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Diversity of
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10 IGC

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

Tenth ordinary session
Paris, UNESCO Headquarters
12 – 15 December 2016

Item 3 of the Provisional Agenda: Adoption of the detailed summary record of the ninth ordinary session of the Committee

This document contains in Annex the draft detailed summary record of the ninth ordinary session of the Committee (14-16 December 2015) for adoption by the Committee.

Decision required: paragraph 4.

1. In accordance with Article 43 of the Rules of Procedure of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”), the Secretariat prepared a draft detailed summary record of the ninth ordinary session of the Committee (14 - 16 December 2015) in the two working languages, English and French. The draft was published electronically on the Convention website (<http://www.unesco.org/culture/en/diversity/convention/>) simultaneously in the two working languages of the Committee.
2. Committee members were invited to submit their comments to the Secretariat of the Convention before 26 September 2016. To date, the Secretariat has received comments from the World Intellectual Property Organization that have been incorporated in the draft summary record.
3. This document contains in Annex, for adoption by the Committee, the draft detailed summary record of the ninth ordinary session of the Committee.
4. The Committee may wish to adopt the following decision:

DRAFT DECISION 10.IGC 3

The Committee,

1. *Having examined document DCE/16/10.IGC/3 and its Annex;*
2. *Adopts the detailed summary record of the ninth ordinary session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions included in the above-mentioned document.*

ANNEX

Draft detailed summary record of the ninth ordinary session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

OPENING OF THE SESSION

1. The ninth ordinary session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”) was held at UNESCO Headquarters in Paris from 14 to 16 December 2015.
2. It was attended by 253 participants, including 60 participants from the 23 States Members of the Committee, 131 participants from 68 Parties non-members of the Committee (67 States Parties and the European Union), 16 participants from 7 States not Parties to the Convention, 1 participant from 1 Permanent Observer Mission to UNESCO, 9 participants from 8 intergovernmental organizations (IGOs) and 36 participants from 27 non-governmental organizations (NGOs) with observer status. The Bureau consisted of Chairperson: Mr Arunas Gelunas (Lithuania), Rapporteur: Ms Mariella Crosta (Uruguay), Vice-Chairpersons: Australia, Ethiopia, Lithuania, Tunisia.
3. In opening the session, Ms Mechtild Rössler, **representative of the Director-General of UNESCO**, welcomed all participants. She announced that due to health reasons the Chairperson of the ninth ordinary session of the Committee, Ms Eva Nowotny (Austria), could not participate in the session. Rule 14 of the Committee’s Rules of Procedure stipulates that in such a situation the functions of the Chairperson shall be exercised by a Vice-Chairperson. Upon receiving the news, the Bureau held an emergency meeting at UNESCO Headquarters on 11 December 2015 including the Vice-Chairpersons from **Australia, Ethiopia, Lithuania, and Tunisia**, and unanimously recommended that **H.E. Dr. Arunas Gelunas, Ambassador, Permanent Delegate of the Republic of Lithuania to UNESCO**, assume the functions of the Chairperson at the ninth ordinary session of the Committee. Ms Rössler asked the Committee to support this Bureau recommendation by proclamation. Thanking the Committee for their support, she invited H.E. Dr. Gelunas to take his place at the podium as Chairperson.
4. The **Chairperson** expressed his appreciation at assuming this function, wished Ms Nowotny a speedy recovery, and encouraged the Committee members to cooperate in order to accomplish all of the work scheduled for its ninth ordinary session. He invited the representative of the Director-General of UNESCO to present the opening remarks.
5. The **representative of the Director-General of UNESCO** expressed her honor in opening the ninth ordinary session of the Committee following a year of celebrating the 10th anniversary of the 2005 Convention for the Protection and Promotion of the Diversity of Cultural Expressions (hereafter referred to as “the Convention”), during which governments and civil society organisations worldwide organized events showcasing the diversity of cultural expressions. She saluted the Convention’s hard-won successes over the past 10 years and its continued growth, evidenced by the 141 Parties including the European Union, noting measurable progress evidenced in the Global Report monitoring the implementation of the Convention (hereinafter “the Global Report”), to be launched during the Committee session. She thanked the Swedish International Development Agency (SIDA) for its support in this work. The representative of the Director-General of UNESCO underscored the Convention’s forward-looking nature which provides a solid framework to contribute to the UN 2030 Sustainable Development Agenda (hereinafter “the UN 2030 Agenda”), and stressed the Committee’s work to set and implement the

future targets for the Convention. She encouraged the Committee to take decisions grounded on evidence and initiatives such as the 81 periodic reports submitted by the Parties thus far. She recalled that the Committee would review 5 new periodic reports, six projects for the International Fund for Cultural Diversity (IFCD) and renew the IFCD Expert Panel membership, and she stressed regular voluntary contributions to the IFCD. Highlighting the global strategy for capacity-building and the Convention's Expert Facility, the representative of the Director-General of UNESCO emphasized new Convention training modules and materials on understanding the Convention, on policymaking, and on periodic reporting that incorporate lessons learned at the country level; produced and supported by a knowledge-management system thanks to the government of Spain. She noted the importance of the Committee's debates on Articles 16 and 21 of the Convention and on digital issues, their impact, and strategies to ensure equitable and balanced access to cultural goods and services, as well as the Committee's consideration of future Guidelines thereon. She underscored the importance of increasing the percentage of developing countries in the booming creative economy, knowledge sharing, and the deeper engagement of all stakeholders including civil society and the private sector. Monitoring and reporting must improve in order to identify strengths and weakness, to provide needed data, and to promote a more integrated approach to cultural governance. Infrastructure and space are needed by cultural creators to ensure that the diversity of cultural expressions continues to thrive. Finally, she thanked the governments of China, Italy, the Republic of Korea, Spain, Sweden, and the European Union for their invaluable support of the Secretariat's work.

6. The **Chairperson** thanked the representative of the Director-General of UNESCO for her opening remarks underscoring the growth and the positive, far-reaching impact of the Convention. He went on to describe several of the Committee's responsibilities for the session including congratulating and celebrating Samoa for becoming the newest Party to the Convention. He highlighted the launch of the Global Report taking place on Wednesday morning in the presence of Ms Irina Bokova, the Director-General of UNESCO, and other distinguished guests. The Chairperson announced that 12 items were on the provisional agenda, several of which were expected to generate considerable debate. He highlighted the item on the participation of civil society in Convention implementation, referring to it as an approach needing close examination as well as systematic and concrete action. The Chairperson asked all participants to respect the provisional timeline outlined in document 1; explained that interpretation and working documents for the session would be available in two languages, English and French; and detailed the availability of the working documents for the session. Complete printed copies of documents would be provided to Committee members and all of the working documents would be available on USB keys as well as on the Convention website. Furthermore, the *commis de salle* would make available the basic texts of the Convention including those outlining the Rules of Procedure. The Chairperson announced the Bureau meeting to be held at 9:30 am on the 15th of December and proceeded to open agenda item 1.

ITEM 1 – ADOPTION OF THE AGENDA

Document CE/15/9.IGC/1REV and CE/15/9.IGC/INF.1

7. The **Chairperson** announced that the session was being audiocast and invited the Secretary of the Convention to present the items on the provisional agenda.
8. The **Secretary of the Convention**, Ms Danielle Cliche, noted that the working documents for the session were made available online between 13 and 16 November 2015, simultaneously in English and French. Documents are preceded by "CE/15/9.IGC" code followed by the number of the corresponding agenda item and decision. She indicated that agenda item 5 (Future activities of the Committee) directly followed the item on the

Secretariat's report of its activities, so the Committee would have an overview of activities, financial implications, goals, and the results expected from their work over the next three days. She further listed the information documents, available in both English and French, and stated that two additional information documents were submitted by civil society organizations: the first, an interview with the president of the International Federation of Coalitions for Cultural Diversity (IFCCD), Mr Rasmané Ouedraogo; and the second, an analysis of the IFCCD activity report.

9. The **Chairperson** thanked the Secretary of the Convention and reminded all Committee members to submit additional items for inclusion under agenda item 13 and any amendments to the draft decisions in writing in both French and English in advance in order to facilitate the Secretariat's preparations for the debates. The Chairperson asked if there were any questions about the provisional agenda or the documents presented by the Secretariat. Seeing none he asked the Secretariat to put draft decision 1 on the screens and gave the floor to Brazil.
10. The delegation of **Brazil** asked if it was possible for the Committee to address agenda items 9 and 10 before addressing agenda items 7 and 8 in the interest of advancing the session's first day in as timely a manner as possible. This proposal was seconded by **France**.
11. The **Chairperson** thanked Brazil for the suggestion and announced that it had been noted by the Secretariat. The Chairperson confirmed that if the first day's session advanced ahead of schedule he would open a discussion on Brazil's suggested changes to the provisional agenda at that time. Seeing no other comments or objections on the agenda, the Chairperson declared the agenda adopted.

Decision 9.IGC 1REV was adopted.

ITEM 2 – APPROVAL OF THE LIST OF OBSERVERS CE/15/9.IGC/INF.2

12. The **Secretary of the Convention** read the list of observers: 47 Parties non-members of the Committee, 8 Member States not Parties to the Convention, 2 IGOs, and 20 NGOs.
13. The **Chairperson** thanked the Secretary and welcomed the large number of observers, heralding them as evidence of the success of the Convention and the celebrations of its 10th anniversary.
14. The delegation of **Brazil** observed that some delegations had registered that morning and were not included in the list of observers. It kindly asked the Secretariat for a revised list of observers including all of the delegations. This request was supported by **Cambodia** and **El Salvador** both of whom asked to be included in the revised list.
15. The **Chairperson** thanked Brazil and announced that the Secretariat would follow through with this request that afternoon.
16. The delegations of **Switzerland**, the **Netherlands**, **Japan**, **Colombia**, **Palestine**, and **Armenia** confirmed that they had not registered and requested inclusion in the revised list.
17. The representative of the **Parliamentary Assembly of the Francophonie** requested inclusion in the revised list.
18. The **Secretary of the Convention** underscored the importance of registering in advance of the session and confirmed that the participants list would be updated to include those who had registered the morning of the session and whose names were not mentioned.

She requested that those delegations not featured on the list see the *commis de salle* in order to be included on the revised list which would be made available online.

19. The **Chairperson** asked the Secretariat to put decision 9.IGC 2 on the screens and seeing no objections declared the list of participants adopted.

Decision 9.IGC 2 was adopted.

ITEM 3 – ADOPTION OF THE DETAILED SUMMARY RECORD OF THE EIGHTH ORDINARY SESSION OF THE COMMITTEE

Documents CE/15/9.IGC/3

20. The **Chairperson** moved to consider the draft detailed summary record of the eighth ordinary session of the Committee held in December 2014 presented in working document 3. He confirmed that no written amendments had been received prior to the session and asked if any of the Committee members would like to submit amendments.
21. The delegation of **Morocco** indicated that it had submitted comments on page 5 of the summary record to the Secretariat that morning.
22. The **Chairperson** asked for other comments on agenda item 3. Seeing none he asked the Secretariat to put decision 9.IGC 3 on the screens and declared the decision adopted.

Decision 9.IGC 3 was adopted as amended.

ITEM 4 – SECRETARIAT’S REPORT ON ITS ACTIVITIES

Documents CE/15/9.IGC/4 and CE/15/9.IGC/INF.3

23. The **Chairperson** invited the Secretary of the Convention to present the Secretariat’s report on its activities.
24. The **Secretary of the Convention** recalled that the purpose of the Secretariat’s report was to provide an overview of its progress in implementing the governing bodies’ decisions. She specified that the report, featured in working document 4, elaborated the Secretariat’s work for the 2014 -2015 period in the following four areas not figuring as separate working documents including: capacity development, monitoring the implementation and impact of the Convention, raising Convention visibility, and the relationship of the Convention to the UN 2030 Sustainable Development Agenda. Progress made by the Secretariat is measured against the approved performance indicators and targets defined in MLA 2, Expected Result 7 as adopted in the 37 C/5. She highlighted a table in Annex I of document 4 delineating the progress for these indicators in the 2014 – 2015 period. She also recalled the Secretariat’s preparation, during the last biennium, of the eighth and ninth ordinary sessions of the Committee; the fifth ordinary session of the Conference of Parties, elaborated in Annex II; and the results of the Parties’ satisfaction surveys for these statutory meetings presented in information document 3. The Secretary of the Convention noted six new Parties to the Convention in 2015 that brought membership to 141 Parties, including the European Union (EU). She specified that this result was achieved due to the political will and efforts of the Member States and civil society organisations to advocate Convention ratification and its benefits. She highlighted the Secretariat’s implementation of and search for resources for the global capacity-building strategy, adopted at the seventh ordinary session of the Committee; noting that support from SIDA has allowed for the partial implementation of this strategy and technical

assistance to countries for evidence-based policymaking. Following the adoption of an important decision by the 197th session of the Executive Board and resolutions taken by the 38th session of the General Conference, extra-budgetary funds amounting to approximately 2.4 million USD will be made available to the Convention Secretariat through the re-designed Aschberg Programme for Artists and Cultural Professionals. This program will be developed in 2016 to promote preferential treatment for artists and cultural professionals from the global South in accordance with decisions of the Convention's governing bodies, including the implementation of its capacity-building strategy in this field. The Secretariat will develop a framework, targeted objectives, and activities for this program to be reported to the Committee at its tenth ordinary session. Capacity-building will be done in partnership with the Convention Expert Facility which recently expanded with SIDA support to diversify areas of expertise and geographic representation. As reflected in Annex I, four countries received in-country technical assistance and nine countries received remote assistance in this biennium. These outputs were achieved due to the extra-budgetary support from the EU. The Secretariat also developed training modules on understanding the Convention, on policymaking and on periodic reporting, all to be available early next year. Modules for the IFCD were developed and recently tested in a November seminar in Argentina. The Secretariat has been investing in learning from Convention stakeholders by analyzing: periodic reports; results of the culture for development indicators; the impact of Fund-supported projects; and the challenges faced and lessons learnt in the implementation of the technical assistance program. This information feeds into the Knowledge Management System, a platform to share data and experiences to inform future work. Support received from the EU, the Governments of Spain and Italy, and the Danish Center for Culture and Development (CKU) were underscored. The launch of the first Global Report was emphasized as an important source of knowledge sharing. Annex IV of document 4 provides a draft results framework to help facilitate Convention implementation monitoring in the next ten years. The Secretariat's report references several ways the sustainable development goals (SDGs) of the UN 2030 Agenda can be aligned with those of the Convention to promote human rights, achieve gender equality, and support creativity, innovation, job creation, and entrepreneurship. Both documents call on the international community to engage in new forms of partnerships with the private sector and civil society. The Secretary of the Convention emphasized the importance of timely and reliable data to measure progress and to provide evidence for transparent and informed decision-making. She noted that Annex VI of document 4 provides an overview of the implementation of Article 18 and how the IFCD is delivering on the 17 SDGs. Finally, Annex V of document 4 presents an overview of the requests received during the Biennium for the use of the Convention emblem.

25. The **Chairperson** thanked the Secretariat, commenting on the scale of the Convention and its global impact evidenced by its celebrations organized by governments, experts, and cultural professionals worldwide. He asked to put the Convention anniversary webpage on the screen to show the scope of these celebrations, highlighting various parts of the site including the Convention's history, recorded video tributes and messages for its future implementation, Convention priorities, its timeline, and an interactive events calendar. He noted two events: the first in Mons, Belgium, and a second with the French Minister of Culture, Ms Fleur Pellerin, in Paris, France attended by influential creators.
26. The **Secretary of the Convention** concluded by recalling the Secretariat's participation in several audits and evaluations concerning the Convention and carried out in the past biennium, such as the Internal Oversight Service (IOS) evaluation. As recommended, the Secretariat is working increasingly closely with the Communications Sector on digital issues and artistic freedom.
27. The **Chairperson** gave the floor to the representative of the Director-General of UNESCO to give an update on the external auditor's report and on governance questions.

28. **The representative of the Director-General of UNESCO** confirmed that while the follow-up of the IOS audit was included in the Secretariat's Report, the audit of the governance of UNESCO and dependent funds programs and entities was not included due to the ongoing discussions by the Executive Board and the General Conference at the time of the report's preparation and issuance. She reiterated that the subsequent report would be presented at a later Committee session. The representative of the Director-General recalled the first meeting of all of the chairpersons of the UNESCO Culture Conventions held on June 29, 2015 in conjunction with the World Heritage Committee meeting in Bonn, Germany. She noted that this meeting resulted in a discussion on synergies among the conventions, along with a joint statement, available online. Furthermore, she detailed meetings held on the 1954 Convention as well as a joint bureau meeting between the 1970 Convention and the 1954 Convention; the outcome of which was a recommendation for the chairpersons of all six UNESCO Culture Conventions to meet in conjunction with the 1970 Convention meeting at the end of September 2016.
29. The **Chairperson** thanked the representative of the Director-General of UNESCO for the update on the governance audit and other issues and the Secretary of the Convention for the clear presentation of the Secretariat's work in the biennium. On behalf of the Committee, he thanked the Secretariat for its successful efforts despite the budgetary and staff limitations. The Chairperson emphasized the need to keep these limitations in mind throughout the Committee meeting and opened the floor for debate on the Secretariat's Report.
30. Parties and observers taking the floor congratulated the Secretariat for the clear, concise, comprehensive, and high-quality report and thanked the Secretariat for all of the excellent work accomplished during the biennium.
31. The delegation of the **United Kingdom of Great Britain and Northern Ireland** praised several annexes of the Secretariat's Report, particularly Annex III on the status of the implementation of the IOS recommendations and Annex IV on the draft results framework. He posited that while Annex I clearly indicated that the Secretariat had done all it was tasked with, the Member States could follow through more with Convention implementation. He underscored the discrepancy between the 50 periodic reports expected from the Parties and the 12 actually received by the Secretariat, noting the lack of submissions by three quarters of the Parties. Conversely, he indicated the receipt of 291 requests for international assistance in lieu of the 200 requests expected. The delegate underscored the need for Parties' commitment to the Convention's success while confirming that the Secretariat's Report clearly showed that the Secretariat was doing all that it could with its available resources. Referring to the synergies between the Culture Conventions reported on by the representative of the Director-General of UNESCO, the delegate indicated that while he was delighted to hear about advances, he was concerned that the joint statement issued in Bonn was not submitted to the Parties before it was issued. As such, he asked the Secretariat to submit any statements on behalf of the 2005 Convention, alone or in conjunction with other Culture Conventions, to Parties before their issuance.
32. The delegation of **Slovakia** underscored the need for the Parties to do more to enhance the implementation of the Convention.
33. The delegation of **France** thanked the Secretariat for its work to raise visibility of the Convention in non-Party countries which it felt was helping to raise the growing number of ratifications and to make the Convention one of the most ratified texts in UNESCO. France framed this growth in universalizing the Convention's principles which it affirmed emphasized the role of cultural policies in promoting diversity, creativity, economic development, and intercultural dialogue. The delegate further thanked the Secretariat for

its work on the implications of digitization which it felt to be a priority issue. France concluded by highly praising the Secretariat's Global Report and infographic on the SDGs and the 2005 Convention.

34. The delegation of **Brazil** underscored the discrepancy between the number of periodic reports expected and the number received, noting that while 25 good practices, including 10 addressing women, were expected; only 13 were collected and none of them addressed women. Brazil asked for the Secretariat to comment on the lack of good practices involving women and steps to take in order to address this issue in the future. Brazil also asked for clarification about the difference between policymaking and evidence-based policymaking.
35. The **Chairperson** thanked the delegation of Brazil, recalling that gender had been identified as a transversal issue important to all UNESCO actions and was a part of its global objectives.
36. The delegation of **Germany** recalled difficult discussions during the General Conference on the financial resource issue and underscored the achievements of the Convention thus far. Germany thanked the United Kingdom of Great Britain and Northern Ireland for highlighting the importance of Parties' cooperation as well as the need for national-level actions. Germany supports organizing discussions between the chairpersons of all of the Culture Conventions, and noted the important role for Member States and expert communities to cooperate. To promote understanding of the Convention as a part of the larger UNESCO culture sector priorities and the sustainable development agenda, a bottom-up dynamic is needed. While Germany acknowledged that more could be done in this area, it felt that the Convention was showing very promising results towards these ends and praised the Global Report for shedding light on this progress.
37. The delegation of the **United Arab Emirates** noted that the scope of the Convention has relatively little reach in the Arab States and the global South. Evoking the United Arab Emirates as a formidable linguistic laboratory with a culturally diverse population, he noted that this was a result of actions taken by the national government with a somewhat marginal role played by the coherent, determined, and systematic implementation of the Convention on the national level. As such, the delegate called for the creation of a mechanism for enhancing the Convention within national government, and pointed to the Management of Social Transformation (MOST) program as a model. He indicated that experts would need to be called on for this proposition in order to optimize the visibility of the Convention and its concrete application on the ground.
38. The **Secretary of the Convention** thanked the Committee members for their appreciation of the Secretariat's work and praised the dedication and hard work of the Secretariat staff. She also thanked the Parties and civil society for their support of and cooperation with the Secretariat. Referring to Brazil's question on gender equality in the periodic reports, the Secretary of the Convention affirmed that she expected improvement in this field in view of the Conference of Parties' June amendment of the periodic reports framework to include a specific section on gender equality. Additionally, she referred to preliminary work on indicator-building as included in the Global Report, along with a chapter devoted to gender equality. In response to Brazil's question on evidence-based policymaking, she stated that the periodic reporting exercise resulted in demands for technical assistance and capacity-building for the collection of the data necessary to inform policies. Through a Swedish-funded SIDA project, capacity building programmes are underway in 12 countries on data collection to inform policymaking and governance for culture. The country level assistance involves the participation of public institutions, civil society, and the professionals working in the field. She noted that there are various types of information such as statistics and qualitative information that comes from and is collected through professional associations,

and underscored the Secretariat's work to put programs for this type of data collection into place at the country level. In response to the call from the United Arab Emirates for increased cooperation in the Arab Region, she reported that the Secretariat had included additional experts from the Arab region in its Expert Facility, and had several capacity-building interventions in the Arab Region. Furthermore, she noted the growing number of Parties from the region to the Convention. A number of Secretariat publications exist in Arabic including the Creative Economy Report (2013) which was launched in cooperation with the Abu Dhabi Music and Arts Foundation, and efforts are being made for the Global Report to also be translated into Arabic. While there was a push to expand and develop capacities in both Asia Pacific and the Arab Region in the past biennium, the Secretariat would like to expand further the Expert Facility with Asian and Arab experts and capacity-building projects, and hopes to find funding to do this.

39. The **Chairperson** thanked the Secretary of the Convention, and invited Parties to the Convention not members of the Committee to take the floor.
40. The delegation of **Colombia** thanked SIDA for their extra-budgetary contributions to the framework within which it will undertake national consultations, workshops, and the preparation and public presentation of its first periodic report in 2016. Colombia expressed interest in participating in and contributing to the Aschberg Program in 2016.
41. The delegation of **Denmark** stressed that impact-oriented work is crucial to demonstrate and communicate the relevance of the Convention. Denmark highlighted actions taken during the last biennium that it found particularly relevant and positive: first, the shift from yearly publication of periodic reports to a biennial Global Report providing a policy-oriented format able to target a larger group of stakeholders. Second, the continued efforts to build a solid Knowledge Management System, drawing on the maximum information and evidence available, including the global survey on the implementation of the 1980 Recommendation concerning the Status of the Artist. Third, the draft results framework to monitor Convention's implementation, including core indicators. Denmark considered important the invitation for Parties to explore the Convention's contribute the SDGs and suggested using the draft results framework in Annex IV as a good starting point.
42. The **Chairperson** invited Member States of UNESCO not Party to the Convention, Associate Members, and Permanent Observer Missions to UNESCO to take the floor. Seeing no requests, he invited IGOs to take the floor. Seeing none he asked the Secretariat to put draft decision 9.IGC 4 on the screen and asked the Committee Members if they were ready to adopt it.
43. The delegation of **Brazil** requested that appreciation of the Secretariat and its report be added to paragraph 2 of the draft decision, and asked the Rapporteur for wording. This proposal was supported by **Saint Lucia** and **Australia**.
44. The **Rapporteur** suggested the phrase, "Takes note of and congratulates the Secretariat for the Report."
45. The delegations of the **United Kingdom of Great Britain and Northern Ireland, the United Arab Emirates, Morocco and France** made additional proposals which resulted in the wording "Takes note of and underlines the quality of the Secretariat's Report on its activities for the 2014-2015 period and congratulates the Secretariat for its work and the excellence of the documents provided."
46. The **Chairperson** thanked the delegations and moved to adopt the decision with the amendment. He declared the decision adopted.

Decision 9.IGC 4 was adopted as amended.

ITEM 5 – FUTURE ACTIVITIES OF THE COMMITTEE: DRAFT WORKPLAN, TIMELINE, AND RESOURCES

Document CE/15/9.IGC/5

47. The **Chairperson** moved on to setting the future activities of the Committee, recalling that these decisions would act as a framework for the planning and operation of the other items for the session. He recalled that in June 2015 the Conference of Parties outlined a number of objectives for the Committee and that it was now time to review proposals for action and to set the Committee's workplan within reasonable margins corresponding to the Secretariat's available financial and human resources. He urged the Committee to keep the results of the IOS audit and report on the Cultural Conventions in mind when setting activities. In particular, he cited the IOS report finding that, "the current situation is unsustainable as support from the regular program budget decreases while the workload of the Convention's Secretariat increases. There is thus a need to review the amount of Secretariat work that can be executed and cost-saving measures should be considered." The Chairperson invited the Secretary of the Convention to introduce the agenda item.
48. The **Secretary of the Convention** began by recalling that in June 2015, the Conference of Parties adopted the future activities of the Committee, requesting it to undertake a number of activities listed in document 5, paragraph 2. The Annex of document 5 outlines a draft workplan for the activities determined as priority from June 2015 to June 2017, as well as the types of actions necessary to implement them prior to the sixth ordinary session of the Conference of Parties. The Secretariat took into account the Convention's operational guidelines, the decisions taken during the eighth ordinary session of the Committee, the IOS evaluations of the Convention and the IFCD, the various surveys conducted with the Parties, and the global priorities identified by the bodies as well as in the 37/C 5. Continued development of the Global Knowledge Management System would depend on data collection in the priority areas. Concerning the capacity-building strategy, the completion of training modules will support the Expert Facility and UNESCO field office colleagues to organize training workshops and capacity assessment missions. The Secretary of the Convention affirmed that it would be important to expand the Expert Facility in the Asia Pacific and in the Arab States Regions. She noted that the increased involvement of civil society organizations could include having a regular agenda item on their role in implementing the Convention and organizing informal exchange sessions and training workshops with and for civil society organizations. Furthermore, she highlighted the importance of the drafting and adoption of operational guidelines on digital issues for the development of the Convention. The draft workplan includes information on the sources of secured funding and estimates on the extra-budgetary resources required to achieve all priority activities, totaling approximately 6.6 million USD without staff costs. Extra-budgetary funds are required in addition to the regular program funding allocated in the 38/C 5 adopted by the 38th session of the General Conference for the implementation of activities under Expected Result 6 (originally 7). This amounts to 1.2 million USD for the headquarters budget without staff costs and approximately 650,000 USD for field office activities without staff costs for the 2016-2017 biennium. In addition, the Annex indicates that human resources are required to implement the priorities set out in the Resolution 5.CP 14 particularly in the fields of policy research and knowledge management to monitor and assess the impact of the Convention at both the global and country levels.
49. The **Chairperson** thanked the Secretary for her presentation and opened the floor to the Committee Members for debate.

50. The delegation of **Brazil** recalled the Chairperson's citation of the IOS on the unsustainability of the funding situation and the need to explore cost reduction strategies. Brazil asked how the work demands of the Secretariat could be effectively reduced and whether the fifth Conference of Parties' decision to send invoices to Parties to facilitate funding requests could improve the financial situation through increased contributions to the IFCD. If not, Brazil questioned how best to proceed in the next biennium.
51. In the absence of other observations, the **Chairperson** gave the floor to the Secretariat for comment on the questions raised by Brazil.
52. The **Secretary of the Convention** referred to the table in the Annex and its presentation of the activities requested from the Conference of Parties with an indication of the funding secured and areas for which funding was still needed. She confirmed that the information in these Annexes resulted from the Secretariat's consideration of the activities it could undertake within the margins of its available funds, noting that should the Committee like the Secretariat to do more, additional funding would be required. She expressed her hope that the invoice letter for IFCD funding would increase contributions to the IFCD, and emphasized the important distinction between the funds available to the IFCD to support projects approved by the Committee and those available to the Secretariat for its actions.
53. The delegation of **France** highlighted the following priority areas for future action: continuing to increase the promotion of the values and principles of the Convention, especially in light of the importance of cultural diversity in today's society; the promotion and the protection of the diversity of cultural expressions, which it felt was a conviction, a public policy, and a type of relationship between ourselves and others; and the need to increase visibility among States and civil society. France underscored the importance of digitization and equal access to technology and supports the establishment of operational guidelines for digitization; an action it characterized as central to the Convention's future. France emphasized the need to give greater attention to Articles 12 and 14. It characterized cooperation as being at the heart of the Convention since cultural diversity requires giving the entire population access to both their own culture and the cultures of others. In this context, France recalled the fundamental nature of the IFCD and the need to reinforce and to optimize it with the hope of using it as a path towards cooperation in the future. France noted that while the proposed workplan was ambitious, it was possible to achieve with a concerted collective effort. The delegate concluded by inviting the Secretariat to continue its monitoring the impact of the Convention through its work collecting and analyzing the data from periodic reports; to support sustainable systems for the governance of culture; and to work towards achieving balanced exchanges of cultural goods and services. France considered the impact of Articles 16 and 21 to be of particular importance to these priorities.
54. The delegation of the **Czech Republic** recalled the priorities defined by Resolutions 5.CP 14 concerning the promotion of synergies with the 1980 Recommendation, and asked if the online World Observatory on the Status of the Artist would directly improve the visibility of the 1980 Recommendation.
55. The **Secretary of the Convention** responded evoking the closing of the observatory on the status of artists approximately five years ago due to the lack of allocated resources for its purpose and maintenance and indicated that there are no plans to re-establish the observatory. Considering the Secretariat responsibility for the implementation of the 1980 Recommendation in the context of the efficient use of its limited resources, the Secretariat was leveraging synergies between the 1980 Recommendation and the Convention. She confirmed that the Secretariat undertook a global survey according to its obligations to the General Conference to report on implementation of the 1980 Recommendation to the Conventions and Recommendations Committee.

56. The delegation of **Austria** underscored the enduring situation in which the Secretariat is faced with increasing demands and decreasing resources, affirming that this unsustainable situation would continue if the recommendations of the last Conference of Parties were followed correctly on a regular budget. Austria asked the Chairperson and the Secretary of the Convention how they would like the Committee to proceed and if they should establish priorities within the recommended priorities in order to give clearer guidance and a strategic outline for future actions in the next biennium should additional resources be secured.
57. The **Secretary of the Convention** responded to Austria's questions by recalling that the document presented what the Secretariat would be able to do with the resources available. For the remaining actions, the Secretary invited the Committee to identify priorities they would like funds to be raised for.
58. The **Chairperson** offered the floor to the Observers for questions or comment.

[Observers]

59. The representative of the **International Federation of Coalitions for Cultural Diversity** (IFCCD), Mr Charles Vallerand, commented on the initiative to reinforce capacity-building with civil society for the implementation of the Convention with extra-budgetary resources by underlining the report prepared by Mr Rasmané Ouedraogo. He noted that this report emphasized the need for civil society to play a role in discussions on the regional and national levels in participation with the political officials ultimately responsible for Convention implementation. He expressed his support of Ouedraogo's observation and urged for Convention actions integrating civil society at the national level.
60. The delegation of **Australia** asked a question concerning the items for which funding had already been secured and whether there was any flexibility to redirect secured funding towards other initiatives should the Committee members decide to place higher priority on other actions.
61. The **Secretary of the Convention** responded that funds allocated through extra-budgetary support could not be redirected since they are done through certain framework agreements and are based on individual donor agreements. She observed that there was a possibility of flexibility for the allocation of regular program funds covering such actions as the collection and dissemination of good practices and the monitoring and evaluating of Articles 16 and 21. She noted that the table in the Annex listed the priorities established by the Conference of Parties and informed the Committee that these priorities could be altered or amended.
62. Seeing no more requests for the floor, the **Chairperson** asked the Secretariat to put draft decision 9.IGC 5 on the screen, and asked the Committee if it could adopt this decision. The Chairperson declared the decision adopted.

Decision 9.IGC 5 was adopted.

ITEM 6 – SECRETARIAT’S REPORT ON THE IMPLEMENTATION OF THE INTERNATIONAL FUND FOR CULTURAL DIVERSITY (IFCD)

Document CE/15/9.IGC/6, CE/15/9.IGC/INF.4, and CE/15/9.IGC/INF.5

63. The **Chairperson** moved to open agenda item 6 concerning the implementation of the IFCD and its fundraising strategy. He asked the Secretary to present working document 6.
64. The **Secretary of the Convention** explained that while item 6 used to be presented in the form of four separate documents, it had been efficiently condensed into one document covering multiple areas. Recalling the Parties’ request for the Secretariat to maintain a table monitoring the status of all IFCD funded projects, she drew attention to the table in information document 4 and noted that this information is also featured on the IFCD website, in the Secretariat’s E-updates, and in a Secretariat brochure on IFCD-funded projects with information on long-term impact. The Secretary further recalled that one key feature of projects selected for IFCD funding was their ability to support structural change; an outcome she felt was showing success through continued project monitoring. She highlighted the new online platform for the IFCD project application and pre-selection procedure in the 2015 period, which was designed to: facilitate a more efficient assessment process for the Secretariat; align all the management mechanisms of the IFCD with the development of the Knowledge Management System; ensure transparency in decision-making processes from all involved parties including the National Commissions; and to thoroughly monitor and follow-up on progress. Overall, the sixth call for proposals resulted in 294 funding requests submitted online from 82 countries and 12 iNGOs. Proposals were submitted by 64 public institutions, 218 NGOs, and 12 INGOs. A total of 90 funding requests were pre-selected by the National Commissions in 48 countries, of which 61% passed the Secretariat’s technical assessment on their eligibility. This represents a notable increase of 18% compared to the previous calls, and reflects a major improvement in the understanding of the objectives and the areas of IFCD intervention by the applicants and the National Commissions. Following the Secretariat’s technical assessment, 55 funding requests were deemed eligible from 34 countries and 1 INGO. The regional representation of the eligible funding requests was 45% from Latin America and the Caribbean, 23% from Eastern Europe, 21% from Africa, 7% from Arab States, and 4% from the Asia and Pacific Region. Certain National Commissions expressed difficulty undertaking their pre-selection responsibilities mainly due to limited institutional capacity and resources, resulting in requests for direct capacity-building activities at the national level. In response to these demands and in line with the global capacity-building strategy of the Convention, the Secretariat developed an application and pre-selection training module to provide practical guidance on applying and pre-selecting IFCD funding requests for facilitators of training workshops at the national, regional, and sub-regional levels. These modules were tested at a sub-regional capacity-building workshop held in early November 2015 in Argentina. Following the technical assessment, each eligible funding request was reviewed independently by two different experts from the Panel of Experts, who entered quantitative and qualitative evaluation results for each project directly into the online platform. Evaluation was undertaken against criteria established in the guidelines, which determines the relevance, feasibility, financial management and accountability, impact, and sustainability of the projects. A final validation process by the Panel of Experts resulted in the list of recommended projects provided in Annex I. In conformity with Decision 5.IGC 7 taken by the fifth ordinary session of the Committee, all the project files including project application forms, national review forms, Secretariat technical assessments, evaluations of the Panel of Experts, and the final list of projects recommended to the Committee are available on the Convention’s website within the statutory deadline. A total of six projects were recommended for the Committee’s consideration, 4 of which were from countries that have not yet received

IFCD funds: **Bolivia, El Salvador, Haiti, and Jamaica.** Annex II of the document features individual evaluation sheets on each project recommended including a summary of the Expert Panel assessments.

65. **The Chairperson** thanked the Secretariat on behalf of the Committee for its work on the sixth call for proposals. In conformity with Article 18 and the guidelines on the use of the resources of the IFCD, the Chairperson invited Mr Ferdinand Richard, Coordinator of the Expert Panel, to share the Panel's experiences with the project evaluations. He asked the Secretariat to put the list of recommended projects on the screens.
66. Mr Ferdinand Richard, **Coordinator of the Expert Panel**, thanked the Secretariat on behalf of the Expert Panel for its availability and excellent work. He informed the Committee that Expert Panel member Mr Yudhishtir Raj Isar (India) had recently left the Panel and congratulated him for all of his work during his time as a Panel Member; he was replaced by Ms Helen George of Australia who the Coordinator congratulated for her work thus far. Mr Richard provided an individual overview of the 6 projects recommended by the Panel of Experts out of the 55 eligible in 2015 for a total allocation of 522,142 USD:
- Project number 0467 in Zimbabwe entitled, "Strengthening Cultural Policy in Rural Zimbabwe" is proposed by the Amagugu International Heritage Center and recommended for 99,465 USD in funds. This project received the highest score from all of the evaluators out of all of the proposals submitted in 2015 and directly relates to the IFCD objectives with strong methodology and a high-level staff with the potential to provide long-term structural effects supported by a dynamic public-private partnership.
 - Project number 0458 in Croatia entitled, "Approaches to Participatory Governance of Cultural Institutions" is proposed by Kultura Nova Foundation and recommended for 84,518 USD in funds. This project was submitted for IFCD funding in 2014 and received a rather good score, but not enough for selection due to its inclusion of several unrelated activities. It was recommended for re-submission in 2015. The project coordinator fully agreed with the project evaluators regarding its improved presentation, thus resulting in a better score this year. The project involves the dynamic interaction of the NGO with public authorities for structural changes and long-term impact. The Coordinator called this one of the strongest projects submitted in 2015.
 - Project number 0308 in Bolivia entitled, "TELARTES: Strengthening social participation for political advocacy in Bolivia's cultural sphere" is proposed by Fundación Imagen and recommended for 99,340 USD in funds. This project was highly evaluated by both evaluators as a good example of what civil society can achieve through networking and advocacy. The aim of the project is to enhance the ability of a large network to effectively influence public cultural policies in order to make them better reflect public interests, transparent and bottom-up processes; falling in-line with the IFCD objectives. This project should be sustainable with a long-term impact.
 - Project number 0155 in El Salvador entitled, "Protection and Sustainable Development of Cultural Industries with Women and Youth in Ilobasco" is proposed by the Asociación Movimiento de Jóvenes Encuentristas and recommended for 93,538 USD in funds. The Coordinator fully agrees with the evaluators on the quality of this project and its match with the IFCD objectives by combining important elements such as the creation and strengthening of local cultural industries, the inclusion of youth in their own culture, and the transversal involvement of different local stakeholders. As a result, this project has good potential for long-lasting results.

- Project number 0550 in Haiti is entitled, “Cartography of the Haitian Music Industry” proposed by Ayiti Mizik, the Haitian Association of Music Professionals and recommended for 85,080 USD in funds. This project would result in a study that would be important for the country and involves an interesting model of public-private partnerships.
- Project number 0405 in Jamaica entitled, “Towards the Revision of the National Cultural Policy in Jamaica” is proposed by the Ministry of Youth and Culture and recommended for 60,201 USD in funds. The Coordinator supported this project in the reform of national policy from the perspective of culture and development, calling it an interesting initiative towards structural change which would involve a long-term impact on the country. This public initiative aims at largely consulting with civil society and concerned professionals with a national team that is fully capable of managing the project.

The **Coordinator of the Expert Panel** went on to make several final remarks about trends and changes in relation to the last call for proposals:

- The sixth call resulted in a clear improvement in the general quality of the projects. IFCD approval is beginning to resemble a label of quality with project impacts far outreaching the Fund’s relatively modest financial resources. The evaluation procedure is gradually being perfected and the tools available for IFCD participants are having a noticeable impact. While there was room for improvement in the National Commissions, they played a key role in the qualitative evaluation of the projects and were of vital importance to the Experts unable to make on-site visits. From this perspective, the Coordinator fully endorsed the Secretariat’s creation of training modules both for the National Commissioners and for the candidates to further improve the candidature, evaluation, and selection procedure.
- Concerning the diversity of the projects, the Coordinator noted changes in thematic emphasis with a strong focus on three areas: improving and reinforcing capacity-building; improving public policy; and projects focused on youth and gender. Together, these three thematic areas constituted more than 65% of all of the eligible projects. The overall number of projects concerning arts training doubled and there was a slight decrease in the number of projects dealing with culture and social cohesion; as well as in the number of projects dealing with strengthening and promoting access to cultural markets. Establishing and working within networks has become so pervasive it is now being considered as a basic action.
- Geographically, since the last call for proposals, there were some countries that were noticeably more present in requesting IFCD funds which the Coordinator suggested represented a geographical rebalancing. Following debates of the eight session of the Committee, countries submitting proposals for a second project ceded priority to countries submitting proposals for the first time. There were many projects from Latin America and the Caribbean, a stagnation in projects from Africa, a strong presence of projects from Eastern Europe, a small increase in the number of projects from Arab States, one funding request from an INGO, and one from Asia.

In conclusion, the Coordinator noted that the Experts had examined 36 projects from NGOs, 18 from Parties to the Convention, and 1 from an INGO. The Coordinator concluded that the IFCD remained an innovative instrument that facilitates dialogue, creates conditions for development, and fosters respect for culture for all. He thanked the contributors to the IFCD and all stakeholders as he announced that his mandate was coming to an end this year.

67. The delegation of **Brazil**, noting the discrepancy between the 55 projects deemed as eligible and the decision to recommend funding for 6 projects, or roughly 10%, asked to hear more about the eligible projects that were not recommended. Furthermore, Brazil commented on the geographic imbalance of selected projects, 65% of which were accorded to the Latin American and Caribbean region. Brazil asked what could be done to rebalance the geographical distribution, suggesting a new methodology for project selection.
68. The delegation of **France** commented on the small number of projects recommended out of the 55 projects deemed eligible, asking for more information on the available resources in the IFCD, to which it is a regular contributor. France asked if any projects deemed interesting but not selected could be presented to the Committee for additional consideration.
69. The delegation of **Saint Lucia** concurred with the comments made by France, noting that following the previous call the Committee was provided with a list of projects that received the necessary evaluation points but were not selected for funding due to the IFCD's financial restrictions. Saint Lucia suggested that since many of these projects had been re-submitted in the current call and were selected for funding, they should be publicized on the Secretariat's website in order to keep Parties motivated to submit projects. Saint Lucia opposed allowing the Committee to select projects, which it felt would politicize the Committee, and reaffirmed its trust in the Expert Panel's recommendations. It agreed with **Brazil** on the need to follow-up on good projects not able to be funded, and with **France** on the possibility of finding alternative ways to fund these projects such as by appealing directly to donors. This could be done using a country-approach in which countries decide what their national priorities are and look for funding accordingly.
70. The **Chairperson** observed that only 2% of the 300 project proposals submitted for funding requests were recommended by the Expert Panel for funding. He called this an alarm to reconsider the IFCD's limited financial resources which severely restrict the Fund's impact, diminish its attractiveness, and limit the function of the Convention.
71. The delegation of **Morocco** echoed **Saint Lucia** on the importance of keeping the selection of projects out of the hands of the Committee and the expression of confidence in the Expert Panel's selections.
72. The delegation of **Austria** appreciated the transparency brought to the selection process by the newly available online database. Austria asked the Secretariat what the procedure was for the highly evaluated projects that did not receive funding, in the hopes of using IFCD selection as a marker of quality in order to secure outside funding for these projects.
73. The delegation of **Nigeria** endorsed the projects selected by the Panel of Experts while remarking on the low number of projects recommended. Nigeria suggested putting online the quality projects that did not receive funding with the hope of securing alternative extra-budgetary funding for them from Parties interested in investing in capacity-building and awareness-raising for the Convention.
74. The **Secretary of the Convention** thanked everyone for their comments and recalled that the same discussion had been held following the previous call for proposals. She reiterated that due to the limited funds in the IFCD only a certain small number of projects could be funded and that everyone involved was frustrated by these limitations. She recalled that of the 294 projects submitted only 55 were eligible for pre-selection. Of those 55, 6 were recommended by the Panel of Experts for Committee approval according to its established criteria. Furthermore, she recalled the Committee proposal for projects receiving an evaluation score of 30 or higher to be eligible for funding within the budget

available; noting that there were more resources available in the IFCD in previous years. The Secretary emphasized that the Expert Panel and the Secretariat were reliant on the Parties to work with their National Commissions to see which projects could receive funding from other donors. She noted the existence of an online database of un-funded projects since three years that includes all of the information concerning each project including Expert evaluations and correspondence with the Secretariat. She evoked the Committee's adoption of a fundraising strategy for the IFCD and suggested that the Committee focus on this strategy to allow for more projects to be supported in the future.

75. The **Coordinator of the Expert Panel** added that the IFCD performance was in part related to the communication strategy and that over the last six years awareness-raising resulted in higher numbers of good quality project proposals. He observed that seeking alternative funding for good projects was outside of the scope of the Expert Panel and reminded the Committee that projects that did not achieve a high-enough score were always invited to re-submit in the following year's call for proposals with the integration of the Experts' recommendations into the selected projects; an important mechanism for project improvement. He also emphasized the non-politicized nature of the Expert Panel and its project selections.
76. The **Secretary of the Convention** read out the recommended projects individually for final Committee approval. All 6 projects recommended by the Expert Panel were confirmed as approved by the Committee.
77. The **Chairperson** congratulated the 6 projects, thanked Mr Richard, Coordinator of the Expert Panel, for his excellent work during his mandate, wished for his future success, and called for his applause. The Chairperson opened the floor for the recommended new appointments for the Panel of Experts and invited the Secretary to present these recommendations.
78. The **Secretary of the Convention** thanked Mr Richard, Coordinator of the Expert Panel, on behalf of the Secretariat for all of his good work and dedication. She recalled the paragraph 16.1 of the Guidelines on the Use of the Resources of the IFCD calling for the Secretariat to provide recommendations for new Panel members to be approved by the Committee at this session. The Secretary acknowledged the excellent work of the Panel since the appointments made at the seventh ordinary session of the Committee and announced the renewal of the mandates of three of the Panel members for a two-year period in order to ensure the smooth continuation of the Panel's work: Ms Helene George, Ms Yarri Kamara, and Ms Ouafa Belgacem. She asked the Committee to examine and approve three new Panel Members for a period of four years; noting that these Experts were being recommended from a wide network of experts in the field of cultural policy, culture and creative industries, and culture and development.
 - **Ms Catherine Cullen**, President of the Committee on Culture and United Cities in Local Governance; with over 30 years of experience creating and managing projects on culture and sustainable development and is the Editor of *Libere* the first European Cultural Supplement.
 - **Mr Peter Inkei**, Director of the Budapest Observatory; he is an expert for the compendium of cultural policies and trends in Europe with a specialty in cultural policy, comparative cultural policy studies, cultural management, and the impact of policies and EU programs in Central and Eastern Europe.
 - **Mr Carlos Villaseñor**, an independent international counselor for Argentina, Brazil, Colombia, Ecuador, Mexico, Panama, and Paraguay for cultural policy design specializing in social cohesion and the cultural economy. He is currently a Member of the Expert Facility specializing in the field of governance for culture in developing countries.

The Secretary noted that these experts have worked with the Secretariat in the framework of the Expert Facility as well as in other partnership arrangements. She further proposed the appointment of alternative experts who would replace the current members on the Panel in the event that they are unable to fulfill their mandate. She read the names of the alternative experts presented in the document.

79. The **Chairperson** thanked the Secretary of the Convention for her presentation and invited the Committee Members to comment on the renewal of the Panel of Experts. Seeing no comments or objections, he invited the Committee Members to provide additional comment on the IFCD project selections. Seeing none he invited the Observers to take the floor.

[Observers]

80. The delegation of **Cuba** asked what the criteria and mechanisms were for the Secretariat's selection of members of the Panel of Experts.
81. The **Secretary of the Convention** responded that the Experts recommended worked within the Expert Facility for the Convention with specialties in three domains: cultural policy, cultural industries, and culture and development. She recalled that the mandate for the selection and presentation of Expert Panel members had been given to the Secretariat several years ago; noting that the Guidelines included criteria for the Experts and that the Secretariat had chosen one by electoral group according to these criteria including gender equality, expertise, and geographical representation among other considerations.
82. The **Chairperson** opened the floor for comment and seeing none invited the Secretary to continue presenting the document on the IFCD.
83. The **Secretary of the Convention** presented the follow-up to the implementation of the IOS recommendations on the IFCD highlighting a table in the Annex IV of working document 6. The IOS recommendations had been fully implemented and integrated into the IFCD Guidelines as well as in the new application procedures and evaluation documents. The Secretary drew special attention to Recommendation 7, a results-based management framework for the IFCD which has been further introduced into the managing mechanisms in order to guide the process, but called for additional resources for its development. The fundraising and communications strategy adopted for 2013-2018 is being progressively implemented in three phases. At this session, the Committee is asked to review progress made during phase 2 of the strategy, and to assign a budget for 2016 activities. The Secretariat had begun to work to expand the IFCD donor support base beyond governmental donors and had conducted prospecting research and started a database for other funding sources, namely from the private sector and high-net worth individuals. Furthering the Committee Decision 8.IGC 9, made during its eighth ordinary session, the Secretariat is working with a specialist in communications and fundraising in order to pursue and cultivate relationships with perspective partners. This strategy foresaw 95,125 USD to implement fundraising activities from July 2014 to June 2016 with an estimated budget of 80,125 USD for phase 3 from July 2016 to December 2017. The Secretariat requested that the Committee allocate 50,489 USD from the unassigned funds to carry out activities in 2016 corresponding to one-quarter of the total budget for phase 2 activities, plus one-third of the total budget for phase 3 activities. Throughout the second phase of the strategy, various communication tools were developed and widely distributed to increase IFCD visibility and communicate impact results from IFCD projects. All Parties were encouraged to actively distribute these tools including the documentaries on project impacts being shown during the session. She called for additional efforts for the IFCD to reach its target goal of regular financial support from at least one half of the Parties by 2018. Since 2007, the total cumulative contributions have reached 7.7million USD from

34% of the Parties. She noted that only 11% or 15 out of 140 Parties make annual contributions. To encourage regular voluntary contributions and further to Resolution 5.CP.10 the Secretariat will issue an official appeal for contributions with a baseline request. The Secretary noted that the Secretariat has been waiting up to six months, in some cases, to receive signed letters of agreement from Parties in order to accredit their voluntary contributions received in the UNESCO account to the IFCD. The Secretariat urged all Parties to communicate with their capitals on this.

The IFCD financial statements of income and expenditure for the period 1 January 2015 – 30 June 2015 is available. The draft provisional budget to be adopted was presented in Annex VI of document 6 and is broken down into fixed costs and the funding of projects. The fixed costs include the evaluation of funding requests, the operational costs and the cost of participation in statutory meetings for Committee members from developing countries. The funding of projects includes the 551,658 USD for projects approved during this Committee session, and 76,668 USD estimated for cost recovery in 2016 pertaining to direct project management. She reminded the Committee of its eighth session agreement for the Secretariat to apply its cost recovery policy consistently for the direct management of IFCD projects and not for overall IFCD management. 337, 226 USD are available in the unassigned funds. Should activities be foreseen for the fundraising strategy the Committee can decide to take this amount from the unassigned funds as decided by the past four Committee sessions. In addition, the amount of 76,668 USD is requested from the unassigned funds in the IFCD's special account to recover the direct administrative monitoring and coordination costs for the IFCD projects, including staff costs and borne by the regular UNESCO budget for the period January – December 2015.

84. The **Chairperson** thanked the Secretary of the Convention for her presentation, underscored all that had been achieved by the IFCD, and urged Parties to regularly contribute to the IFCD so that more projects could be financed. He called for all Parties to renew their commitment and pursue a collective effort, involving all stakeholders, in innovative fundraising activities.
85. The delegation of **Saint Lucia** emphasized the IFCD financing issue, made clear by the Secretariat's report. Acknowledging the inherent difficulty in voluntary contributions, Saint Lucia expressed deep concern over the extensive lack of contributions. The delegate echoed the concerns raised by **Austria** on the lack of funds available for priority activities such as for the evaluation and follow-up of financed projects or for the evaluation of the IFCD in 2017. She emphasized the requirements, in many countries, of continual evaluation needed to contribute funds as well as the lack of funds for the evaluation of the impact of Article 16 and 21, which are at the center of the Convention. Recalling requests for invoices for Ministries of Finance and the decision to implement such a letter, Saint Lucia asked why this had not yet been done and encouraged out-of-the-box thinking for solutions to the IFCD's financial restrictions, especially in light of the growing number of activities in need of funding.
86. The **Secretary of the Convention** informed that the Secretariat has been working with the Bureau of Financial Management (BFM) to create a type of invoice letter to be sent to all Parties to the Convention asking them to give a voluntary annual contribution of at least 1% of their contribution to the regular UNESCO budget. She affirmed that while this letter was ready, the Secretariat was asked by the BFM to delay its issuance until 2016 when it calculated the Parties' new UNESCO contributions.
87. The **Chief Administrative Officer of the Culture Sector**, Mr Abdelghani Baakrim, confirmed the issuance of invoice letters, their development, and the subsequent delay as a result of the BFM request to wait for the calculations of country contributions for 2016. The letters would be sent as soon as possible.

88. The delegation of **Brazil** echoed **Saint Lucia** emphasizing the importance of issuing the invoice letter. Brazil noted that if the regular contributions to the UNESCO budget were going to change, this change could be reflected in a new letter for 2016; however, it requested that a letter for 2015 be sent out before the end of the year. Brazil underscored the importance of continuing evaluation and external auditing activities; confirming that its Ministry of Finance had requested a copy of the last IFCD external audit as a prerequisite for financial contributions. As such, Brazil proposed reserving some of the finances in the IFCD to ensure future evaluation.
89. The **Secretary of the Convention** affirmed that as per Brazil's request, a letter of invoice for 2015 would be sent out as quickly as possible. She confirmed that the new guidelines for the IFCD included regular evaluations and that the terms of reference for the next, 2017 evaluation would be put to the Committee at its next ordinary session for approval and would follow the criteria established by the governing bodies.
90. The **Chairperson** thanked the Secretary for her response and called for more flexibility in the IFCD strategic financial planning. He expressed his support of an invoice letter for 2015.
91. The delegation of **Austria** noted that phase 1 of the fundraising strategy resulted in an achieved 75% of the targeted goal and that with only six months remaining in the second phase, the funds received remained far from the targeted goal. Austria asked if the Secretariat thought this target would be achieved. Recalling the Resolution taken by the fifth Conference of Parties requesting the Parties to undertake national-level fundraising activities with a Secretariat report on those activities to be issued at the next Conference of Parties, Austria expressed its support of this decision. The delegate asked the Secretariat how it would compile the data for its report and proposed organizing experience exchanges among the Parties to assist with the data collection. Austria asked for additional information about the money that would be directed towards cost recovery in 2016.
92. The **Secretary of the Convention** indicated that the Secretariat was asking for a formal decision from the Committee in order to transfer the calculated cost recovery funds, to be used for the direct management of IFCD projects. Concerning Austria's question on the targets for the second phase of the fundraising strategy, the letters of invoice and other initiatives in the second phase were aimed to raise more funds and achieve the target. She confirmed that private sector outreach had just begun and would continue in 2016.
93. The delegation of **Morocco** asked if the Secretariat or the IFCD makes agreements with project beneficiaries obliging them to communicate the results of their project to the concerned Party in the hopes that this would encourage States to further contribute to the IFCD. Furthermore, in its experience with an IFCD project, the delegation noticed that there was an internal lack of communication between the project beneficiary, its national government, and the Ministry of Culture staff.
94. The **Secretary of the Convention** confirmed that when an IFCD project is approved for funding the Secretariat enters into a contractual agreement with the beneficiaries who are required to produce extensive financial reports concerning all aspects of the project and its development before any money is released. This contract also obliges beneficiaries to produce visual documentation of the project so that the Secretariat can produce impact materials. She recalled the past organization of exchange sessions with project beneficiaries affirming that while these meetings could not be held every year, the project videos served as reporting on project impacts.

[Observers]

95. The delegation of **Saint Vincent and the Grenadines** echoed comments made by **Saint Lucia** and **Austria**, and asked how the Secretariat was attracting private sector donations and if it could use the projects recommended but not supported due to funding limitations as a means of getting both private sector donations in general and alternative funding for these projects in particular.
96. The representative of the **International Federation of Coalitions for Cultural Diversity** (IFCCD) reemphasized that cooperation between stakeholders occurs on the ground through diverse networks of individual actors. Owing to this reality and the limited financial resources of UNESCO, the Parties had the responsibility of promoting cooperation and finding financing on the national-level.
97. The delegation of **Canada** emphasized the need for greater IFCD visibility for the collective promotion of it as a mechanism to implement the Convention. While Canada acknowledged proposals from **Saint Lucia** and **Austria** to find external sources of funding for un-funded projects, it observed that searching for external funding not directly benefitting the IFCD would not resolve the IFCD funding issue and would ultimately reduce its overall visibility.
98. The delegation of the **United Kingdom of Great Britain and Northern Ireland**, in referring to the draft decision, asked about paragraph 9 and into which account it would authorize the funds to move into. Relative to paragraph 13, the delegate asked if the invoice letter needed to be formally entered into a decision in order for the BFM to execute it. The delegate expressed his discomfort with adding a formal decision for a “fake” invoice and asked for suggestions for more appropriate wording.
99. The **Secretary of the Convention** responded that paragraph 13 should be read in conjunction with paragraph 14 which, “asks for the Director-General to launch, in 2016, a new appeal to all Convention stakeholders for contributions quoting the 1% of the contribution...” She emphasized the use of the word “quoting” and the language of the paragraph which prevented using terms such as “fake invoice,” or “shadow invoice.” She confirmed that the funds allocated for cost recovery would go directly to the Secretariat of the Convention to be used for project management and monitoring. Referring to the question about private sector fundraising, the Secretariat had just begun working with the external specialist on private sector fundraising and would be able to provide a detailed report of its activities in this area at the next session of the Committee.
100. The **Chairperson** asked if all of the Committee members were satisfied with the responses to their questions. He asked the Secretariat to put the text of draft decision 9.IGC 6 on the screens, confirmed that the Secretariat had not received any written amendments to the decision, and proceeded with a paragraph by paragraph reading of the decision for its adoption. Following his reading of paragraph 5, the Chairperson gave the floor to Brazil.
101. The delegation of **Brazil** asked if the paragraph could reference Resolution 5.CP 10, for the invoice letter to be sent out annually by the Secretariat. Following a reading of this resolution, Brazil requested that wording requiring the issuance of an annual letter appealing for IFCD contributions be added to the decision.
102. The delegation of **Saint Lucia** supported Brazil's proposal and asked what the proper placement was for such an addition, suggesting that it be added to paragraph 13 or 14.

103. The delegation of **Brazil** clarified that its suggestion was to add a reference to one paragraph of the decision and an explicit mention of the invoice letter in paragraph 13 or 14. The delegate confirmed that he was referring to the same letter mentioned by **Saint Lucia** and the **United Kingdom of Great Britain and Northern Ireland** using the language in the Resolution on the letter as made by the Conference of Parties. Brazil underscored the importance of using the language that was originally adopted.
104. The delegation of the **United Kingdom of Great Britain and Northern Ireland** asked the Secretariat for confirmation of its interpretation that paragraph 5 refers to those requesting money from the IFCD, while paragraphs 13 and 14 refer to those wishing to contribute money to the IFCD. The delegate expressed his approval of **Brazil's** suggestion to mention both the Resolution and the letter, specifying that this should be done in either paragraph 13 or 14 instead of in paragraph 5.
105. The delegation of **Brazil** accepted the suggestion made by the **United Kingdom of Great Britain and Northern Ireland**.
106. The **Chairperson** asked the Secretariat if there was need to amend the first five paragraphs of the draft decision.
107. The **Secretary of the Convention** suggested that the Committee use the same language that was adopted by the Conference of Parties in Resolution 5.CP 10 for paragraph 13. This would involve adding the following phrase to the paragraph after the word UNESCO, “and requests the Secretariat to send an official letter of appeal on an annual basis.” She confirmed that this language was identical to that in 5.CP 10.
108. The delegation of the **United Kingdom of Great Britain and Northern Ireland** expressed its preference for the amendment to be included in paragraph 14 instead of in paragraph 13.
109. The delegation of **Brazil** underscored the differences between the two paragraphs in question specifying that the Director-General of UNESCO makes and will continue to make the general appeal to all Parties whereas in this case, letters were needed for each Party individually. As such, Brazil preferred not to mix this appeal with a requirement for the invoice letters. Furthermore, Brazil asked that paragraph 14 be broken into two paragraphs so as to include the requirement for a letter concerning 2015 in addition to the letter that would be issued for 2016.
110. The **Secretary of the Convention** noted that each year the Director-General of UNESCO sends a letter to all Parties asking them to make a regular contribution of 1%. Therefore, the Secretariat added the word “quoting” to the paragraph to specify that the letter would be an individualized letter for each Party with the Director-General quoting the amount that should be contributed. She underscored that this was the nature of the “invoice” under discussion, which was not actually an invoice but a letter that goes to all of the Parties with something that structurally resembles an invoice to make it easier for Finance Departments to make contributions.
111. The delegation of **Saint Lucia** recapitulated that there would be only one letter going out and that this letter would be structured in the form of an invoice; as such it supported **Brazil's** proposed wording for the addition to paragraph 13 including the phrase “the official letter” with the addition of language specifying the issuance of a letter for 2015 in paragraph 14. Saint Lucia underscored that some States would still be able to pay for 2015 if they received the letter before the end of the year as well as the necessity for securing all additional funds possible for the IFCD.

112. The delegation of **Brazil** supported **Saint Lucia**'s suggestion to keep the addition to paragraph 13 and added for paragraph 14, "requests the Director-General to send the official letter of appeal for 2015 before the end of the year and to launch in 2016 a new appeal to all Convention stakeholders individually." Brazil emphasized the importance of clearly stating the individualized nature of the letter for contributions.
113. The delegation of **Morocco** asked whether the Parties had received a letter in 2014 quoting the amount paid by the Member States.
114. The **Secretary of the Convention** specified that no such letter had gone out in 2014 as the decision was adopted at the Conference of Parties in 2015. She noted that every year for the last five years, the Parties have received a letter asking for voluntary contributions with no amount specified. She recalled that the Parties had made it clear that having a letter quoting an exact amount and formatted in a certain way would help it to be presented as an invoice in order to facilitate payments.
115. The **Chairperson** noted that 1% was meant to be symbolic and that it did not accurately reflect the donations received by countries which were sometimes higher and sometimes lower than the 1% specified.
116. The **Rapporteur**, speaking on behalf of **Uruguay**, asked for a point of clarification on the letters. She asked if the Committee was now asking for two letters each year, one from the Director-General and another from the Secretariat.
117. The **Secretary of the Convention** clarified that the only difference between letter 1 and letter 2 was the year; otherwise they were both the same letter from the Director-General quoting the amount of 1%, with one going out before the end of the year in 2015 for Parties still able to pay and the same letter going out again in 2016 in response to the Party request for annual contribution requests quoting an exact amount.
118. The delegation of **Morocco** announced that even if it did receive a letter before the end of calendar year it would not be able to pay for the year 2015 as it was too late.
119. The delegation of **Saint Lucia** specified that the addition to paragraph 13 made by **Brazil** was not intended to require a new letter but to guarantee the annual issuance of a letter, in the form of an invoice, quoting an exact amount for contribution. The addition to paragraph 14 was to make it clear that no letter had been sent out in 2015 and that the Committee was requesting that it be sent before the end of the year in order to attempt to recuperate lost contributions as a result of the absence of this letter. Saint Lucia clarified that sending a letter out for 2015 created no obligation for those countries unable to pay so late in the year and that its mention was being added to the paragraph to ensure its timely issuance. Saint Lucia concluded that any contributions, no matter how small, would be important considering the severe financial restrictions of the IFCD in its current state.
120. The delegation of **Brazil** explained the additions to the paragraphs would effectively result in a change to the letter sent out by the Director-General by adding a quoted amount. Since this change was not made to the Director-General's letter sent out in March 2015, a second letter with the quoted amount, would be required for 2015; however, beginning in 2016 only one letter including a quote would be sent out from the Director-General to each Party.
121. The delegation of **Australia** supported the additional wording in paragraph 14 and suggested for paragraph 13 changing the word "Secretariat" to "Director-General" in order to clarify.

122. The **Chairperson** thanked the delegation of Australia and asked Brazil if it agreed with the suggested amendment.
123. The delegation of **Brazil** underscored that while it was using the same language as the Resolution, it accepted the change from “the Secretariat” to “the Director-General,” and emphasized its desire to keep the rest of the added language the same if possible.
124. The delegation of **France** suggested ending paragraph 13 after the word UNESCO with the wording, “as demanded in the annual official letter of appeal.” France specified that this would avoid the confusion surrounding the use of both “the Secretariat,” and “the Director-General” while recalling that this call would be issued annually through the letter of appeal.
125. The delegation of **Brazil** specified that as long as the Secretariat understood that it was being requested to ensure that a nominative letter is sent to the Member States each year quoting the 1% contribution in a specific dollar amount and resembling the form of an invoice it would adopt the amended decision.
126. The **Chairperson** thanked all of the delegations and asked if they were ready to adopt paragraphs 13 and 14 as amended, seeing no objections he declared the two paragraphs adopted.

Decision 9.IGC 6 was adopted with amendment.

ITEM 7 – TOWARDS OPERATIONAL GUIDELINES ON DIGITAL ISSUES

Documents CE/15/9.IGC/7, CE/15/9.IGC/INF.6a, and CE/15/9.IGC/INF.7

127. The **Chairperson** opened the discussion on agenda item 7 and recalled the three-year discussion on digital issues. At the fifth ordinary session of the Conference of Parties it was decided that the time had come to set some operational guidelines for this issue. The Chairperson explained that the guidelines set by the Committee would be presented for approval at the next Conference of the Parties in June 2017. The Chairperson invited the Secretary to present the document.
128. The **Secretary of the Convention** recapitulated that this session initiated an official debate on the preparation of the draft operational guidelines for digital issues. The Committee should define the format and content of these guidelines using the framework presented in Annex II of document 7, with a focus on the development of transversal operational guidelines. She noted that the framework presented in Annex II took into account: the legal framework of the Convention; its provisions; the existing operational guidelines approved since 2009; the principles of technological neutrality and the sovereign rights of States; the main discussions and decisions of the governing bodies from the last biennium; issues related to the arrival of new digital actors; digital impacts on distribution and inequalities; issues related to communication infrastructure; and the need for new regulatory systems and remuneration models. The draft framework was intended to respond to concerns raised on artistic freedom in the digital age, net neutrality, and big data algorithms. The Secretariat also took into account all of the written contributions made by the Parties and civil society organizations in the past two years, the recent non-paper circulated by Belgium, Canada, and France, and the main conclusions of the debates concerning digital issues organized around the 10th anniversary of the Convention. The Secretary recalled that at its fifth ordinary session, the Conference of Parties identified several priorities that should be addressed in the framework. She drew the Committee’s attention to the new conceptual framework on internet universality developed by the Communications Sector and endorsed by the General Conference. This framework is based on four core principles considered as preconditions for the Internet to be considered universal: human rights; openness; accessibility; and multi-stakeholder

participation (ROAM). She noted that these principles are to be respected equally by governments, private sector intermediaries, and in accordance with the UN guiding principles for business and human rights. She confirmed the addition of these four principles to the proposed framework in Annex II under the section dealing with key principles in the digital age and indicated that Ms Sylvie Coudray, Chief of Section, Division of Freedom of Expression and Media Development, Communications and Information Sector, was present to facilitate the debate. In conclusion, she underlined the work of the Secretariat to support the Committee's discussion on digital issues. This included the organization of several events in 2015 including an exchange session entitled, "The Diversity of Cultural Expressions in the Digital Era," organized before the beginning of the fifth ordinary session of the Conference of Parties thanks to the support of the Government of Spain; the summary of the debates of this discussion are available in information document 6a. To further inform the Committee's debate, the Secretariat launched a study on digital issues and the challenges faced by Spanish-speaking countries with the support of the Spanish Government; as well as a study conducted with the Bangkok Field Office on digital issues in Southeast Asia as presented in information document 7. Furthermore, she noted a conference on digital issues organized in cooperation with the French National Commission for UNESCO on 17 December 2016.

129. The **Chairperson** noted that much had been accomplished by the Parties on digital issues in the last biennium. He reiterated the need to develop a framework to form the basis of preliminary draft operational guidelines and to provide guidance to the Secretariat. These guidelines were intended to ensure the effective implementation of the Convention by all Parties in the digital age. The Chairperson opened the floor for debate with encouragement for all Committee members to participate.
130. Parties congratulated the Secretariat for the comprehensiveness and clarity of the document and its presentation.
131. The delegation of **Brazil** underscored the comprehensiveness of Annex II, noting that it did not appear to lack any significant elements. Brazil posited that many of the Committee members could benefit from hearing more about the core concepts and key ideas presented and included in what it called a very brief but dense proposal of operational guidelines. The delegate emphasized the need for additional Committee reflection on the individual ideas encompassed in the draft guidelines in relation to the complex concepts underlying their creation. Citing the General Conference document, "CONNECTing the Dots," Brazil asked if the framework's main ideas could be discussed followed by a small debate on its general considerations and key principles. Brazil emphasized the need to go step-by-step in order to ensure that everything necessary was included in the framework; such as consideration of the potential impact of the guidelines on issues including internal policymaking, application to the government and private sector, relations between regulation and the private sector, freedom of expression, market forces, and taxation.
132. The delegation of **France** thanked the Chairperson for encouraging all Committee members to participate and acknowledged that while the proposed draft in Annex II was far from final, it was a solid step in the right direction. The delegate underscored the scope of the digital age, calling it a new world needing to be shaped according to the fundamental values of UNESCO and the Convention. France stressed guidelines would ensure the Convention's effective implementation in the reality of the world today; in other words, the Committee was not creating laws, they were proposing actions. France recalled that these actions followed a 10 year fight to preserve the importance of culture for human, social, and economic development. As such, the framework should allow for: the implementation of the Convention in the digital age with technological neutrality; the promotion of digital cultural goods and services as more than economic commodities for exchange; and the sovereign right of States to create laws regulating the digital realm to protect their cultures, facilitating access to other forms of cultural expression, promoting

the fair remuneration of artists for their work, and promoting free expression in accordance with human rights. France felt this to be extremely important in light of the November attacks in Paris and the attacks in many other parts of the world. It highlighted the need to adapt the Convention's tools to the realities of digitization and the presence of new digital actors in order to preserve the diversity of digital cultural production, to support local producers while defending the rights of the author, and to include the Convention in trade negotiations. The Delegate noted some of the benefits of digital technology to culture, cultural diversity, cultural expressions, and the renewal of modes of its production and consumption. France felt that UNESCO needed to reaffirm its obligation to international cooperation in order to support the emergence of new technologies with respect of its development model. It called for reinforcing the place of digital technology in development with a view of improving the access to networks, command of new tools, and the training of users according to local specificities. Instead of being a fault line between Parties, digital technology should be an opportunity for all, permitting each to contribute to the development of their countries and cultures. France appreciated the Annex's inclusion of the key issues raised in the Belgium, Canada, France non-paper drafted in consultation with civil society and thanked the paper's co-producers for its distribution. France's comments were supported by **Slovakia**, and **Lithuania**.

133. The delegation of **Slovakia** reaffirmed the importance of the draft operational guidelines and suggested that Annex II include a note that mutual cooperation between Parties is mandatory.
134. The delegation of **Nigeria** posited that despite a number of events organized by Convention stakeholders in 2015 in preparation for the debate on digital issues, many voices were still not being fully heard. Nigeria underscored the need to fill this gap, especially in consideration of Africa's lack of digital development and the number of African Parties to the Convention. To do so, Nigeria emphasized the need to support its UNESCO category 2 centre, the Institute of African Culture and its National Understanding. He confirmed the organization of an African regional roundtable on the diversity of cultural expressions in the digital age, the results of which could be presented at the Committee's tenth session. Nigeria suggested that specific reference to SDGs be included. It noted the document's lack of reference to the impact of digitization on the implementation of the Convention's provisions, important due to the rapid change of digital technology and the need to anticipate the impact of such changes on the diversity of cultural expressions in different social contexts. The delegate underscored giving more consideration to copyright issues and piracy in both the guidelines and key principles, as these deeply affect the African Region, and suggested the inclusion of provisions for the exploitation of traditional knowledge, an increasingly important element in cultural industries. Parties should be encouraged to digitize their particular cultural goods and services on the national level so they can be shared at the regional and international levels. Nigeria indicated a need to encourage the full participation of all members of society in the diversity of cultural expressions, citing minorities, indigenous people, youths, women, and other vulnerable groups in particular. It suggested including specific references to young people to make culture more appealing to youths and train them in the business of cultural goods and services. Nigeria concluded that the guidelines should recognize the custodians of culture and promote digitization to bring balance to the diversity of cultural expressions, especially in Africa where some cultures are considered to be secret and undigitizable.
135. The delegation of the **United Kingdom of Great Britain and Northern Ireland** welcomed the incorporation of digital issues in the scope of the Convention and the preparation of the draft operational guidelines, which allow for consideration of a wide range of issues. While the UK confirmed that it was ready to support the draft framework unamended, it had comments to share. First, it noted that the guidelines appeared to be prescriptive in some instances through the inclusion of words such as, "shall" and "guarantee" in multiple

paragraphs. The UK felt this language was not appropriate for use in guidelines, citing the appropriate use of the word, “could,” in paragraph 14. As such, it suggested that all of the words “shall,” and “guarantee,” be changed to appropriate conditional terms. The delegate gave an example of the importance of these changes. The UK recommended review of paragraph 11.4.4 as it did not understand the meaning of this paragraph as written. It requested a cost-benefit analysis of the proposal in paragraph 14.5 for the creation of an inter-ministerial group on digital technology in order to ensure the added value of such a group in the context of the austerity programs in many governments. The UK affirmed that it would not support the addition of mandatory wording to the guidelines as suggested by **Slovakia**.

136. The **Chairperson** reiterated that the text under consideration was merely intended to be an initial framework for guidelines, not the text of the guidelines themselves which would be written later by a group of experts with the wide participation of the Parties. He confirmed that the UK’s preference for the avoidance of prescriptive language would be taken into consideration.
137. The delegation of **Lithuania** underscored the need for an integrated approach to digital issues due to the rapid growth of economic markets and forces that can sometimes clash with the interests of cultural diversity and the protection of cultural values. This approach would start from public policies developed to promote culture, to help artists express themselves, and to ensure the rights of artists worldwide; and would respond to the need for international cooperation to strengthen international instruments and public policies. Lithuania emphasized acting globally, especially in consideration of some international agreements and developments in the global marketplace that put cultural value chains in danger and inhibit the preservation and development of local cultural content for worldwide distribution. Lithuania stressed the importance of balancing considerations for small countries so that their local cultural goods and languages can be promoted internationally via new technologies.
138. The delegation of **Germany** thanked **France, Canada, and Belgium** for their long-standing efforts to animate debate on the digital issue. Germany confirmed that it would support the draft framework as presented in Annex II with comments. First, it commended the inclusion of the internet universality principle, efforts to integrate this issue with culture, and the overall human-rights based thrust of this principle. Germany underscored the significance of the UN Global Compact framework, expressing its hope that some of the larger Internet intermediaries would join this platform. It noted that the biggest challenge was not in the drafting of the text for operational guidelines, but in the promotion of rapid changes in the ecosystem of cultural products; especially in light of the rapid change of technological development which was pushing Germany to update its existing legal, fiscal and policy systems on all governance levels. It emphasized the importance of the nexus of the transversal operational guidelines with data, the production of cultural goods and flows as presented by the UNESCO Institute for Statistics, and with the media diversity issue. Germany made five remarks specific to the content of the Annex: 1) Paragraph 3, must reflect the importance of the remuneration issue which is directly linked to cultural diversity. Germany read this paragraph as interlinked with the encouragement of investment in creative industries because policies must be able to support professional creation of quality cultural content over time. 2) The freedom of artistic expression is more than just a corollary of freedom of opinion; it is a principle expressed in the UN human rights instrument. 3) Germany expressed doubt on mixing the notion of national and international cooperation in paragraphs 11 and 12 with the inclusion of Internet intermediaries as a coherent part of the creative and cultural economy and industries. As such, it would prefer to disaggregate these issues for the time being. 4) Referring to Article 12 and international cooperation, Germany confirmed that while it does not have an inter-ministerial working-group it does have a clear position paper from 7 October 2015 made by all relevant

Ministries. Germany urged the use of precise descriptions and wording in the chapeau; therefore, it did not support usage of new notions, terms, or definitions for the sake of brevity such as those used in 12.2 and 12.3. 5) Germany affirmed that since Parties would be sharing good practices in their periodic reporting there was no need to install a separate mechanism for their exchange. In conclusion, Germany noted that it looked forward to hearing civil society's assessment of the elements in the document highlighting variations among Convention assessments.

139. The delegation of **Austria** emphasized the need for focus in the transversal operational guidelines due to the vastness of the issues covered and the need to avoid redrafting the Convention. It made four comments on the text as presented in the Annex: 1) the key principles of human rights, the freedom of expression, net neutrality, and the sovereign rights of States need to be an integral part of the operational guidelines; 2) the fair remuneration of artists must be ensured; 3) provisions ensuring that local content is not only protected, but also made accessible and visible in the digital age need to be included and provisions promoting digital literacy could be of value; 4) it is essential to find the right language to facilitate the inclusion of cultural provisions in trade agreements.
140. The delegation of **Australia** supported the development of draft operational guidelines and the draft decision. Australia noted that the work on the guidelines should support, compliment, and contribute positively to related work in the international arena, and should be consistent with other international laws. As the operational guidelines were not intended to create additional international legal obligations, it is important to understand how the guidelines will work in the broader context of international law concerning digital technologies. Australia supported the Kingdom of Great Britain and Northern Ireland's suggestion to avoid the use of language implying legal obligations and acknowledged Germany's comments on risks in the international sector.
141. The delegation of **Morocco** presented an overview of its national efforts related to the operational guidelines. Morocco has developed a national plan for adapting to the rapid developments of digital technology called, "Morocco 2020," that translates the country's desire to be dynamic and permit its citizens digital access to national services such as health and education. Furthermore, the Ministry of Culture has implemented an action plan including the digitization of its archives and several collections of its national libraries. In order to further inscribe digitization in its implementation of the Convention, Morocco initiated two priority actions in 2015: the creation of an Interdepartmental Commission that will meet monthly to reflect on the transversal nature of culture and the necessary convergence of digital and sectoral plans in this respect; and the organization of a roundtable and a workshop on digital technology and the interlinking of cultural actors with the public. The roundtable will involve both the Interdepartmental Commission and civil society actors. Morocco feels that digital technology represents an opportunity that diffuses rapid access to diverse cultural expressions and a threat that promotes the development of digital cultural expressions in an imbalanced environment in which many countries do not have advanced digital capacities. Within this context, Morocco commended the development of draft operational guidelines to create means, help countries in need of technical assistance, and reinforce international cooperation.
142. The delegation of **Ethiopia** underscored the importance of digital issues and sustainable development for the implementation of the Convention. Ethiopia asked the Secretariat for additional details on the studies undertaken in Africa for the preparation of the draft framework in relation to studies conducted in Asia and Latin America. It also asked about the development of cultural statistics in the database. Ethiopia noted that digital issues the Ministry of Information and Communication is responsible for digital issues and not the Ministry of Culture.

143. The delegation of the **United Arab Emirates** emphasized the avant-garde nature of the operational guidelines, especially in light of its regional context which a recent UN survey indicated suffered from a basic literacy problem. The delegate posited that the Arab Region also suffered from a digital literacy challenge, but that these two challenges could be addressed through the rapid technological changes currently occurring worldwide. He observed that there was a significant influx of regulatory systems which created additional challenges that are important to keep in mind considering the considerable scope of the operational guidelines. The delegate, referring to the draft Decision, asked why the Secretariat only mentioned the study conducted in Spanish-speaking countries and why it had not conducted a similar study in any Arab States. He requested the Secretariat to redouble its efforts to address the digital needs of Arab States.
144. The **Secretary of the Convention** remarked that the study on digital issues and the diversity of cultural expressions in Spanish-speaking countries was supported with funding from the Government of Spain. The Secretariat also received some funds to do a smaller, similar study in Southeast Asia. The Secretariat was looking for additional funding to do these in-depth studies in other world regions. There is a chapter dedicated to digital issues in the Global Report that was informed by responses received from the Parties in their periodic reports. The June 2015 revisions to the periodic reporting framework emphasizing digital issues and would result in more information on digital issues received from all world regions in the next reporting cycles. External sources were also consulted in the preparation of its Global Report to compliment the information received in the periodic reports. She affirmed that the Secretariat would gladly cooperate with other organizations and qualified actors in the preparation of in-depth studies, should the resources become available.
145. The delegation of **Slovakia** suggested adding practical actions for the future, underscoring that the digital issue was largely international, but was dependent on national level developments in order to continue proliferating internationally. As such, the delegate suggested incorporating some concrete examples of good practices into the framework in order to show how these actions could be successfully implemented on the national level. This would allow individual countries to compare their national contexts, to undertake similar actions, and to cooperate with one another. He emphasized the importance of cooperation due to the inherent cross-border nature of digital technologies.
146. The delegation of **Saint Lucia** commended the treatment of international cooperation in the draft framework which she felt to be essential for effective operational guidelines and without which she felt many Parties would struggle. Concerning comments made on prescriptive language use in the guidelines, the delegate reiterated that while the draft operational guidelines would not create any additional legal obligations, there was a need to match the language of the guidelines with the corresponding Convention Articles, some of which would be more restrictive should a guideline be tightly aligned with an Article.
147. The delegation of **Uruguay** supported the draft text prepared by the Secretariat and echoed **Saint Lucia** in commending its treatment of international cooperation which it thought would be helpful in its trade negotiations.
148. The delegation of **Brazil** highlighted fair remuneration for cultural creators in paragraph 3, evoking its joint statement made with Argentina during the General Conference on remuneration and artistic freedom. Remuneration is a challenge, especially in industries such as music and literature in which artists feel insecure about remuneration in the digital age. Brazil requested that this issue be given more consideration in the general text of the draft framework. The delegate observed that new principles, not included in the five key principles at the beginning of the text, were introduced in paragraph 11, and asked how they would be dealt with, where they should be included in the text, and whether they

should be developed. Concerning prescriptive language use, Brazil advocated using such language with great caution, so as not to interfere with State decision-making processes, but retaining such language in the guidelines in order to reflect the spirit of the corresponding Articles when necessary.

149. The **Chairperson** thanked the delegation of Brazil for summarizing issues in the debates and reiterated that since operational guidelines would be a tool and not create any additional legal obligations, there was no need to avoid prescriptive language. He then gave the floor to the observers.

[Observers]

150. The delegation of **Colombia** suggested adding the monitoring and measuring of trade and the flow of cultural goods and services through online trading to the text, especially for countries lagging behind in this area. This could elicit new ideas on the tax issues related to online trade and distribution platforms for cultural goods and services. The delegate called the operational guidelines a dynamic compromise between the Parties and a process of construction for national and international guidelines for the effective implementation of the Convention in the digital environment. As such, the guidelines must be able to accompany the revision of national policies on cultural industries so that they take into account the challenges and opportunities of the digital age. Colombia supported the promotion of national level inter-ministerial and inter-sectoral work between culture, communication, and commerce. Colombia suggested including clauses for preferential treatment in trade agreements in favor of the mobility of artists and cultural managers from developing countries and to encourage and promote the exchange of cultural goods and services.
151. The delegation of **Argentina** recalling the value chain of cultural goods and services, suggested adding a specific mention of the distribution of and access to cultural expressions. She cited paragraph 11.4.3, noting that it was not sufficient to mention multiple actors. Instead, the paragraph should address the need for multiple actors to have access to the algorithms needed to give adequate visibility to cultural expressions. Argentina recommended inviting internet service providers and intermediaries to participate in the elaboration of the guidelines by providing practical steps for action. Argentina supported **Brazil's** proposal to address the rights of authors in the debates on digital issues.
152. The delegation of **Canada** reemphasized the need for countries to adapt their cultural policies and ways of operating in response to the changes created by digital technology. Canada expressed its support for the operational guidelines and suggested drawing from the Secretariat's proposed framework. It endorsed the sources that informed the framework and thanked the delegation of **France** for presenting the Belgium, Canada, France non-paper on behalf of the three countries. The non-paper was intended to enrich the debate and to propose concrete actions that could be integrated into transversal operational guidelines.

The **representative of the Government of Quebec**, within the delegation of Canada, Ms Line Beauchamp, commended the Secretariat's proposed framework and highlighted two paragraphs of fundamental importance: 1) the Convention principles apply regardless of the technological means used for their implementation and 2) the sovereign right of States. The delegate confirmed Quebec's implementation of a digital culture strategy with an investment of 100 million CAD; as well as the creation of an inter-ministerial working group on digitization and the Convention, which included civil society participation. This working group was fully supported by the government and was addressing issues related to the access and distribution of cultural goods and services. He supported the inclusion of

discoverability, visibility, international cooperation, and civil society participation in the Secretariat's proposed framework. Quebec proposed including specific mention of Article 18 and the IFCD in paragraph 12. In light of the importance it placed on international cooperation, Quebec confirmed its recent third donation to the IFCD of 50,000 CAD. The delegation concluded that in addition to developing the operational guidelines, it was essential to develop the sharing of good practices concerning digital technology in relation to Articles 16 and 21. Quebec encouraged the Parties, international organizations, and civil society to implement an action plan for digital technology for the 2015 – 2017 period using appropriate means and as approved by the fifth ordinary session of the Conference of Parties.

153. The delegation of **Belgium** recalled its active role in the debate on digital technology, highlighting the International Forum in Mons, Belgium held on the 25 October 2015 including numerous experts from different continents, the participation of various NGOs, and a discussion led by Belgium on the relation of digital issues and the Convention. The delegate reiterated that this debate was a preparatory step and should involve as many participants as possible; however, it emphasized the need to be ambitious in the treatment of digital issues and the Convention. In conclusion, Belgium reflected on the legal weight of the operational guidelines and invited the Secretariat to provide more information on this question if it was needed.
154. The delegation of **Italy** recalled the interventions of **Saint Lucia** and **France**, drawing attention to the difficulty in raising funds for the Convention. Italy juxtaposed the lack of funds with the unlimited potential of creativity and cultural diversity, emphasizing the responsibility of all Parties to protect and promote this cultural richness. The delegate underscored the importance of the operational guidelines to the Convention's forward-looking orientation. Italy reiterated the link between cultural projects and sustainable development and between cultural diversity and peace and security. Quoting from the Convention, Italy reaffirmed its engagement with: the Convention's objectives; international cooperation programs on these issues; and with developing common programs and activities with other Parties, especially in the Mediterranean and Eastern European Region.
155. The delegation of the **European Union** (EU) welcomed the Secretariat's document and the Belgium, Canada, France non-paper and expressed its support of their general approach and commitments to: partnership and consultation; fair remuneration of creators; and the freedom of expression. Responding to the proposal made by **Slovakia** and the non-paper, the EU supported the inclusion of concrete examples of good practices in an Annex to the operational guidelines and offered to provide examples from the European Council such as: the Council's recently adopted Guidelines on the freedom of expression on and offline; the "Creative Europe" funding program for digital entrepreneurs; and the digital single-market policies and procedures being developed, as was mentioned at the fifth ordinary session of the Conference of Parties. The delegate provided some examples of good practices in international cooperation including: EU collaborative research with Brazil on cloud computing; various projects in African, Caribbean, and Pacific countries such as "Capitale Numerique" on audiovisual heritage in francophone Africa; and the Development Cooperation Instrument with El Salvador. The delegate confirmed that it would provide more details of these examples to the Secretariat following the session and in its next periodic report. The EU echoed concerns about overly-prescriptive language and supported the use of the phrase, "digital cultural content," or "digitized cultural expressions." The EU echoed **Germany's** concern on the use of the term, "cultural industry companies," in paragraph 11.4.3. It proposed separating the different actors in the online environment, specifically, "cultural content creators," from, "online intermediaries," which it felt would both provide clarity and help address the concerns raised by **Brazil** and **Argentina** on artists' remuneration and search results. It remarked that the phrases,

“national level policies and measures,” and “international cooperation,” included no place for the EU as a Party to the Convention. It proposed referring to, “Parties policies and measures,” or to “Regional Economic Integration Organizations,” as was used in the non-paper. The EU noted that the proposals in paragraph 12 did not go far enough on technological neutrality as they only call for, “digital content to be treated differently,” and not “neutrally in new and existing international agreements.” The delegate confirmed that due to the EU adoption of numerous agreements with third parties with references to the Convention and technological neutral intent, it would be difficult to reopen these agreements to reintroduce new language on digital issues. The EU supported **Nigeria’s** suggestion to include the SDGs in the draft framework remarking that as culture should be addressed in the follow-up to the UN 2030 Agenda it should be specifically mentioned.

156. The delegation of **Denmark** thanked Belgium, Canada, and France for the non-paper and welcomed the inclusion of good practices in the draft framework which it reaffirmed its support for Denmark echoed the concerns on finding the right balance of prescriptive and non-prescriptive language, recalling the framework’s forward-looking orientation. Furthermore, it encouraged additional focus and narrowing down the issues needing coverage. Denmark cited paragraph 11.4.1 as overly concrete with the potential to interfere in national issues. It called for deeper discussions of the issues in paragraphs 11.4.2 and 11.4.3 to ensure that the guidelines do not exceed the text of the Convention. Finally, it noted that paragraph 12.2.4 should include language used before such as, “through the appropriate institutional and legal framework.”
157. The delegation of **Sweden** agreed with **Denmark** on the need for clarity and focus in the draft framework. Considering the difficulty in the preparation of the periodic reports, it emphasized the importance of ensuring that the new operational guidelines did not add to the reporting burden. Sweden recommended a focus on the Convention objectives, with the principle of technological neutrality as an anchor. Sweden underscored the importance of paragraph 9 and noted that it was in accordance with Article 2 of the Convention. It emphasized inter-sectoral work between communication and culture as well as the General Conference Decision endorsing internet universality. Sweden asked why copyright and intellectual property rights (IPR) were not treated in the document other than indirectly in paragraph 11.1 on artists’ remuneration. The delegate emphasized the need for clear language on this issue and suggested adding it to paragraph 12.2.6 as an area for possible future capacity-building activities. Sweden stressed gender and gender equality instead of the expression, “the needs of women,” in paragraph 12.2.5. Referring paragraph 11.4.2, Sweden suggested deleting the word, “modernization,” and using the wording, “at the stage of production support the digitization of cultural and creative industries if considered necessary.” In paragraph 11.4.4, Sweden considered that while telecommunications infrastructure was an essential question, it is too far reaching in relation to the Convention objectives and should be left out for the sake of focus. Sweden asked when Parties could expect a first draft of the guidelines and what possibilities there would be to work on their development in the lead up to the next Committee meeting.
158. The **Secretary of the Convention** thanked the Parties for the rich debate and the many suggestions. She reiterated that this document was merely an initial framework with the actual draft operational guidelines to be prepared in the next year. She confirmed that under statutory guidelines, the draft operational guidelines would be made available online on 13 November 2016 and that the Secretariat would submit them to the Parties earlier if possible. She highlighted the growing consensus regarding a number of key principles presented in the document, namely on the freedom of expression, openness and balance in the trade of cultural goods and services, preserving the sovereign right of the Parties to design and implement the policies they see fit. The Secretary affirmed that while IPR language was not used, the principles were included within the paragraphs dealing with the remuneration of artists. The main objective of copyright and IPR was to ensure that

creators are recognized and remunerated for their work. She reiterated that the guidelines would be developed with broad principles that the Parties can implement according to their various interests. She reemphasized that operational guidelines are not a legally binding text and that the text of the Convention was not being reopened. This debate was intended to put together a reading of the Convention and the existing guidelines through the lens of digital technologies, as has been requested and debated by the Parties. She confirmed that the language in paragraph 11 could easily be changed to, “Parties,” and that references to the creation, production, distribution/dissemination, and participation aspects were based on the methodology and concepts embedded in the Convention which asks the Parties to introduce policies and measures at the different stages of the value chain. The paragraph used prescriptive language taken from the periodic reports. The Secretary highlighted the reference to a collection and dissemination of good practices at the end of the document. She noted that adding an inventory of good practices as an attachment would limit the expansion of this list and added that good practices could be put online in the Knowledge Management System where they could be continuously updated. She emphasized the use of the dynamic online platform and indicated that a specific reference to this platform could be included in the guidelines.

159. The **Chairperson** thanked the Secretary of the Convention for her responses and invited the other Observers to comment on the development of the guidelines.

[Observers]

160. The representative of the **International Federation of Coalitions for Cultural Diversity**, Mr. Charles Vallerand, recalled that the discussions held in the Convention’s 10 year anniversary celebrations strongly featured digital technology. He noted the government of Quebec’s usage of the word, “discoverability,” in reference to cultural expressions, which he found to be both appropriate and uplifting, and which he hoped would promote the exchange of good practices. He underscored the importance of maintaining the sovereign rights of States and their important role regulating the common market from the national level. He confirmed that he would distribute a resolution adopted by the members of the IFCCD concerning digital technology and suggested that a mechanism for monitoring related discussions in other international organizations and threats to the principles of the Convention be established.
161. The representative of the **International Music Council (IMC)**, Ms Silja Fischer, observed that activity in the music sector relies on a large number of actors involved along all points of the value chain. She noted that for the health of the industry, there should be a fair balance of rights and interests between all of these actors and between the rights holders and users of music. She highlighted the five rights of music established by the IMC, the last of which specifically deals with fair remuneration for artists. Concerning artists’ remuneration, she highlighted their weak bargaining power with the large corporations dominating distribution, which is further weakened in the digital environment. The IMC held an international roundtable including representatives from online music streaming services on sustainable business models resulting in agreements by all participants to strengthen fairness and transparency in music licensing and to develop projects allowing for metadata management. The IMC is committed to developing a digital agenda for music to operationalize the five music rights, and welcomed the development of draft operational guidelines which would support these rights at all levels. It also appreciated the document’s recognition of civil society, expressing its readiness to participate in all of the related actions suggested.

162. The representative of the **UNESCO Institute for Statistics in Montreal**, Ms Lydia Deloumeaux, announced an upcoming colloquium it was organizing with the Observatory for Culture in Quebec in May 2016 on measuring the flows of digital goods. This event will involve multiple stakeholders and will include a session on the Convention at which the Secretary of the Convention was invited to speak. These discussions could prove useful to the Committee by revealing challenges in measuring cultural goods and services and digital products in the digital environment. She underscored the importance of the protection and promotion of culture, the challenges created by digitization and the dematerialization of cultural products, and the need to rethink cultural policies on all governance levels to take into account the implementation of the Convention in the digital environment.
163. The representative of the **Parliamentary Assembly of the Francophonie (APF)**, Ms Carole Poirier, recalled that the APF is comprised of 83 parliaments working through the elaboration of laws and rigorous monitoring of government action. 46 out of 50 States who are members, associated members, and observers of the APF have ratified the Convention, a requirement for APF membership. APF members had adopted two texts at their 15th summit in Dakar in 2014 that emphasize the need to adapt cultural policies to the digital reality. The Heads of State and Government at this summit also adopted a resolution on technological neutrality and its importance to the Convention and the challenges posed by digitization. The representative emphasized the need for a holistic approach to digital issues, affirmed the APF's longstanding commitment to actively participate in the reflection on digitization and the Convention, and welcomed the adoption of operational guidelines thereon. She concluded that these guidelines must take into account international cooperation and national policies relative to cultural and creative industries.
164. Ms Véronique Guevremont, holder of the **UNESCO Chair in the Diversity of Cultural Expressions** at the University of Laval, Professor at the Faculty of Law at the University of Laval and member of the International Network of Jurists for the Diversity of Cultural Expressions (RIJDEC) recalled that RIJDEC had produced two reports on digital technology. One of the reports was presented in June 2015, specifically dealing with the legal statute of the Convention's operational guidelines on the diversity of cultural expressions. She expressed her hope that this paper would be useful to address several of the concerns raised by the Committee during these debates. The second paper was presented in Mons, Belgium at the Convention 10th anniversary celebration and dealt with the diversity of cultural expressions in the digital age in regional and bilateral trade agreements. The second paper dealt directly with issues related to e-commerce. She confirmed that RIJDEC would continue monitoring the evolution of bilateral and regional trade agreements, and would put out a paper on these agreements and their treatment of cultural goods and services in 12 specific cases, including their potential impact on the sovereign rights of States. She highlighted additional RIJDEC publications, completed with the support of the Government of Quebec and available with the Secretariat. She concluded by affirming that the newly established UNESCO Chair at the University of Laval would begin its activities focused on the diversity of cultural expressions in the digital age in 2016 and hoped to actively participate in the reflections surrounding these questions.
165. The representative of the **International Telecommunications Union** affirmed the Union's availability to work with the Secretariat and the Parties on studies and documentation in support of the development of the draft operational guidelines, which he considered essential.

166. The representative of the World Intellectual Property Organization (WIPO), Ms Miyuki Monroig, noted the importance of the remuneration of artists in the digital environment and provided several examples of WIPO work in this area. She outlined the integration of this concept in the Beijing Treaty adopted in 2012 for the protection of audiovisual performers. This treaty provides audiovisual performers the right to authorize the broadcasting and communication to the public of their fixed performances and, as an alternative, allows the contracting parties to provide the right of to provide equitable remuneration in their national laws. The treaty also allows the pParties the option to provide, in their national laws, the option to transfer the exclusive rights of a performer for the transference of exclusive rights to the producer once the performer an artist has consented to the fixation of an audiovisual performance. National laws, individual, collective and other types of agreement are free to provide the performer with the right to receive royalties or equitable remuneration for any use of the performance independent of such a rights transfer. The WIPO Performances and Phonograms Treaty (WPPT) adopted in 1996 and currently including over 90 contracting parties, likewise provides equitable remuneration rights to visual performers and phonogram producers. The remuneration issue was also raised in the 31st34th session of the Standing Committee on Copyright and Related Rights held in December 2015 in Geneva, Switzerland. Many artists' and musicians' representatives made strong statements about the necessity of improving their situation in the digital era. In this context, WIPO hopes to continue its cross-collaboration with UNESCO as discussions move forward on this matter
167. The representative of **UNESCO's Communication and Information Sector** ("CI Sector"), Ms Sylvie Coudray, responded to points raised by **Brazil** and **Sweden**, underlining the importance of intersectoral work between the UNESCO CI and Culture sectors on the freedom of expression and digital technology. In 2013, the General Conference invited the Secretariat to work on a study dealing with four issues in cyberspace: the respect of privacy; freedom of expression; access to information; and ethics. This study was undertaken by the Secretariat in a multidimensional, multi-actor approach encompassing governments, the private sector, technical experts, and academics. The results were presented in March 2015 at the "CONNECTing-the-dots," conference. She suggested that the study and its associated documents be revisited with attention to its treatment of Internet universality, an important concept included in Annex II, paragraph 9 of the document. The representative noted that Internet universality rested on four pillars and their associated concepts including: human rights; openness; accessibility; and the multiparty nature of the Internet. She confirmed that the CI Sector would make available to the Parties studies on the interface between complex digital issues such as algorithms and internet intermediaries and the freedom of expression. She recalled UNESCO's annual organization of the World Press Freedom Day in May, noting that this year there would be a roundtable organized with Ministers of Culture on cultural diversity and artistic expression.
168. The **Chairperson** asked the Secretariat to put the draft decision on the screen and invited the Secretariat to make additional comments. He then gave the floor to Nigeria.
169. The delegation of **Nigeria** requested that the phrase, "in African countries," be added to paragraph 4 of the draft decision so that it would read, "digital technologies in African and Spanish-speaking countries."
170. The **Chairperson** expressed his concern with this amendment and its related issues asking if Nigeria's proposed amendment to the paragraph would imply funding for the study.

171. The delegation of **Brazil** echoed the Chairperson's question about Nigeria's proposed amendment, reflecting on what the human resources of such an addition would be and asking the Secretariat for additional information. Brazil proposed a new paragraph 3 reading, "invites the Parties to send to the Secretariat until 30 April 2016 their written comments on the proposals presented in Annex II, in order to contribute to the elaboration of a preliminary draft of the operational guidelines." It also proposed the addition to paragraph 3, now paragraph 4, "requests the Secretariat to elaborate in coordination with Parties and taking into account the debate of the present session a preliminary draft of the operational guidelines on digital issues for examination at its next session." In this way Parties could send in written comments on the document to contribute to its improvement. Brazil explained that such an invitation was necessary to spur its government into providing comments.
172. The delegation of **Saint Lucia** expressed doubts on the transparency of the process proposed for paragraph 3, noting that if written comments were received that were in conflict with one another, it was important to know how the Secretariat would deal with such discrepancies and how this would affect the preparation of the draft operational guidelines.
173. The **Secretary of the Convention** recalled that preparation and adoption of draft operational guidelines have always taken place in full session of the Committee so that any issues arising can be discussed until consensus can be reached. The Secretary expressed her doubts of completing the draft operational guidelines by the April date proposed by Brazil, and underscored the importance of using the periodic reports submitted at the end of April to inform the drafting. She confirmed that the Secretariat would make its best efforts to circulate the draft guidelines to the Parties before the statutory deadline in November 2016. She observed that paragraph 4 was within the spirit of how operational guidelines had been negotiated by the Committee in the past, and will take into account the richness of the Committee's debate, and noted the importance of allowing time to integrate all of the ideas put forth.
174. The **Chairperson** asked Brazil to comment again on its proposed amendment to paragraph 3.
175. The delegation of **Brazil** confirmed that in the spirit of collaboration would withdraw its proposed amendment. It clarified that its intent was to allow the Parties to provide written comments on the draft but not for the Secretariat to provide draft operational guidelines by the 30 of April 2016. Brazil reflected that in consideration of the year available to work on the preliminary draft, it would be useful to organize some kind of meeting or exchange opportunity for the Committee and asked the Secretariat if this would be possible without incurring additional costs or complications.
176. The **Chairperson** clarified Brazil's suggestion for an intermediary meeting between the Committee's ordinary annual meetings in December and confirmed that the study undertaken in Spanish-speaking countries was the result of financial and human resources provided for by the Government of Spain.
177. The delegation of **Morocco** proposed removing **Nigeria's** amendment to paragraph 4 and adding a new paragraph reading, "Asks the Secretariat to continue its efforts to raise extra-budgetary funds for the elaboration of studies on digital technology in other world regions, notably in Africa and the Arab Region."
178. The **Chairperson** thanked the delegation of Morocco and asked Nigeria to comment on the new wording.

179. The delegation of **Nigeria** concurred with the proposed amendment as put forth by **Morocco**.
180. The **Secretary of the Convention** confirmed the amendment proposed by Morocco and supported by Nigeria and commented on the reflection put forth by Brazil. She affirmed that if the Committee Members wanted to hold an extraordinary session the Secretariat would organize one in accordance with the Committee's wishes.
181. The **Chairperson** asked if there were any additional comments or objections and seeing none declared the decision adopted as amended.

Decision 9.IGC 7 was adopted with amendments.

ITEM 8 – PREFERENTIAL TREATMENT, INTERNATIONAL CONSULTATION AND COORDINATION (ARTICLE 16 AND 21 OF THE CONVENTION): STATUS OF CONSULTATIONS, SHARING OF KNOWLEDGE AND GOOD PRACTICES

Document CE/15/9.IGC/8 and CE/15/9.IGC/INF.6b

182. The **Chairperson** moved to item 8 concerning preferential treatment and international consultation and coordination as covered in Articles 16 and 21 of the Convention and invited the Secretary of the Convention to present document 8.
183. The **Secretary of the Convention** referred the Committee to working document 8 and information document 6b. She recalled that the Conference of Parties at its third ordinary session in June 2011 and the Committee at its fifth ordinary session in December 2011 requested that the Secretariat begin collecting and analyzing information on the implementation of Article 21. At its seventh ordinary session in December 2013, the Committee decided to expand this work to include Article 16. In June 2015, a report providing preliminary observations on the implementation and impact of Articles 16 and 21 was presented at the Conference of Parties. This provides information on: the way in which the Parties have applied both Articles and the resulting impact; the activities of the Secretariat to collect information including three consultation exercises; the systematic analysis of the periodic reports; and the sharing of information and good practices including the development of an online platform. The report also provides statistics on stakeholder participation in the consultation exercises including the involvement of Parties representing 41% of all stakeholders. The review on Articles 16 and 21 shows that the Convention has influenced public policies regarding cultural goods and services via revision or adoption of national-level policies. Concerning international cooperation, change in visas and the mobility of artists from developing countries together with the growing number of cinematographic and audio-visual coproduction agreements suggests a short-term first step which could have a real impact in the future. In the field of trade, five cultural trade agreements took Articles 16 and 21 into account simultaneously, three of which included a new tool called a cultural protocol. The Parties are also using their bilateral trade relations and preexisting legal means for culture; however, jurisprudence remains in its infancy. Concerning culture and development, the Parties have amended or adopted new policies drawing on the Convention and placing it in the context of the UN 2030 Agenda. The Secretary underscored that the implementation of Articles 16 and 21 is a long-term process involving major changes to institutions and governance systems. The proliferation of bilateral trade agreements and the complex negotiations between major economic players could provide the Parties with an opportunity to use the Convention as an instrument to influence their trade and cultural policies. Throughout these processes, there are new access challenges to culture in the digital age as well as digitization's impact

on cultural production and distribution channels. Studies need to be conducted on how digital cultural goods and services are dealt with in national public policies and trade negotiations. Some of these questions were raised during the exchange session organized before the fifth ordinary session of the Conference of Parties, thanks to the support of the Spanish Government. The summary records of this event are provided in information document 6b. The Global Report includes a chapter on Article 21 and two additional chapters on preferential treatment, on the exchange of cultural goods and services, including the question of cultural mobility and the status of artists. The Secretariat has recently concluded a study and produced 17 cases on the implementation of Articles 16 and 21 and their impact on bilateral and regional trade fora. These will be made available online in 2016 and were based on research conducted in 2014 and 2015 on 51 bilateral and regional trade agreements representing all world regions and touching 90 Parties to the Convention or 64%. Technical briefings have been produced for each of these 51 agreements as have 17 in-depth cases which begin addressing the questions of the state of e-commerce and the flow of diverse cultural goods. In 2016, the Secretariat will continue implementing the workplan approved by the fifth ordinary session of the Conference of Parties. The Secretariat will also begin developing a training module on preferential treatment within the framework of its capacity-building strategy following the adoption of Item 11 at the 197th session of the Executive Board and the implementation of the global capacity-building strategy as currently reinforced with extra-budgetary funds.

184. The **Chairperson** thanked the Secretary of the Convention for her presentation and opened the floor for debate.
185. Parties congratulated the Secretariat for its clear, concise, high quality report.
186. The delegation of **Brazil** emphasized the importance of following-up with the implementation of Articles 16 and 21 for the overall implementation of the Convention. Brazil expressed its appreciation of the report submitted to the fifth ordinary session of the Conference of Parties and the new data added. The delegate underscored that these follow-up mechanisms move slowly in the context of bilateral and regional trade agreements resulting in a lack of regular updates. He asked what means could be used to report on developments on a more regular basis in consideration of the Secretariat's financial and staffing restrictions.
187. The delegation of **France** expressed its appreciation of the online knowledge management platform and for the consultations of diverse stakeholders on the application and impact of Articles 16 and 21. France posited that this would promote the application of culture in markets as well as reinforce the mobilization of stakeholders to protect and promote culture in trade agreement negotiations. In light of the constant evolution of digital technology, France affirmed the difficulty of foreseeing which cultural goods and services will be important in the future; however, it emphasized that the double nature of cultural goods and services as both cultural and economic products would not change despite transformations in their modes of production, distribution, and consumption. As such, France underscored the importance for trade negotiators to put policies into place that will preserve the diversity of cultural expressions now and for the future.
188. The delegation of **Germany** expressed appreciation of the reporting on the lessons learned over the last 10 years, noting that several lessons kept reoccurring; two of these lessons are: 1) that cultural producers do not have experience dealing with complex matters such as international trade agreements and their role in this process; and 2) that the same holds true for public institutions. The delegation shared its experience organizing a discussion with members of parliament in celebration of the Convention's 10th anniversary, emphasizing the continued confusion over the Convention. Germany applauded the Secretariat's initiative to develop a training module in this area, which it felt

would be of great use demonstrating the nexus between the Convention and issues such as visas, cultural producers, artists, and the goal of creating more balanced flows of cultural goods, services, and producers.

189. The delegation of **Saint Lucia** supported the comment made by **Germany** on the complexity of the issues surrounding Articles 16 and 21. It underscored the uniqueness of the Convention in comparison of other UNESCO Conventions, which it felt contributed to difficulties in dealing with some of the Convention's content. Saint Lucia suggested that the Committee focus on the Convention's impact and other themes for in-depth discussions following its adoption of the guidelines and approval of the recommended IFCD projects. Saint Lucia supported discussions with civil society and Parties to continue crucial assessments of the impact of Articles 16 and 21. It expressed regret that the exchange session on the Global Report was not held before the Committee meeting in order to suggest ways forward on these two Articles. The delegate suggested that the Committee members themselves were in need of training as evidenced by the excitement for the Secretariat's training modules on capacity-building, noting that some Parties do not see the link between culture and development and the immense potential of this Convention. Saint Lucia concluded that the Committee should go more in-depth in the substance of the Convention from the next Committee meeting onwards.
190. The **Chairperson** thanked the delegation of Saint Lucia and echoed her comments on the difficulty in working with various Ministries and stakeholders on the Convention due to the continued belief among some people that cultural goods and services are economically marginal. The Chairperson fully subscribed to Saint Lucia's comment on the Convention's unique potential and its dealings with contemporary creators in need of support.
191. The delegation of **Brazil** expressed its agreement with all of the comments made and asked for more information on the Secretariat's training modules and how they would address the difficulty of presenting the relevance of the Convention to those outside of the cultural sphere such as people involved in Ministries of the Interior or international trade. Brazil specified that this would address difficulties explaining the importance of inserting cultural clauses in trade agreements and other such issues vital to the implementation of Articles 16 and 21. Brazil noted that in its case, trade agreements were dealt with by the Ministry of Foreign Trade and the Ministry of Foreign Affairs and those responsible for culture within these various ministries had little to no communication with each other. Brazil concluded that there was a need to train a wider variety of people on the importance of culture and how to deal with it in international agreements. Brazil supported **Saint Lucia's** proposal to go deeper into these issues at future Committee meetings.
192. The **Secretary of the Convention** underscored the complexity of this issue and the Committee's preferred step-by-step method. She explained that the first step was for the Committee to understand what preferential treatment was and what kind of guidelines could be used as a basis for its development in the future. The Secretary affirmed that this was completed through the definition, approval, and adoption of operational guidelines for preferential treatment. She noted that the next step was to further define preferential treatment in connection with Article 21 resulting in a methodology for the nexus between preferential treatment and Article 21 with three components: artists' mobility; the flow of cultural goods and services; and instruments to make these flows happen. To understand this in practice, the Secretariat presented the results of several surveys to the Committee, organized the exchange session preceding the fifth ordinary session of the Conference of Parties, and organized the exchange session on the impact on the Convention in areas of trade for the third day of this session. While she could not yet give a detailed presentation of the training modules, the Secretary confirmed that they were designed to explain the meaning of concepts embedded in the Convention, to present case studies on these concepts, and to include interactive exercises. She welcomed the future testing of training

modules on willing Committee members. In response to developing discussions between different governmental departments dealing with issues intersecting with culture and trade, she emphasized the usefulness of inter-ministerial working groups to facilitate inter-sectoral dialogue and the designation of Convention contact points within different ministries. She confirmed that countries were not limited to one Convention contact point. Once more information could be made available online it would be easier to have more in-depth discussions and dynamic debate with the Committee the following year.

193. The **Chairperson** thanked the Secretary of the Convention for her comments and highlighted several difficulties surrounding culture and the struggle to establish it as a transversal area. He then invited the Observers to comment.

[Observers]

194. The representative of the **Parliamentary Assembly of the Francophonie** (APF), Ms Carole Poirier, confirmed that the APF had already begun addressing the need for training workshops with parliamentarians mentioned by **Germany**. She outlined the organization of a seminar at the next APF Commission for Cultural Education with the goal of increasing parliamentary awareness of the Convention.
195. The representative of the **International Federation of Coalitions for Cultural Diversity** (IFCCD), Mr. Charles Vallerand, observed that the content of government decisions was the major point of interest for civil society. As such, he encouraged finding new ways for stakeholders to work together effectively on decisions. Moreover, he reemphasized the general misunderstanding of the Convention's application on the ground in several areas such as intangible cultural heritage. To address this difficulty, he advocated finding an effective manner to exchange with Convention stakeholders to promote dialogue and discussion.
196. The **Chairperson** asked if there were any other observations or comments. Seeing none, he asked the Secretariat to put the draft decision 9.IGC 8 on the screens. The Chairperson read the decision out paragraph by paragraph for adoption.
197. The delegation of **Brazil** noted that Articles 16 and 21 were always talked about together, as such it asked whether the Secretariat's training module would be exclusively on Article 16 or if it would involve issues covered in Article 21. If it was going to include Article 21, Brazil asked that the language related to the training module be changed in order to provide more clarity. This proposal was supported by **Ethiopia** and **Saint Lucia**.
198. The delegation of **Ethiopia** evoked its experience with the training module for the preparation of its periodic report as evidence of its Ministries' lack of understanding of the Convention. Thus, Ethiopia found the capacity-building exercise to be helpful to promote a better understanding of the Convention as a whole and suggested that the training module include both Article 16 and 21.
199. The delegation of **Saint Lucia** affirmed that Parties undoubtedly need training on both Articles 16 and 21 and requested that the training module cover both Articles if possible. The delegate asked the Secretariat if this was feasible.
200. The **Secretary of the Convention** noted the Parties' requests for a training module on Articles 16 and 21 that covers issues of preferential treatment, international consultation and coordination, and questions related to trade. The Secretary proposed that the language of paragraph 5 of the draft decision could be amended with, "Develop a training module for the implementation of Articles 16 and 21 as part of its global capacity development strategy."

201. The **Chairperson** thanked the Secretary and asked if this proposed amendment met the needs of the Parties. Seeing no objections, the Chairperson asked the Committee if they were ready to adopt the decision in its entirety as amended. Seeing no objections, the Chairperson declared the decision adopted.

Decision 9.IGC 8 was adopted with amendment.

ITEM 9 – ASSESSMENT OF THE PARTICIPATION OF CIVIL SOCIETY IN THE IMPLEMENTATION OF THE CONVENTION

Document CE/15/9.IGC/9

202. The **Chairperson** opened agenda item 9, providing an initial overview of working document 9, originally submitted to the Committee at its eighth ordinary session. He recalled that two documents were submitted by the IFCCD in preparation for the session and invited the Secretary of the Convention to present the agenda item.
203. The **Secretary of the Convention** recalled that Article 11 of the Convention on the participation of civil society acknowledges its fundamental role in achieving the Convention objectives, and that in 2009, the Conference of Parties adopted operational guidelines thereon. Professor Helmut Anheier, whose assessment is included in document 9, was one expert who contributed to the drafting of the guidelines. The Secretary reiterated the importance of the role of civil society and the great interest accorded to the assessment of its involvement in the implementation of the Convention on all governance levels and in the work of its governing bodies. Document 9 highlights key features of this relationship and the role that civil society has to play at both the international and national levels. The assessment findings indicated that countries with more developed civil society engagement ratified the Convention faster and were in a better position to live up to its expectations, including the submission of periodic reports, than those with weaker civil societies. Since less than half of the reports analyzed in the assessment explicitly mention the involvement of civil society in the report's preparation, the Secretary posited that the guidelines on this point have not yet been fully implemented. The assessment acknowledges the function of civil society actors as innovators in cultural policies and change agents in the process of Convention implementation. Thus, the value of public-private partnerships is stressed. The assessment explores how civil society can support Parties in the elaboration and implementation of cultural policies, such as by helping to raise awareness of the Convention among the wider public and serving as channels for improved information flows between citizens and governments. It identifies challenges hindering the full-engagement and participation of civil society, calls for the creation of new processes and platforms, and makes a number of recommendations to strengthen the engagement of civil society. Document 9 also explores emergent engagement with civil society organizations such as through the training module produced by the Secretariat for quadrennial periodic reports. The Secretariat organizes exchange sessions to facilitate informal discussions between members of civil society and the Parties. Evoking important decisions passed by the Convention's governing bodies inviting civil society to provide information documents on certain items, she acknowledged that more reporting could be encouraged and formally presented to the Committee, the operational guidelines may need to be clarified in this respect. Civil society participates as observers in the sessions of the governing bodies with the right to speak in the debates prior to the adoption of decisions or resolutions, however the assessment shows that the number of participating NGOs has decreased each year from the fifth to the eighth ordinary sessions of the Committee. This needs to be addressed with practical measures giving full application to

the operational guidelines and the spirit of the Convention. She identified a need to better define cooperation activities while keeping expectations reasonable to ensure that results and change lead to an increase in civil society's motivation for engagement at the country level and in the work of the governing bodies.

204. The **Chairperson** thanked the Secretary of the Convention for her presentation, noted the presence of numerous avenues for improvement, and invited the representative of the International Federation of Coalitions for Cultural Diversity to briefly present its submitted reports.
205. The representative of the **International Federation of Coalitions for Cultural Diversity** (IFCCD), Mr. Charles Vallerand, underscored civil society's appreciation of this agenda item. He presented the IFCCD's first document, an interview with its president Mr Rasmané Ouedraogo, discussing his experience as a civil society agent during Burkina Faso's democratic transition, ways in which civil society can position itself to develop a platform using the Convention, and the challenges and opportunities represented by the Convention. He overviewed the second report, which provided a summary of 20 reports submitted by the IFCCD's most active coalitions. The overall findings show considerable diversity in the interests of civil society organizations vis-à-vis the Convention including minorities, national languages, and culture in conflict situations, as well as digitization, and culture and trade agreements. He recalled the IFCCD congress, held in Mons, Belgium, which showed that 43 of its coalitions, almost half of its members, are in danger of disbanding. He confirmed that the IFCCD is actively working to strengthen these members and welcomed the participation of new members from Uganda, Ethiopia, and Indonesia. He confirmed the unanimous support among IFCCD members for the operational guidelines and engagement with issues concerning culture and trade with a particular focus on capacity-building, financing, and recognition of the needs of countries in the global South. He underscored the interest of civil society in questions of culture in areas of conflict in which artists and culture itself are targets of attack.
206. The **Chairperson** opened the floor to the Observers from civil society for their reactions to document 9 and its proposals included in paragraphs 20, 21, and 22 of the document.

[Observers]

207. The representative of **Culture and Development** (NGO), Ms Valeria Marcolin, underscored the daily challenges of implementing the Convention created by the state of cultural governance locally, nationally, and internationally. She highlighted the importance of exchanging with the Parties and their governments. Other challenges include funding, access to infrastructure, questions of linguistic diversity, and the inaccessibility of information. Referring to paragraph 20 of the document, she emphasized the need for preliminary meetings leading up to the Convention governing body sessions so that civil society can work with the Secretariat and the Bureau on agenda items and propose priorities. It is difficult for civil society to enter into true partnership with State players and have their priorities taken into account along with those of the Parties. She further underscored the need to reinforce the mechanisms for information sharing available to the Parties by making them available to local authorities; especially in light of local specificities and civil society organizations operating in contexts where state authorities may be unfavorable towards them. She called for openness to the voices of civil society to promote inclusive participatory governance.
208. The representative of **Arterial Network**, Mr George Camille, presented his organization as a network of civil society that has undertaken research, training, and advocacy for capacity-building and the creation of a sustainable enabling environment for democratic art practice in Africa. He highlighted the presence of a variety of art practitioners in all creative

fields in Africa whose knowledge can offer an important dimension to the Convention. Emphasizing the role of the Convention as a beacon for artists, he urged the Secretariat to invite observers, professional organizations, and individual practitioners working in the creative sector to Convention sessions.

209. The representative of the **International Music Council (IMC)**, Ms Silja Fischer, underscored the wide recognition of the fundamental role of civil society in Convention awareness-raising and implementation. She affirmed the willingness of civil society to invest more across all governance levels and highlighted the challenge posed by limited financial resources. She supported the proposal for the provision of financial or other support to civil society organizations for the meetings of the Convention's governing bodies as this would enhance the diverse contributions of civil society. Civil society organizations could also make significant contributions to Convention implementation during intergovernmental debates held on the regional and sub-regional levels such as those of the African Union, MERCOSUR, or ASEAN.
210. The representative of the **International Council of cinema, television, and audiovisual communication**, informed that at the 2015 International Film Festival of India they organized a workshop on cultural diversity where experts discussed UNESCO and that the event was picked up by the Indian press. He remarked that while his organization has a global reach, it was sometimes confronted by State authorities unfavorable to civil society. Civil society can raise much awareness about the Convention at as cultural festivals and events.
211. The representative of **Eurovisioni** recalled the role played by the media in the application of the Convention, notably in European public service media; evidenced by Eurovisioni contribution to the document discussed in Mons, Belgium.
212. The representative of the **International Federation of Coalitions for Cultural Diversity (IFCCD)** thanked the Committee for its attention and suggested that a point about civil society be added to the agenda of every Committee meeting. Furthermore, he proposed adding a paragraph to the document specifying that civil society organizations, if they desired, could present a yearly report outlining content and issues of particular importance.
213. The **Chairperson** thanked the civil society representatives for their interventions and contributions and invited them to contribute to every Committee meeting. He opened the floor to the Committee members.
214. The delegation of **Slovakia** expressed its appreciation of all of the documents related to civil society participation. Civil society is a key stakeholder and should play a role in discussions about and preparations of cultural policies and problem-solving tools for the culture sector consistent with the Convention. The delegate highlighted the work of the Slovak Coalition for Cultural Diversity that represents more than 200 associations from the arts and culture sectors. This coalition has the opportunity to interact with the Government on its cultural policy and its director is a Member of the Board for Culture in the Slovak Government and is involved in various boards and committees within the Ministry of Culture. One of the concrete results of this cooperation is a new law on the Status of Artists that was approved in November 2015 and will enter into force in January 2016. Slovakia concluded that the participation between its government and civil society results in effective, efficient and positive solutions consistent with UNESCO's Conventions and Recommendations.
215. The **Chairperson** thanked the delegation of Slovakia for sharing these positive developments and encouraged the Committee members to enter into an exchange with the civil society observers through direct questioning and feedback.

216. The delegation of **Tunisia** noted that the report on civil society did not address the implications of its participation in the policymaking process, especially in developing countries. In consideration of Tunisia's national context in which civil society is in upheaval, while there is advancement in terms of human rights, civil society is not able to participate in the implementation of cultural policies largely due to their lack of financial resources. Tunisia asked whether civil society coalitions in developing countries, competent in implementing the Convention, could receive support for participation in Committee meetings as is done for least developed countries. This could encourage more active Convention implementation by these civil society organizations and would raise awareness on the importance of their role in relation to public authorities.
217. The delegation of the **Czech Republic** recalled civil society participation in the preparation of their periodic report. The delegate called for more concrete examples of partnerships with civil society and supported the Creative Cities Network initiative which it felt could play an important role in Convention implementation both nationally and internationally. The Czech Republic remarked that the designation of Prague as the City of Literature gave rise to civil society engagement which resulted in new partnerships locally, nationally, and internationally. INGOs operating in the domains of the Convention's competence should be invited to submit their own quadrennial periodic reports.
218. The delegation of **Austria** acknowledged civil society participation as one of the cornerstones of the Convention, the limitations of the financial resources of these organizations, and the dual roles often played by its representatives as artists and members of civil society organizations. Austria suggested differentiating between the involvement of civil society on the national and regional levels from its involvement on the UNESCO level with the Convention's governing bodies. Citing its establishment of a working group on the Convention involving civil society, representatives from various Ministries, and representatives from its provinces, Austria explained that this group meets biannually for closed roundtable discussions and is an important part of civil society's involvement at its national level. Austria underscored the call for more opportunities for informal exchanges and for an activity report by civil society organizations. The delegate asked the civil society representatives if they had experience addressing national and regional delegations, what kinds of suggestions they would make concerning the agenda items of Committee meetings, and what they would include in their activity reports.
219. The **Chairperson** thanked Austria for its questions and invited the civil society representatives to respond.

[Observers]

220. The representative of the **International Federation of Coalitions for Cultural Diversity** (IFCCD) noted that in the year between Committee meetings many things occurred that were often not discussed at the annual meeting. The civil society activity reports would provide an update on these activities. For example, he highlighted several of the IFCCD's activities and negotiations from the last year including: negotiations of the Trans-Pacific Partnership, celebrations of the 10 year anniversary of the Convention, and international cooperation activities. Exchanges with civil society could be centered on introducing a new development, or could be an important opportunity for exchange between experts on developments of common interest. Civil society organizations could also work together with the Convention's national contact points in order to help with the collection and distribution of good practices, and with the projects that failed to receive IFCD funding to assist with their development and fundraising activities.

221. The delegation of **France** commended the exceptional organizations working with UNESCO and reflected on the National Commissions as ideal venues for civil society organizations to meet and exchange in the periods between sessions. France asked the civil society representatives if they worked with their corresponding National Commissions.
222. The delegation of **Germany** proposed introducing a notion such as the Enabling Environment Index which has looked at the structural challenges of 200 countries worldwide and the enabling conditions which empower civil society. Germany emphasized that discussions on the participation of civil society were not limited to the Convention and were part of the much larger issues faced by the development of human rights. It commended the Convention's innovation in opening this issue. Noting the relatively small amount of IFCD funds for INGO projects, Germany asked how the civil society representatives assessed the IFCD's role, especially in light of the diversity of funding sources generally available to civil society organizations including foundations and public sources. Germany confirmed that it would be making its next, and third, donation of 100,000 EUR to the IFCD. It echoed the Czech Republic's support of the Creative Cities Network and underscored the importance of the city-level innovations in cultural governance.

[Observers]

223. The representative of the **International Music Council (IMC)** recalled that the IMC was an IFCD fund recipient in 2014 for a project that was implemented by local partners in Africa. The IMC works with different partners in nine African countries and sees the impact that the IFCD could have on the local level in its daily work. She underscored the IMC's work to raise awareness about the IFCD among its members' national governments and the positive impact the IFCD funded project had on the participants' ability to successfully negotiate with public authorities. She highlighted that many National Commissions are not aware of the procedures allowing for civil society participation; as such she urged the Parties to communicate with their National Commissions on the possibilities for civil society involvement.
224. The representative of the **International Federation of Coalitions for Cultural Diversity (IFCCD)**, recalled Mr Ferdinand Richard's report on the IFCD expressing his approval of the high volume of good projects received and the project proposals submitted for a second time. He asserted that this was evidence that UNESCO has strong "brand" recognition and that the IFCD attracts many cultural practitioners and serves as an initial information point for the Convention. Furthermore, he noted that the Expert Facility was working as a sort of training mechanism for national cultural actors helping them to appropriate the language and concepts of the Convention. This was creating strong national resources of actors and reinforcing the Convention's bottom-up growth through the IFCD and its projects instead top-down from discussions in Paris.
225. The representative of **Culture and Development (NGO)** suggested creating a strategic analysis planning for the IFCD based on its available resources. She underscored the mix of bottom-up projects submitted from the field and federative projects involving larger numbers of actors. This helps promote the principles of the Convention to a significant population extending beyond IFCD beneficiaries. She observed that in some cases civil society organizations found dialogue with the National Commissions difficult. The representative asked for this to be taken into account in consultation mechanisms.

226. The delegation of **Saint Lucia** affirmed that civil society was an equal partner in the Convention, evidenced by the specific article for civil society participation in its text. As such, she underscored the importance of projects submitted to the IFCD by NGOs and the joint participation of the Parties and civil society in the preparation of the periodic reports. Saint Lucia recalled the annual decrease in civil society participation in Committee meetings which she characterized as a worrying sign indicating a decrease of its interest in the Convention. She called for innovative thinking and suggested informal exchange sessions and dialogue amongst stakeholders including NGOs, IGOs, artists, and young activists. She underscored the need to hear new ideas, to integrate new panel formats, to invite people other than prestigious experts to contribute to meetings, and to provoke substantive informal dialogue going beyond guidelines, budgets, and procedures. Saint Lucia emphasized that while decisions could be taken alone by the Parties, the debates could no longer be conducted without including wider stakeholders and out-of-the-box thinking.
227. The **Secretary of the Convention** noted that the following morning's discussion on monitoring Convention implementation was one such experiment in new exchange formats, explaining that while it still involved panels, a journalist would moderate. She emphasized the variety among those invited to participate and the Secretariat's intention for this to be a dynamic interaction. The session following the discussion would be a good opportunity to reflect on and discuss new formats for Committee meetings. The Secretary noted an open space within the agenda item on the next meeting of the Committee where more dynamic exchanges could be proposed, such as an informal dialogue without a specific topic or documents. The length, stakeholders and topics for this type of exchange could be set by the Committee. She stressed the Secretariat's openness to ideas on new types of formats.
228. The delegation of the **United Arab Emirates** supported moving away from the Convention's rigid institutional framework and into the heart of substantive discussions, congratulating the delegate from **Slovakia** for noting that all of the problems with Convention implementation were common to and shared by all of the Parties with variations in degree and modulation depending on differences in national context. Reiterating the general commonality of implementation challenges, the United Arab Emirates expressed its hope that the session would end with a concrete, innovative idea for an open exchange with diverse actors.
229. The **Chairperson** thanked the Committee members for their comments and opened the floor to the observers.

[Observers]

230. The delegation of **Canada** affirmed that the Canadian Government maintains a close relationship with civil society that is based on open communication and mutual respect. He underlined that this consultation and cooperation extended beyond Convention monitoring; citing regular consultation with its Ministry of Culture, civil society, representatives of international business, and experts on foreign affairs on its international trade agreements as an example. Canada confirmed that both its comprehensive Economic and Trade Agreement with the European Union and the Trans-Pacific Partnership benefitted from close collaboration with civil society throughout the negotiation processes and from the inclusion of provisions for the culture sector. The joint efforts of the Canadian Government and its civil society participants over the years has resulted in the establishment of a vast collection of policies and programs providing a space for Canadian culture. In these cultural ecosystems, civil society plays a primary role in program administration and delivery through specific partnerships established between the public sector, the private

sector, and the associative sphere. He affirmed that this model of inclusive governance was in-line with the proposals put forth in the debates. Canada concluded that while these successes do not always necessitate prohibitive investments, they must be based on the recognition of civil society's contribution to public policy objectives and willingness to work together to ensure their implementation.

The **representative of the Government of Quebec**, within the delegation of Canada, Ms Line Beauchamp, cited its financial support for the Canadian Coalition for Cultural Diversity and thanked the IFCCD Secretariat and Mr Charles Vallerand for its recent advancements. While acknowledging the importance of civil society, artists', and cultural industry representatives, she noted the importance of drawing from the work of academic and legal experts interested in the Convention. The Government of Quebec supported two studies by the RIJDEC relative to Convention implementation in the digital age and a large international conference celebrating the Convention's 10th anniversary that was promoted by the RIJDEC. The representative highlighted the Commission Scolaire Marguerite-Bourgeoys initiative that with the support of the Montreal Museum of Fine Arts organized a day dedicated to Convention awareness-raising for hundreds of students. Quebec welcomed the written civil society submissions to the Secretariat and expressed its hope that the recommendations made in document 9 would be welcomed by the Parties.

231. The delegation of **Denmark** highlighted the relative issues in the assessment including good governance, democratic institutions, and a constructive watchdog role. Denmark noted that many of the report's recommendations were deserving of consideration and asked the Secretariat to comment on the feasibility of the proposals in paragraph 22. Priorities include: inviting INGOs to submit thematic reports, to be included in the production of Global Reports; the strategic approach to the preparation and dissemination of good practice models for partnerships; the development of indicators on civil society engagement; and holding an informal exchange before the next Committee meeting, with the recommendation that it be on a specific topic common to the interests of civil society and the intergovernmental bodies. This would facilitate Party preparations and allow the exchange to feed into subsequent decision making processes.
232. The delegation of **Australia** saluted the active participation of civil society in the debate and proposals for new formats for informal exchange. She suggested holding small group discussions on priority issues or responding to identified gaps in the short-term. These could be informed by reports provided by civil society organizations before the meetings. Australia highlighted its active and substantive engagement of civil society in the development and implementation of policies and programs supporting the Convention's objectives; and its current investigation of additional strategies to raise the awareness and engagement of civil society in 2016. This includes identifying key Australian civil society participants for the proposed Secretariat consultation on the development of indicators for civil society involvement and ways of better engaging the Australian National Commission in this work.
233. The **Chairperson** thanked the delegation of Australia and noted that there were questions raised during the debate. He gave the floor to the Secretary of the Convention for comment.
234. The **Secretary of the Convention** recalled the proposal for civil society to submit their own periodic reports and recapitulated the main idea to build bridges between public authorities and civil society organizations in all aspects of Convention implementation including in periodic reporting, the exercise of which functions as a tool facilitating dialogue. Periodic reporting represents an opportunity to work with experts, artists, cultural professionals, and cultural representatives to facilitate a more informed and participatory system of governance for culture. The Secretariat responds to calls for technical

assistance to help facilitate these processes. Referring to proposals to develop indicators, the Secretary confirmed that the following day's discussion would present a framework of indicators, developed with the support of SIDA, to help Convention implementation, including the engagement of civil society in creating more participatory systems of governance for culture. She noted general agreement in the room for new formats and innovative dialogues with different stakeholder groups, but recalled the need to operate within the adopted frameworks. She recommended that the Committee select and prioritize the recommendations from the list that they felt would be most useful based on the discussions.

235. The **Chairperson** asked the Secretariat to put draft decision 9IGC 9 on the screens. He asked the Committee members if they were ready to adopt the decision.
236. The delegation of **Austria** emphasized the need to have a concrete plan for the Convention's future. She noted the presence of some good proposals in paragraph 20 made by civil society and meriting discussion in terms of identifying steps to improve its participation. Austria asked that these proposals be put on the screens along with its written amendment as provided to the Secretariat. Reference to Article 11 and the operational guidelines was added to paragraph 3 to recall a binding article. The addition of, "creating a conducive environment for the emergence of civil society and its development," to paragraph 5 would account for areas in which civil society still needs to evolve. Paragraph 6 could be amended to encourage the Parties to fully involve civil society including through periodic reporting. It recommended amending the wording of paragraph 7 to promote civil society participation and for feedback on the results of its work. In paragraph 20.2, "working session" was interpreted to mean a briefing meeting with civil society to exchange with Bureau members on crucial agenda items for the next session. Austria proposed including wording in paragraph 9 inviting active communication with civil society participation in sessions. In paragraph 20.1, it recommended adding wording inviting civil society to prepare activity reports.
237. The delegation of the **United Arab Emirates** remarked that the text was heavy and redundant citing the beginning of paragraph 10 as an example. The delegate emphasized clarifying, focusing, and lightening the text.
238. The **Chairperson** asked if there were any more comments or suggested revisions. He asked for comment on paragraph 10.
239. The delegation of **Morocco** asked Austria and the Secretariat who exactly paragraphs were addressing and requested precision on how civil society would be identified such as by country, in a coalition, or in a repertoire.
240. The delegation of **France** suggested breaking the paragraph in two. While France agreed that the paragraph was difficult to read, it was necessary to indicate that reports were requested from. It suggested, "invites civil society under these agenda items to submit," and "invites civil society, under this agenda item to submit an activity report." Reports would not be required at each meeting, but would only be submitted under an agenda item.
241. The **Chairperson** indicated that a good definition of civil society was found on page 47 of the operational guidelines and could be used in the draft decision.
242. The delegation of **Australia** noted the usefulness of saying, "in writing and/or orally," so that civil society representatives wishing to submit a report without attending the discussion could do so and the discussions would not be limited to only the representatives who had submitted a written report.

243. The delegation of **Germany** recalled its reference to the use of an Enabling Environment Indicator as an analytical tool in the paper. Germany noted that the paragraph as written was beyond feasibility and that it made sense to continue exchanging to grasp the state of the conducive environment for the emergence of civil society, including available data.
244. The delegation of **Austria** suggested, “civil society to continue exchanging on and establishing mechanisms to strengthen the creation of a conducive environment for the emergence of civil society’s development notably and to strengthen its participation in the implementation of the Convention,” to capture both participation and the necessary prerequisites for an environment within which civil society can emerge.
245. The delegation of **Australia** proposed “the creation of a conducive environment for strengthening the participation of civil society in the implementation of the Convention,” or words to that effect. This was supported by the **Chairperson**.
246. The delegation of **Morocco** asked if the paragraph was addressing civil society in its entirety, including representation from all regions and electoral groups.
247. The **Chairperson** invited the Secretary to respond to Morocco’s question and read the concrete definition of civil society in paragraph 3 of the operational guidelines on the role and participation of civil society.
248. The delegation of **Morocco** asked if there were representatives of civil society from Africa, Asia, and Arab Regions. She asked if the Secretariat would seek civil society representatives from the different regions
249. The **Secretary of the Convention** explained that the representatives of civil society in the room included INGOs and national NGOs. She confirmed that she did not have statistics on all of the civil society representatives but confirmed that the Secretariat would work to do so and that it worked with civil society in networks all over the world. She noted that not all of the representatives could be physically present at the meeting for various reasons including financial limitations. The Secretary explained that this decision was intended to facilitate work with the civil society representatives not present by welcoming both oral and written reports so that representatives from diverse networks could participate in writing. The word, “conductive,” was changed to, “enabling,” for consistency with the text of the Convention.
250. The **Chairperson** asked Austria if it accepted the simplification of its proposed paragraph and Austria consented.
251. The delegation of **Australia** suggested “establishing mechanisms to create an enabling environment,” and adding, “for the participation of civil society from all regions,” to respond to the concern raised by **Morocco**.
252. The **Chairperson** asked the members to read paragraph 6 remarking that it was long and confusing. He asked if it should be simplified by being divided into two smaller paragraphs and invited comments.
253. The **Secretary of the Convention** suggested, “encourages the Parties to support financially and/or otherwise the increased contribution of civil society in the implementation of the Convention including the participation of representatives from civil society organizations in the meetings of the governing bodies and when appropriate to regional meetings,” for the first paragraph and, “encourages parties to work in consultation and collaboration with civil society in cultural policymaking and in the preparation of quadrennial periodic reports.”

254. The **Chairperson** expressed his approval with the Secretary's proposed wording and invited insights on this paragraph. Seeing none, he moved to paragraph 8 and after reading it suggested keeping the original wording which worked in conjunction with paragraph 9. Seeing no comments the Chairperson asked if the Committee members were ready to adopt the draft decision as amended, before doing so he asked Austria if it was satisfied with the amendments.
255. The delegation of **Austria** accepted the Chairperson's proposal for paragraph 8.
256. The **Chairperson** moved to the adoption of the decision and seeing no more comments or objections he declared the decision adopted as amended.

Decision 9.IGC 9 was adopted with amendments.

UNESCO 2015 GLOBAL REPORT: RE|SHAPING CULTURAL POLICIES. A DECADE PROMOTING THE DIVERSITY OF CULTURAL EXPRESSIONS FOR DEVELOPMENT

257. **Ms Anne Bagamery, the Moderator of the Global Report launch event and Senior Editor of the International New York Times**, introduced the Global Report, situating the discussions within the celebrations of the Convention's 10 year anniversary, the adoption of the UN 2030 Agenda and the international community's landmark agreement on climate change. This exchange was an opportunity to reflect and debate on: how to better integrate culture into sustainable development policies; progress achieved in the past decade; and ways forward to address future challenges. Outlining the structure of the session, including two panels of experts presenting the Report's findings, significance, and answering questions, she invited all participants to follow the debate on Twitter. The Moderator introduced the panelists and invited Mr Francesco Bandarin to deliver the opening remarks.
258. **Mr Francesco Bandarin, Assistant Director-General for Culture**, presented Director-General's sincere apologies for being unable to open and attend the meeting and welcomed the participants on her behalf. He highlighted the 2005 Convention as a dynamic legal instrument, ratified by 141 States and the European Union in only 10 years, the only UNESCO convention ratified by the European Union. The Convention has a unique policy framework dealing with topical issues such as contemporary creativity, trade, culture, preferential treatment, the mobility of artists, and artistic freedom. Emphasizing the priority of these issues on the international agenda, he acknowledged the distinguished guests from around the world and members of the high-level panel. The Assistant Director-General for Culture drew attention to the Global Report's reflection of a dynamic 10-year movement making the Convention a tangible reality, as seen through the periodic reports and dynamic monitoring system that demonstrate how the Parties are addressing many different challenges to protect and promote the diversity of cultural expressions at the global level. The Global Report showcases a range of good practices, policies, measures, and legislation adopted by the Parties to implement the Convention, and constitutes an extraordinary resource that can be shared and promoted at the global level. He underscored the Global Report's timeliness and opening of a new chapter in international law by placing unprecedented value on culture as a vector for economic and social development. The Global Report demonstrates how the Convention has successfully encouraged governments to integrate culture into sustainable development frameworks and how it can be instrumental to the future implementation of the UN 2030 Agenda. He concluded emphasizing the Convention's great achievements despite its youth, and expressed his hope that the next decade would be as constructive and dynamic as the first.

259. **Ms Anne Bagamery** began the debate with a question for all of the panelists: “What do you think is the main achievement since the Convention was put into action, and what do you think is the most important challenge for the future?”
260. **Mr Pascal Lamy, the former Director-General of the World Trade Organization and the current Chair of the World Committee on Tourism Ethics**, began by acknowledging the importance of the Convention text, which has become an important element in the international arena. This is because of its application of the principle of the value of free trade to the cultural goods and services sector. This principle, along with free market exchange, dominates the contemporary economy, and the Convention recognizes the market as a channel for the diffusion and promotion of cultural wealth along with that of the value of culture as a unique commodity with unique economic rules applying. In general, the perceived benefits of the international division of labor do not apply in some sectors that, due to market size and marginal costs, have a tendency for excessive concentration; a classic problem of market economies. The establishment of this principle in an international agreement that includes a large reflection on the management and governance of this sector is one of the Convention’s achievements. He posited that the major challenge for the Convention in the future will be the application of these principles to the digital economy which is significant today and will be the dominant economy of tomorrow. The diversity of cultural expressions and the promotion of their exchanges in the digital economy will require a new perspective and thinking. Mr Lamy suggested that the Convention project itself into the digital economy to see how its principles may be impacted in view of dramatic differences in the fundamentals of the digital economy from what we have known in the previous century.
261. **Ms Karima Bennoune, UN Special Rapporteur in the field of Cultural Rights and Professor of Law at the University of California, Davis School of Law**, responded that while the Convention has generated many positive achievements, she found the most significant to be the international affirmation of the idea that culture is about more than money, it is about meaning. Placing more emphasis on the values of culture is an incredibly important idea from a cultural rights perspective. Ms Bennoune characterized the Global Report as a great achievement and congratulated its authors for addressing the key challenges of implementation. Regarding challenges for the future of the Convention, she highlighted several including recognizing cultural diversity and cultural rights as key drivers of sustainable development and the importance of artistic freedom. Identifying gender equality in the achievement of cultural rights as the greatest challenge for the Convention’s future, she cited a Report statistic as an example; indicating that only 3% of the conductors of the world’s leading 150 orchestras playing western classical music are women. She recalled attacks on great female artists, such as the 2014 shooting of Somali singer Saado Ali Warsame as further examples of the need to address the gender issue. Ms Bennoune endorsed the Report’s recommendations for gender disaggregated data and for a holistic approach that brings together gender equality, cultural rights, and cultural diversity. In conclusion, she referred to the former UN Special Rapporteur in the field of cultural rights, Farida Shaheed’s emphasis on the need to move women from the margins of the cultural debate to the center.
262. **Mr Per Olsson Fridh, State Secretary to the Swedish Minister for Culture and Democracy**, observed that today there is a greater understanding of the role of culture in other policy areas and that we are seeing the importance of culture grow in development, cooperation, economy, health, social cohesions, and work towards the respect of democratic values. While acknowledging that this development comes from multiple sources, he underscored the impact and the role of the Convention on this trend, including that the Convention has been quoted in several international instruments over the past decade. He characterized the Convention in itself to be a great achievement; especially in light of the number of its ratifications. The Secretary of State underscored the importance

of recognizing the Convention as the only global instrument in the field of cultural policy, and concluded that it will be an important tool for future positive impact in this field.

263. **The Assistant Director-General for Culture** recalled his presence at the adoption of the Convention in 2005, and the tension surrounding the event due to the beliefs of some Member States that it would turn out to be protectionist and would interfere with World Trade Organization (WTO) policies. He noted its 10 year development into a tool giving potential to Parties explains why it is one of the most ratified of the UNESCO Culture Conventions. He commended the European Union's embrace of the Convention as a tool for policymaking and EU support helping the Convention's implementation in its first phase. Considering the Convention to be on a good foundation, he called for addressing the future challenge of universality; noting that there were still 54 UN Member States who have not yet acceded, almost one-quarter of the total UN constituency. He also stressed the integration of the Convention into the core of the UN 2030 Agenda, noting that since cultural issues featured in many of its targets, the Convention was important for accelerating SDG implementation. He concluded by identifying three critical issues to address: artistic freedom; the mobility of artists and cultural professionals; and becoming more active in the digital environment, one of the most powerful cultural transformers in the world.
264. **Ms Anne Bagamery** asked the Assistant Director-General for Culture: "new figures in the Report show that the total exports for cultural goods amounted to 212.8 billion USD in 2013 and yet the market share of developing countries, excluding China and India, in this amount represented only 19.5%. While the creative industries hold great value from a socioeconomic perspective, there is still an unequal flow in the trading of cultural goods and services between the developed and the developing world. What accounts for this discrepancy and how can this situation be changed to bring more balance to the flow?"
265. **The Assistant Director-General for Culture** underscored the complexity and the difficulty in creating a solid statistical framework for cultural diversity which does not yet exist on the international level. He confirmed that work to build such a framework was occurring and recognized the influence of the Convention in the creation of cultural indicators. He characterized the numbers in the Global Report as the best available and affirmed that the Report clearly showed that cultural industry is strong in developing countries and that it goes in tandem with a country's socioeconomic development. As such, the state of cultural industry is a good indicator of contemporary development processes. When China and India are included the statistic becomes 46%. He underscored their significance in the cultural industries and acknowledged the need to look more carefully at this distribution. One of the reasons for the Convention's existence was to address regional inequalities and to promote preferential treatment to developing countries both through policies and programmatically by drawing on available funds to help them develop their cultural industries. He highlighted the Global Report finding that many of the capacity-building programs have shown positive results by helping countries to identify and understand their cultural assets and resources and to develop their cultural industries. He recalled binding articles within the Convention requiring developed countries to facilitate the exchange of cultural goods and services. The Convention is a policy driver and a tool, not the only tool, but a tool selected by the international community to indicate the path forward.
266. Addressing Pascal Lamy, **Ms Anne Bagamery** asked for his comment on some of the figures that were cited from the perspective of world trade and agreements recently concluded or being negotiated, such as the Transatlantic Trade and Investment Partnership. She asked what his impression was of the treatment of culture in these agreements and how he saw the new relationship between trade and cultural goods and services developing in future international and bilateral agreements.

267. **Mr Pascal Lamy** emphasized between the Convention and the concept of balances in the flows of exchanges of cultural goods and services. There are many reasons why these flows may need to be increased or decreased, but balancing them is not a solution. He characterized the Convention text as a real encouragement for the promotion of goods and services exchanges, but trying to balance these flows is irrelevant. Mr Lamy expressed reservations about using statistics on culture in international trade; noting that since traditional economic rules for commodities could not be applied to cultural goods and services, neither could traditional indicators be used to measure the success of its promotion. He called for additional reflection on this point and acknowledged the heightened significance of the imbalances between developing and developed countries in the international exchange of cultural goods and services, in comparison to some other commodities. He evoked the centuries-old cultural dominance of developed countries as the main reason for this imbalance, suggesting that it was slowly changing over time. Furthermore, he underscored differences within the rates of change of different creative fields, such as the rapid changes in visual arts. This is all relative to the importance of the digital economy, which significantly changes the shares of different cultural goods and services. Referring to the Global Report chapter on protecting cultural diversity or cultural exception, he said that this has not been taken far enough in international trade regulation and hoped that this would be done relatively quickly. Mr Lamy recommended the annual publication of a factual table based on the indicators in chapter 7 that shows which conventions and agreements really look at the various cultural aspects. He cited a case of WTO dispute resolution that implicitly took the Convention into account, the European Union promotion of specific provisions for the export of creative industries in several of its international agreements as examples. He mentioned a recent accord signed by 12 Pacific Zone countries and the United States that gave less support to cultural exception, most likely due to the US dominance in the cultural export industry. Mr Lamy highlighted these differences in trade agreements as evidence of movement and of the importance for UNESCO to monitor and publish these changes.
268. **Ms Anne Bagamery** addressed Mr Per Olsson Fridh observing that cultural policies need to ensure support for creative professionals and industries and give them a place in national development. She asked, what sorts of policies will ensure that culture is placed at the heart of sustainable development 20 years after the 1998 Stockholm Conference on cultural policies for development and in consideration of the Convention and the UN 2030 Agenda.
269. **Mr Per Olsson Fridh** noted that the Convention constituted a powerful tool and that one of the greatest challenges ahead was to continue bringing culture and its contribution to sustainable development onto the political agenda at the highest levels. He identified the continuous contribution of culture to sustainable development, underscoring the two parts of this connection. First, the values that culture promotes are the core of all types of sustainable development: economic, social, and environmental. Secondly, the creative sector fosters innovation and creativity, needed skills for the promotion of sustainability; evidenced by joint projects in Sweden between engineers and politicians in an effort to foster new ideas and problem solving tools. Mr Fridh acknowledged that some SDG targets, like education, are more relevant to the Convention than others. He noted that UNESCO's shared oversight of education and this Convention made the Convention a perfect tool to start working from. He also identified the Convention's provisions for transversal issues, such as gender equality, as a strong area requiring much future work. If, for example, gender equality could successfully be brought into the cultural sector, it would influence other policy areas. Citing SDG 16 to "promote just, peaceful, and inclusive societies," he highlighted the Convention's unique platform for the development of cultural policies, international standard-setting and legislative mechanisms. He suggested working with UNESCO in parallel with the SDGs equating the fulfillment of the Convention to the fulfillment of the SDGs. Furthermore, he affirmed that a diverse cultural life, with a

dynamic, challenging, and independent cultural force, can promote the accountability of decision-making and decision-makers. Quoting Farida Shaheed from the 2013 report that, “artists sometimes bring counter discourses and counterweights to existing power centers,” he added that this develops society and brings out our humanity and equality, the fundamental aim of the SDGs. He underscored the many challenges, such as bridging the digital divide, needing to be addressed in order to ensure the future protection of cultural diversity and its expressions.

270. **Ms Anne Bagamery** addressed Karima Bennoune recalling a 2013 report to the UN Human Rights Council in which Farida Shaheed stressed the importance of artistic freedom as embedded in the freedom of expression and the right to take part in cultural life. Considering that the Global Report highlighted the continued need for artistic freedom and the widespread conflicts currently endangering many artists, she asked how we can ensure that creative professionals can work free from censorship and persecution.
271. **Ms Karima Bennoune** explained that she became the UN Special Rapporteur in the field of cultural rights on 1 November 2015 and that her first official statement was to condemn the attacks in Paris as a crime against humanity and a crime against cultural life. She referred to an Algerian television presenter that worked on the first youth music program on Algerian television, noting that this program featured a diversity of Algerian youth voices and has begun to receive threats with the rise of extremism, especially when showing female performers. She explained that despite being the victim of an assassination attempt that left him paraplegic, the show’s producer continues to produce and promote culture. This story demonstrates the reality of the dangers many artists face in their effort to enhance and beautify our world through cultural production. National laws must be strengthened to guarantee freedom of artistic expression. She underscored the necessity of respecting Convention Article 2 that the diversity of cultural expressions can only be guaranteed if we respect human rights and fundamental freedoms including the freedom of expression. Ms Bennoune confirmed that challenges are faced by artists around the world, including difficulty getting health insurance in the United States. There is a need to address the diversity of forms of censorship and challenges to artistic freedom worldwide using international law as a tool to implement human rights commitments. She noted the increasing emergence of the issue of artistic freedom in human rights mechanisms, characterizing this as a good development. She also called for the protection and provision of public space for artistic expression, a critical aspect that was emphasized by Farida Shaheed in her report on artistic freedom. In conclusion, Ms Bennoune cited Christiane Amanpour’s provocative question from the Global Report, asking us to imagine a world without artists, confirming that she could not do so. She recalled that the Convention’s vision was to protect the world of artists and to promote cooperation against certain challenges or barriers derived from both State and non-State actors.
272. **Ms Anne Bagamery** thanked all of the panelists for their interventions and opened the floor to questions and comments.
273. The delegation of **Saint Lucia** thanked the panelists for the impassioned debate and confirmed that she had been involved in the Convention from the negotiation of its text. She agreed with Pascal Lamy that application of the Convention to the digital economy is the biggest challenge for the future. Recalling the Committee debates on the operational guidelines addressing digital issues, she asked what concrete measures the panel recommended the Committee take to respond to this challenge and in consideration of obstacles such as inequalities in access.

274. **Mr Pascal Lamy** highlighted some very promising economic sectors for the exchange of cultural goods and services, namely within the digital economy and the tourism sector. Tourism is growing, with 1 billion tourists currently worldwide and an expected increase to 2 billion in the future. This represents a strong channel for the promotion of cultural diversity and an opportunity for the development of culture and national heritage bringing many benefits. While tourism does include some damaging effects on the ecological, cultural, and community environments it is also a wonderful medium for promoting culture. Mr Lamy called for a careful rereading of the Convention in light of technological developments and potential weaknesses in the text as a result. While the digital economy offers much potential for the development of economies of scale in cultural services, bringing beneficial cost reduction for their dissemination; capitalist values related to these platforms lead to concentration and hubs which runs counter to diversity in all its forms, including cultural. He recommended looking for new relations between cultural service industries that can generate the positive effects of the digital economy and adopting new rules to protect the cultural sector from concentration and domination such as those used in the field of trade.
275. **The Assistant Director-General for Culture** remarked that Mr Lamy had reached the heart of the digital issue. While, in principle, there is general agreement on the need for cultural diversity in the digital age, the digital economy involves concentration to such a powerful extent that even the European Union is proving unable to control it. Considering the weight of the EU, it is nearly inconceivable for a country with very little power to face such a challenge. The means available to assist these countries is modest in view of the magnitude of the task. He called for reflection on how to address the substantial challenge posed by the lag between countries and emphasized capacity-building for Member States that are not in a position to engage in certain negotiation processes. He recommended working to create and strengthen capacities internationally to train actors to successfully negotiate with the major concentrators in the digital economy. While he admitted that this would not be sufficient, he considered it an important first step.
276. **Mr Per Olsson Fridh** emphasized the first step is acknowledging digitization as the core infrastructure for many concurrent trends including cultural transformation, a new media landscape, and a changing landscape for participation. Therefore, digitization is also a core infrastructure for development. He posited that one way forward would be to ensure increased dialogue between actors within the information, culture, and development fields as well as within the framework of international trade agreements. Digitization is so fast-moving that it can be difficult for policymakers to keep up and sometimes technology is moving faster than policies and legislation. He affirmed that this does not have to be the case, encouraging policymakers on the highest levels to include this issue on their agendas and take the lead in ensuring that dialogue and development of the infrastructure necessary to accommodate digitization's effects on different trends are put into place.
277. The delegation of **Tunisia** made reference to the seven trade agreements mentioned by Pascal Lamy and asked if inserting cultural goods within these purely economic frames could negatively impact the quality of artistic production. Referring to the exceptional beauty of some of the work of Tunisian artists, she expressed concerns about impact on the quality of art in light of the quantity of cultural goods beginning to inundate the international market.
278. **Mr Pascal Lamy** emphasized the scope of Tunisia's question on the link between culture and the free-market economic system. He noted that there was no opposition between the market and cultural goods and services because as we operate in a market system, we are all part of the market economy. Mr Lamy underscored the potential of trade systems for art, recalling that Leonardo da Vinci was able to produce many works because he had financial sponsors. Da Vinci then supported other artists to further foster the free creative

spirit. There is always an economic subsistence model for any human activity. Trade is good for the production of cultural goods and services, and there is a distinction between the price and the quality of goods. He concluded that despite imbalances in the system, there was no need for concern due to the volume of exchanges and the size of markets.

279. **Ms Anne Bagamery** announced that the first panel session had come to an end. She introduced the second panel participants, the authors and editors of the Global Report. She invited Mr Isar to present the Report and to introduce the other authors and editors present in the room.
280. **Mr Yudhishtir Raj Isar, Professor of Cultural Policy Studies at The American University of Paris and Principal Editor of the Global Report**, thanked the Moderator and expressed his honor and satisfaction to present the Global Report, arriving 20 years following the publication of “Our Creative Diversity” and 17 years following the 1998 Stockholm Conference mentioned by Per Olsson Fridh. Emphasizing his role as the coordinator of a multi-partner process including the Report’s 15 authors, the Secretary of the Convention, and her team, Mr Isar introduced and individually recognized all of the Global Report’s authors and its designer. He noted that the basic building blocks for each chapter were provided by the 71 quadrennial periodic reports submitted by the Parties. In addition, the authors drew from their own experience and from a variety of non-official sources. The Global Report demonstrates that implementation of the Convention is triggering the development of new transversal policies for the cultural and creative industries. Still more data is needed for evidence-based policies on all governance levels and the development of a battery of indicators was the Global Report’s main programmatic, forward-looking purpose. The indicator framework used follows the Convention’s four implementation goals which each author evaluated to assess the Convention’s impact. Monitoring cultural policies calls for patience and a spirit of cumulative gradualism; as well as a realistic awareness of reasonable achievements and feasible expectations in the short-and medium-term as information becomes available. The report has identified 33 core indicators and 180 domains requiring data collection as a means of verification; a lofty goal that few Member States can achieve at present. Developing this requires political will and a capacity to work with all stakeholders, including civil society, in each country. He summarized that the advances and innovations revealed by the Global Report are encouraging but insufficient; considerable progress needs to be achieved, progress that is within the grasp of all of the Convention’s stakeholders provided the lessons in the Global Report are heeded and applied. He concluded paraphrasing an op-ed piece written by UN Secretary-General Ban Ki-moon to emphasize that the Global Report represents a turning point towards a sustained and collaborative rethinking of cultural policies by all stakeholders, including civil society, in the spirit of the Convention.
281. **Ms Anne Bagamery** thanked Mr Isar and the authors of the Global Report. She explained that she would ask individual questions to the panelists before opening the floor. She began by asking Nina Obuljen Korzinek how cultural policies have been reshaped by the implementation of the Convention around the world.
282. **Ms Nina Obuljen Korzinek, a Research Associate at the Institute for Development and International Relations (Zagreb)**, emphasized the short timeframe represented by the Convention’s 10 years and the trends identified and policies analyzed through the Global Report. The Convention’s definition of culture is broad and many policies and programs impact cultural diversity. 10 years after the Convention’s adoption, reporting remains focused on mainstream policy measures for topics directly addressed in the Convention. Recalling the challenge for countries presented by the periodic reporting exercise, she noted that the Convention is provoking Parties to reflect and report on cultural policies in different ways and this exercise is contributing to more informed policymaking. Highlighting a Report finding that countries in the North felt their cultural

policies were fully in-line with the Convention, she underscored the difficulty in assessing whether these policies were put in to place specifically for Convention implementation or if they were evidence of business as usual. However, she confirmed that there were examples in which the Convention was an incentive for change, including the creation of Ministries of Culture in several countries. Ms Obuljen Korzinek expressed the authors' hope to see more data on the impact of these new policies over time. She noted the Secretariat's capacity-building program and varied mapping exercises that will generate more statistics. Ms Obuljen Korzinek concluded highlighting some of the key challenges to keep in mind for the future, namely: the difficulty for some countries to devise and implement highly-innovative new cultural strategies; determining the impact of new technologies across the cultural value chain; the non-existence of cultural markets in many countries and the resulting reliance on informal economies; the unequal distribution of resources within national territories; and the great need for more data, as highlighted by Mr Isar.

283. **Ms Anne Bagamery** thanked Ms Obuljen Korzinek for her intervention and moved to the Convention's second goal to achieve a balanced flow of cultural goods and services and to increase the mobility of artists and cultural professionals. She asked Mike van Graan what is needed to overcome the challenges to the freedom of movement for creative professionals and how Convention implementation can help foster such mobility.

284. **Mr Mike van Graan, Executive Director of the African Arts Institute (South Africa)**, underscored the significance of external remittances to the South African GDP as evidence of the need for artists to move beyond their national borders to create new markets for themselves, thereby allowing them to contribute to their countries' and families' economic development. Second, he identified the need for the widespread engagement of artists and intellectuals with one another on the values and worldviews imbedded within creative expressions. He framed this need in reference to the Convention's objective that all countries have the possibility to project their ideas and world views through flows of their cultural goods. He highlighted four key challenges to artists' mobility: economic factors that make it difficult for artists from the global South to circulate; visa issues related to security concerns in a post-9/11 world and difficulty to get visas for countries in the global North; difficulties for artists to physically obtain visas resulting from high costs and the lack of embassies in some countries; the availability of funds to help artists from the global South. Mr van Graan highlighted the underlying power relations that determine who can travel, where they can travel to, and what kind of work they can do. In order for the Convention to address these challenges, he indicated the importance of educating stakeholders about the Convention, ensuring that Parties are fully aware of the rights and possibilities within its provisions. He emphasized closer alignment between the government departments and the need for dialogue between government Ministries. Finally, he called for more resources through independent structures such as the IFCD to overcome some of the challenges caused by inherent power relations. Mr van Graan concluded by expressing his shock over the lack of resources donated to the IFCD in the past 10 years. He indicated that this was evidence of the amount of work remaining to be done and of the Parties' lack of commitment to the Convention so far.

285. **Ms Anne Bagamery** thanked Mr van Graan for his intervention and moved to the third goal of integrating culture into national sustainable development plans and international development programmes. She announced that Mr Isar had kindly consented to answer this question in the absence of David Throsby, the author of the corresponding chapter in the Global Report. She asked for key findings reported on and whether this was only an issue for developing countries.

286. **Mr Yudhishtir Raj Isar** noted that the chapter's author, David Throsby, had provided him with some written comments in reply to the Moderator's question. Mr Isar began by highlighting his and Mr Throsby's surprise over the semantic inflation surrounding the term, "sustainability." Since its coinage by the Brundtland Commission in the late 1980s, the term has transformed from a specific reference to environmental degradation into a forward-looking development process. Mr Isar highlighted the merit of Mr Throsby's chapter in setting out a concept of cultural sustainability and mirroring its principles to those of environmental sustainability. He affirmed that most developing countries have national development plans for a given period that incorporate their main economic and social objectives, including a cultural dimension such as specific financing provisions for cultural projects or targeting specific sub-sectors such as cultural industries as components. Some countries have focused on sustainable development plans specifically for the cultural sector or for one or more sub-sectors. The recognition of small and medium sized businesses has been a key ingredient in promoting growth in cultural industries and has contributed to the achievement of broader social objectives such as poverty alleviation and women's empowerment. The principle of fairness and non-discrimination in the allocation of cultural resources and the importance of specific strategies targeted for vulnerable groups or through monitoring the impacts of more general policy measures were stressed. All countries need to promote the place for the arts and culture in their overall policy agendas. He also urged developed country authorities to make a significant contribution to cultural development in the developing world through their overseas development assistance programs, including through financial support of the cultural industries, joint projects, and the provision of technical assistance.
287. **Ms Anne Bagamery** overviewed the Convention's fourth goal concerning human rights and fundamental freedoms and noted two priorities related to this goal as identified by the Parties namely, gender equality and artistic freedom. Addressing Ammu Joseph, she asked how to ensure that women are recognized and supported as creators and producers of cultural goods and services.
288. **Ms Ammu Joseph, a Journalist and Media Watcher (India)**, noted that in researching her chapter she found that the ratio of women to men in most creative fields is skewed. Considering the close links between women and culture, she found this imbalance to be counter-intuitive since almost every creative profession around the world boasts of successful women. She posited that there was even less representation for those identifying themselves as other genders, evidenced by the lack of reference to their participation in creative industries. Ms Joseph noted that there were three pre-requisites for necessary action and change. The first was the recognition that gender imbalances exist and are serious violations of cultural rights, human rights, and fundamental freedoms. She cited Farida Shaheed on the link between women's rights and human rights and added that the multiple obstacles blocking women's creative expression degrade the cultural rights of all human society by depriving us all of the full range of creative expressions. Ms Joseph affirmed that success in protecting and promoting the diversity of cultural expressions could not occur until gender equality was recognized as a central concern and was integrated into all aspects of Convention implementation. The second step identified was the recognition of the lack of data on gender representation in the creative domain. She underscored the problem represented by the absence of gender disaggregated data calling it an issue that has been repeatedly signaled, but not yet widely addressed, particularly in the global South. Thirdly was the issue of participation of a wide range of stakeholders in Convention implementation. She noted that national organizations for women's empowerment, other institutions, and civil society representatives specializing in women's rights and gender equality could play a crucial role encouraging an inclusive approach. In reference to inclusivity, Ms Joseph reiterated the importance of recognizing the cultural rights of other genders and the diversity among women. The vulnerabilities, special needs, and capabilities of all women and other genders should be taken into account in Convention implementation efforts.

289. **Ms Anne Bagamery** returned to the issue of fundamental freedoms referring to the Report's characterization of the respect of human rights and fundamental freedoms as a prerequisite for diversity in cultural expressions; and its proposal of a framework for understanding artistic freedom, for promoting the economic and social rights of artists, and for providing universal access to cultural expressions. She asked Ole Reitov to provide more information on the approach to doing so and on the overall message of his chapter.
290. **Mr Ole Reitov, the Executive Director of Freemuse (Denmark)**, evoked the November 2015 UNESCO discussion panel on the status of the artist and the Paris attacks that followed shortly thereafter. He characterized this as an attack on culture, on the organizers who created a space for diverse cultural expressions, on the audience, and on the artists. Artistic freedom is a fundamental part of the Convention's core and it needs strategies for the future. Despite the lack of information from the Parties' periodic reports, the Global Report was able to identify the main obstacles to artistic freedom. Mr Reitov emphasized the universality of this issue, positing that it affects every country. He defined artistic freedom as the capacity to imagine, create, and distribute free from governmental censorship, self-censorship or the pressure of non-State actors. He underscored that the consequences of attacks on artists and artistic freedom have an impact ranging from the individual, to societies, to the whole cultural economy. When there is safety in society, cultural industries bloom; meaning that restrictions on personal freedom limit the development of the cultural economy. Based on his years collecting data on the issue, Mr Reitov confirmed that violations of artistic freedom are underreported by the media. In conclusion, he called for a more significant integration of civil society in the monitoring and following-up of the Convention and expressed his support of the Committee's decision to welcome activity reports from civil society representatives.
291. **Ms Anne Bagamery** thanked the panelists for their thorough and well-thought out responses. Before opening the floor to questions from the audience, she invoked her privilege as monitor to ask a question herself. Noting that all of the panelists evoked both the need for and difficulty of obtaining data to inform strategies for moving forward, she asked the panelists what the source of this difficulty was. Specifically, she asked if the difficulty was an issue of quantification, if there were other forms of resistance, and what could be done to obtain data.
292. **Ms Nina Obuljen Korzinek** affirmed that from the perspective of cultural policy making and research, no country in the world had exemplary statistics and data and that it was a complex issue in the case of the Convention because of its breadth covering many issues, sub-issues, and transversal issues all requiring data collection from multiple fields, disciplines, and levels. Ms Obuljen Korzinek highlighted that in some cases, such as cultural industries, more data was available due to its interest to government and the private sector; while in others, such as artists' mobility, the reliance on personal informal channels left much movement unregistered officially. She concluded that this was the case for every issue covered by the Convention, each with its own set of complications.
293. **Mr Mike van Graan** noted that in Africa data indicated that 70% of people who generate any form of income do so through the informal economy, which makes data collection difficult. Furthermore, his work with artists across South Africa indicated that many artists refuse to formalize themselves in order to avoid paying taxes. He highlighted the paradox of the situation in which discussions and work to formalize creative industries as drivers of development took place despite the reluctance of many arts practitioners to be a part of the formal economy.

294. **Mr Ole Reitov** recalled the challenge in defining what diversity means and referred to Christine Merkel's writings on media diversity, noting that not even the most developed countries have indicator systems to measure the levels of diversity within different kinds of media. He affirmed that the Convention's concepts needed to be presented individually to facilitate understanding of them.
295. **Ms Ammu Joseph** observed that in the global South culture is seen as a luxury compared to the many pressing issues needing research and data. She underscored the need for consciousness of the importance of numbers and of gender within culture. Ms Joseph also highlighted the scarcity of resources available.
296. **Mr Yudhishtir Raj Isar** reiterated the Global Report's novelty and its focus on new lines for inquiry, for which data was not yet available. He characterized culture as a domain which comes as an afterthought to most politicians and lacking in accountability and reporting. He noted that issues such as transportation infrastructure and health systems were what got politicians elected and that since culture did not feature among these issues, it got more attention in discourse than in reality.
297. **Ms Anne Bagamery** evoked the reference to Christine Merkel's statement on the importance of the fundamental freedom of expression for media diversity and asked Ms Merkel to give more information on her chapter in the Report.
298. **Ms Christine Merkel, Head of Division for Culture, Communication and Memory of the World, German Commission for UNESCO**, underscored the value of being able to bring different knowledge hubs together through the Convention and the twinning situation between developing freedom and diversity. Ms Merkel noted media changes in audiovisuals, access due to mobile devices, and the presence of new voices. The Global Report evidences the new positive realities of documentaries and social journalists and the mix of old and new challenges. The data on media freedom and the safety of journalists is worrisome. For the next decade of the Convention, she suggested the connection of freedom of information legislation with internet governance and freedom of expression both on and offline.
299. **Ms Anne Bagamery** thanked Ms Merkel and opened the floor to the audience.
300. The delegation of **Denmark** recalled its co-organization of a side event at the UNESCO General Conference on monitoring artistic freedom and appreciated the Global Report chapter on artistic freedom. The delegate introduced Mme Elsebeth Krogh, the Director of the Danish Center for Culture and Development (CKU) responsible for the Danish financing of a background study that was a basis for the artistic freedom chapter in the Global Report. Mrs Krogh and her team work on integrating the cultural dimension concretely into development cooperation, and drew up a strategy in 2013 on culture and development.
301. **Mrs Elsebeth Krogh, Director of the Danish Center for Culture and Development**, gave examples of Danish support to art and culture as part of development cooperation. The 2012 strategy was based entirely on the Convention in terms of its well-defined value base and its strong direction and focus. She expressed appreciation of the Convention which has guided and shaped programs carried out in 11 of Denmark's cooperation countries in the global South, as well as a number of domestic activities featuring exhibitions and festivals promoting the mobility of artists and cultural professionals. Mrs Krogh highlighted Denmark's program promoting cooperation among African designers, mentioned in the Global Report, as evidence that there can be promising, tangible, and evaluated results in the field of the creative industries such as in employment, market access, and income for male and female designers from ten low-income countries in

Africa. She noted CKU publication of its “Creation out of Crisis,” report featuring examples of how a diverse cultural sector can act as a stabilizing factor in countries in transition such as in Burkina Faso, Egypt, and Tunisia. Another of its reports focuses on the contribution of arts and culture in peace and reconciliation processes in Asia showing that culture can instill reciprocal curiosity and provide a neutral ground for dialogue. She mentioned work with a joint program with UNESCO in Pakistan that is directly focusing on the Convention and mobilizing civil society to take part in policymaking with a view of Pakistan’s ratification of the Convention. CKU seeks to widen the space for artistic activity through supporting platforms, performance venues in public spaces, networks ensuring international links, and the decentralization of culture. It operates on the idea that while talents are found everywhere in the world, opportunities are not. She called for more integration of culture in the SDGs, in indicators, and in practical strategies to leave behind the “development aid classic,” in order to respond to the contemporary needs of the world with new partnership modalities and synergies.

302. The delegation of **the United Arab Emirates** thanked the Moderator and the panelists for identifying what currently plagues culture in terms of its practical issues, its weaknesses, and its gaps; such as the western definition of culture that focuses on Conventions, guidelines, and basic ideas but leaves aside the genuine culture life. He expressed frustration over the lack of representation from the Arab region in the Global Report, which could have been enriched through this inclusion. The delegate thanked Ms Joseph and Mr van Graan for introducing the voice of the so-called third world into the western debate by discussing the difficulties and resources in countries which do not have Internet. He observed that in many places there is no Internet coverage and some fundamental needs of consumers must be met before discussing transatlantic conventions. He asked why there was such hesitation to establish bridges and gateways with the Arab world so that peace can dominate through culture and cultural diversity.
303. **Mr Mike van Graan** responded that this was not a question between North and South, that his organization had mixed representation including people from Arab Regions, and that we were dealing with global issues and fundamental human rights. He emphasized the universality of cultural diversity, which is not about regions. He characterized what is currently happening in the Arab Region as important to the world and identified the need to develop platforms to openly discuss these important issues. Mr van Graan suggested organizing an exchange session dedicated issues specific to the Arab region.
304. **Ms Anne Bagamery** asked Report author Lydia Deloumeaux to respond to some of the issues that were just raised and to elaborate on her chapter on flows of cultural goods and services.
305. **Ms Lydia Deloumeaux, UNESCO Institute for Statistics**, recalled that despite the chapter’s finding of the 213 billion USD in the export flows of cultural goods and services, the situation was quite complex. She reiterated the paradox, mentioned by Pascal Lamy, on using trade statistics to measure the flows of cultural goods and services; reiterating the uniqueness of cultural goods and their different requirements for evaluation. She underscored that data on the flows of cultural goods and services can only provide a partial view of the potential effect of preferential treatment measures to help the global South to access global markets. Other factors need to be considered when examining trade issues including limited export capacities, limited resources in developing countries, consumer tastes, and limitations of the data itself. Furthermore, she recalled Mr van Graan’s discussion of the informal economy, acknowledging that that part of trade is not captured in data. However, she affirmed that the data shows interesting new policy measures on the individual, institutional, and industrial environment levels which can help provide opportunities for the global South to access global markets. She noted the European Union’s insertion of a measure on cultural cooperation protocol within economic

and trade agreements and encouraged economic partnership agreements. Ms Deloumeaux also highlighted the presence of co-production agreements with countries from the global South providing movie producers opportunities to access greater resources and to attract a wider audience. She concluded by emphasizing the need to support the participation of artists from developing countries in culture related trade events.

306. **Ms Anne Bagamery** turned to Octavio Kulesz and asked him to comment on his chapter concerning the challenges of the digital age and the digital world's role in promoting culture.
307. **Mr Octavio Kulesz, Publishing Director of Editorial Teseo**, confirmed the reshaping and transformation of the cultural landscape in both the global North and South as a result of the digital revolution. He affirmed that many Parties to the Convention have taken due note of this, reflected in his chapter's inclusion of a list of all the dimensions and references of digital technologies found among the Parties' periodic reports. He identified a reoccurring pattern indicating five main areas of the impact of digitalization on the diversity of cultural expressions: 1) access to culture, including the attempts of many Parties to improve digital infrastructure, access, literacy, and digitization via online libraries; 2) creativity, fostered through many prizes for young creators and support for digital arts; 3) cultural industries, financial support for SMEs trying to migrate into the new age; 4) social engagement, many Parties are using social networks and mobile apps to better communicate with society; 5) data, the great problem currently facing the study of the Convention's impact. While there is not enough data because of the informality issue, especially in the global South, there is also the problem of the reliance on the control of data in the business models of very large platforms. This prevents States from accessing necessary information on cultural exchanges. He underscored the need to assess the impact of digitalization on the Convention and the impact the Convention can have on digital life in the future.
308. The delegation of **Brazil** remarked on a tension identified between the vastly expanded access to digital culture, the increased access resulting from mobile devices, and the growing concern among creators and artists about the sharing of content without fair remuneration. So while large platforms, such as Youtube and Amazon, are making a large profit through the sharing of digital cultural content, artists in Brazil are asking the government for assistance with finding mechanisms for the fair remuneration of their work. He posited that while there is fear among many artists over the possibilities in digital technology, there is a much larger movement to expand public access to digital content which creates a tension. Brazil asked for comment on that tension.
309. **Mr Octavio Kulesz** acknowledged a tension between access and creativity adding that there was also a tension between access and the cultural industries. He noted the need to balance the most passive aspect of culture, receiving and consuming, with its most active aspect, creating and distributing. He posited that there was no simple solution for this problem, calling for an approach that views it as a holistic ecosystem in which we cannot have 100% access with only 1% of creativity, because it would not be sustainable. He underscored the need for a balance between good levels of access, creativity, and cultural industries reflecting on the possibility of fostering the emergence of local players and local platforms as one solution. He clarified that the idea is not to try to build an alternative platform to compete with the likes of Google, but to foster, as much as possible, local players, producers, and suppliers. Mr Kulesz emphasized the urgent need to gather as much data as possible, citing the Brazilian uploading content onto Youtube as an example of an area needing data, including how many hours of content are being uploaded by Brazilian artists.

310. The delegation of **Brazil** noted that once there were powerful companies providing services and using algorithms to orient consumption, artists complained that these algorithms create certain market tendencies, concentrate attention on big players, and create new possibilities for censorship based on the decisions of the large companies controlling online content. Brazil asked what could be done to promote diversity in that environment or public access to a diversity of supply.
311. **Ms Nina Obuljen Korzinek** recalled the Convention's technological neutrality requiring that the principles for the diversity of choices established in the analog world are translated and established in the digital world. She emphasized the difficulty of this task considering our lack of understanding of the size of the problem, and noted that we have to find a way to translate the goals we have set via traditional distribution and production with traditional policies and instruments into the digital world.
312. The delegation of **Morocco** noted that the Global Report included it among the list of countries with unfavorable environments for civil society and expressed its surprise by this inclusion in light of its various national support programs for civil society. It confirmed that public authorities were supplied with a significant budget to help local associations to develop cultural projects, in particular, the underprivileged sectors of society providing them access to culture and participation in social, economic, political, and cultural life. The Ministry of Culture supports civil society with a 600,000 USD budget to develop activities in all domains of the creative industries including supporting artists and businesses in this domain. She confirmed that a significant number of associations benefitted from this program in 2015, which reinforced their capacity to elaborate, implement, and manage their initiatives. Another program to be launched in January 2016 is dedicated to facilitating artists' mobility between Morocco and other African countries. Morocco asked what criteria were used by the authors that resulted in its being placed in this list in the Report
313. **Ms Anne Bagamery** thanked Morocco for the question and confirmed that the authors of the report would meet privately with the delegation in order to address it. She confirmed that the second panel session was coming to a close and invited Mr Carl-Johan Kleberg to give his overall impressions of the Report, the day's panel sessions, and the future outlook of the Convention.
314. **Mr Carl-Johan Kleberg, Professor and former Deputy Director of the Swedish Arts Council**, noted that cultural research is often lacking evaluation and based on the researchers' personal agendas rather than on the intention of helping the government to improve cultural policy. He has seen huge research efforts such as the World Commission on Culture and Development that led to the much cited 1998 Stockholm World Intergovernmental Conference that did not trigger change. He identified the Convention as a late outcome of the 1998 Stockholm Conference. Mr Kleberg affirmed that the Convention's signatories had set big targets and must take action to achieve them. He commended the Global Report for identifying the right problem areas and measures to evaluate the efforts through well-elaborated indicators. He stated that he is very satisfied with the evaluation exercise in the Global Report for the first time in his 50 year career in the field and considered it to be the beginning of a long-needed new area.
315. The delegation of **Australia** commented on the intervention given by Octavio Kulesz, observing that there has been a lot of production in the digital era and identifying the need to look at economic incentives such as intellectual property. He reflected on the potential role for the Convention to collaborate with the World Intellectual Property Organization in order to create economic incentives to encourage artistic works and the economic gain of artists. He affirmed the potential for considerable gains to artistic freedom that could be achieved in terms of the commercialized world of artists and musicians producing work for sale, and underscored the importance of copyright.

316. **Ms Anne Bagamery** concluded by thanking the panelists, the experts, and the audience for their interventions and participation.

ITEM 10 – QUADRENNIAL PERIODIC REPORTING: NEW REPORTS AND ANALYTICAL SUMMARY

Documents CE/15/9.IGC/10

317. The **Chairperson** invited the Committee to consider item 10 on quadrennial periodic reporting, noting that there were five new reports and an analytical summary in document 10. He invited the Secretary of the Convention to introduce the item.

318. The **Secretary of the Convention** introduced the document by presenting a summary of the Secretariat's processing and analysis of the periodic reports in the implementation of the decisions taken by the Intergovernmental Committee and the resolutions of the Conference of Parties on this matter. An analytical summary of the periodic reports submitted in 2015 is presented in Annex I. Annex II presents the executive summaries of the five reports submitted in 2015 in English by, **Tajikistan, Honduras, Australia, India,** and the **Republic of Korea**. Following the deadline, the Secretariat received two additional reports from **Niger** and **Côte d'Ivoire** which do not figure in document 10, but would be included in the analysis foreseen for 2017. The Secretary confirmed that in accordance with the guidelines on periodic reports, the five reports are available online with password protection, and once approved by the Committee the password protection would be lifted and the reports would be made available to the public. The Secretariat was expecting 100 reports in the Spring of 2016 and sincerely apologized for the delay in making the electronic template available online, in part due to the Secretariat's limited resources. She recalled that the operational guidelines adopted in June 2015 provide the template for periodic reporting. She encouraged Parties to begin preparing their reports in the absence of the electronic template and assured the Parties that they would be informed once the electronic template was available. Recalling the Parties' request, included in the guidelines, for a biannual analysis of the periodic reports, she referred to the launch of the Global Report as a presentation of that analysis. Designed to go beyond the working document, the Secretariat proposed a new dynamic format for the Global Report including statistics and a more accessible writing style. The Secretary recalled the many requests for help with the reports due to a lack of infrastructure adapted to the new and emerging issues related to the Convention and highlighted the SIDA sponsored capacity-building program in 12 countries. She emphasized that the Secretariat welcomed feedback on the reports with a vision to improve the 2017 issue of the Global Report.

319. The **Chairperson** thanked the Secretary of the Convention for the presentation and opened the floor for comments and questions.

320. The delegation of **Indonesia** confirmed its 2012 accession to the Convention and its obligation to submit its first periodic report in April 2016. Indonesia thanked the Swedish Government, SIDA, and the UNESCO Jakarta Field Office for providing support and capacity-building training for its government officials and Convention stakeholders. He acknowledged assistance received from two experts, Mr Charles Vallerand and Ms Anupama Sekhar. Indonesia confirmed the importance of the process and analysis involved in the preparation of periodic reports to give all Parties more direction in their implementation of the Convention objectives.

321. The delegation of **Ethiopia** confirmed its participation in the SIDA supported capacity-building training for the preparation of its periodic report, calling it an important platform for government and civil society providing insight and focus to the Convention. Ethiopia affirmed its interest in applying the lessons learned from its training to the implementation of other culture Conventions. The delegate provided a brief overview of its capacity-building process which included organizing workshops for various Convention stakeholders and government Ministries. He affirmed that following the training, data was being collected from diverse stakeholders and industries for use in its periodic report due in April 2016. Ethiopia acknowledged SIDA for its support and the Secretariat for its assistance that it called essential to its successful report preparation.
322. The delegation of **Zimbabwe** thanked the Swedish Government for supporting the preparation of its periodic report and confirmed that it had successfully organized a meeting with its government departments, civil society, and community leaders. Zimbabwe underscored the importance of its National Statistical Agency which was helping to collect the relevant statistics and ensure future data collection without external funding sources. The delegate reported that its first meeting was attended by 80 participants, half from civil society. Furthermore, it had just identified the national participants that would collect information and ensure the timely preparation of its report. Zimbabwe affirmed that it would work to submit an initial draft to the Secretariat in February 2016.
323. The **Chairperson** thanked the delegations and underscored the extensive positive feedback and appreciation expressed to SIDA and the Government of Sweden for their instrumental and successful support to build capacities for periodic reporting. The Chairperson invited the observers to comment. Seeing no requests, he asked the Secretariat to put draft Decision 10 on the screens and proceeded paragraph by paragraph. Seeing no comments or objections, the Chairperson declared the decision adopted.

Decision 9.IGC 10 was adopted.

ITEM 11 – DATE OF THE NEXT SESSION OF THE COMMITTEE

Document CE/15/9.IGC/11

324. The **Chairperson** opened the agenda item referring the Committee to document 11 and recalling that in conformity with Rule 4.1 of its Rules of Procedure, the Committee selects, in consultation with the Director-General of UNESCO, the date of its next session. In accordance with Rule 4.2 of its Rules of Procedure, Committee sessions are to take place at UNESCO Headquarters in Paris, France. Following IOS recommendations on the working methods of the cultural conventions issued in 2013, three-day lengths for Committee meetings have become a common practice. The proposed dates for the tenth session are 13 – 15 December 2016. The Chairperson recalled discussions on increasing civil society involvement and noted that exchange sessions on key topics were an important means of achieving this. He proposed consideration of the 12th of December for an exchange session in preparation for the next Committee meeting. He noted that if agreed to, the Committee should establish the subject matter that would be the focus for this exchange. The Chairperson opened the floor for comments and suggestions.
325. The delegation of **Saint Lucia** commended the exemplary functioning of the Committee and its meetings. In light of the next session's consideration of operational guidelines on digital issues and the difficulty of their related decisions, Saint Lucia requested that the Committee carefully examine the agenda to ensure that the next dates and number of days for the meeting were reasonable.

326. The **Chairperson** supported this, remarking that the Committee had spent three hours debating the draft operational guidelines on digital issues and would likely require more than three hours to take decisions on the guidelines at the next meeting. He gave the floor to the Secretary of the Convention for comment.
327. The **Secretary of the Convention** confirmed that while the agenda items had not yet been set for the next meeting, they would largely resemble the current agenda including items on the Secretariat's Report, the IFCD, preferential treatment, civil society, and the draft operational guidelines on digital issues. She noted that there would not be a launch of the Global Report and that the next session could schedule a full day's discussion on the guidelines for digital issues if the Committee felt it necessary. Alternatively, she indicated that the Committee could decide to cut down on the number of agenda items.
328. The delegation of **Germany** recalled the Committee's potential examination of up to 100 quadrennial periodic reports at its next session in addition to the agenda items already listed by the Secretary.
329. The **Secretary of the Convention** suggested starting the Committee meeting on the 12th of December in order to leave open the possibility of four days for the session. The informal exchange session could be held on this opening day.
330. The **Chairperson** accepted the proposal, confirming that as the 12th of December would fall on a Monday it was the logical choice for the start of the meeting and that an informal exchange fell in-line with the spirit of an out-of-the-box approach. The Chairperson asked for comments or objections from the Committee; seeing none he declared the decision to schedule the meeting for the 12 -15 December 2016 adopted.

Decision 9.IGC 11 was adopted as amended.

ITEM 12 – ELECTION OF THE MEMBERS OF THE BUREAU OF THE TENTH ORDINARY SESSION OF THE COMMITTEE

Documents CE/15/9.IGC/12

331. The **Chairperson** moved to open agenda item 12 and invited the Committee to refer to document 12, which proposes that they elect a Bureau of six members, one per each electoral group, in order to respect the principle of equitable geographic distribution and in conformity with Rule 11.1 of the Rules of Procedure. He noted that in conformity with Rule 12.1 and established practice, the Committee would be electing a Bureau composed of a Chairperson, four vice-Chairpersons, and a Rapporteur. He noted informal consultations among Committee members concerning the candidates for this election and invited the Committee to propose a Chairperson.
332. The delegation of **Indonesia** nominated Dr Stephen Arnott, Assistant Secretary of the Arts Development and Investment Branch of the Ministry for the Arts of the Australian Government. Indonesia affirmed that the Committee would benefit from Dr Arnott's leadership due to his 14 years of experience with digital technology, broadcasting, and screen policy in the arts and culture.
333. The **Chairperson** thanked Indonesia, expressing his support of its choice. He highlighted the long-standing excellence of Australian cultural policy and the "Creative Australia" document. In order to proceed, he confirmed the need to suspend Article 12.1 of the Rules of the Procedure of the Committee in consideration of Australia's current membership on the Bureau of the Committee for this session. In conformity with the Rules of Procedure, Bureau members are ineligible for election in the following year; therefore, the Chairperson

asked the Committee's approval to suspend this Article. Seeing no objections, the Chairperson declared the Article suspended. Moving forward with the election, he asked the Committee if it could elect Dr Stephen Arnott by acclamation. Confirming the Committee's approval by acclamation, the Chairperson welcomed Dr Arnott to the position of Chairperson for the next meeting underscoring his, and the Committee's, availability for consultation. The Chairperson moved to the election of the other Bureau positions, beginning with the vice-Chairpersons, and opened the floor to Committee proposals.

334. The delegation of **Saint Lucia** proposed **Brazil** for the position of vice-Chairperson from Group III.
335. The delegation of **Austria** proposed **France** for the position of vice-Chairperson for Group I.
336. The delegation of the **United Arab Emirates** congratulated the newly elected Chairperson and announced its proposal of **Morocco** for the position of vice-Chairperson for Group Vb, Arab States, following the group's informal consultations.
337. The delegation of **Morocco** affirmed that while it was not a member of the African electoral group, it was a member of the African continent and in light of the absence of the delegations of Ethiopia and Côte d'Ivoire, proposed **Nigeria** for the position of vice-Chairperson from Group Va.
338. The delegation of **Lithuania** proposed **Ms Jana Knazkova, Slovakia**, for the position of Rapporteur.
339. The **Secretary of the Convention** recapitulated the Committee decision to suspend Rule 12.1 of its Rules of Procedure in order to elect **Mr Stephen Arnott** of **Australia** as Chairperson of the Committee, **Ms Jana Knazkova** of **Slovakia** as Rapporteur of the Committee, and **Brazil, France, Morocco, and Nigeria** as vice-Chairpersons.
340. The **Chairperson** moved to adopt draft decision 12. Seeing no objections from the Committee, the Chairperson declared the decision adopted.

Decision 8.IGC 12 was adopted as amended.

ITEM 13 – OTHER BUSINESS

341. The **Chairperson** moved to open agenda item 13 on other business and asked if there were any comments on this item.
342. The **Rapporteur** presented an oral report, summarizing the discussions and outlining the decisions that had been adopted.
343. The **Chairperson** thanked the Rapporteur for her report, underscoring the amount of work completed during the session. He thanked all Committee members, Observers, and civil society representatives for their participation in the debates, applauding all of the contributions that produced such good results. In light of the celebrations of the Convention's 10 year anniversary, H.E. Dr. Gelunas predicted 10 more rich years ahead. He expressed appreciation to the Director-General of UNESCO and commended the work of the Secretariat, calling for their applause. He affirmed that the results achieved during this Committee session were largely due to the merit of the Secretariat. He thanked the translators, interpreters, technicians and all of the staff that ensured the success of the session. He asked the members to respond to the Secretariat's satisfaction survey recalling the consideration given to this exercise by the Secretariat for the improvement of its working methods.

344. The delegation of **Austria** intervened to express the Committee's thanks of H.E. Dr. Gelunas for agreeing to Chair the session at the last minute and called for his applause.

345. The **Secretary of the Convention** thanked H.E. Dr. Gelunas for chairing the session, commending his work, and expressing the Secretariat's commitment to implement all of the decisions taken so efficiently during the session under his excellent leadership.

346. The **Chairperson** concluded the session.

CLOSING OF THE SESSION