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Diversity of Cultural Expressions

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

First Session
Ottawa, Canada, 10-13 December 2007

Item 4 of the Provisional Agenda: Provisional Rules of Procedure of the Committee

RESUME

The Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions prepares its Rules of Procedure, in accordance with Article 23.8 of the Convention and submits them for approval to the Conference of Parties. This document sets out a draft of Provisional Rules of procedure and a draft decision.

Proposed decision: paragraph 4

1. According to Article 23.8 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”), the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”) shall prepare its Rules of Procedure and submit them to the Conference of Parties for approval. This document sets out a draft of Provisional Rules of procedure of the Committee as well as a draft decision.
2. In accordance with Article 24.2 of the Convention, the UNESCO Secretariat prepares the documentation of the Committee. The draft Provisional Rules of Procedure set out below are modelled on the Rules of Procedure of the Intergovernmental Committee for the Safeguarding of the Intangible Heritage and on the Rules of Procedure of the Conference of Parties adopted during its first ordinary session in June 2007.
3. The draft Rules of Procedure are as follows:

Draft Provisional Rules of Procedure

I. Composition

Rule 1 Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (Article 23 of the Convention)

The Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as the “Committee”, shall be composed of the States Parties to the Convention elected in accordance with Article 23 of the Convention for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as the “Convention”.

II. Sessions

Rule 2 - Ordinary and extraordinary sessions

2.1 The Committee shall meet annually in ordinary session.

2.2 The Committee shall meet in extraordinary session at the request of at least two thirds of its Members.

Rule 3 - Convocation

3.1 Sessions of the Committee shall be convened by the Chairperson of the Committee, hereinafter referred to as “the Chairperson”, in consultation with the Director-General of UNESCO, hereinafter referred to as “the Director-General”.

3.2 The Director-General shall inform the Members of the Committee of the date, place and provisional agenda of each session, not less than sixty days in advance in the case of an

ordinary session and, if possible, not less than thirty days in advance in the case of an extraordinary session.

3.3 The Director-General shall, at the same time, inform organizations, individuals and observers mentioned in Rules 6 and 7 of the date, place and provisional agenda of each session.

Rule 4 - Date and place of the session

4.1 The Committee shall determine at each session, in consultation with the Director-General the date of the next session. The Bureau may, if necessary, modify the date, in consultation with the Director-General.

4.2 The sessions of the Committee will take place, as a rule, at UNESCO Headquarters in Paris.

4.3 Exceptionally, the Committee may decide to hold a session on the territory of one of its Members on special occasions, in consultation with the Director-General.

III. Participants

Rule 5 – Chief participants

5.1 Each Member of the Committee shall be represented by one delegate, who may be assisted by alternates, advisers and experts.

5.2 Members of the Committee shall nominate as their representatives persons who are qualified in the fields covered by the Convention.

5.3 Members of the Committee shall transmit to the Secretariat in writing the names, functions and qualifications of their representatives.

Rule 6 - Invitations for consultation

The Committee may invite at any time public or private organizations or individuals to participate in its meeting for consultation on specific issues (Article 23.7 of the Convention).

Rule 7 – Observers

7.1 Parties to the Convention which are not Members of the Committee may attend its sessions as observers.

7.2 The representatives of Member States of UNESCO not parties to the Convention, Associate Members and permanent observer missions to UNESCO may, upon written notification, participate in the work of the Committee as observers, without the right to vote, and subject to the provisions of Rule 20.3.

7.3 Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations, which have concluded mutual representation agreements with UNESCO, may, upon written notification, participate

in the work of the Committee as observers, without the right to vote, and subject to the provisions of Rule 20.3.

7.4 Intergovernmental organizations other than those referred to in Rule 7.3 and non-governmental organizations having interests and activities in the field covered by the Convention, may be invited by the Committee to participate in its work as observers, without the right to vote, and subject to the provisions of Rule 20.3, at all its sessions, at a single session or at a specific meeting of a session, upon written request to the Director-General.

IV. Agenda

Rule 8 - Provisional agenda

8.1 The provisional agenda of the sessions of the Committee shall be prepared by UNESCO Secretariat (Article 24.2 of the Convention).

8.2 The provisional agenda of an ordinary session of the Committee may include:

- (a) any question required by the Convention or the present Rules;
- (b) any question referred by the Conference of Parties to the Convention;
- (c) any question the inclusion of which has been decided by the Committee at a previous session;
- (d) any question proposed by Members of the Committee;
- (e) any question proposed by Parties to the Convention which are not Members of the Committee;
- (f) any question proposed by the Director-General.

8.3 The provisional agenda of an extraordinary session shall include only those questions for the consideration of which the session has been convened.

Rule 9 - Adoption of the agenda

The Committee shall adopt at the beginning of each session its agenda for that session.

Rule 10 - Amendments, deletions and new items

The Committee may amend, delete or add items to the agenda so adopted if so decided by a two-thirds majority of the Members present and voting.

V. Bureau

Rule 11 - Bureau

11.1 The Bureau of the Committee shall consist of the Chairperson, one or more Vice-Chairpersons and a Rapporteur, in conformity with the principle of equitable geographical representation. The Bureau shall coordinate the work of the Committee and fix the dates, times and order of business of meetings. The Chairperson will be assisted in carrying out his duties by the other members of the Bureau.

11.2 The Bureau shall meet during the sessions of the Committee as frequently as it deems necessary.

Rule 12 - Elections

12.1 The Committee, at the end of each ordinary session, shall elect, from among those Committee Members whose term of office continues through the next ordinary session, a Chairperson, one or more Vice-Chairpersons and a Rapporteur who shall remain in office until the end of that session. On transitory basis, the members of the Bureau of the first session shall be elected at the beginning of the session and their term of office shall expire at the end of the same session.

12.2 The Chairperson, the Vice-Chairpersons and the Rapporteur shall be eligible for immediate re-election for a second term of office, provided that the State that each of them represents continues to be a Member of the Committee at least until the end of the new term of office.

12.3 In electing the Bureau, the Committee shall have due regard to the need to ensure equitable geographical representation and, as much as possible, a balance among the fields covered by the Convention.

Rule 13 - Duties of the Chairperson

13.1 In addition to exercising the powers conferred upon him/her elsewhere by these Rules, the Chairperson shall open and close each plenary meeting of the Committee. He/she shall direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these Rules, shall see to the smooth conduct of the proceedings and the maintenance of order. He/she shall not vote, but he may instruct another member of his/her delegation to vote on his/her behalf. He/she shall exercise all other duties entrusted to him/her by the Committee.

13.2 A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

13.3 The Chairperson or Vice-Chairperson(s) of a subsidiary body of the Committee shall have the same powers and duties in regard to the bodies over which they are called upon to preside, as the Chairperson or the Vice-Chairperson(s) of the Committee.

Rule 14 - Replacement of Chairperson

14.1 If the Chairperson is unable to act at any session of the Committee or Bureau, or part thereof, his/her functions shall be exercised by a Vice-Chairperson.

14.2 If the Chairperson ceases to represent a Member of the Committee or is for any reason unable to complete his/her term of office, he/she shall be replaced by a Vice-Chairperson, after consultation within the Committee, for the remainder of the term of office.

14.3 The Chairperson shall abstain from exercising his/her functions for all issues relating to the diversity of cultural expressions on the territory of the Party of which he/she is a national.

Rule 15 - Replacement of the Rapporteur

15.1 If the Rapporteur is unable to act at any session of the Committee or Bureau, or part thereof, his/her functions shall be exercised by a Vice-Chairperson.

15.2 If the Rapporteur ceases to represent a Member of the Committee or if for any reason he/she is unable to complete his/her term of office, he/she shall be replaced by a Vice-Chairperson, after consultation within the Committee, for the remainder of the term of office.

VI. Conduct of business

Rule 16 - Quorum

16.1 At plenary meetings, a quorum shall consist of a majority of the Members of the Committee.

16.2 At meetings of subsidiary bodies, a quorum shall consist of a majority of the States which are members of the bodies concerned.

16.3 Neither the Committee nor its subsidiary bodies shall decide on any matter unless a quorum is present.

Rule 17 - Public nature of meetings

Meetings shall be held in public unless decided otherwise by the Committee.

Rule 18 - Private meetings

18.1 If, in exceptional circumstances, the Committee decides to hold a private meeting, it shall determine the persons who shall be present, in addition to the representatives of the Members of the Committee.

18.2 Any decision taken by the Committee at a private meeting shall be presented in written form at a subsequent public meeting.

18.3 At each private meeting, the Committee shall decide whether the summary records and working documents of that meeting shall be published. Documents resulting from private meetings shall be made public after a period of twenty years.

Rule 19 - Subsidiary bodies

19.1 The Committee may establish such subsidiary bodies as it deems necessary for the conduct of its work.

19.2 It shall define the composition and the terms of reference (including mandate and duration of office) of such subsidiary bodies at the time of their establishment. These bodies may only be composed of Members of the Committee.

19.3 Each subsidiary body shall elect its Chairperson and, if necessary, its Vice-President(s) and its Rapporteur.

19.4 In appointing members of subsidiary bodies, due regard shall be given to the need to ensure an equitable representation of the different regions of the world.

Rule 20 - Order and time-limit of speeches

20.1 The Chairperson shall call upon speakers in the order in which they signify their wish to speak.

20.2 The Chairperson may limit the time allowed to each speaker if circumstances make this desirable.

20.3 Organizations, individuals and observers referred to in Rules 6 and 7 may address the meeting with the prior consent of the Chairperson.

Rule 21 - Text of proposals

At the request of any Member of the Committee, supported by two other Members, discussion of any substantive motion, resolution or amendment shall be suspended until the text is circulated to all Committee Members present.

Rule 22 - Division of proposals

Part of a proposal shall be voted on separately if so requested by a Member of the Committee. Those parts of a proposal which have been approved in separate vote shall then be put to a vote as a whole. If all the parts, constituting the proposal, have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 23 - Voting on amendments

23.1 When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment deemed by the Chairperson to be furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom and so on, until all the amendments have been put to a vote.

23.2 If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.

23.3 A motion is considered an amendment to a proposal if it merely adds to, deletes from or revises part of that proposal.

Rule 24 - Voting on proposals

If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 25 - Withdrawal of proposals

A proposal may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal has not been amended. A proposal withdrawn may be reintroduced by another Member of the Committee.

Rule 26 - Points of order

26.1 During a discussion, a Member of the Committee may raise a point of order which shall be immediately ruled on by the Chairperson.

26.2 An appeal may be made against the ruling of the Chairperson. Such appeal shall be put to the vote immediately and the Chairperson's ruling shall stand unless overruled by a majority of the Members present and voting.

Rule 27 - Procedural motions

During a discussion, a Member of the Committee may propose a procedural motion: suspension or adjournment of the meeting, adjournment of the debate or closure of the debate.

Rule 28 – Suspension or adjournment of the meeting

During the discussion of any matter, a Member of the Committee may move the suspension or adjournment of the meeting. Any such motion shall be put to the vote immediately and without discussion.

Rule 29 – Adjournment of the debate

During the discussion of any matter, a Member of the Committee may move the adjournment of the debate on the item under discussion. On moving the adjournment the Member shall indicate whether he moves the adjournment sine die or to a particular time which he shall specify. In addition to the proposer of the motion, one speaker may speak in favour of, and one against, the motion.

Rule 30 – Closure of the debate

A Member of the Committee may at any time move the closure of the debate, whether or not any other speaker has signified his wish to take part in the discussion. If application is made for permission to speak against the closure, it may be accorded to not more than two speakers. The Chairperson shall then put the motion for closure to the vote and, if the Committee is in favour of the motion, the Chairperson shall declare the closure of the debate.

Rule 31 – Order of procedural motions

Subject to the provisions of Rule 26, such motions shall have precedence, in the following order, over all other proposals or motions before the meeting:

- (a) suspension of the meeting;
- (b) adjournment of the meeting;
- (c) adjournment of the debate on the question under discussion;
- (d) closure of the debate on the question under discussion.

Rule 32 - Decisions

32.1 The Committee shall adopt such decisions and recommendations as it may deem appropriate.

32.2 The text of each decision shall be adopted at the end of the discussion of the agenda item.

VII. Voting

Rule 33 - Voting rights

Each Member of the Committee shall have one vote in the Committee.

Rule 34 - Conduct during voting

After the Chairperson has announced the beginning of voting, no one shall interrupt the voting except a Member of the Committee on a point of order in connection with the actual conduct of the voting.

Rule 35 - Simple majority

Except where otherwise specified in these Rules, all decisions of the Committee shall be taken by a simple majority of the Members present and voting.

Rule 36 - Counting of votes

For the purposes of these Rules, the expression “Members present and voting” shall mean Members casting an affirmative or negative vote. Members abstaining from voting shall be regarded as having not voted.

Rule 37 – Method of voting

37.1 Voting shall be by a show of hands.

37.2 If there is any doubt concerning the result of a vote by show of hands, the Chairperson may take a second vote by a roll call.

37.3 A vote by roll call shall also be taken if it is requested by not less than two Members of the Committee before the voting begins.

VIII. Secretariat of the Committee

Rule 38 - The Secretariat

38.1 The Committee shall be assisted by the UNESCO Secretariat (Article 24 of the Convention).

38.2 The Director-General or his/her representative shall participate in the work of the Committee and of its subsidiary bodies, without the right to vote. He/she may at any time make either oral or written statements on any question under consideration.

38.3 The Director-General shall appoint an official of the Secretariat of UNESCO to act as Secretary to the Committee, and other officials who shall together constitute the Secretariat of the Committee.

38.4 The Secretariat shall receive, translate and distribute all official documents of the Committee and shall arrange for the interpretation of the discussions.

38.5 The Secretariat shall perform all other duties necessary for the proper conduct of the work of the Committee.

IX. Working languages and reports

Rule 39 - Working languages

39.1 The working languages of the Committee shall be English and French. Every effort shall be made, including through extrabudgetary funding, to facilitate the use of the other official languages of the United Nations as working languages.

39.2 Statements made at a meeting of the Committee in one of the working languages shall be interpreted into the other language.

39.3 Speakers may, however, speak in any other language, provided they make their own arrangements for interpretation of their statements into one of the working languages.

39.4 The documents of the Committee shall be issued in English and French.

Rule 40 - Deadline for distribution of documents

The documents relating to the items on the provisional agenda of each session of the Committee shall be made available in electronic format and distributed as hard copies to the Members of the Committee at the latest four weeks before the beginning of the session. They shall be provided to organizations, individuals and observers under Rules 6 and 7 in electronic format.

Rule 41 - Reports of the sessions

At the end of each session, the Committee shall adopt its report in the form of a list of decisions. The list of decisions shall be published in the two working languages in the month that follows the closure of the session.

Rule 42 - Summary record

The Secretariat shall prepare a summary record of the Committee's meetings, for approval at the opening of the next session.

Rule 43 - Communication of documentation

The list of decisions and the final summary record of the debates in public meetings shall be transmitted by the Director-General to the Members of the Committee and to the organizations, individuals and observers under Rules 6 and 7.

Rule 44 - Reports to the Conference of Parties

44.1 The Committee shall submit a report on its activities and decisions to the Conference of Parties.

44.2 The Committee may authorize its Chairperson to submit these reports on its behalf.

44.3 Copies of the reports shall be sent to all Parties to the Convention.

X. Adoption, amendment and suspension of the Rules of procedure

Rule 45 - Adoption

The Committee shall adopt its Rules of Procedure by a decision taken in plenary meeting by a majority of the Members present and voting.

Rule 46 - Amendment

The Committee may amend the Rules of Procedure, except when they reproduce provisions of the Convention, by a decision taken in plenary meeting by a two-thirds majority of the Members present and voting, provided the proposed amendment has been included in the agenda of the session in accordance with Rules 8 and 9.

Rule 47 - Suspension

The Committee may suspend the application of any Rule of Procedure, except when it reproduces provisions of the Convention, by a decision taken in plenary meeting by a two-thirds majority of the Members present and voting.

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

DRAFT DECISION 1.IGC 4

The Committee,

1. Having examined the draft Provisional Rules of Procedure set out in document CE/07/1.IGC/4,
2. Adopts its Provisional Rules of Procedure, as contained in the aforementioned document,
3. Submits its Provisional Rules of Procedure for approval to the second ordinary session of the Conference of Parties in June 2009.