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Объединенных Наций по  
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منظمة الأمم المتحدة  
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联合国教育、  
科学及文化组织

# Diversity of Cultural Expressions

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

**First Session**  
**Ottawa, Canada, 10-13 December 2007**

### ORAL REPORT

**By Mr Antonio Ricarte**  
**Permanent Delegation of Brazil to UNESCO**

**Ottawa, 13 December 2007**

Mr Chairperson of the Intergovernmental Committee,  
Ms Françoise Rivière, Assistant Director-General for Culture,  
Honourable Delegates,  
Ladies and Gentlemen,

I should like to extend my heartfelt thanks to the States Members of the Committee for the trust that they have shown in me by assigning me with the task of reporting on the debates of this very first session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions. It is a great honour for me to report you on this arduous task and recall the specific goals that we have accomplished over the past four days.

On behalf of the Committee, I wish to express our warmest thanks to the Canadian authorities for their exemplary organization of this first session and for their great warmth and efficiency in welcoming all of the participants to Ottawa. I should also like to offer special thanks to the Chairperson of this session, H. E. Ambassador Laurin, for the firmness and diplomacy with which he has conducted the debates, which were very delicate and at times difficult. You have succeeded, dear Chairperson, in the demanding role of creating a working atmosphere conducive to dealing with a complex and challenging agenda, thus creating what has been called by some of us the “Spirit of Ottawa”.

We congratulate the Director-General on the high quality of the documents submitted to us and once again commend the exemplary work, competence and responsiveness of the Secretariat, in particular Ms Françoise Rivière, Assistant Director-General for Culture and representative of the Director-General, Mr Indrasen Vencatachellum and Ms Galia Saouma-Forero and their team. Our thanks and appreciation also go to all of the interpreters who, despite their very tricky and often thankless task, have once again risen to the challenge. In this regard, I would also like to reiterate our thanks to the Canadian authorities for providing us with interpretation in Portuguese and in Spanish, which sets an example that we hope will be followed in future venues.

As Rapporteur, I shall report to you on the decisions adopted during the four days of our Committee’s work, reflecting the substance of our decisions as faithfully and objectively as possible. The details and content of the debates will be reproduced in the Summary Records that are being prepared by the Secretariat. The decisions will be distributed to you. I would like to recall the main issues at stake in the agenda items and the major problems raised. You will then have 15 minutes to read these decisions and make any comments before formally adopting them in their entirety.

#### **Item 1: Opening of the session**

The First Session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions began on Monday 10 December 2007 with an official opening ceremony presided over by Ms Josée Verner, Honourable Minister of Canadian Heritage, Status of Women and Official Languages, and Ms Françoise Rivière, Assistant Director-General for Culture and Representative of the Director-General, during which the floor was also taken by:

Mr Koïchiro Matsuura, Director-General (by video message)

Mme Christine St-Pierre, Minister of Culture, Communications and Status of Women in Quebec

H.E. Mr Olabiyi Babalola Joseph Yaï, Chairman of the Executive Board of UNESCO

H.E. Mr Georges Anastassopoulos, President of the General Conference of UNESCO

The speakers recalled the scope and importance of the Committee's mandate for the accomplishment of the goals of the 2005 Convention. They also highlighted our responsibility to identify clear and pragmatic guidelines, in accordance with the provisions of the Convention, in order to draft Operational Guidelines that will be submitted to the Conference of Parties for approval in June 2009.

#### **Item 2: Election of the Members of the Bureau of the First Session of the Committee**

At the morning session on 10 December 2007, the Committee elected its Bureau unanimously and by acclamation, as follows:

Chairperson: H. E. Ambassador Gilbert Laurin (Canada) (Group I), Chairperson of the First Session of the Committee

Rapporteur: Myself, Antonio Ricarte (Brazil) (Group III), Rapporteur of the Committee

Vice-Chairs: India (Group IV), Lithuania (Group II), South Africa (Group V(a)) and Tunisia Group V(b))

#### **Item 3: Adoption of the Agenda**

The Agenda was adopted with two amendments: a new agenda Item 7 concerning the dates and the agenda of the next sessions and agenda Item 8, on the election of the members of the Bureau for the second session of the Committee, was replaced by a new Item 8 on "Any Other Business".

#### **Item 4: Provisional Rules of Procedure of the Committee**

Introducing Item 4, Ms Rivière, Assistant Director-General for Culture, informed the Committee that the Rules of Procedures, while primarily based on the Rules of Procedure of the most recent Committee established by the Convention for the Safeguarding of the Intangible Cultural Heritage (2003), nevertheless include a number of differences aimed at simplifying the procedures. For instance, it stipulates that the Associate Members of UNESCO may participate in the sessions of the Committee as observers, at the same level as UNESCO Member States and Permanent observer missions.

The Chairperson proposed that the Committee examine the provisional Rules of Procedure one by one. The Committee adopted Rules 2.1 to 4.1, 5.2, 7.2 and 7.3, 8.1 to 11.2, 12.3 to 14.2, 15.1 to 19.1, 19.3 and 19.4, 20.2 and 20.3, 22 to 23.2, 24 to 36, 37.2 and 37.3, 38.1 to 39.3, 43 to 47.

All other rules were adopted with amendments, of which several were proposed in advance on behalf of the following 15 delegations: Albania, Austria, Burkina Faso, Canada, Croatia, France, Greece, Lithuania, Luxembourg, Mali, Maurice, Saint Lucia, Senegal, Slovenia and Tunisia. After having merged Rules 4.2 and 4.3 relating to UNESCO Headquarters as the regular meeting place for the Committee sessions, an extensive discussion took place on Rule 12.1 relating to the election of the Bureau of ordinary and extraordinary sessions and

Rule 20.1 regarding the question of a member of the Committee that is a member of a regional economic integration organization being able to call upon a representative of that organization to take the floor. With regard to the election of the Bureau of ordinary sessions and extraordinary sessions, it was decided that, in the case of an extraordinary Committee session held away from UNESCO Headquarters, the elected Bureau in place will be suspended for the duration of the extraordinary session for which a different Bureau will be elected.

After in-depth exchanges on whether the President “may give” or “gives” the floor to a member which is member of a regional economic integration organization, the Committee agreed that this was a purely procedural matter and not a substantive one, since all participants, whether Members of the Committee or observers, have to be authorized by the President to take the floor. With regard to Rule 37 regulating voting methods, the Committee, after lengthy discussions between the Members against and those in favour of the proposed amendment, decided to adopt the possibility of a vote by secret ballot and adopted a new Rule 37 bis regulating the conduct of voting by secret ballot. In line with other Rules of Procedure, in particular those of the World Heritage Convention and the Convention for the Safeguarding of the Intangible Cultural Heritage, the Committee agreed to adopt amended Rule 39.4 stating that the documents of the Committee shall be issued simultaneously in English and French.

With regard to the participation of observers to the Committee’s sessions, the Committee agreed on a revised paragraph and decided that the precise modalities for their participation would be discussed under the item on civil society.

The Committee then adopted draft Decision 1.IGC/4 as amended.

**Item 5: Preparation of operational guidelines for the implementation and application of the provisions of the Convention**  
**5A: Structure and content of operational guidelines**

In introducing Item 5, the President invited the Assistant Director-General for Culture to provide a brief outline of the proposed document concerning the structure and the content of operational guidelines for the implementation and application of the provisions of the Convention. She recalled the usual procedure, namely that an Intergovernmental Committee prepares, for examination and approval of the Conference of Parties, draft operational guidelines that specify the ways and means of implementing the Convention. The document under consideration presented a draft Table of contents for these operational guidelines, marking with an asterisk the chapters and paragraphs that pertain to the provisions of the Convention to which the Conference of Parties had asked the Committee to give priority, and proposed working methods for the Committee.

Following this brief introduction, the President invited the Minister of Culture of Brazil, H. E. Mr Gilberto Gil, to address the floor. After thanking the Canadian authorities for hosting this first session of the Committee and expressing his highest appreciation for the courtesy of having provided for interpretation in Portuguese, the Minister stressed the importance of the Convention for Brazil and the international community at large. He affirmed that culture was a central axis of development at local, regional and global levels. Moreover, he pointed out that international cooperation and exchange enable us to reveal and learn more about our “diversities” and, as such, contribute to the development of every nation. He highlighted very strongly that the private sector, particularly the most hegemonic and harmful enterprises to cultural diversity, should make an important contribution to the Fund established by the Convention in the same way that the “polluters-pay” principle applies to the environment.

The document presented by the Secretariat provided an excellent basis for the extensive discussion by the Committee on this item. 17 Members of the Committee took the floor, as well as one State Party not Member of the Committee, one IGO and a representative of an NGO speaking on behalf of 3 NGOs. It was agreed that Chapter 1 (Introduction) should be deleted with the exception of paragraph 1.6 concerning the relation of the Convention to other instruments (Article 20 of the Convention). Although certain Members of the Committee considered that the provisions of this Article could not be translated into operational guidelines in the same way as Article 21, others believed that it was important to have detailed guidelines on both Articles 20 and 21. It was proposed that the provisions of the Convention concerning its relation to other instruments should be subsumed in Chapter 8 or included in a new chapter at the end of the Table of contents. There was general agreement that Chapter 9 – concerning the settlement of disputes – should be deleted since the Committee considered that it was not specific to this particular legal instrument. Furthermore, agreement was reached regarding Chapter 2 and, in particular, paragraph 2.1, which was renamed “Rights and Obligations of the Parties”. The Committee regretted the absence of the notion of “interculturality”, which the Secretariat consequently proposed to introduce in Chapter 4 concerning education and public awareness. Priority was given by most delegations to the provisions relating to international cooperation, the International Fund for Cultural Diversity and the participation of civil society. Furthermore, the Committee stressed the importance of equitable geographical and cultural distribution, in particular with regard to the choice of experts, and requested to receive studies and reports sufficiently in advance to allow for substantial consultation at the national level.

The Committee took note of the draft Table of Contents of the Operational Guidelines, as it appears in the aforementioned document, as well as of the comments made during the debate. It decided that the examination of the provisions on the promotion and protection of cultural expressions (Articles 7, 8 and 17 of the Convention) should be included in the agenda of the next ordinary or extraordinary session of the Committee.

Draft Decision 1.IGC/5A was then adopted as amended, taking into account the day’s extensive debates.

**Item 5: Preparation of operational guidelines for the implementation and application of the provisions of the Convention**  
**5B: International cooperation**

The discussion on Item 5B, “International Cooperation”, was opened by the Chairperson in the afternoon of Tuesday 11 December. The Assistant Director-General for Culture recalled that all provisions of the Convention relating to international cooperation (Articles 12 to 18) have been earmarked by the Conference of Parties for priority consideration. For ease of reference and to allow for a logical reading of the Convention, the document prepared by the Secretariat proposed a distinction between the provisions concerning general aspects of international cooperation – namely Articles 12, 13 and 15 – and those dealing with more specific aspects – namely Article 14 on cooperation for development and Article 16 on preferential treatment for developing countries.

11 Members of the Committee took part in the debate highlighting different perspectives on international cooperation. There was general agreement that international cooperation is not only a financial issue but a much larger and more complex objective. Some delegations considered that the development of cultural policies, support for institutional infrastructures and the reinforcement of expertise are equally important areas of cooperation. In this regard, the expertise of international organizations in this field should be taken into account.

Others considered that the development of partnerships, involving the three sectors, and more particularly civil society, is an important modality for capacity-building in developing countries and for fostering the diversity of cultural expressions. It was stressed that, in order to be successful, such partnerships should be demand-driven. The practical needs of developing countries involved should be identified with the help of participatory needs assessment.

Other delegations emphasized that international cooperation should focus on the need to strengthen cultural and creative industries in developing countries and make them independent from the assistance of developed countries. In other words, progressive strengthening of developing countries' own capacities is needed.

After a fruitful exchange of views, the Chairperson moved to adopt draft Decision 1.IGC/5B, paragraph by paragraph. It was then adopted as amended: paragraphs 2, 4, 5 and 6 of the initial draft decision were deleted, paragraph 3 was amended and three new paragraphs were added (3 bis, 4 and 7). The Committee requested the Secretariat to submit a draft text on the concept and appropriate modalities on partnerships, as suggested during the discussions. We also decided to invite States Parties to the Convention to make proposals on the modalities for the integration of culture in sustainable development (Article 13) and that the question of preferential treatment (Article 16) should be addressed in factual documents prepared by six qualified experts.

**Item 5: Preparation of operational guidelines for the implementation and application of the provisions of the Convention**  
**5C: Civil society participation**

The President opened the discussion on the participation of civil society in the morning of 12 December. This item was included in the agenda as one of the priority issues decided by the Conference of Parties. It concerns Article 11 of the Convention, which acknowledges the fundamental role of civil society in the implementation of the Convention, as well as Articles 6, 7, 12, 15 and 19, which also make reference to civil society. While introducing this item, the Assistant Director-General for Culture recalled that this provision, Article 11, is unprecedented in international law. In this regard, the Committee should give clear guidelines to the Parties by defining the notion of civil society and identifying measures that the Parties could apply so as to reinforce the participation of civil society in the implementation of the Convention.

The working document under consideration, as well as document 1.IGC/INF.6 were appreciated by the delegates. All the delegations that took the floor stressed the essential role of civil society both at national and international levels in promoting the Convention and assisting the Committee in its tasks. The overwhelming majority considered the participation of civil society to be the most far-reaching provision of the Convention and, as such, agreed that if a meaningful participation was to be ensured, its modalities should be carefully developed. Some delegations advised against elaborating a detailed academic definition of civil society but rather suggested that a more pragmatic approach should be applied when defining civil society and placing it within the framework of the Convention.

Many delegations underlined the importance of involving civil society participants from all regions of the world and, in this context, put forward concrete proposals on how to achieve this.

While supporting the proposals made by the Secretariat in the working document under consideration, Members of the Committee presented several amendments to draft Decision 1.IGC/5C. The Committee requested the Secretariat to draft a text on the role and participation of civil society within the context of the Convention, which should contain an

inclusive definition, criteria for the accreditation of civil society participants and modalities for their contribution to the Committee's work and the implementation of the Convention.

In addition, the extensive debate regarding the proposed information session with civil society representatives led the Committee to request the Secretariat to organize a session of exchange of views. It was decided that this meeting would bring together civil society and all Parties of the Convention and that it should take place before the next session of the Committee.

The Committee then adopted draft Decision 1.IGC/5C as amended.

**Item 6: Preparation of guidelines on the use of the resources of the International Fund for Cultural Diversity**

Discussion on the preparation of guidelines on the use of the resources on the International Fund for Cultural Diversity began in the afternoon of 12 December. The Assistant Director-General for Culture recalled that the special account for the Fund had been created by the Director-General. She pointed out that it is now the responsibility of the Committee to prepare guidelines for the use of the Fund's resources, which will be submitted for approval to the Conference of Parties in June 2009. The Committee will subsequently be able to decide on the allocation of these resources.

She invited the Committee to provide inputs for amending and improving the proposed preliminary draft guidelines and to initiate debate on how to define modalities for the use of the Fund's resources. Furthermore, she recalled the need for a discussion on cooperation for development (Article 14 of the Convention).

Following a detailed explanation of the proposed preliminary draft guidelines by the Secretary of the Convention, the Committee began a lively and extensive debate on the issue. 13 Members of the Committee, followed by five observer States and one NGO representative speaking on behalf of several NGOs, took the floor to express their appreciation of the document prepared by the Secretariat and to share their comments and proposals. Most of the speakers agreed that the draft guidelines should be shortened and that well-defined priorities should be set.

Others suggested that the discussion on the Fund should be distinguished from the debate on Article 14 on cooperation for development. The Committee therefore decided to begin by examining the draft guidelines.

More concretely, regarding the "Guiding Principles", it was pointed out that the Fund should be first and foremost focused. It should avoid financing sporadic activities without sustainable results or creating disproportionate expectations in relation to its financial means. The Committee stressed that the limitations of financial resources should be taken into account, based on a realistic expectation on the availability of resources. Furthermore, it was emphasized that the Fund should mobilize additional resources, particularly contributions by potential donors from the private sector mentioned in Article 18.3 of the Convention. The preparation of a fundraising strategy for contributing to the Fund was therefore highly recommended. Several speakers called upon the Parties to adopt the same principle guiding other Conventions and voluntarily commit the equivalent of 1% of their contribution to the UNESCO regular budget to the Fund.

As far as the "Objectives of the Fund" were concerned, the Committee recognized the necessity of adopting priorities. The Committee was in favour of the objectives mentioned in paragraphs 8 to 15 of the draft guidelines but considered that the Fund had to set priorities for the election of projects to be supported. It emphasized the importance of paragraph 11 of

the draft, which addresses the issue of strengthening international cooperation, aimed at meeting the specific needs of developing countries. It was proposed to place emphasis on facilitating dialogue on cultural policies and fostering capacity-building.

The need to define clear priorities was also stressed with regard to the “Scope of Application”. Developing specific cultural policies and establishing appropriate legal and institutional frameworks were put forward by a number of delegations. The importance of capacity-building was once again highlighted by several speakers. Needs assessment should be carried out before allocating resources through consultation at grassroots level.

Regarding the Fund’s beneficiaries, the Committee expressed concern that a definition that was too broad and inclusive would encourage the submission of an excessively high number of requests for financial assistance which would subsequently hinder the management of the Fund.

The Committee suggested establishing a system of pre-selection of projects eligible for funding, on a national and regional level, as well as an order of priorities for the projects to be supported.

In the morning of 13 December, the President re-opened the debate on this item by inviting the Committee to discuss the modalities on the use of the resources of the Fund allowing the Secretariat to prepare appropriate guidelines. Delegations from 19 Members of the Committee and five observers took the floor. It was agreed that, given the nature of the Convention, requests should preferably transit through the official means of the States Parties. It was suggested that proposals by civil society could be contemplated directly by the Committee, although not in the initial stages.

With regard to the evaluation process, most of the delegations agreed on the principle of having a panel of experts or a subcommittee composed of qualified, independent experts in the various fields under the scope of the Convention. Their responsibility should be two-fold: evaluate and select the projects submitted after a first technical screening by the Secretariat and monitor the use of the funds. Concerning this expert panel or subcommittee, the notions of transparency and representativity were underlined several times. Numerous speakers raised the point that, particularly in the beginning, project selection and processing should be flexible and that expertise should be focused on the evaluation of project proposals.

It was also mentioned by several speakers that the projects selected should be first of all regionally balanced and favour the elaboration of cultural policies, development of cultural industries and reinforcement of capacity-building.

Depending on the amount available for the Fund, the importance of well-defined, targeted and high-quality pilot projects was underscored, with a good balance between capacity-building and policy development. Positive results in the implementation of these projects would enable fundraising for future projects to be improved. Several speakers, in this regard, recalled that the Fund is first and foremost a catalyst for other sources of funding and should not be considered as a main sponsor of activities.

#### **Item 7: Dates and agenda of the next sessions of the Committee**

The Committee decided to convene its second ordinary session at UNESCO Headquarters in December 2008. Furthermore, it decided to convene an extraordinary session at UNESCO Headquarters in June 2008.

During these sessions, the Committee shall discuss issues related to the elaboration of draft operational guidelines: promotion and protection of cultural expressions, concept of and modalities for partnerships and the role and participation of civil society.

We also decided to examine the interim report on the contribution of the Parties for the use of the Fund. We authorized the Chairperson to request the Director-General to invite organizations having made a written request to attend its next two sessions.

**Item 8: Any Other Business**

This item was added to the original agenda. Under this item we adopted a decision requesting the Director-General to reinforce the personnel of the Secretariat in charge of the Convention and to seek extrabudgetary funding for activities related to the Convention.

I hope that I have reflected faithfully the main points of the rich debates that took place over the last four days and which addressed extremely complex issues. I also hope that I have succeeded in summing up for you the enthusiastic discussions held in a spirit of openness and mutual respect. I should like to remind you that the statements made and the decisions adopted will be included in the detailed report that will be drafted by the Secretariat.

Thank you for your attention.