in 2005 contain a reference to the principles and objectives of the Convention and a general exemption clause for cultural industries. That clause was designed as a means of asserting the Parties' right to implement policies and adopt measures enshrined in Articles 5 and 6 of the Convention in order to protect and promote the diversity of cultural expressions.

Other first-consultation examples included the European Union's free trade agreements with CARIFORUM in December 2007 and Republic of Korea in October 2009, which contained a cultural protocol. Those protocols constituted, each in its own way, an innovative framework for cooperation based on the objectives and principles of the Convention such as facilitation of trade in cultural goods and services, and the mobility of artists and cultural professionals.

Furthermore, China had stated in its reply that in its negotiations with Japan and the United States of America on bilateral access to the services market, it had provided information on the Convention's objectives and principles, highlighting the dual nature (economic and cultural) of audiovisual services.

In replying to the second consultation, the European Union reported that it invoked the Convention regularly during WTO negotiations in regard to trade commitments in the audiovisual sector.

In its quadrennial periodic report, Peru drew attention to the cultural reservations included in the text of the Agreement that it had signed with the United States of America on 12 April 2006 – the United States-Peru Trade Promotion Agreement – which had since been its template for all other bilateral and multilateral agreements⁷.

Lastly, the Convention has been invoked during the Canada-European Comprehensive Economic and Trade Agreement (CETA) negotiations.

⁷ Other free trade agreements contain cultural reservations. For example, the United States of America-Australia Free Trade Agreement 2005 and the United States of America-Morocco Free Trade Agreement 2006.

3.3 Awareness-raising tools

Parties have developed awareness-raising tools in order to share experiences on the positive results achieved by implementing the Convention and have disseminated messages promoting the Convention through the media (e.g. radio, television and the Internet) and advertising campaigns. For example, for the first consultation, Mexico reported that it had established a web platform (www.diversidadcultural.mx) and had produced ten radio spots to promote cultural diversity and the messages of the Convention. *For the second consultation, Argentina provided an Internet link to a summary of the symposium “Reflections on the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005): 10th anniversary of the UNESCO Universal Declaration on Cultural Diversity”.*

Argentina also reported that at the second technical meeting of MERCOSUR Culture, the representatives of the participating countries agreed to draw up a MERCOSUR atlas on best practices in the field of cultural diversity (Atlas sobre Buenas Prácticas en materia de diversidad cultural).

Finally, Latvia mentioned the Compendium “Cultural Policies and Trends in Europe” as an important tool because it provides relevant information on the implementation of the Convention.

4. The results of the two consultations: examples of experiences and practices

The replies to the third question, for the first consultation, yielded a wealth of ideas about other ways of using or invoking the Convention in international forums. *Replies received for the second consultation showed that those ideas had been put into practice by the Parties, which permitted work to commence on referencing a number of examples of experiences and practices that contributed to the implementation of Article 21. Among those examples, Parties:*

- *make specific references to the Convention in declarations and during bilateral or multilateral meetings;*
- *assert the importance of taking the objectives and principles of the Convention into account when they make interventions on non specifically cultural matters in international forums;*
- *negotiate bilateral or multilateral protocols or cultural cooperation agreements in which reference are made to the Convention;*
- *invoke the Convention in international debates on culture and development, which implied that it is perceived as an international instrument that spearheaded progress in the “culture and development” agenda and has thus become an important instrument for fostering development⁸;*
- *invoke and use the Convention at meetings convened under UNESCO’s other conventions outside the scope of the Culture Sector⁹;*
- *work together with other Parties to hold regional seminars and conferences; such meetings have been attended by artists, cultural producers, researchers and high-ranking public officials and coincided, in particular, with cultural events/cultural weeks, festivals, etc.;*

⁸ For example, the contributions to the International Fund for Cultural Diversity (IFCD) are 100% eligible for official development assistance (ODA).

⁹ For example, the Paris Open Educational Resources Declaration (OER) adopted by the World Open Educational Resources Congress, Paris, 20-22 June 2012.

- *hold workshops on the Convention, inviting both governmental and non-governmental stakeholders;*
- *establish joint funding programmes to support transnational Convention-implementing activities formulated and financed in partnership with international organizations and institutions¹⁰.*

5. Future ideas

Other ideas put forward by the Parties during the consultations, which are yet to be implemented or added to the inventory of examples, included:

- the introduction of a system enabling Parties to alert other Parties to negotiations under way in other international forums that might affect or contradict the provisions of the Convention, and prompt debate on the subject;
- the holding of international exhibitions on the Convention, at which artists and cultural professionals could display their work;
- the production and dissemination of videos illustrating institutional practices implementing the Convention.

6. Conclusion

The Parties' replies confirm the results of the first consultation and the various ways in which they have invoked and used the Convention in order to ensure its implementation, raise awareness of its objectives and principles and encourage its ratification. Notably, the broad interpretation of "international forum" mentioned in Article 21 to include international, intergovernmental and non-governmental organizations, bilateral and regional organizations, government institutes and networks active internationally or regionally.

The analysis also shows that the Parties implement Article 21 by:

- making interventions in international forums that may or may not have cultural objectives;
- highlighting the objectives and principles of the Convention in culture and trade agreements;
- consulting other Parties so that new bilateral agreements reassert the objectives and principles of the Convention;
- engaging in a dialogue with non-Party States to encourage ratification.

The responses to the second consultation have yielded new elements, such as the Convention role in driving the "culture and development" agenda forward. Furthermore, the documents transmitted by the Parties provide input for the inventory, as do references to events at which the Convention is invoked or utilized. They can all be used by the Secretariat to develop a database and produce up-to-date information on the implementation of Article 21.

The quadrennial periodic reports and the information provided give a fuller picture of the present and future implementation of Article 21. The Secretariat has taken them into account in the analysis, and will do so in future analyses.

¹⁰ For example, UNESCO's EU-funded "Expert Facility Project to Strengthen the System of Governance for Culture in Developing Countries" (2010-2013), which contributes to the implementation of the Convention.

Regular consultation of Parties on the subject is vital to the Secretariat's collection of information and compilation of data on Article 21 and, therefore, to the fulfilment of its obligation regarding the implementation of Article 19 of the Convention. Although the point had been made during the consultations that it was difficult at this time to gauge the real impact of activities designed to implement Article 21, continuous monitoring of the implementation of the Article has shown that the exercise does yield conclusive results and could be conducted again so that the Parties and the Secretariat can fulfil their respective obligations under the Convention. Resources must be provided to ensure the continuity and quality of the exercise, in particular through the sharing of information and the identification of best practices. This is crucial to permit measurement of the impact of all action taken.

ANNEX III

List of documents provided by the Parties¹¹

The documents appearing in italics were transmitted during the second consultation. These documents can be downloaded from the Convention website at: <http://www.unesco.org/new/index.php?id=65590>

Australia:

- *Dhaka Ministerial Declaration on the Diversity of Cultural Expressions, 9-11 May 2012, Dhaka, Bangladesh. <http://culdivminforum.gov.bd/index.php/the-fourm/the-dhaka-declaration>*

Brazil:

- Final Declaration of the third Ibero-American Meeting of Museums, 2-4 September 2009, Santiago de Chile, Chile.
- Joint statement by Mr Jan Figel, European Commissioner for Education, Training, Culture and Youth, and Mr Joao Luiz Silva Ferreira, Minister of State for Culture of the Federative Republic of Brazil, 18 May 2009, Brasilia, Brazil. http://ec.europa.eu/education/external-relation-programmes/doc/brazilculture_en.pdf

Canada:

Bilateral and Multilateral Agreements

- *Programme of cultural cooperation between Canada and China (2013-2015).*
- *Agreement on multisectoral cooperation, particularly in culture, between the Government of Quebec and the Government of Rio de Janeiro, 24 October 2011. <http://www.mri.gouv.qc.ca/fr/informer/ententes/pdf/2011-26.pdf>*
- Memorandum of Understanding to increase cultural cooperation between Colombia's Ministry of Culture and the Department of Canadian Heritage (2010/2011 and 2011/2012).
- *Joint Declaration on cooperation in the field of culture between Quebec and the Autonomous City of Buenos Aires, 12 August 2011.*
- Memorandum of Understanding between the Department of Canadian Heritage and the Ministry of Culture of the Government of the Republic of India on Cultural Cooperation, 27 June 2010.
- Cooperation agreements between the Government of Quebec and the Governments of the State of Jalisco, the State of Guanajuato and the State of Nuevo León, signed 7 October 2009, 4 June 2009 and 30 May 2006 respectively.
- Free Trade Agreement between Canada and the Hashemite Kingdom of Jordan, 25 August 2008. <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/jordan-jordanie/environnement-environnement.aspx?lang=eng&view=d>
- Free Trade Agreement between Canada and the Republic of Peru, 29 May 2008.

¹¹ In reverse chronological order.

- Free Trade Agreement between Canada and the European Free Trade Association, 7 June 2007 (Iceland, Liechtenstein, Norway and Switzerland). <http://www.international.gc.ca/trade-agreements-accords-commerciaux/agr-acc/efta-aele.aspx?lang=eng&view=d>
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Other documents

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- International Organisation of La Francophonie, Programme 2010-2013. http://www.francophonie.org/IMG/pdf/OIF_programme-2010-2013.pdf
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- Organisation of American States, Inter-American Council for Integral Development, third Regular Meeting of the Inter-American Council on Culture, discussion document "Plan of Action for Enhanced Cultural Cooperation in the Americas" (2007-2009), OEA/Ser.W/XIII.5.4, 7 January 2008. <http://www.oas.org/en/cidi/CIC.asp>

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- Press release "Jorge Serrano and the Latin American film: Ecuador attempts to resolve matters by adopting new policies to protect audiovisual works".

France:

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Greece:

- *Declaration of Mostar, Tenth Summit of Heads of State of South-East Europe, 3 June 2012, Mostar, Bosnia and Herzegovina.*
http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/BSP/images/SEE%20Mostar%20Declaration%203%20June%202012_01.pdf
- Ninth Regional Summit of Heads of State of South-East Europe, Address by Mr. Pavlos Yeroulanos, Minister of Culture and Tourism of the Hellenic Republic, Viminacium, 2 September 2011.
- Fourth ASEM Meeting of the Ministers of Culture, 8-10 September 2010, Asia-Europe Meeting, Poznan, Poland.
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Italy:

- *Agreement between Italy and Belarus on cooperation in science and technology, 10 June 2011.*
- *Agreement between Italy and the Czech Republic on cooperation in culture, education and science, 8 February 2011.*
- *Cooperation protocols signed by Italy with Brazil (2010-2013), San Marino (2011-2013) and Spain (2009-2013).*

Latvia:

- *Riga Declaration at the eighth Conference of the Culture Ministers of the Baltic Sea Countries, 16-17 October 2008, Riga, Latvia.*
- *COMPENDIUM – Cultural Policies and Trends in Europe.*
<http://www.culturalpolicies.net/web/monitoring-ssi.php?aid=180&cid=114&lid=en>

Peru:

- *United States of America-Peru Trade Promotion Agreement (2006).*

Slovenia:

- World Book Summit, The Ljubljana Resolution on Books, 2011.

European Union:

- *Sixty-sixth session of the General Assembly of the United Nations, agenda item 21: Culture and development (A/RES/66/208), 15 March 2012.*
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- *Sixty-fifth session of the General Assembly of the United Nations, Second Committee, agenda item 22a: Promoting development in the context of globalization and interdependence (A/RES/65/168), 16 March 2011.*
<http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N10/522/63/PDF/N1052263.pdf?OpenElement>

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Other

Articles

- *STOLL, Peter-Tobias “Article 21 International consultation and coordination” in VON SCHORLEMER, Sabine and STOLL, Peter-Tobias. The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions-Explanatory Notes, Springer, 2012.*
- *BERNIER Ivan, “ The relationship of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions to other international instruments: the emergence of a new balance at the trade-culture interface”.*
http://www.diversite-culturelle.qc.ca/fileadmin/documents/pdf/FR_Relations_entre_Convention_Unesco_instruments_internationaux.pdf

Declarations and agreements

- *The Paris Declaration, the World Open Educational Resources (OER) Congress, Paris, 20-22 June 2012.*
http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/CI/CI/pdf/Events/Paris%20OER%20Declaration_01.pdf
- *Declaration of the 18th Forum of Ministers of Culture and Officials in Charge of Cultural Policies in Latin America and the Caribbean, 21-22 July 2011, Santa Cruz de la Sierra, Bolivia.*
http://www.lacult.org/encuentros/showitem.php?uid_ext=&getipr=MTkzLjI0Mi4xOTIuOQ==&id=19&tipo=16&lq=2
- *Free Trade Agreement between the United States of America and Australia, 2005.*
- *Free Trade Agreement between the United States of America and Morocco, 2006.*

ANNEX IV

Events during which Parties invoked or utilized the 2005 Convention¹²

Events in italics were reported in the second consultation. Events can be downloaded from the Convention website at: <http://www.unesco.org/new/index.php?id=65590>

Ministerial meetings:

The Americas

- *Fifth Inter-American Meeting of Ministers of Culture and Highest Appropriate Authorities, November 2011, Washington, United States.*
http://www.scm.oas.org/idms_public/ENGLISH/hist_12/CIDI03614E02.doc
- Eighteenth Forum of Ministers of Culture and Officials in Charge of Cultural Policies in Latin America and the Caribbean, 21-22 July 2011, Santa Cruz de la Sierra, Bolivia.
http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Havana/pdf/Declaracion_XVIII_Foro.pdf
- *Inter-Parliamentary Conference on the Diversity of Cultural Expressions (CIDECE), 2-3 February 2011, Quebec City, Canada.*
<http://apf-francophonie.org/cidece/>
- MERCOSUR, Thirty-first meeting of MERCOSUR Ministers of Culture, 20 November 2010, Rio de Janeiro, Brazil.
- MERCOSUR, First Technical Meeting on Cultural Diversity, 4 September 2010, Rio de Janeiro, Brazil.
- Third Inter-American Meeting of Ministers of Culture and Highest Appropriate Authorities, (CIDI/REMIC-III/RES. 2/06), 13-15 November 2006, Montreal, Canada.

Asia

- *Cultural Diversity Ministerial Forum of the Asia Pacific Region, 9-11 May 2012, Dhaka, Bangladesh.*
<http://www.culdivminforum.gov.bd/>
- Fourth ASEM Culture Ministers Meeting, 8-10 September 2010, Asia-Europe Meeting, Poznan, Poland.

Europe

- Twenty-seventh Ministerial Conference of La Francophonie, 1-2 December 2011, Paris, France.
- *Ninth Regional Summit of Heads of State of South East Europe, 2 September 2011, Belgrade, Serbia.*

¹² In reverse chronological order.

- European Commission Ministerial Conference, fifth anniversary of the adoption of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 8 December 2010, Brussels, Belgium.
- Twenty-six Ministerial Conference of La Francophonie, 20-21 October 2010, Montreux, Switzerland.
- *Conference of the Culture Ministers of the Baltic Sea Countries, 16-17 October 2008, Riga, Latvia.*
<http://www.cbss.org/Education-Culture/creating-an-accessible-and-attractive-region>

International/Regional/National Meetings:

Asia and Oceania

- Workshop “EU-China Cooperation in Growing the Cultural Industry and Implementing the 2005 Convention”, May 2012, Hefei, China.
- Fifth World Summit on Arts and Culture, 3-6 October 2011, Melbourne, Australia.
- World Forum for Intercultural Dialogue, 7-9 April 2011, Baku, Azerbaijan.
- Asia-Pacific Regional Seminar ‘Policies in support of cultural industries: contributing to the control of globalization through cultural diversity’, December 2008, Siem Reap, Cambodia.
http://www.francophonie.org/IMG/pdf/Actes_2008_brap.pdf
- Conference on “Cultural Policy: Asian and European Perspectives”, 26-27 November 2008, Hanoi, Vietnam.

The Americas

- *MERCOSUR Culture symposium “Reflections on the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005): 10th anniversary of the UNESCO Universal Declaration on Cultural Diversity”, 18-19 April 2012, Buenos Aires, Argentina.*
<http://www.youtube.com/watch?v=zknqx0W-yNc&list=UU8gyOzFRVhkhjXkEPufnXOq&index=7&feature=plcp>
- Inter-American Meeting on Cultural Diversity, 19-22 May 2011, Toluca, Mexico.
- Tenth session of the United Nations Permanent Forum on Indigenous Peoples, 16-27 May 2011, New York, United States of America.
- General Assembly of the Ibero-American Committee of the International Confederation of Authors and Composers Societies (CISAC), 28-29 April 2011, Montevideo, Uruguay.
- Thirtieth Board Meeting of the International Federation of Arts Councils and Culture Agencies (IFACCA), 18-19 April 2011, Havana, Cuba.
- General Assembly of the United Nations, 20 December 2010, New York, United States of America.
- United Nations, Millennium Development Goals Summit, 20-22 September 2010, New York, United States of America.
- Third Ibero-American Congress of Culture, 1-4 July 2010, Medellin, Colombia.

- *Third Global Forum of the United Nations Alliance of Civilizations. Bridging Cultures, Building Peace, 27-29 May 2010, Rio de Janeiro, Brazil.*
unicrio.org.br/img/rio-aoc-forum-program.pdf
- International meeting on cultural diversity: Second Congress of the International Federation of Coalitions for Cultural Diversity, 5-8 November 2009, Salvador de Bahia, Brazil.
- Twelfth Summit of La Francophonie, 17-19 October 2008, Quebec City, Canada.
- “Ignite the Americas” Forum, 15-21 September 2008, Toronto, Canada.

Europe

- *“The implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions”, consultation organised by the Latvian National Commission on the cultural policies of the European Union Member States in the Baltic Sea area, December 2011.*
- *UNESCO World Forum on Culture and Cultural Industries – The Book Tomorrow: The Future of the Written Word, 6-8 June 2011, Monza, Italy.*
- World Economic Forum, 26-30 January 2011, Davos-Klosters, Switzerland.
- Thirteenth Summit of La Francophonie, 22-24 October 2010, Montreux, Switzerland.
- *International Conference on “Diversity and Culture in Europe”, 6 November 2008, Riga, Latvia.*

Seminars/conferences

- *Meeting for African National Commissions, “Convention on the Protection and Promotion of the Diversity of Cultural Expressions”, Abidjan, Côte d’Ivoire, 8 June 2012.*
<http://www.unesco.org/new/fr/culture/themes/cultural-diversity/diversity-of-cultural-expressions/programmes/capacity-building-in-africa/information-session-in-cote-divoire-for-28-national-comissions/>
- UNESCO Regional Forum “Writing, publishing, translating: building cultural diversity in South-East Europe”, 31 March-1 April 2011, Ljubljana, Slovenia.
- International Symposium on “Musical instruments of Turkic-speaking countries”, 16-17 December 2010, Baku, Azerbaijan.
- *Fourth International Cultural Industry Forum (ICI FORUM 2010), 17-18 November 2010, Beijing, China.*
- ASEM Seminar on Preserving and Promoting the Diversity of Cultural Expressions: Sharing Asian and European Experiences, 15-16 December 2008, Hanoi, Vietnam.
- *European Seminar entitled: “From Ratification to Implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions”, 26 August 2006, Bratislava, Slovakia.*

Celebrations

- *Capacity-building workshop, 29-30 June 2012, San José, Costa Rica*
- CUBADISCO; 14-22 May 2011, Santiago de Cuba, Cuba

- The Caribbean Festival – the Feast of Fire, 3-9 July 2011, Santiago de Cuba, Cuba
- Havana International Fair FIART, 9-19 December 2010, Havana, Cuba
- International Festival of Ashugs, 20-28 October 2011, Baku, Azerbaijan
- International Jazz Festival, 16-30 October 2010, Baku, Azerbaijan
- Second international Mugam Festival, 14- 21 March 2011, Baku, Azerbaijan