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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

DRAFT SUMMARY RECORDS

This document contains the draft summary records of the
First Ordinary Session of the Intergovernmental
Committee for the Protection and Promotion of the
Diversity of Cultural Expressions

Government Conference Centre, Ottawa, Canada – 10/12/2007, 10 a.m.

Item 1A – Opening of the session

[Official opening ceremony]

1. The First 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 in Ottawa, on the invitation of the Canadian Government, from 10 to 13 December 2007. It brought together 219 participants, including: 81 participants from 23 States Members of the Committee Parties to the Convention; 28 participants from 17 Parties to the Convention and the European Community, 30 participants from 19 States not Parties to the Convention; five participants from four international organizations, and eight participants from seven non-governmental organizations. The session of the Committee began on Monday, 10 December 2007 with an official opening ceremony chaired by **Mr Indrasen Vencatachellum**, Director of the Division of Cultural Expressions and Creative Industries, UNESCO Culture Sector, who welcomed all the participants. He announced the projection of a video message recorded for the occasion by Mr Koïchiro Matsuura, Director-General of UNESCO.

2. In his video message, **Mr Matsuura** noted with appreciation the sustained and regular pace of ratification of the Convention, which each time improved geographical representation. Stressing the scope of the Committee's mandate and the importance of the items on its agenda, he said that clear and pragmatic guidelines needed to be drawn up under the Committee's leadership. The challenge was to contribute to the emergence of a dynamic cultural sector, by building and developing efficient cultural and creative industries for sustainable development and poverty alleviation. He wished the Committee every success in its work and expressed his conviction that a desire to be 'effective through consensus' would continue to guide decision-making for the future.

3. **Mr Vencatachellum** then invited **H.E. Ms Josée Verner**, Honourable Minister of Canadian Heritage, Status of Women and Official Languages, to deliver her opening address.

4. After welcoming the participants, **Ms Verner** said that Canada took pride and pleasure in hosting the first session of the Committee in Ottawa. Since 1999, Canada, in concert with several other countries, had endeavoured to secure adoption of that international instrument recognizing the legitimacy of cultural policies. Cultural expressions promoted dialogue, strengthened links between the various communities and contributed to the economic vitality of nations. Emphasizing the central place of international cooperation in the Convention, she announced a contribution of \$500,000 from the Canadian Government to the International Fund for Cultural Diversity (IFCD) for 2008. Her Government attached considerable importance to the implementation of the IFCD to meet the need to strengthen the cultural sectors of developing countries and support cooperation for sustainable development. She also reiterated her Government's commitment to promoting the ratification of the Convention so that all regions in the world would join that treaty. Noting that the current first session offered a prime opportunity to advance in implementing the Convention, she expressed the hope that the Committee's work would be fruitful.

5. **Mr Vencatachellum** thanked **Ms Verner** for her inspiring words and gave the floor to **Ms Françoise Rivière**, Assistant Director-General for Culture of UNESCO.

6. **Ms Rivière** welcomed the guests of honour, all the representatives of the States Members of the Committee, the Observers and the President and Chairman of the UNESCO governing bodies. She expressed her gratitude to the Canadian authorities for having generously offered to host the Committee's first session. Expectations were high as the Committee had the important task of launching the first stage of the work aimed at determining the operational framework of the Convention and its ground rules. She was

pleased to note the many new accessions, particularly in Asia and the Pacific and the Arab States, and hoped that they would be followed by others so as to achieve greater geographical representation and thereby ensure the legitimacy of the Convention. In that connection, she commended the efforts of the Organisation internationale de la Francophonie (OIF), the International Network on Cultural Policy (INCP) and the various civil society coalitions. She recalled that at its first session, the Conference of the Parties had adopted two resolutions that would guide the work of the Committee until June 2009, the date of the second session of Conference of Parties. Thus, resolution I.CP6 requested the Committee to submit proposals to it concerning the preparation of operational guidelines, giving priority attention to the provisions of Article 7 (Measures to promote cultural expressions), Article 8 (Measures to protect cultural expressions), and Articles 11 (Participation of civil society) to 17 (International cooperation), while resolution 1.CP7 concerned Article 18 (International Fund for Cultural Diversity). Those articles were to be given pragmatic expression, through an in-depth and cross-cutting reading of the Convention, in order to draft precise operational guidelines, which would translate into reality the letter and spirit of that founding text. Referring to the ambitious agenda, she informed the Committee that it would be required to elect its Chairperson and its Bureau, and then to adopt its Provisional Rules of Procedure. She went on to introduce the four substantive documents, designed to stimulate reflection and lay out roadmaps, a timetable and working methods. These documents focused on the structure and content of the operational guidelines for the implementation and application of the provisions of the Convention as well as international cooperation, in particular Articles 15 (Collaborative arrangements) and 16 (Preferential treatment for developing countries). Deploring the inadequacy of the human and material resources of the Secretariat of the Convention, given the magnitude of its tasks, she appealed for the secondment of associate or national experts to the Section providing the Secretariat. She emphasized the ambitious scope of the Convention, pointing out that its ultimate aim was to strengthen cultural measures and policies, and encourage international cooperation and public debate to devise strategies that would allow culture to be incorporated into development policies so as to contribute to poverty eradication. She further stressed that international cooperation was a fundamental tool whereby developing countries could promote the emergence of cultural industries and the circulation of goods and services. The combat for cultural diversity was universal and the Convention would only be an effective pillar of global governance if it reflected the diversity of the world and was matched by a bold demonstration of international solidarity.

7. **Mr Vencatachellum** then invited the guests of honour to deliver their opening addresses.

[Statements by guests of honour]

8. **H.E. Ms Christine St-Pierre**, Honourable Minister of Culture, Communications and the Status of Women of Quebec, recalled that Quebec had officially called for the Convention as early as 1999 and that the idea had given rise to an unprecedented movement in which the planning, promotion, elaboration, adoption and ratification of the Convention had followed on from one another at lightning speed. She greeted and thanked the participating States, Governments and representatives of civil society for their essential contribution to the process. She noted the importance of the Convention, which crystallized the legitimacy of public support for culture, and proposed to share the expertise developed by Quebec in respect of measures and policies to support culture. She announced that the Government of Quebec had undertaken to make a contribution of Canadian \$100,000 to the International Fund for Cultural Diversity established by the Convention, and stressed the importance of promoting the emergence and maintenance of a dynamic cultural sector, particularly in developing countries, as a basis for the real diversity of cultural expressions. On behalf of the Government of Quebec, she thanked the members of the Committee for taking up the challenge of ensuring the diligent implementation of the Convention.

9. **Mr Vencatachellum** gave the floor to **H.E. Mr Olabiyi Babalola Joseph Yaï**, Chairman of the UNESCO Executive Board, and **H.E. Mr Georges N. Anastassopoulos**, President of the UNESCO General Conference.

10. **H.E. Mr Yaï** noted that the Convention was entering its operational phase. It was a founding text that responded to the patent needs of many countries; it enabled global exchanges to be balanced through international cooperation; and it took into account the challenges arising from globalization, while adding to international law a cultural pillar that acknowledged the dual economic and cultural nature of cultural activities, goods and services that identities, values and meaning conveyed.. He recommended that the members of the Committee should reconcile diversity, unity and solidarity in order to reach agreement on ways and means of action and enable the Convention to live up to the hopes of peoples.

11. **H.E. Mr Anastassopoulos** said that the diversity of cultural expressions was a reservoir of creativity and that its promotion was the precondition for the harmonious meeting of cultures, essential for peace, sustainable development and solidarity, on which the future of humanity depended. The Convention recognized that the Parties had the right to formulate and apply policies to encourage equitable access to all the world's cultural expressions. Moreover, the international community had great expectations for the Convention, despite the lack of clarity regarding its normative and operational potential. He hoped that the principles of harmony and unity in plurality would govern the work of the Committee and produce constructive results, encouraging further ratifications.

12. **Mr Vencatachellum** thanked all the guests of honour and declared the opening ceremony closed.

Government Conference Centre, Ottawa, Canada – 10/12/2007, 11.15 a.m.

[Election of the Bureau]

Item 2 – Election of the members of the Bureau of the First Session of the Committee (document CE/07/1.IGC/2)

13. Ms Rivière recalled that it fell to the Committee to elect a Bureau composed of six members: a Chairperson, four Vice-Chairpersons and a Rapporteur, each ideally belonging to a different electoral group. She asked whether there was any nomination for Chairperson of the Committee.

14. The delegation of **South Africa** took the floor to nominate H.E. Mr Gilbert Laurin, Permanent Delegate of Canada to UNESCO, as Chairperson of the Committee, in view of his high abilities as a career diplomat and his great experience in chairing multilateral meetings. The Committee elected by acclamation H.E. Mr Laurin of Electoral Group I as Chairperson.

15. The delegation of **Saint Lucia** took the floor on behalf of the Group of Latin America and the Caribbean (GRULAC) to propose Mr Antonio Otavio Sa Ricarte (Brazil, Group III) as Rapporteur. The Committee elected him by acclamation. The Committee also elected by acclamation the following Vice-Chairpersons: India (Group IV), Lithuania (Group II), South Africa (Group Va), and Tunisia (GroupVb). All of the electoral groups were thus represented in the Bureau. Draft decision 1.IGC 2 was adopted as amended.

16. After thanking the Committee for its confidence in him, H.E. Mr Laurin recalled that the Committee was tasked with establishing principles for the drafting of the operational guidelines that would be submitted for the approval of the Conference of Parties in June 2009. They should be sound, realistic and consonant with the provisions of the Convention so as to obtain the consensus of the Conference of Parties. He stressed that the debate should remain focused on the diversity of cultural expressions, which it was the purpose of

the Convention to promote and protect, and reiterated his conviction that, with good will, imagination and devotion to the task, the Committee would succeed in its mission.

Item 3: Adoption of the agenda (document CE/07/1.IGC/3)

17. The **Chairperson** read out the provisional agenda as contained in document CE/07/1.IGC/3 and asked the delegations if there were any proposals to amend the agenda or add further items.

18. The delegation of **Saint Lucia** proposed that an item be added to the agenda concerning the adoption of the provisional agenda of the next extraordinary session in accordance with Rule 8.3 of the draft Provisional Rules of Procedure and an item on Any Other Business.

19. The delegation of **India** had no difficulty with the proposal, but stressed that it should remain flexible since there had yet to be a decision on whether to hold an extraordinary or an ordinary session.

20. The delegation of **China** noted that if this change was made to Item 7 (Dates of the next sessions of the Committee), a change should also be made to Item 8 (Election of the members of the Bureau for the Second Session of the Committee). The delegation also supported the inclusion of an item on 'Any Other Business'.

21. The delegation of **India** proposed to combine Items 7 and 8, in order to ensure that the agenda clearly allowed for a discussion of those matters.

22. The **Chairperson** supported this useful proposal to combine the two items, since it would allow the Committee to deal with this issue fully in due course, and confirmed that an Item 10 on 'Any Other Business' would be included.

23. The **Committee** adopted Decision 1.IGC 3 and the provisional agenda as amended.

24. Ms **Rivière** introduced the working documents and Ms Galia Saouma-Forero, Secretary of the Convention, introduced the information documents.

Item 4 – Adoption of the Provisional Rules of Procedure (document CE/07/1.IGC/4)

25. The **Chairperson** opened the discussion on Item 4 concerning the Provisional Rules of Procedure of the Committee.

26. Ms **Rivière** introduced the draft Provisional Rules of Procedure as contained in document CE/07/1.IGC/4. They were largely based on those adopted by the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage. The main differences between the two sets of rules included the addition of Associate Members of UNESCO to the list of observers, notification of the participation of observers, the participation of non-governmental organizations in the Committee's sessions and the holding of sessions of the Intergovernmental Committee at UNESCO Headquarters.

27. The **Chairperson** announced that he would proceed with a review of the draft Rules of Procedure article by article and invited the Committee Members to propose amendments.

28. The delegation of **Saint Lucia**, on behalf of **Albania, Austria, Burkina Faso, Canada, Croatia, France, Greece, Lithuania, Luxembourg, Mali, Mauritius, Saint Lucia, Senegal, Slovenia** and **Tunisia** (hereinafter referred to as '**the 15 delegations**'), introduced and explained the amendments proposed by the 15 delegations Members of the Committee. They proposed that, for the sake of convenience, the following amendment should be made

to Rule 1: '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, hereinafter referred to as "Members", 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"'. Rule 1 was adopted as amended.

29. The Committee adopted Rules 1, 2.1, 2.2, 3.1, 3.2, 3.3, 4.1, 5.2, 5.3, 6, 7.2, 7.3, 8.1, 8.2, 8.3, 9, 10, 11.1 and 11.2 of the Provisional Rules of Procedure without change.

[Rule 4 – Date and place of the session]

30. Rule 4.2, following the proposed amendment by **Saint Lucia** on behalf of **the 15 delegations** and the proposal by **India** to remain in conformity with the Rules of Procedure of the Conference of Parties, was adopted in the following wording: 'The sessions of the Committee will normally take place at UNESCO Headquarters in Paris.'

31. The delegation of **Saint Lucia** on behalf of **the 15 delegations** suggested that, in order to avoid difficulties in interpreting the term 'on special occasions' in Rule 4.3, it should be replaced by 'by a two-thirds majority.'

32. After requesting a justification for that amendment, the delegation of **India** was willing to join the consensus, although it did not consider the amendment necessary. Rule 4.3 was adopted as amended.

33. On the proposal of the delegation of **Saint Lucia**, made on behalf of **the 15 delegations**, the title of Rule 5 was amended: 'Chief participants' was replaced by 'Delegations'. For the sake of precision, Rule 5.1 was amended and adopted in the following form: 'Each Member of the Committee shall designate a representative, who may be assisted by alternates, advisers and experts.'

[Rule 7 – Observers]

34. The delegation of **Saint Lucia**, on behalf of **the 15 delegations**, proposed an amendment to Rule 7.1 concerning the participation as Observers of Parties to the Convention not Members of the Committee in its meetings, to extend such participation to public meetings of subsidiary bodies of the Committee.

35. In that respect, the delegation of **India**, supported by the delegation of **China**, said that it was crucial to clarify the speaking order of participants in the sessions of the Committee, in Rule 20, and in particular the precedence rightfully enjoyed by Members of the Committee.

36. The delegation of **China** proposed that the discussion on Rule 7.1 should be suspended and resumed during the examination of Rule 20; the Committee agreed.

37. In Rule 7.4 concerning the participation of intergovernmental organizations (IGOs) other than those mentioned in Rule 7.3 and non-governmental organizations (NGOs) in the sessions of the Committee, the delegation of **Brazil** proposed that there be no provision for them to be invited to all sessions. This would mean that only organizations whose participation would be relevant could be invited.

38. The delegation of **China** noted the complexity of the wording of Rule 7.4 and the difficulties of practical implementation. It also wished that the Committee invite NGOs to participate in its work 'in consultation with concerned States Parties', in order for States to be duly informed. It therefore proposed that Rule 7.4 be amended accordingly.

39. The delegation of **India** reminded participants that consensus language on similar issues already used by another intergovernmental body could inform the discussions. It suggested that the Committee suspend the debate on Article 7.4 for the time being so as to enable the **Legal Adviser** to draft a suitable formulation for the participation of NGOs, particularly at grassroots level, in the sessions of the Committee.

40. The delegation of **Saint Lucia** said that it would be extremely difficult for it to accept the amendment proposed by the delegation of **China** and supported the proposal of the delegation of **India** to refer to already existing consensus language.

41. Following the proposal of the delegation of **India**, reiterated by the **Chairperson**, the discussions on Rule 7.4 was suspended pending consideration of appropriate wording.

[Rule 12 – Elections]

42. The delegation of **Saint Lucia** on behalf of **the 15 delegations** proposed two amendments to Rule 12.1, in accordance with the principle of rotation and allowing Members of the Committee the opportunity to serve on the Bureau before the end of their term of office. The general proposal would be to elect from among the Members whose term of office would continue until the next ordinary session, one Chairperson, one or more Vice-Chairpersons and one Rapporteur, who would remain in office until the end of that session and would not be eligible for immediate re-election. According to the amendment proposed for the transitional period, members of the Bureau of the first session would be elected at the beginning of the session and their term of office would expire at the end of the first extraordinary session, at which time the new Bureau would be elected.

43. The delegation of **India** expressed concern about the proposed amendment, particularly in the event of an extraordinary session being held in a host country, and wondered who would chair that extraordinary session. The proposal by the Secretariat, like the amendment, should be reconsidered so that a Bureau would not be elected just for one week.

44. The delegation of **Saint Lucia** said that such a Bureau should not have a one-week term of office but be extended until the following session. Since extraordinary sessions were generally to be held in Paris, the continuity of the Bureau would thereby be ensured. If there was a desire to hold meetings away from UNESCO Headquarters, it would be preferable for them to be ordinary sessions.

45. The delegation of **China** recalled that the Committee alone had the authority to decide on its procedural rules. The practices of other bodies could serve as a reference but could not be copied.

46. The **Chairperson** suggested that the issue could be resolved by adding a provision by which meetings held, on an exceptional basis, outside of Paris would be chaired by the host country, bearing in mind that as a general rule meetings were to be held in Paris. The delegation of **Brazil** supported this proposal.

47. The delegation of **Saint Lucia** expressed concern with this proposal since it created a precedent. While it was a practice based on an unwritten gentlemen's agreement for the host country to chair the meeting, it should not become an obligation and, as such, should not be included in the Rules of Procedure. The delegation also noted that developing countries would have great difficulties in hosting the Committee and that, as a result, industrialized countries would always chair the Committee.

48. The delegation of **South Africa** supported the Chairperson's proposal as it allowed for a degree of flexibility.

49. The delegation of **France** supported the amendment proposed by the delegation of Saint Lucia, since it was consonant with the rule adopted by the Committee and that adopted by the Conference of Parties, which specify that meetings of the Committee be held in Paris at UNESCO Headquarters. It was worth recalling the discussions that had taken place at the Conference of Parties and the UNESCO General Conference regarding the additional costs entailed by that kind of meeting, which would have to be borne by developing countries and the Secretariat.

50. The delegation of **India** agreed with the Chairperson's proposal as it offered flexibility.

51. The delegation of **Saint Lucia** reiterated its concerns about the Chairperson's proposal, which could create a precedent, and proposed that all extraordinary sessions should be held in Paris. In the case of ordinary sessions, the question would not arise since a new Bureau would be elected.

52. The delegation of **Tunisia** said that the stability of the Committee was crucial to ensure effectiveness in the implementation of the Convention and that it was important to achieve that result, regardless of differing points of view.

53. The delegation of **Saint Lucia** suggested returning to Article 4.3 to insert 'ordinary' before 'session' in order to restrict holding extraordinary sessions outside of Paris.

54. The delegation of **Luxembourg** supported the proposal by the delegation of **Saint Lucia** to amend Rule 4.3, which would strengthen the spirit of that paragraph and of Rule 12.1.

55. **H.E. Mr Anastassopoulos** considered that it would be logical to keep the ordinary sessions in Paris and for extraordinary sessions to be able to be held in another country.

56. The **Chairperson**, after consulting the Members of the Committee on the last proposal made by the delegation of **Saint Lucia**, noted that there was no objection and recalled that it was for the Committee to decide on its procedural rules, including those concerning the tenue of its ordinary or extraordinary meetings.

Government Conference Centre, Ottawa, Canada – 10/12/2007, 3 p.m.

Adoption of the Provisional Rules of Procedure (continued)

[Rule 12 – Elections]

57. The **Chairperson** continued reviewing the Provisional Rules of Procedure. He proposed a new amendment to Rule 12.1, adding 'of the next ordinary session' to the end of the last sentence, and including the sentence, 'The election of the Chairperson should respect the principle of geographic rotation without prejudice to the provisions of Rule 12.2'. In addition, he proposed the following new language for Rule 12.2: 'Exceptionally, a session held outside of UNESCO Headquarters may elect its own Bureau.'

58. The delegation of **India** supported the Chairperson's comments, stating that since the Committee would almost always meet in Paris, it would be necessary to respect geographical representation for the rotation of the Chairperson. Moreover, the delegation agreed that the proposed amendments would allow for an exceptional Bureau of a particular meeting held outside Paris to exist only for the duration of that meeting.

59. The delegation of **Saint Lucia** asked whether the provision for the election of an additional Bureau applied to ordinary and extraordinary sessions.

60. The **Chairperson** replied in the affirmative, given the wording of the Rule, which did not spell out the nature of the decision. Rules 12.1 and 12.2 were adopted as amended. Rules 12.3, 13, 14.1 and 14.2 were then adopted without change.

61. Concerning Rule 14.3, **the 15 delegations** proposed an amendment which removed 'relating to the diversity of cultural expressions on the territory of the' and replaced it with 'concerning the State Party from which he/she is a national.' The delegation of **France** noted that the amendment served to clarify the provision.

62. Rule 14.3 was adopted as amended. Rules 15.1, 15.2, 16.1, 16.2, 16.3, 17, 18 and 19.1 were adopted without change.

63. In Rule 19.2 concerning the establishment of subsidiary bodies, **the 15 delegations** proposed that the words 'may only be composed of Members of the Committee' should be replaced by 'are composed of Members of the Committee.' The amended Rule was adopted unanimously. Rules 19.3 and 19.4 were adopted without change.

[Rule 20 – Order and time-limit of speeches]

64. The delegation of **Slovenia** proposed an amendment to Rule 20.1 in order to ensure the participation of the European Community (EC), represented by the European Commission, in the Committee's deliberations. The delegation recalled that the Executive Board of UNESCO had decided in 2005 that the EC would exceptionally be given the right to speak in the same way as delegates, but without the right to vote, during the intergovernmental meeting of experts held from 25 May to 5 June 2005. The proposed amendment was based on Article 27 of the Convention and consisted of the following wording: 'A Member of the Committee, which is a member of a regional economic integration organization Party to the Convention, may call on a representative of that organization to take the floor to speak on issues on which the organization has declared its competence under Article 27.3 (c) of the Convention.' The proposed amendment reflected the current state of the rules of procedure within the EC, and the distribution of competencies. It was also a result of the fact that Member States had transferred to it part of their sovereignty and accordingly could not speak on their own behalf on certain matters within the competence of the EC. The practical effect of the amendment would be that a delegation member of the EC could signify beforehand its desire to take the floor, while giving it the possibility to yield the floor to the EC on issues within its competence, as declared in its instrument of ratification of the Convention. The delegation added that that amendment would enable the Commission to take the floor as an observer, which would be compatible with Rule 7.1 of the Rules of Procedure. It was to be emphasized that the non-additionality principle would be strictly and scrupulously respected.

65. The delegation of **India** proposed additional language to Rule 20.1 regarding the order of speakers, so that the Chairperson could give the floor first to Members of the Committee in the order in which they signify their wish to speak, and then to observers at the end of the debate. The delegation also requested the opinion of the **Legal Adviser** on whether or not the language of the amendment proposed by the delegation of Slovenia was legally in accordance with the Convention.

66. Concerning the amendment to Rule 20 proposed by Slovenia, the **Legal Adviser** responded that the possibility for an Observer, in this case the EC represented by the European Commission, to speak would not contravene the Convention. He suggested that a slight addition be made to ensure that permission was sought from the Chairperson before a Committee member could yield the floor to a regional economic integration organization. In relation to the proposal from the delegation of India on the order of speakers, the Legal

Adviser noted that the Committee would have to decide on the policy question as to whether the rule amendment concerning the EC would be an exception to the rule by which Observers should have the floor at the end of the debate. He suggested that the amendment proposed by the delegation of India be placed at the end of Rule 20.3, adding 'without prejudice to the preceding rule' so that there would not be any inconsistencies with Rule 20.

67. The delegation of **Mali** noted that the amendment proposed by India should be in the future tense and not the conditional tense, with the following wording: 'Observers will take the floor at the end of the debate.'

68. Supporting that proposal, the delegation of **Canada** suggested 'yield the floor to a representative of that organization' instead of 'call on a representative of that organization to take the floor', so as to ensure that there was one instance of taking the floor and not two.

69. The delegation of **China** noted that it was prepared to accept **Slovenia's** draft amendment as amended. However, the delegation wished to add the precision that the person/organization to whom the floor had been yielded would not receive any additional time beyond that allocated to the Member of the Committee that had yielded the floor.

70. The delegation of **Slovenia** noted that the floor would not be shared: it would be either the State Party or the Commission that would take the floor.

71. The delegation of **India** wished confirmation that the rules would allow for the Chairperson to ensure that Committee members could only pass the floor to the Commission in instances where the EC has competence, thus allowing the Commission to speak for a longer period of time if necessary.

72. The **Chairperson** raised the concern that the Committee would not always know when an issue was under the competence of the EC and would require an intervention from the Commission. The Chairperson then suggested that the country in question be required to ask the Chairperson to give the floor to the Commission so that he/she could determine the amount of time allotted to the speaker.

73. The delegation of **France** expressed concern that the debate seemed to be proceeding backwards in terms of the rules accepted and laid down at the time of negotiating the Convention. In accordance with Article 27.3 (c) of the Convention, the EC, when depositing its instrument of accession, had simultaneously transmitted a declaration concerning the distribution of competencies within the EC. The delegation, with the full agreement of the delegation of **Greece**, also stated that the Chairperson should not decide on the internal competencies of the EC.

74. The delegation of **Saint Lucia** proposed that the amendment read 'through the Chairperson', noting that it was a matter of form since a Member cannot pass the floor to another Member.

75. The delegation of **Luxembourg** supported the comments of **France** and **Greece**, as well as the proposal put forward by the delegation of **Saint Lucia**, and added that the text in its current state authorized the Chairperson, where appropriate, not to give the floor to the Commission, which, in view of the exclusive competencies of the EC, could lead to deadlock situations.

76. The delegation of **China** reminded the Committee that the distribution of competences within the EC should be decided by its members and that they would determine when the Commission should speak. However, it was necessary to follow

procedure by passing through the Chairperson to obtain permission to speak and the legal advice provided should be respected.

77. The delegation of **Germany** added to the comments made by China and the explanation provided by the Legal Adviser, pointing out that the proposed language took care of the legal issue within the rules.

78. The delegation of **India** raised the point that the formula suggested by the delegation of **Saint Lucia** was contrary to the legal advice as it stated that the yielding would be simply 'through the Chairperson' and did not seek permission of the Chairperson to yield the floor. The rules must be clear that the right to speak would be passed through the Chairperson as this was the practice in all international meetings.

79. The delegation of **Saint Lucia** noted that when the amendment referred to regional economic integration organizations, it was not only referring to the EC, but potential future organizations such as the Caribbean Community and Common Market (CARICOM).

80. The **Chairperson** suggested the following new language, 'may, through the Chairperson, pass the floor'.

81. The delegation of **India** stated that it did not support the language proposed by Saint Lucia, but rather the suggestion from the **Legal Adviser**.

82. The delegation of **Saint Lucia** asked whether the Legal Adviser saw any difficulties with the proposed wording.

83. The **Legal Adviser** responded that there was no legal problem with the terminology as it was a question of policy.

84. The delegation of **Greece** said that the expression 'through the Chairperson' was demeaning. The delegation of **France** proposed that the French version be improved by replacing 'à travers le Président' by 'par l'intermédiaire du Président.'

85. The delegation of **South Africa** stated that it supported the advice provided by the **Legal Adviser**.

86. The delegation of **Austria** said that it agreed that the same rules applied for all Committee Members and that the EC was not looking for special treatment. However, since certain competences belonged to the Commission, if it could not speak, the position of the Community would not be voiced. The language for the rule was, above all, a question of formality and therefore the Chairperson should not be in the position to determine the competences of the Commission by judging whether or not it has permission to speak. The delegation therefore lent its support to the delegation of Saint Lucia's proposal of 'through the Chairperson.'

87. The delegation of **Croatia** commented on the clarity of the proposal made by the delegation of Slovenia and drew attention to the fact that the beginning of Rule 20.1 stated that the Chairperson 'shall call upon speakers' and that no Member could take the floor of its own accord.

88. The delegation of **Germany** noted that there seemed to be agreement that the involvement of the Chairperson was not a question of judgment of substance, but of procedure. The delegation said that it could accept the suggestion of the **Legal Adviser**, but

if it was agreed in principle that the focus was on procedure, the delegation of **Saint Lucia's** proposal was more accurate.

89. The delegation of **China** stated that while no Member wished to become involved in the affairs of others, the Chairperson must pass the floor in order to respect procedure. The delegation further stated that it could not accept the language 'through the Chairperson'.

90. The delegation of **Mali** noted that a member of a delegation could speak and then yield the floor to someone else in the same delegation.

91. The delegation from **India** noted its agreement with **Germany** and stated that no one was asking the Chairperson to make a judgment on whether the issue was under the competence of the Commission. The Chairperson would not be making a substantive judgment, but a procedural one. The delegation further indicated its disagreement with the comment made by the delegation of Croatia, because the EC was not a Committee Member and could not be addressed in the same fashion as Members.

92. The **Chairperson** asked the Committee whether it could agree that the permission given by the Chairperson was procedural permission and not a substantive judgment, and if so, could agree to the following language, 'yield the floor'.

93. The delegation of **France** proposed the following amendment: 'At the request of a Member of the Committee, which is a member of a regional economic integration organization Party to the Convention, the Chairperson may give the floor to a representative of that organization to speak on issues on which the organization has declared its competence under Article 27 (3) (c) of the Convention.'

94. The delegation of **Greece** supported the amendment of **France** but suggested that 'may give' should be replaced by 'shall give.'

95. The delegation of **India** disagreed with Greece, stating that the 'may' should stay in the amendment as the Committee was referring to procedural permission.

96. The delegation of **Greece** then pointed out that, if 'may' was retained, it should be added to the first paragraph of Article 20.1.

97. The delegation of **Saint Lucia** said that it was not purely a procedural matter.

98. The delegation of **Germany** stated that if the Committee agreed with the addition of 'may' later in the rule, the language must be consistent and 'may' should replace 'shall' at the beginning of Rule 20.1. The delegation of **India** signaled its agreement.

99. The delegation of **Brazil** said that it would not make sense to change the word 'shall' to 'may' because it would then allow the Chairperson to give the right to speak in an order that was different to the order in which the Committee Members had requested the floor. The delegation of China agreed with this comment.

100. The delegation of **Germany**, supported by the delegation of Austria, recalled that the Committee had already agreed that any permission from the Chairperson was a procedural permission, and therefore the text should not be 'shall call upon speakers' at the beginning of the rule and then 'may give permission' later in the same rule.

101. The delegation of **Burkina Faso** supported the formulation 'shall give the floor' in the first sentence of Article 20.1 and 'may give the floor' in the second.

102. The delegation of **India** said that it was important for the Chairperson to have the prerogative to decide who speaks and when in both cases.

103. The **Chairperson** noted that all rules of procedure have to be applied with common sense and that the Committee Members accepted this. He then asked whether the Committee could accept 'may call' in the first sentence and 'may give' in the second, based on the understanding that the Chairperson will almost always follow the order of speakers as they are listed. The amendment on regional economic integration organizations for Rule 20.1 was adopted.

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104. The **Chairperson** then moved to adopt the amendment proposed by the delegation of India on the order of speakers for Rule 20.1: 'Observers may speak at the end of the debate in the following order: representatives of Parties to the Convention, representatives of Member States Non-Parties to the Convention, other observers.' The amendment was adopted without debate.

[Rule 21 - Text of proposals]

105. **The 15 delegations** proposed an amendment to add 'in the working languages' to the text.

106. The delegation of **Mexico** proposed to amend Rule 21 but removing the word 'two' from the phrase 'two working languages'.

107. The delegation of **India** objected to the proposed amendment, stating that having translation into additional languages would take time and could slow down the work of the Committee.

108. The delegation of **Canada** maintained that the reference to two working languages was acceptable.

109. The delegation of **France** said that it was practical to have two working languages and also considered that the proposal of Mexico was acceptable since the working language was determined by the founding texts.

110. The delegation of **Saint Lucia** said that the other official languages of UNESCO could not be added to the current two working languages.

111. The **Chairperson** said that he understood the point of view of **Mexico** but that it was not for the Committee to modify the working languages of UNESCO. He suggested that Mexico should withdraw its amendment.

112. The delegation of **Mexico** agreed to withdraw its amendment, while recalling that Rule 39.1 of the draft Provisional Rules of Procedure stated that '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.' Language was an important aspect of cultural diversity and **Canada** was to be thanked for having provided a passive interpretation service in Spanish.

113. Rule 21 was adopted with the following amendment 'in the two working languages.' Rules 22 to 34 and 37.2, 37.3, 38 and 39 were adopted without amendment. Rule 23.3 was adopted with one amendment, which omitted the word 'merely'.

[Rule 35 - Simple majority]

114. The delegation of **Germany** requested the view of the **Legal Adviser** on Rule 35 in the case of a tie vote. The Chairperson indicated that this matter would be discussed under Rule 36.

[Rule 36 - Counting of votes]

115. The **15 delegations** proposed the following amendment for Rule 36 (Rule 36 *bis*), 'If a vote is equally divided, in voting not concerned with elections, a second vote shall be taken after a suspension of the meeting. If there is still no majority in favour of the proposal, it shall be considered lost.'

116. The delegation of **China** proposed to replace 'lost' with 'as rejected'.

117. The delegation of **Germany** asked for the opinion of the **Legal Adviser** on this amendment.

118. The **Legal Adviser** noted that if a vote is equally divided, the motion voted on automatically fails, because the term 'majority' means that more than half the votes are needed to adopt the motion. It would therefore not be necessary, from a legal standpoint, to have this amendment. Moreover it would not present a legal problem if the Committee decided that it would be useful from a policy standpoint.

119. The delegation of **Germany** said that it did not see the necessity for the amendment.

120. The delegation of **India** indicated its discomfort with having a suspension of debate that would allow for lobbying time. This would seem contradictory to a free and democratic vote.

121. The delegation of **Saint Lucia** indicated that it could accept the removal of the amendment; however, 15 countries had signed for it and it was taken directly from the rules of the Executive Board. The delegation also noted that it did not find the amendment to be undemocratic.

122. The delegation of **China** stated that it would prefer not to have the amendment.

123. The Chairperson determined that no Members were showing support for the amendment and some had noted their concerns. Rule 36 was adopted without amendment.

[Rule 37 – Method of voting]

124. The **15 delegations** proposed an amendment to Rule 37.1, which would add, 'unless a secret ballot is requested by one Member of the Committee and seconded by two others.'

125. The delegation of **India** stated that it preferred not to have the option of a secret ballot, as other Intergovernmental Committee meetings have decided that matters of heritage and cultural diversity do not need secret ballot votes.

126. The delegation of **Saint Lucia** stated that secret ballots can at times be useful and are sometimes necessary, even if rarely used. It also noted that it was unhappy with the removal of the secret ballot option at the Intergovernmental Committee for the Safeguarding of the Intangible Heritage.

127. The **delegations of Lithuania, Luxembourg, Slovenia, Canada, Austria and France** supported the amendment.

128. The delegation of **Brazil** expressed its support for the delegation of India's argument, stating that it did not agree that three Committee Members should have the authority to hold a secret ballot as this would not necessarily reflect the views of the Committee as a whole.

129. The delegation of **Saint Lucia** said that it had looked at other types of Rules of Procedure and that they provided for a request 'by more than two members' for the holding of a secret ballot.

130. The delegation of **China** indicated that it believed that there might be occasions when a secret ballot would be appropriate.

131. The delegation of **India** said that it would not hold up consensus on the amendment, but stated that it would not change its vote whether the ballot was secret or not.

132. Rule 37.1 was adopted as amended.

133. **The 15 delegations** proposed the addition of Rule 37 *bis* (1 and 2) on voting by secret ballot.

134. The delegation of **China** said that it was superfluous to add such a Rule.

135. The delegation of **Saint Lucia**, supported by the delegation of **Germany**, pointed out that the amendment had been introduced on the recommendation of the Legal Adviser.

136. The delegation of **China** repeated that Rule 37 *bis* was superfluous but was nevertheless willing to accept it.

137. Rule 37 *bis* (1 and 2) was adopted.

138. The **15 delegations** proposed to amend Rule 39.4 with the addition of the word 'simultaneously'.

139. The delegation of **India** stated that the amendment was not reasonable, as it would mean that one text would be held up if translation were not yet available.

140. **Ms Rivière** stated that it was standard practice at UNESCO to publish simultaneously the documents in the different working languages.

141. The delegation of **India** disagreed, pointing out that the amendment would not have been proposed if it had been standard practice. The delegation recommended that the issue be addressed through the Secretariat rather than in the Rules of Procedure.

142. The delegation of **France** said that the same rules were contained in the Rules of Procedure of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage and the Intergovernmental Committee for the Protection of the World Cultural and Natural Heritage.

143. The delegation of **Saint Lucia** said that it was important for the Secretariat to know that documents were required to be distributed simultaneously in the two working languages.

144. The **Chairperson** pointed out that it was sometimes necessary to lay down rules in order to have documents in the two working languages.
145. The delegation of **India** stated that documents were not available in English and French simultaneously at the Intergovernmental Committee for the Safeguarding of the Intangible Heritage and the World Heritage Committee. The delegation commented that there was no point in adopting an amendment that would be ignored and was not in favour of pressure being placed on one language group from another. It requested that the amendment be placed in square brackets.
146. The delegation of **Mali** noted that the purpose of the amendment was to encourage efforts to be made to submit documents in the two working languages.
147. The delegations of **Slovenia, Lithuania, Luxembourg, Greece and Tunisia** supported the amendment.
148. The delegation of **China** supported the argument by the delegation of **India**.
149. The **Chairperson** noted that the amendment was simply a signal to the Secretariat that having access to documents in both languages was a priority. He then asked the delegation of **India** to reconsider its position.
150. The delegation of **India** stated that after receiving a second request, it would withdraw its reservations, but wished for it to be noted that this was the first time it had felt such a pressure from a language group.
151. The **Chairperson** thanked India for its willingness to compromise and Rule 39.4 was adopted as amended.
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- [Item 4: Adoption of the Provisional Rules of Procedure (continued)]**
152. The debate on the adoption of the Provisional Rules of Procedure continued in the morning of 11 December 2007. Rule 40 was adopted with an amendment adding 'in the two working languages.' Rule 41 was adopted as amended in the following wording: 'At the end of each session, the Committee shall adopt the list of decisions that shall be published simultaneously in the two working languages in the month that follows the closure of the session.'
153. Rule 42 was adopted as amended in the following wording: 'The Secretariat shall prepare a detailed draft summary record of the Committee's meetings in the two working languages for approval at the opening of the next session. This draft summary record shall be published electronically simultaneously in the two working languages, at the latest three months after the closure of the session.' Rules 43, 44.1, 44.2, 44.3, 45, 46 and 47 were then adopted without change.
154. The Members of the Committee then resumed consideration of Rule 7. Rule 7.1 was adopted as amended in the following wording: 'Parties to the Convention which are not Members of the Committee may attend its sessions as observers, as well as its subsidiary bodies, and shall benefit from the rights as described in Rule 20 below, subject to the provisions of Rule 18.'
155. Concerning Rule 7.5, the delegation of **Croatia** proposed that the original text should be used, as adopted by the Conference of Parties in June 2007.

156. The delegation of **China** recalled that India's previous proposal was to refer to the text of the Convention for the Safeguarding of the Intangible Cultural Heritage.

157. The delegation of **India** read the relevant article (8.3) of the Rules of Procedure of the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage. The delegation noted that the provision was not entirely satisfactory, but that at a subsequent meeting the Committee for the Safeguarding of the Intangible Cultural Heritage would draw up guidelines to enable grassroots NGOs from different parts of the world to participate in an advisory capacity in its future meetings in accordance with Article 9 (Accreditation of advisory organizations) of the Convention for the Safeguarding of the Intangible Heritage.

158. The delegation of **Saint Lucia**, supported by the delegation of **Germany**, indicated that the example given by the delegation of India constituted draft guidelines for the accreditation of NGOs to act in an advisory capacity to the Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage. The delegations stressed the key difference between the two Conventions and proposed to use the term 'authorize', instead of 'invite'.

159. The delegation of **China** agreed with the compromise language of 'could be authorized' and suggested adding the phrase 'which should be made available to State Parties' after the reference to the Director-General.

160. The delegation of **Saint Lucia** requested clarifications regarding the implementation of that paragraph.

161. The **Chairperson** said that the text as drafted provided Member States with the list of NGOs that had requested to participate in the work of the Committee. There was not, for the time being, any agreement whereby an NGO might know beforehand whether it could participate in a meeting as an observer.

162. The delegation of **India** stated that this issue would be elaborated at the next meeting when modalities for participation would be discussed and when a decision would be taken as to whether the Director-General could authorize participation. The Committee would then take a separate decision which could facilitate NGO participation.

163. The delegation of **France** supported **India's** proposal and recalled that in the framework of the Convention for the Safeguarding of the Intangible Cultural Heritage, the Committee had decided to continue to study that question at its next session.

164. The delegation of **Austria** supported the comment made by the delegation of **Croatia** that the Rules of Procedure of the Committee should not be different to those of the Conference of Parties.

165. The **Chairperson** suggested the addition of 'according to modalities to be determined by the Committee' after the word 'Committee.' Those modalities would be discussed at a later meeting.

166. The delegation of **India** stated that it was not appropriate to put conditional language in the Rules of Procedure, but indicated that the Committee could adopt Provisional Rules of Procedure that would be clarified at a later meeting. The delegation voiced its concerns that NGOs would travel and not be authorized to participate in the meeting once on site.

167. The delegation of **Brazil** suggested that the Bureau could have the responsibility to provide authorizations between sessions. The delegation also reiterated its proposal to replace 'all its sessions' by 'a number of sessions' since indefinite authorization would not be logical.

168. Following concerns expressed by the delegation of **Saint Lucia** with respect to the Bureau having such responsibility and its preference that it be handed to the Committee or the Chairperson, the delegation of **Brazil** withdrew its proposal.

169. The **Chairperson** proposed the adoption of a decision separate from the Rules of Procedure. He read out to that effect the paragraphs relating to the participation of NGOs in the framework of the Convention for the Safeguarding of the Intangible Cultural Heritage.

170. The delegation of **Saint Lucia** said that it had difficulties with the formulation of the paragraphs and that it was not able at that stage to give an opinion.

171. The delegation of **India** suggested that the item be postponed until the agenda item of the current meeting dealing with civil society participation.

172. The delegation of **Lithuania** noted that, while a discussion could take place under the item dealing with civil society, a separate paragraph needed to be included in the Rules of Procedure.

173. **Ms Rivière** reviewed the various proposals received. She suggested that the wording should be sufficiently vague for it to be possible to determine at the next session the modalities according to which NGOs could be invited.

174. The delegation of **Burkina Faso** expressed concern about vague wording in the implementation documents, which needed to be more concrete. The delegation accordingly proposed that a technical committee be set up to prepare a text addressing all the concerns expressed.

175. The **Chairperson** recalled that the question had already given rise to lengthy discussions in the framework of the Convention for the Safeguarding of the Intangible Cultural Heritage and that its Committee had postponed until a later date the adoption of specific modalities. Once the modalities had been clearly established, they should be incorporated into the final Rules of Procedure.

176. The delegation of **Saint Lucia** noted that the modalities would not need to be integrated into the Rules of Procedure, since they were operational guidelines.

177. The **Chairperson** pointed out that the question of the participation of NGOs in the Committee's sessions came under Rules 7 and 20 of the Provisional Rules of Procedure. The Committee was required to draft operational guidelines on the 'role and participation of civil society in the implementation of the provisions of the Convention.' Following those clarifications, he asked whether the text proposed by **Ms Rivière** could be adopted.

178. The delegation of **China** insisted on retaining its amendment on sharing the information with States Parties, arguing that the Convention was an intergovernmental agreement.

179. The delegation of **Saint Lucia** asked for clarifications as to the need to add that reference, which did not appear within the framework of the Convention for the Safeguarding of the Intangible Cultural Heritage.

180. In response to a question raised by the delegation of **Lithuania**, the Secretariat confirmed that the information concerning participating NGOs would be shared, on request, with all the States Parties, even if there was no provision to that effect in the Rules of Procedure.

181. The delegation of **China** withdrew its proposed amendment.

182. Article 7.4 was adopted as follows: '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 could be authorized by the Committee according to modalities to be determined by the latter 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.'

183. The Committee adopted the Provisional Rules of Procedure as amended, as well as Decision 1.IGC 4.

184. The delegations of **Mexico** and **Guatemala**, supported by the delegation of **Saint Lucia**, delivered a statement thanking Canada for providing interpretation in Spanish and Portuguese but expressing concerns that other working languages were not included. They asked that the inclusion of Spanish as a working language of the Committee be considered as an item in the agenda for the next ordinary session.

185. The **Secretariat** read out the list of observers present: States Parties but non-Members of the Committee, Member States of UNESCO not Parties to the Convention, IGOs and NGOs.

186. The **Chairperson** summarized the communications received from some NGOs, particularly with regard to speaking time and the role of civil society.

187. The delegation of **Canada** proposed that more time should be granted to NGOs if they had a consolidated position, thus allowing their point of view to be better understood. The proposal was accepted by the Committee.

Item 5 – Structure and content of operational guidelines for the implementation and application of the provisions of the Convention (document CE/07/1.IGC/5A)

188. Before inviting the Committee to proceed with the next items on the agenda, the **Chairperson** requested the Secretariat to provide general information and clarifications concerning Item 5, which included three separate sub-Items: 5A (Structure and content of the operational guidelines), 5B (International Cooperation) and 5C (Role and participation of civil society).

189. The **Secretary of the Convention** briefly presented the items to be addressed by the Committee referring to Resolution 1.CP 6 and, more specifically, to the articles of the Convention to which the Conference of Parties had requested the Committee to pay priority attention (Articles 7, 8 and 11 to 17 of the Convention). **Ms Saouma-Forero** also explained the way in which the documents had been prepared and outlined the proposed draft decisions on the following: a clear roadmap, working methods and a timetable for elaboration of set group of operational guidelines. **Ms Saouma-Forero** then made reference to several of the information documents that had been prepared to provide additional information and stimulate discussion on the subjects addressed in three documents (such as the report from the Madrid Expert Meeting on International Cooperation (CE/07/1.IGC INF 3), the study on Civil Society by H. Anheimer (CE/07/1.IGC INF 6), as well as the bibliography (CE/07/1.IGC INF 5). **Ms Saouma-Forero** also indicated that the Fund would be part of the operational guidelines but was addressed under a separate item on the agenda, thus taking into account the separate Resolution 1.CP 7 of the Conference of Parties on this issue.

Item 5A: Structure and content of the operational guidelines

190. **Ms Rivière** introduced document CE/07/1.IGC/5A, proposing a draft Table of contents for the operational guidelines. She emphasized that the proposal was a tentative

one and that the document was ongoing from one Conference of Parties to another. She invited Members of the Committee to draw attention to any omissions and also to discuss the working methods proposed.

191. **The Honourable Minister for Culture of Brazil, Mr Gilberto Gil**, delivered a statement thanking Canada for making simultaneous interpretation available in Portuguese. He reiterated that when signing and ratifying the Convention, countries reasserted the sovereign right to formulate and implement their own cultural policies and adopt measures to protect and promote cultural diversity. He noted that it was time to affirm and consolidate culture as a central axis of development at local, regional and global levels. In this context, Brazil reaffirmed the importance of creating an International Fund for Cultural Diversity and demonstrated the interest in allocating resources to the Fund. He acknowledged the need to propose multiple formulas of national contribution. However, in addition to guaranteeing access to and use of this Fund, it would also be necessary not to limit the Convention's impact to the actions of the Fund itself. The Fund is only one mechanism to achieve the Convention's goals. Minister Gil stated that the spirit of the Convention makes it clear that culture cannot be negotiated only according to the rules of international organizations that regulate trade and intellectual property. New parameters should be created to promote access to cultural expressions from around the world, to protect the symbolic systems and cultural expressions that are vulnerable or threatened by extinction and to promote the strengthening of the cultural industries in developing countries. Minister Gil also emphasized that the Convention consolidated cultural rights at the level of an international legal framework and demonstrated to States the need to ensure such rights. Support for civil society should be strengthened in its full diversity of expressions and permanent methods of participation in public policy formulation should be created. The economy of culture should be developed as a strategic sector for the promotion and expansion of autonomy and innovation, including a great part of non-industrial cultural economy, as set out in Articles 6 and 14 of the Convention. It is also necessary to ensure a policy that values traditional knowledge and prevents against illicit use of the intellectual property of local communities and groups that use such knowledge, as stated in the Convention preamble. The Honourable Minister Gil Gilberto underlined the Brazilian proposal for an 'agenda for development' which was approved by the World Intellectual Property Organization (WIPO). Finally, he indicated that it was essential to consider copyright as part of cultural policies. In this respect, he proposed that the Convention should also be taken into consideration by other UN agencies. Concerning the draft Table of contents of the operational guidelines, the delegation of **Brazil** proposed to add Chapter 10 on 'Relation to other instruments' (Articles 20 and 21), a topic currently found in Chapter 1. The delegation also suggested that Chapters 1, 2, 7 and 10 be examined by working groups of Members of the Committee.

192. The delegation of **China** stressed that only those provisions requiring decisions or actions called for operational guidelines. Accordingly, Chapter 1 (Introduction) did not need any operational guideline. In addition, it might be advisable to move paragraph 1.6 to Chapter 8, which could be renamed "Relations to other instruments and consultations."

193. The delegation of **Saint Lucia** supported **Canada's** proposal, and also the proposal of the delegation of **Brazil** concerning the establishment of working groups.

194. The delegation of **China** echoed the **Brazilian** proposal but suggested that the new chapter be Chapter 6 *bis* and also supported the creation of working groups.

195. The delegation of **Greece** voiced a preference for not elaborating operational guidelines for Chapter 9 (Settlement of disputes, Article 25 and Annex to the Convention), since that subject was not specific to the Convention and it would not be appropriate for the Committee to develop such guidelines.

196. The delegation of **Germany** emphasized the importance of focusing on Chapters 5, 6 and 7. It was open to the establishment of working groups, including on the issue of the Fund.

The delegation, supported by the delegation of **France**, said that the list of working methods was not exhaustive.

197. The delegation of **France** also noted that the focus should be on those guidelines that were essential for the implementation of the Convention and supported **Canada's** view that paragraphs 1.1 to 1.5 were not necessary. As for paragraph 1.6, it was fundamental and called for very substantial work.

198. The delegation of **Tunisia** stressed that, on the basis of the Cultural Diversity Programming Lens approach, the three priority areas of the Convention were: the promotion of cultural industries, dialogue and international cooperation, and relations to other instruments. It might be useful to reformulate the Table of contents in accordance with those priorities. The delegation also supported **Brazil's** proposal regarding the inclusion of a further chapter.

199. The delegation of **Austria** proposed that Paragraph 2.1 be renamed 'Rights and Obligations of States Parties'. The delegation agreed that the list of working methods was not exhaustive and was open to the creation of working groups.

200. The delegation of **India** highlighted the importance of prioritizing certain aspects of the implementation of the Convention and identified four priority areas: measures to promote and protect cultural expressions; integration of culture in sustainable development; civil society participation and the International Fund for Cultural Diversity. The delegation stated that Chapter 1 was not required and that it was reticent to developing guidelines for Article 20, as it believed it to be contradictory and unbalanced. The delegation also questioned the use of the term 'peer review' in the working document and stated that working groups should only be created when absolutely necessary.

201. The delegation of **South Africa** underlined that the working groups should include representatives from developing countries and indigenous communities.

202. The delegation of **Croatia** supported the **Canadian** and **Brazilian** proposals regarding Item 1.6 and supported the inclusion of 'obligations' in paragraph 2.1, as proposed by the delegation of **Austria**.

203. The delegation of **Mali** supported earlier proposals to the effect that Chapters 1 and 9 were not necessary and that it was important to target priority goals, such as international cooperation, the role of civil society and the International Fund. It approved the decision to devote the next session of the Committee to Chapter 2, on the promotion and protection of cultural expressions.

204. The delegation of **China** agreed that the list of working methods was not exhaustive. With respect to Article 20, the delegation believed that since it was part of the Convention, it should be implemented, no matter how difficult it may be. Working groups should be geographically balanced in as far as possible. The delegation also suggested that an analytical study be conducted as a starting point and that all these documents should be sent to States Parties as early as possible for peer review.

205. The delegations of **Saint Lucia**, **Lithuania** and **Luxembourg** supported the proposal from Greece regarding Chapter 9 and the proposal by Austria on Paragraph 2.1.

206. Regarding the composition of the working groups, the delegation of **Saint Lucia** indicated that they should also be representative of the different levels of economy of States.

207. The delegation of **Lithuania** also suggested adding the notion of interculturality to Chapter 4.

208. The delegation of **Brazil** highlighted the importance of examining Article 20, even if it may be seen as a Pandora's box.

209. The delegation of **Finland** endorsed the proposals made by several delegations, particularly regarding Chapter 1. He noted that the Committee should focus on articles of substance, including Article 20 for which the Committee might endeavour to develop some guidelines.

210. The **Chairperson** then invited the Observers to take the floor, starting with States Parties not Members of the Committee, IGOs and NGOs.

211. The delegation of **Jamaica** indicated that the table of contents mirrored too closely the Convention and proposed an alternate structure as follows: Chapter 1: Brief summary of the definition and goals of the Convention; Chapter 2: Measures to protect the diversity of cultural expressions; Chapter 3: Measures to promote the diversity of cultural expressions; Chapter 4: Modalities for successful implementation, including resources, target groups, preferential treatment for developing countries, and the role of the Secretariat and the States Parties; Chapter 5: Relation with other instruments (Articles 20 and 21).

212. The representative of the **Parliamentary Assembly of La Francophonie** (APF) said that parliamentarians in the French-speaking world were interested in the implementation of the Convention, to which APF could contribute, including through its legislative functions, which enabled it to act at national level, by raising issues with governments and by interacting with ministers and senior officials, communicating to them the concerns of populations regarding implementation.

213. Representing a number of organizations, namely the **International Network for Cultural Diversity, Traditions for Tomorrow**, the **UNESCO NGO Liaison Committee**, the **International Music Council**, the **International Council of Organizations for Folklore festival and Folk Arts** and the **International Federation of Coalitions for Cultural Diversity**, Mr Gary Neil thanked the Committee for including in the Rules of Procedure an opportunity for NGOs to address the Committee. Mr Neil supported the delegation of Canada's proposal to move paragraph 1.6 to Chapter 8 and to rename the latter. He also noted that the implementation of Articles 20 and 21 required further clarification.

214. **Ms Rivière** summed up the main points of agreement mentioned by delegations regarding the provisional Table of contents, priorities and working methods. The Table of contents would be revised in the light of those discussions. Paragraph 1 of the draft Decision 5A was adopted. Several delegations proposed amending paragraph 2 of the draft Decision to 'take note' and the President suggested adding 'and the comments made during the debates' at the end of the paragraph. Paragraph 2 was adopted as amended.

215. The delegations of **Luxembourg** and **France** proposed the amalgamation of paragraphs 3 and 4.

216. The delegations of **Saint Lucia** and **India** proposed the deletion of paragraph 3 of the decision as being unnecessary.

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[Continuation of 5A - Structure and content of the operational guidelines]

217. The **Chairperson** called the meeting to order to allow for further examination of draft Decision 1.IGC 5A, which was adopted as amended. By that decision, the Committee took note of the draft Table of contents of the operational guidelines and working methods proposed for the drafting of the operational guidelines contained in document

CE/07/1.IGC/5A. It decided that consideration of the provisions of the Convention concerning the promotion and protection of cultural expressions (Articles 7, 8 and 17) would be included in the agenda of the next ordinary or extraordinary session of the Committee.

Item 5B of the provisional agenda: International cooperation

218. **Ms Rivière** said that a preliminary discussion was to take place during the current session and that international cooperation was a priority for the Committee, as defined at the Conference of Parties. The Secretariat had proposed a distinction between general aspects (Articles 12, 13 and 15) and specific aspects (Articles 14 and 16). **Ms Saouma-Forero** then spelled out the working methods and timetable for each article relating to international cooperation.

219. The **Chairperson** stated that he preferred to have a general discussion on all the articles at once and opened the floor to interventions by the Committee members.

220. The delegation of **Finland** thanked the Secretariat for the excellent preparation of the circulated documents. The delegation then stated that this chapter was important to implementation of the Convention as a whole. It then agreed with the delegation of France's comments earlier on in the discussions that there was no reason to rewrite the Convention when reorganizing the guidelines. Concerning Article 12, Finland noted that it did not only concern developing countries, but all Parties. Article 13, on the other hand, concerns all Parties, but particularly developed countries who have resources to invest in this area. According to Finland, Article 14 was the most important article in the Convention as it was closely connected to the International Fund for Cultural Diversity and provides an instrument for implementation. In reference to Article 16, Finland observed that the notion of preferential treatment could take many forms not necessarily related to trade.

221. The delegation of **Canada** thanked the Secretariat for making a consolidated presentation of the documents. International cooperation was not confined solely to the IFCD; support should also include technical assistance, capacity-building and the exchange of good practices in the field of cultural policies. Support for institutional infrastructure, capacity-building and expertise were key aspects of international cooperation. In addition, it was crucial to take into account experience gained on the ground by various civil society organizations and groups in the field of international cooperation. The delegation stressed lastly that Members of the Committee should show solidarity at the global level.

222. The delegation of **Germany** focused its intervention on Article 15 as it stressed that the specific details of what might constitute collaborative arrangements still needed to be developed. On this issue, the delegation noted that while best practices already existed in national policy implementation and national cooperation, it was now time to pay special attention to partnerships for the diversity of cultural expressions. The delegation also referred to recent examples of collaboration found at the United Nations Development Programme (UNDP), through the work related to the Millennium Development Goals, as well as United Nations Conference on Trade and Development (UNCTAD). It deemed it important to develop a strong legal basis at a national level, which was an issue stressed by civil society present at a recent seminar organized in Paris. In relation to the possible initiators for partnerships, the delegation explained that these could be States Parties, civil society, public or private actors, and creative producers. Partnerships should be demand-driven, with a participatory needs assessment for developing countries, including mapping exercises and statistical data. The delegation stressed that it was key to build on existing structures and networks, in accordance with recommendations from those working at grassroots level. It also insisted that partnerships should be with local public and private actors, civil society and partners in third countries, in a cross-border context as well as in a South-South and North-South perspective. Furthermore, the delegation acknowledged the importance of the involvement of the media since their efforts could expand audiences and

make the diversity of cultural expressions available to more people. In order to evaluate success, clear monitoring indicators and assessment methods should be developed. Finally, the delegation stated that funding from private and public sources should exist in parallel, and there should be an increase in the proportion of untied Official Development Assistance.

223. The delegation of **Brazil** noted that the main emphasis should be on the need to reinforce the structure of the creative industries, so that developing countries did not always have to rely on support from others and could build their own capacities. It stressed that it did not want a purely North-South arrangement that would lead to dependence and not autonomy. The delegation wished to focus on the effective transfer of technology and capacity-building and stressed that co-production and co-distribution agreements were vital in order to open new markets for cultural products from developing countries. The delegation deemed it necessary to focus on market access and to take a broad view of preferential treatment in the context of Article 16. It then read a reference from the report on the Expert Meeting on International Cooperation (Madrid 2007) dealing with preferential treatment, noting that Article 16 did not make a distinction between levels of development and the proposal made by the experts would be difficult for countries like Brazil, China and Mexico to accept. The delegation stressed that countries should also benefit from South-South solutions and spoke about its country's *Pontos de cultura* project, which provides opportunities for poorer and marginalized groups and individuals throughout Brazil to learn a cultural skill and create their own cultural products. Finally, the delegation stated that it would be pleased to share its experiences with other countries, but needed more opportunities, as well as the adequate funding, to do so.

224. The delegation of **India** expressed concern that the Expert Meeting on International Cooperation in Madrid and the meeting in Germany had little to no participation from Asia and that this omission was evident in the reports. The delegation noted that the concept of preferential treatment in Article 16 was negotiated within the development context in order to enable developing countries to protect their cultural industries, giving the example of the Caribbean film industries. Moreover, it believed that Article 16 should be the focus of the debate, which should consider how countries can give preferential treatment. The delegation questioned how it would be possible to protect endangered industries without harming stronger industries.

225. The delegation of **China** signalled its agreement with the delegations of India and Brazil. It believed that preferential treatment should aim for equality, and that cooperation was about mutual benefit to both sides. The delegation cited the example of the series of Years of Culture it had organized with other countries, which showed the diversity of cultural expressions. It also noted that when initiating international cooperation, the role of government was very important as it could set the policy lead.

226. The delegation of **Germany** stated that the meeting held in Germany had made every effort to obtain the views of experts from Asia. It indicated that it wished for meaningful debate on preferential treatment and that the direction determined by the Secretariat was appropriate. It also noted that it was important to examine various ways of funding international cooperation and that untied Official Development Assistance was only one such example.

227. The delegation of **Mali** said that international cooperation should enable developing countries to participate in commercial cultural exchanges, as non-participation would have disastrous consequences for the future of cultural globalization.

228. The delegation of **Croatia** stressed that the sections of the Convention that focus on international cooperation could benefit both developing and developed countries. It also noted that these sections were complementary to the principles of balance, openness and equitable access for all. Furthermore, the delegation indicated that the focus on trade of

Article 16 was a starting point, but other directions could be examined in order to ensure the aforementioned principles.

229. The delegation of **Tunisia** said that international cooperation was the new pillar of the Convention and that Members of the Committee could begin to introduce, in their international cooperation agreements, the modalities of the Convention relating to international cooperation.

230. The **Chairperson** then asked whether Parties to the Convention that were not Members of the Committee wished to take the floor.

231. The delegation of **Gabon** said that the question of international cooperation was a sensitive one. Africa was a continent that was losing its culture and international cooperation must produce tangible results. In addition, the Committee should seek methods to meet the high expectations expressed in Article 14 of the Convention. Lastly, best practices in international cooperation should be identified and countries themselves should identify their own needs.

232. The delegation of **Jamaica** lamented the lack of experts from the Caribbean at the Madrid and Montreal meetings. It also stressed that developing countries were not homogenous and wondered what was meant by the term of a dynamic cultural sector, as a poor country like Haiti might have great talent, but no means of showcasing such talent. The delegation stressed that people from the South and poorer urban populations of the North wanted the Committee to show that development has a place in culture. The delegation noted that bilateral cultural cooperation was benefiting its country. Finally, it stressed that the modalities of preferential treatment must be examined.

233. The **Chairperson** noted that there were no interventions from UNESCO Member States who were not Party to the Convention, and invited the Council of Europe to make a presentation as one of the observer international organizations.

234. The **Council of Europe** provided information on the mandate and objectives of its organization, including promoting and reinforcing cooperation in the areas of human rights, democracy and the rule of law. The delegate underscored the Council's desire to develop innovative partnerships, offering to share the organization's experience and tools for gathering cultural information and stressed that it would welcome partnerships outside Europe. It would also be willing to help facilitate cooperation at national, regional and international levels during the operational phase of the Convention.

235. The **Chairperson** then asked whether any non-governmental organizations wished to make an intervention.

236. **Mr Neil**, representing a group of six non-governmental organizations (**INCD**, **Traditions for Tomorrow**, **UNESCO NGO Liaison Committee**, the **International Music Council (ICM)**, **CIOFF**, the **International Federation of Coalitions for Culture Diversity (IFCCD)**) addressed the meeting. Mr Neil stated that in order to ensure cultural diversity and more balanced exchanges between cultures, developing countries must receive the assistance they require to bring their cultural products to local and global audiences. He suggested that Committee Members support the development of bilateral relationships between State Parties which would facilitate the movement of artists from developing countries to developed countries. Furthermore, he encouraged Members to examine the possibility of developing a process of Fair Trade Certification of cultural goods and services in order to ensure an appropriate return to the culture from which the product originates.

237. The delegation of **Slovenia** thanked the delegation of Jamaica for its intervention and reminded the Committee that it should not forget that the world was observing its work.

238. The **Chairperson** suggested that the Committee move on to consider the draft decision containing the amendments proposed by the 15 delegations.

239. The delegation of **France** explained the reasons for the proposed amendments. With regard to paragraph 3 *bis*, it would be useful for each State to explain what had to be done to safeguard the original character of its culture. In paragraph 4, 'four experts' were specified so as to bring together experts with different points of view on the question of preferential treatment. As for paragraph 7, it was simply paragraph 2 transposed to the end of the draft decision.

240. Paragraph 1 was adopted without discussion.

241. The delegation of **India**, supported by the delegation of **China**, proposed the following language for paragraph 2, 'Taking note of the rich debate on this issue at this session, and underlining the importance of early implementation of the principle of international cooperation.'

242. The **Committee** adopted paragraph 2 as amended.

243. The delegation of **Germany** agreed with India and made the practical observation that the Committee should add the dates of the upcoming sessions to the decision before adoption.

244. The delegation of **India** suggested that rather than adding dates that had not yet been determined, the wording 'next ordinary/extraordinary session' could be used.

245. The delegation of **Oman** suggested removing 'part of paragraph 6.1 of the draft Table of contents of the operational guidelines' in paragraph 3, due to the significant changes made to the document.

246. The **Committee** adopted paragraph 3 as amended. Then a debate on paragraph 3 *bis* focused on which dates should be added for the forthcoming meetings.

247. **Ms Rivière** explained that States' submissions should reach the Secretariat at least three months before the beginning of the desired session in order to have the necessary time to analyze, summarize and translate the documents.

248. The **Chairperson** acknowledged the complexity of the task and, since the work had to be finalized by June 2009, suggested that it would be beneficial to take the necessary time to complete it properly. In order to provide sufficient time for developing countries to prepare their submissions, he proposed that the deadline be the end of June 2008, which would allow for the document to be distributed at the December session.

249. The delegation of **Slovenia** proposed to add the word 'sustainable' before 'development policies'.

250. Paragraph 3 *bis* was adopted with amendments.

251. In discussing paragraph 4, the delegation of **Brazil**, supported by the delegation of **China**, requested that the number of experts be raised from four to six in order to ensure regional representation.

252. The delegation of **India** agreed with the delegation of **Brazil**, noting that four experts would create a problem for regional groups and for the Secretariat in the selection process. The delegation also suggested that a footnote stating that the experts should be from

countries at different levels of development could be added in order to improve the readability of the paragraph.

253. The delegation of **Saint Lucia** offered support for the language suggested by India. While it had no objection to increasing the number of experts, it wished to stress that it was not a question of regional distribution, but of ensuring a representation of different stages of development.

254. The delegation of **South Africa** supported the change to six experts and proposed the removal of 'as part of paragraph 6.3 of the draft Table of contents' from paragraph 4.

255. The delegation of **Croatia** echoed the comments of the delegation of Saint Lucia, adding that the experts should have different backgrounds and experiences.

256. The **Chairperson** proposed the addition of 'different stages of economic development' to the paragraph.

257. The delegation of **Brazil** stressed that it was not possible to have rigid numbers for the different perspectives and that different perspectives did not only depend on the level of development of a country or region. The delegation proposed that the paragraph have more broad and open language.

258. The delegation of **Saint Lucia** supported the Chairperson's proposal and agreed with the delegation of **Brazil** that no more language should be added to the decision, as long as the work requested was clear to the Secretariat.

259. The **Rapporteur** suggested that the notion of different perspectives on preferential treatment be added to a later part of the paragraph, for instance after 'a factual document on', to avoid confusion with the concepts of regional representation and levels of development.

260. The delegation of **India** offered support to the Rapporteur's suggestion and voiced concern that, in order to engage truly qualified experts and ensure the quality of the report, more time might be required. It suggested that an interim report be produced for June 2008 or that the deadline be extended by six months. This proposal was supported by the delegations of **Canada** and **Saint Lucia**.

261. The delegation of **China** proposed the addition of the word 'qualified'.

262. The **Chairperson**, on behalf of the Secretariat, asked whether the Committee wanted a single document from the six experts.

263. The delegation of **India** stated that it would be unlikely that the experts could coordinate and agree on one report, meaning that the Secretariat would have to provide a synthesis of their views.

264. The delegation of **Brazil** stated that it believed that the six experts could agree in certain respects and explain their differing views in one report, and that six documents would have no cohesion.

265. The delegation of **Saint Lucia** reminded the Committee that the request would be for factual documents, and that the priority was to receive information on the extent of development of the cultural industries in the world.

266. The delegation of **India** agreed with **Saint Lucia** and noted that it would be next to impossible to organize a meeting of experts so they should each provide their perspectives and then the Secretariat would prepare a summary.

267. The **Chairperson** suggested changing 'next session' to 'December session'.

268. The delegation of **China** offered its support to the Chairperson's proposal and stated that the results of the experts' findings should be distributed as early as possible before the December session. The Chairperson noted the importance of this request to the Secretariat.

269. Paragraph 4 was adopted as amended.

270. The delegation of **Tunisia** proposed the deletion of paragraphs 5 and 6. The proposal was accepted.

271. For the new paragraph 7, the delegation of **India** proposed to add 'December 2008' and the delegation of **Austria** proposed to replace the reference to Chapter 6 of the draft Table of contents with 'Articles 12, 13, 14, 15 and 16 of the Convention'.

272. The Committee adopted paragraph 7 (henceforth paragraph 6), and then decision 1.IGC 5B as amended.

Government Conference Centre, Ottawa, Canada – 12/12/2007, 10 a.m.

Item 5C – Role and participation of civil society in the implementation of the provisions of the Convention (document CE/07/1.IGC/5C)

273. **Ms Rivière** introduced document CE/07/1.IGC/5C on the role and participation of civil society in the implementation of the Convention. The issue was covered mainly by Article 11, but several other provisions of the Convention referred to civil society. She noted that the Convention did not contain a definition of civil society and proposed that the operational guidelines include a definition of the work of civil society. She also proposed that the Committee discuss measures to strengthen the role and functions of civil society in the implementation of the Convention with a view to proposing guidelines to the Conference of Parties.

274. The delegation of **Croatia** stressed that there was no precedent for introducing such a provision in a Convention and that no comparison could be made with other UNESCO Conventions, such as the Convention for the Safeguarding of the Intangible Heritage. The Committee needed to ensure that civil society could adequately participate both nationally and internationally. The delegation supported the draft decision with minor amendments suggested by **the 15 delegations**.

275. The delegation of **Germany** supported the statement made by **Croatia** and provided additional remarks regarding the fact that Article 11 was the anchor of the role of civil society. The delegation proposed that a pragmatic definition of civil society was needed to give life to the Convention. It likewise endorsed the decision with the proposed amendments, including regarding the organization of an information session.

276. The delegation of **China** highlighted that the debate over defining civil society would continue for years, particularly amongst scholars. However, the delegation agreed that the Committee should develop a working definition which should emphasize that all actors need to work together to promote and protect the diversity of cultural expressions, and not oppose them against each other. The delegation reiterated the fact that experts could make a significant contribution to developing a definition.

277. The delegation of **South Africa** highlighted the critical role of civil society in the effective implementation of the Convention. It noted that developing a definition was an ongoing and complex project and that understanding this complexity would require the involvement of education institutions as well as human rights and youth commissions. The

delegation reported on several national developments, including the creation of a national coalition on cultural diversity that would arguably succeed in bridging gaps between the government and civil society.

278. The delegation of **India** agreed with the delegation of **Croatia** that the role of civil society was different than in the context of the Convention for the Safeguarding of the Intangible Heritage. Citing the definition of civil society in the information document as a 'buffer zone strong enough to keep both State and market in check, thereby preventing each from becoming too powerful and dominating', the delegation stated its preference for a more detailed definition. With respect to the information session to be held in Paris, the delegation expressed concerns over the difficulties organizations from developing countries could face in participating, including in obtaining visas. Other options should be considered, including through UNESCO regional offices.

279. The delegation of **Tunisia** stressed the importance of the role of civil society, since it represented, *inter alia*, the cultural sector. For example, a positive relationship existed between professional associations and banks with the aim of ensuring financing for cultural industries. The State should serve as a catalyst between civil society and other sectors of society, particularly the economic sector.

280. The delegation of **Brazil** cited the example of policy initiatives on identity and cultural diversity undertaken in collaboration with civil society to reach large population groups that had never been able to assert their identity. The participation of civil society was a fundamental factor in the legitimization of all such policies.

281. The delegation of **Lithuania** agreed that civil society had a special role to play, even if the current task was complex and difficult. The delegation commented that the information document from the experts was somewhat one-sided since it only discussed well-known examples. It therefore asked for a more encompassing document from the Secretariat. Furthermore, it expressed support for holding a meeting with civil society in Paris as a dialogue was needed, and indicated that efforts should be made to overcome difficulties faced by organizations from developing countries. The delegation also expressed support for the draft decision as amended by the 15 delegations.

282. The delegation of **Canada** said that its country worked in close collaboration with civil society, which had a fundamental role to play in the implementation of the Convention, at both national and international levels. On the whole, the delegation agreed with the proposals of the Secretariat, including with regard to the organization of a session with civil society, but stressed that it should be devoted to exchanges rather than to information. It noted that it was necessary to define the concept of civil society and the criteria and modalities for its participation. With regard to the definition, it was important that organizations that had been involved so far should continue to be involved in the future.

283. The delegation of **Austria** highlighted the importance of this topic for the implementation of the Convention. Agreeing that a definition should be provided, the delegation stated that it should not be too detailed, but should rather be a working definition as proposed by the delegations of **India** and **Germany**. It supported the amendments proposed by the 15 delegations and the organization of a meeting with civil society.

284. The delegation of **Brazil** indicated that it favoured a broad participation of civil society in the implementation of the Convention. As such, it indicated that some parameters could be determined, but that they should be open to changes since new definitions might arise.

285. The delegation of **Slovenia** said that the participation of civil society was essential and that it supported the draft decision as amended by **the 15 delegations**. Concerning the difficulties of securing broader participation in the Paris meeting, the delegation suggested

that civil society organizations should report to their branches and other organizations that could not come to Paris.

286. The delegation of **Mali** emphasized that the establishment in Mali of a multi-party system in 1991 had been instrumental in the emergence and development of civil society, which maintained an effective partnership with the State through the Ministry of Culture. The delegation expressed its support for the draft amendment proposed by **the 15 delegations**, including for the organization of a session for exchanges with civil society.

287. The delegation of **Burkina Faso** spoke of the fundamental importance of civil society organizations, which were the true players in cultural development and an essential partner for the implementation of the Convention. In order for the Convention to be impartial, there was a need to be alert to civil society.

288. The delegation of **Mexico** emphasized the fundamental role of civil society in the fulfilment of the objectives of the Convention and the need to guarantee equality and equity in its participation.

289. The **Chairperson** invited the Observers to take the floor in the established order.

290. The delegation of **Gabon** said that the Convention highlighted the importance of civil society and the role of NGOs and supported the comments made by several delegations about the difficulty of defining civil society. The delegation raised concerns regarding the low participation of African NGOs in UNESCO meetings, because of budget and visa difficulties. Since the Convention sought to redress imbalances, it offered an opportunity to take the question of financing into account. The delegation approved the principle of a meeting for exchanges with civil society before the next session of the Committee and asked the Secretariat to shed light on the participation of NGOs from the South.

291. The delegation of **Jamaica** supported the inclusion of civil society in the implementation of the Convention, yet questioned whether all organizations, representing all views, were engaged in the process, including those with diverging views. The delegation stated that the diversity of cultural expressions was not generated by States, but by civil society.

292. The delegation of **Kenya** underlined that it worked closely with civil society and UNESCO in elaborating and implementing cultural policies.

293. **Mr Diego Gradis**, representing the NGO Traditions for Tomorrow, said that he was acting as spokesman for 350 international NGOs in developing and developed countries and that the community of civil society organizations was ready to take up the challenge. He stressed that partnerships existed in other fields and that the fact of encouraging them in an international normative instrument in the field of culture was an unprecedented historical event. NGOs had taken note of the fact several organizations had expressed their intention to make such partnerships effective and operational. Supporting the remarks by the delegation of **India**, he reaffirmed that the establishment of partnerships also depended on the initiative and involvement of NGOs, but also on joint efforts.

294. **Mr Rasmane Ouedraogo**, President of the **International Federation of Coalitions for Cultural Diversity (IFCCD)**, speaking on behalf of the **UNESCO/NGO Liaison Committee, CIOFF, IMC, INCD and Traditions for Tomorrow**, emphasized that the Convention was the only one to recognize specifically and explicitly the importance of civil society, and the sole instrument that called on States to involve civil society in the implementation process. The organizations he represented wished to participate actively in any working group that the Committee might deem it useful to set up, and to assist in the preliminary evaluation of projects and the establishment of an official consultation process that would take into account their written proposals. It was essential that civil society

organizations be associated with the discussions of their respective Governments in order to identify concrete and effective actions.

295. The **Chairperson** opened the discussion on draft Decision 1.IGC 5C.

296. The delegation of **Canada** introduced a series of amendments on behalf of **the 15 delegations**, which proposed that paragraphs 1 and 2 remain unchanged, that paragraph 3 be deleted and its content partially reproduced in a new paragraph 5, and that paragraph 4 become the new paragraph 3, by which the Secretariat would be invited to prepare preliminary draft operational guidelines. Former paragraph 5 would become new paragraph 4, and 'information' would be replaced by 'exchanges' in order to highlight the need for dialogue.

297. The delegation of **France** expressed its support for the amendments proposed by Canada, while expressing its agreement with countries other than those of **the 15 delegations** in respect of those amendments.

298. The delegation of **Finland** endorsed the amendments proposed by the 15 delegations and supported the comments previously made by the delegation of Croatia. The delegation proposed an amendment to paragraph 4 to reflect the Rules of Procedure that were adopted; the proposal would replace the end of the paragraph with: 'that have official relations with UNESCO and/or were invited to the Conference of Parties.'

299. The delegation of **India** supported the amendment proposed by the delegation of **Finland** and proposed to add to paragraph 4, 'with the full participation of all Parties to the Convention.'

300. The delegation of **China** proposed to replace 'acknowledges' with 'emphasizes' in paragraph 2 and supported the delegation of India's suggested amendment to paragraph 4.

301. The delegation of **Tunisia** suggested the addition at the end of the paragraph 3 of: 'taking into account the comments of the Committee during this session.'

302. Given the difficulties in defining civil society, the delegation of **Brazil** suggested replacing 'definition' with 'description' in paragraph 3. In paragraph 4, the delegation suggested replacing 'representatives' with 'members'.

303. The delegation of **India**, supported by the delegation of **Saint Lucia**, suggested using the term 'pragmatic definition' in paragraph 3. The former also proposed a new paragraph 5: 'Request the Secretariat to fully involve UNESCO regional offices and National Commissions so as to facilitate the future participation of civil society from different regions in the world in the work of the Committee.'

304. The **Chairperson** proceeded with the reading and adoption of the draft decision paragraph by paragraph, and subparagraph by subparagraph.

305. Concerning the definition of civil society, the delegation of **Brazil** suggested replacing 'pragmatic', proposed by the delegation of **India**, with 'inclusive'. The delegation of **Austria** suggested 'pragmatic working definition'. The delegation of **India** proposed as a further option 'inclusive and pragmatic definition.' The delegation of **Tunisia** stressed that the key word was 'definition' and that there was no need for adjectives. The delegation of **Burkina Faso** suggested 'clear and practical definition.' Subsequently, the delegation of **India**, supported by the delegation of **Germany**, proposed 'broad definition'. The delegation of **France** suggested 'a broad as possible definition'. The delegation of **South Africa**, supported by the delegation of **Saint Lucia**, suggested 'inclusive definition'.

306. Following the proposal by the delegation of **China** to make the following amendment to the text: ‘Modalities by which the representatives of civil society can contribute to the Committee’s work and the implementation of the Convention’, the **Chairperson** suggested some stylistic changes. The third subparagraph of paragraph 3 was adopted as amended.

307. The delegation of **Tunisia** proposed the addition of the following new subparagraph 3 to paragraph 3: ‘taking into account the comments of the Committee during this session.’ The delegation of **India** suggested that the addition be placed in the introductory part of the paragraph. Paragraph 3 was adopted.

308. The delegation of **Germany** proposed replacing ‘information’ with ‘exchange of views’.

309. The delegation of **Croatia** wished to ensure that ‘with the full participation’ would not result in the limited participation of NGOs.

310. The delegation of **Brazil** withdrew its amendment to replace ‘representatives’ with ‘members’.

311. Following comments made by several delegations, the **Committee** agreed to reorder the paragraph to ensure clarity. Paragraph 4 was adopted as amended.

312. The new paragraph 5 previously proposed by the delegation of **India** was adopted as proposed: ‘Requests the Secretariat to fully involve UNESCO field offices and National Commissions so as to facilitate the future participation of civil society from different regions in the world in the work of the Committee.’ The delegation of **India** suggested including a paragraph regarding which organizations would be attending the next session of the Committee.

313. The **Chairperson** proposed a text on this issue. Following a few amendments to the proposal, the delegation of **Croatia** suggested that this question should be raised under the agenda item ‘Any Other Business’, which was agreed.

314. The delegation of **Brazil** introduced the proposal made earlier by NGOs for a new paragraph. Following concerns raised by several delegations, including those of **India** and **Saint Lucia**, the delegation of Brazil withdrew its proposal.

315. Concerning the new paragraph 6, the **Chairperson** suggested that the reference to Chapter 5 be withdrawn from the Table of contents of the operational guidelines. The Committee adopted Decision 1/IGC 5C as amended, by which it invited the Secretariat to prepare draft operational guidelines including an inclusive definition of civil society in the context of the Convention, criteria for the accreditation of representatives of civil society having interests and activities in the fields covered by the Convention, and modalities by which the representatives of civil society could contribute to the Committee’s work and the implementation of the Convention. By that decision, the Committee requested the Secretariat to organize, with the full participation of all Parties to the Convention, before the next session of the Committee, a session of exchange of views with representatives of civil society having interest and activities in the fields covered by the Convention and having official relations with UNESCO and/or having been invited to the Conference of Parties, on the role and participation of civil society. To that end, the Committee recommended that the Secretariat fully involve UNESCO field offices and National Commissions so as to facilitate the future participation of civil society from different regions in the world in its work. The Committee decided that the examination of the draft operational guidelines relating to civil society would be included on the agenda of its next session.

Item 6 – Preparation of guidelines on the use of the resources of the International Fund for Cultural Diversity (document CE/07/1.IGC/6)

316. The **Chairperson** asked **Ms Rivière** to introduce the question of the International Fund for Cultural Diversity.

317. Introducing Item 6, **Ms Rivière** recalled that Article 18 of the Convention provided for the establishment of an IFCD to which contributions were voluntary and whose resources were to be used as decided by the Committee on the basis of guidelines determined by the Conference of Parties. The Director-General had set up a special account for the Fund. She said that it would be useful to consider the preliminary draft with a view to preparing guidelines and modalities for the Fund, and to discuss cooperation for development (Article 14), since the Fund was one of the means to that end. **Ms Saouma-Forero** then introduced Document CE/07/1.IGC/6.

318. A discussion was held on whether the first part of the debate should focus on Article 14 of the Convention or on the preliminary draft prepared by the Secretariat. Several **Members of the Committee** wished to understand why Article 14 was to be considered under that item. The **Secretariat** replied that the main thrust of most of the activities of the Fund tied in with the goals and means of cooperation for development. In addition, operational guidelines referring to Article 14 also needed to be drafted. After those explanations, a consensus emerged and the Committee decided to start the discussion by addressing by the preliminary draft guidelines for the use of the resources of the IFCD.

319. The delegation of **Canada** said that it was no simple task to develop a support fund for the needs of cultural diversity. The delegation had worked on the question of the Fund with the International Network on Cultural Policy (INCP) and, following those discussions, Canada was in a position to share their outcome. It would be desirable for the draft document concerning the IFCD to deal not only with guidelines on the use of the resources of the Fund, but also the modalities for the use of those resources. The delegation identified two essential guidelines. First, the Fund should be targeted so as to guard against thin-spreading and disproportionate expectations in relation to the existing resources. Second, the Fund should be able to count on mobilizing resources and on all the potential contributors identified in Article 18.3 of the Convention, particularly private bodies. While recommending that objectives be more precise and better targeted, the delegation expressed a preference for those mentioned in paragraphs 8 to 15 of the preliminary draft, and noted that paragraphs 16.1 and 16.3 of the preliminary draft (Scope of application) were good starting points. Since too broad a definition of the beneficiaries might lead to the Fund being swamped with requests, the delegation suggested that a system be established to pre-select projects eligible for financing at national or regional level.

320. Supporting the remarks made by Canada, the delegation of **France** emphasized that funding and the search for donors should be a priority concern and that the Fund must not be financed solely by States. The scope of application should not be too broad and the actions of the Fund should be targeted towards specific fields of intervention.

321. The delegation of **Luxembourg** supported the comments of **Canada** and **France**, adding that the preliminary draft should be more concise and more specific.

322. The delegation of **Brazil** stressed that the discussions on the Fund should not be confused with the discussions on international cooperation, as this topic was much broader and included other initiatives that could be addressed outside the scope of the Fund. The delegation foresaw that the Fund would at first be a small mechanism that would progressively grow and accumulate resources for future activities. With regard to the guiding principles on the use of the Fund, it stated that it should avoid being too broad in scope and

should focus on priority areas. The delegation deemed the most important initiatives to be those that protected endangered cultural expressions and enhance cultural industries in developing countries, so that they could ensure their autonomy without always relying on international aid. The delegation also proposed that the Fund have a maximum limit for the cost of projects, and while paying for experts' expenses was important, priority should be given to projects in the field. Furthermore, it suggested that there be a spending limit for certain expenses in order to ensure a balance in the use of the resources. Finally, the delegation added that the document should be shortened and specific priorities should be highlighted.

323. The delegation of **China** stated that paragraph 5 of the preliminary draft guidelines should begin with 'Must not' instead of 'May not' in order to ensure that no conditions were tied to the contributions to the Fund. The delegation also stressed that the Fund was not the only component of international cooperation and, due to its limited resources, States Parties should not raise their expectations too high. It indicated that the Fund must be used for the right projects and have the right priorities, specifically those listed in 17.1, rather than those in 17.2, 17.3 and 17.4, etc. The delegation preferred to focus on activities related to the protection and promotion of the diversity of cultural expressions. It also asked for a clarification on the difference between paragraphs 18.3 and 18.5 under the section on beneficiaries.

324. The delegation of **India** highlighted the fact that the Fund would consist of voluntary contributions unlike other funds and therefore there would be no ensured flow of income. It also noted that the guiding principles were vast and not in tune with the limited amount of funds. The delegation further indicated that the document required a focus on fundraising that considered contributions from other sources. It voiced its concern over paragraphs 16.2 (c) and (d) which implied that civil society from developed countries could be funded. The delegation also noted that paragraphs 16.3 (a) (iv) and (v) were very vague, and that it was wary of funding experts as mentioned in paragraph 17.4. The delegation concluded by expressing reservations about paragraphs 18.4 and 18.5 as the terms 'civil society' and 'private sector' had not been well defined and it did not want to fund corporate bodies over the needs of least developed countries.

325. The delegation of **Saint Lucia** expressed its surprise that other delegations believed that funding would be scarce. It explained that contributions to the Fund could be compulsory in the sense that non-contributors would not receive votes during elections for the Chairperson and Vice-Chairpersons of the sessions. The delegation also noted that the guidelines would benefit from a fundraising section, as found in the Convention Concerning the Protection of the World Cultural and Natural Heritage. The delegation added that paragraph 4 in the draft guidelines should refer to Article 4.3 and not 4.1 of the Convention, and that paragraph 6 should also mention South-South-North cooperation. In reference to paragraph 17.3, the delegation stressed that the application process should be simple enough that preparatory assistance would not be necessary. Paragraph 17.4 might be useful, but there had not yet been any debate on the subject. The delegation also said that the list of beneficiaries was too inclusive and asked whether States or beneficiaries should submit requests.

326. The delegation of **Tunisia** noted that the Fund should achieve one main goal, which was to promote the development of cultural industries in developing countries.

327. The delegation of **Burkina Faso** expressed the wish that the choice of projects to be funded would be made without discrimination and focus on cultural training for developing countries. Even though care should be taken not to fund too many expert studies, study missions were sometimes necessary and important.

328. The delegation of **Mali** supported the calls for a narrowing of the priorities of the Fund. The Fund should serve first and foremost to finance the implementation of cultural policies and the development of human resources and infrastructure in developing countries.

329. The delegation of **Lithuania** stated that the draft guidelines should be concise and practical and that the current scope of application appeared to be more of a wish list. The delegation agreed with many of the concrete comments of other delegations and asked whether the categories of assistance in section 17 were listed in order of importance. It indicated that it preferred that the protection of endangered forms of cultural expressions take priority over assisting emerging industries. The delegation also noted that the mechanism for the assessment of projects had not been discussed and needed to be developed. It closed by saying that Parties to the Convention should have a say in how the guidelines were redrafted.

330. The delegation of **Finland** echoed the comments of the delegations of France and Luxembourg, stressing that the objective was to achieve sustainable effect and impact on development. Emphasis should be placed on capacity-building and infrastructure, and that projects should be demand-driven. The delegation stated that the guidelines should be flexible and open-ended in order to allow many kinds of activities to evolve; however, projects should not be inconsistent or unsustainable. The delegation also reminded the Committee that Article 18.6 of Convention notes that no political, economic or other conditions may be attached to the Fund and that this should be reflected in paragraph 5 of the Draft Guidelines. It also supported the comments made by the delegation of India, stressing that a fundraising strategy should be developed and not only include Parties to the Convention but also private stakeholders. The delegation concluded by saying that the guidelines could be shorter and more focused.

331. The delegation of **Germany** expressed its agreement with most delegations and stressed that the Fund should avoid supporting sporadic activities and instead focus on capacity-building for cultural industries. It encouraged the Secretariat to examine fundraising options and cooperation with a multitude of stakeholders, including UNIDO and UNCTAD, which had the experience from which the Committee could benefit in administering the Fund. The delegation noted that project funding should be based on needs assessments and should involve grassroots organizations, which would ensure that project activities were able to adapt to existing structures. In addition, it said that while establishing the guidelines for the Fund, the Committee should consider developing pilot projects to start, which would help to ensure success and perhaps lead to additional funding from other sources.

332. The delegation of **Brazil** stated that it was very optimistic about the implementation of the Convention and the Fund since it believed that much could be done even with a limited amount of resources. It noted that once the Fund demonstrated effective results, it would be easier to raise money; however, it would be necessary to start with contributions from governments and Brazil would contribute to the Fund. The delegation also noted that there were innovative mechanisms that could help countries raise funds to support their cultural industries, such as the establishment of a small but symbolic tax on certain cultural industries. It used the example of Brazil where only one Brazilian film had made the list of top ten films in 2006, with the rest coming from Hollywood. Brazil had instituted a small tax on the revenues from foreign films and used the funds to support its film industry.

333. The delegation of **India** stated that it was not pessimistic about the Fund and intended to contribute. It stressed that the Fund would require a fundraising strategy, which should be reviewed at the next Committee meeting. The delegation suggested that the strategy consider using existing networks in Paris, and hold fundraising events such as concerts that combine two or more forms of cultural expressions. It also stated that the Committee should consider including a paragraph in the guidelines that would encourage States Parties to the Convention to contribute 1% of their UNESCO contribution to the Fund.

334. The delegation of **Tunisia** stated that the Fund must play a catalyzing role. It also noted that any tax would be implemented at the country level and would therefore not be part of the Fund.

335. The delegation of **Norway** said that the draft guidelines were too detailed, with almost every measure to protect cultural diversity eligible to receive funding. That was not in line with the wishes of the Conference of Parties, which had stressed that management of the Fund was supposed to be simple and flexible. The delegation put forward several suggestions designed to simplify the document. Firstly, it observed that the first few paragraphs were superfluous as they were taken directly from the Convention. In addition, the delegation noted that the references to Articles 12, 13 and 14 of the Convention could replace paragraphs 8 to 15 of the guidelines. Finally, it suggested that the scope could be simplified, as could paragraphs 17 and 18. The delegation stressed that the priority for the Fund should be developing countries.

336. The **Chairperson** invited Observers to take the floor in the established order.

337. The delegation of **Jamaica** expressed its support for the comments made by most speakers, particularly the delegations of Saint Lucia and India. Jamaica stated that paragraph 11 of the guidelines was too limiting and that other investment options should be considered. It suggested the addition of the term 'wealth creation' instead of focusing solely on poverty reduction. The delegation also noted that paragraph 16.4 was too limiting since crafts, festivals, fine arts, etc. should also be included. It encouraged the Committee to consider new forms of fundraising, including engaging cultural industry leaders such as Celine Dion, Wyclef Jean and other artists and designers who had their own foundations/charities. These artists could be invited to a meeting on the Convention and the Fund in order to encourage them to become champions of cultural diversity.

338. The delegation of **Spain** thanked the delegation of **Canada** for having provided passive interpretation into Spanish, indicating that it was very much appreciated by many countries. In order to be an active and responsible partner in the implementation of the Convention, the delegation announced that it would contribute € 150 000 to the Fund in 2008. The Ministry of Foreign Affairs would also contribute an additional € 300 000 for the technical work that UNESCO was to undertake in the area of cultural diversity. The delegation noted that the discussions of the Committee had been interesting and that there was more to learn from future debates, as well as from the reports that had been requested and upcoming information-sharing activities. It stated that Spain looked forward to taking part in this learning process and that it considered the Spanish Millennium Development Fund projects on culture and development to be a part of this process. The delegation said that the projects would share some of the characteristics that had been underlined during the current session, such as capacity-building and the promotion of sustainable development.

339. The delegation of **Kenya** echoed the comments of the delegation of **Brazil**, stating that developing countries did not want to be dependent on development assistance. It stressed that capacity-building was fundamental to developing countries and that it was also important to engage grassroots organizations because by involving more people and groups, projects would be more successful. The delegation also noted that while developing countries needed aid, they did not like to have conditions placed on the aid. In response to the delegation of India's proposal that States Parties to the Convention allocate 1 per cent of their UNESCO contribution to the Fund, the delegation said that this would be difficult for it and other developing countries, but it would try to contribute. Finally, the delegation indicated that South-South cooperation was also important.

340. The delegation of **Belgium** maintained that it was important to put a figure on the place of culture in the economy. It was also to be noted that the Convention concerned the diversity of cultural expressions and not cultural diversity. In that context, the Fund should

assist first and foremost in the distribution of works, the circulation and travel of artists and training, rather than emphasize production.

341. The representative of the OIF reiterated the importance of the articles on international cooperation for development. UNESCO had a major role to play in generating synergies among intergovernmental organizations and had met with the OIF on two occasions to discuss fields of cooperation; the two organizations would again be meeting following the session of the Committee. The representative also said that the OIF was going to make the conclusions of the Brussels seminar available to the Parties and that it would soon be meeting with representatives of Portuguese-speaking, Spanish-speaking and Arabic-speaking groups for an exchange of best practices.

342. **Mr Ouedraogo, President of the IFCCD**, representing six non-governmental organizations (the **UNESCO/NGO Liaison Committee**, the **CIOFF**, the **IMC**, the **INCD**, **Traditions for Tomorrow** and **IFCCD**), described the four desired characteristics of the Fund. Regarding the first characteristic, the financing of the Fund, he requested that States Parties envisage a more significant contribution than 1 per cent of the amount of their contribution to UNESCO. He also maintained that other sources of financing should be envisaged and asked the Committee to set up a working group to identify and propose additional modalities of financing. On the second characteristic, optimized management of the Fund, he said that the Fund should aim at resource management directed towards the achievement of tangible results and that it would be desirable for representatives of NGOs to be associated with the process of evaluating projects submitted to the Fund. With regard to the third characteristic, the complementarity of the Fund, he stated that it should not replace the support measures already in place and that it should rather be complementary to the sources of assistance already existing, at both national and international levels. Lastly, as to the fourth characteristic, the targeting of projects, the beneficiaries should primarily be developing countries Parties to the Convention and culture professionals in those countries. He added that it would be useful to make an inventory of cultural policies in place in various countries, so as to help countries to identify cultural policy models in keeping with their needs.

343. The **Chairperson** called on the Secretariat to respond to questions.

344. **Ms Rivière** noted that the purpose of the discussion was to identify the priorities of the Fund, but there was also a need to frame a financing strategy. In that regard, she stressed the need to associate the major cultural industries in the implementation of the Convention and announced that, on 21 May 2008, the World Day for Cultural Diversity, Dialogue and Development, UNESCO would organize activities to raise awareness about the goals of the Convention among cultural industry stakeholders and potential donors.

345. **Ms Saouma-Forero** explained that, for the provision of assistance through the Fund, the 'special situations' provided for in Article 8 needed to be defined. The Secretariat had wished to show impartiality in regard to the beneficiaries of the Fund, and that accounted for the inclusive character of the preliminary draft guidelines. She recalled that the Secretariat wished to receive the Committee's recommendations on modalities, including the evaluation and selection of projects submitted to the Fund, in order to continue to elaborate guidelines. Lastly, she responded to the request for clarification made by the delegation of **China**.

346. The **Chairperson**, in closing the day's session, pointed out that the discussion on Article 14 had originally been scheduled during the debate on Item 5A, but that it had subsequently been moved to Item 6. He concluded by saying that he would ask the Members of the Committee if they wished to discuss cooperation for development.

Item 6 – Preparation of guidelines on the use of the resources of the International Fund (continued)

347. The **Chairperson** explained that the Secretariat would benefit from receiving direction from the Member States on a number of questions, as highlighted in paragraph 10 of working document 6.

348. The delegation of **Croatia** raised a series of questions that required further discussion, such as whether projects would be annual or multi-annual; national or regional; bilateral or multilateral; driven by Parties to the Convention or by civil society. The delegation also asked if deadlines would be applied and whether there would be an open call for proposals. It observed that, to avoid overburdening the Secretariat, its advice would be required on whether a pre-selection should be carried out at the national level or through the Secretariat by independent experts. The delegation emphasized the need to strike a balance between public and civil society beneficiaries. It also stated that the creation of a panel of experts would avoid leaving the decision-making process to political will and stressed that, irrespective of what option was chosen, the process must be transparent. Finally, the delegation suggested that the first period of implementation of the Fund should be considered a pilot phase and that it should focus on policy development and capacity-building.

349. The delegation of **France** emphasized that requests should be submitted through the States Parties, as the solution most compatible with that type of international tool. It would not be appropriate to entrust the Secretariat with responsibility for evaluating requests, and it would therefore be necessary to think about setting up a panel of experts appointed by Members of the Committee.

350. The delegation of **Lithuania** subscribed to the opinions expressed by the delegations of **Croatia** and **France**. It suggested that the Secretariat could proceed with a pre-screen on a technical basis and that experts would advise on the content of the projects as well as the amounts to be allocated. If priority areas were to be policy development and capacity-building, the experts should be assigned for two to three years, for instance, but not on a permanent basis. In the early stages of the implementation of the Fund, the delegation would be in favour of distributing resources according to the different categories of beneficiaries. The delegation also agreed that the beneficiaries should not submit their requests directly to the Secretariat, but through a national focal point, possibly the National Commissions for UNESCO, which could also assist in preparing the submissions.

351. The delegation of **Germany** indicated that it would present comments in writing at a later stage and underlined that existing processes, like in the World Heritage programme, benefited from several decades of technical experience. The delegation supported comments made by the delegation of **Croatia** on the necessity to proceed in phases and stressed the need for flexibility, including regarding the amount allocated to projects. With respect to the evaluation process, the delegation noted the usefulness of developing parameters and called for monitoring and reporting mechanisms. Projects may also require to be developed over a certain period of time and timelines could be aligned with the biennial schedule of the Conference of Parties.

352. The delegation of **Mexico** supported comments made by the delegations of **Germany** and **Croatia** regarding the need to set clear priorities and criteria, suggesting that a sub-committee to the Committee could be an alternative to a panel of experts.

353. The delegation of **Canada** supported the comments made by other delegations, in particular **France** and **Croatia**, and noted that it was essential to publish a call for proposals and to give priority to capacity-building and the development of cultural policies. As to where projects should be submitted, it was essential for there to be a dropping-off point at national

level, either State authorities or National Commissions for UNESCO, so as to avoid excessive workload for the Secretariat. The delegation expressed a preference for an evaluation process in several stages: first, the Secretariat or experts would assess admissibility; second, experts would analyze the content; and then the projects would be submitted to the Committee for approval. On the question of minimum and maximum amounts, it was too early to decide. Lastly, the delegation supported the view expressed by **Croatia** that the current initial period should be regarded as a pilot phase. It undertook to communicate a discussion document to the Secretariat.

354. The delegation of **Brazil** generally agreed with the delegations of **Canada, France** and **Croatia** and noted that projects could be presented either through States or National Commissions. However, the delegation proposed that a certain percentage of the funds be reserved for civil society to present projects directly. It also supported the creation of a panel of experts to examine and analyze the projects before they are submitted to the Committee and suggested that this panel also include representatives from Member States and the Secretariat. In conclusion, the delegation proposed a number of criteria that should be taken into consideration in evaluating the projects, such as their minimum and maximum value, regional balance and relevance. The delegation favoured three main areas: cultural expressions under threat, support for cultural industries and structuring cultural policies.

355. The delegation of **Slovenia** stressed the decisive aspect of pilot projects and the importance of the screening process at national level, particularly to ensure the plurality of projects. The possibility of having some projects submitted directly to UNESCO should be entertained. In view of the variety of fields, the experts should be representative of such diversity. In conclusion, the delegation highlighted the importance of transparency both at national level and within UNESCO.

356. The delegation of **Finland** endorsed the comments made by the delegations of **Croatia, France, Brazil**, and **Germany**, emphasizing the importance of developing a pilot phase to adjust the Fund before moving into a more operational phase. The delegation noted that interesting high-profile projects would raise awareness and assist in fundraising. It observed that needs assessment and a careful examination of the submissions would be very important and signalled that Finland would be willing to provide financial and human resources to that effect. It also highlighted the importance of defining clear project categories and having methodologies to study the field.

357. The delegation of **Saint Lucia** reiterated the importance of the current discussion for the success of the Convention and the possibility of obtaining funds from the private sector. It supported the comments by the delegation of **Brazil** regarding the need for a mechanism for civil society and the concern not to overburden the Committee with the study of submissions. It also echoed **Mexico's** comments on priorities. The delegation emphasized that the panel should be composed of experts and not diplomats and that it was necessary to ensure transparency and avoid conflicts of interest. Lastly, for the trial period, it was difficult to set amounts and percentages, but it would be important not to spread resources too thinly.

358. The delegation of **Tunisia** emphasized the importance for the Fund to be managed in a simple way and highlighted three priority areas: investment in cultural industries, dialogue and cooperation, and capacity-building in legal issues. The delegation noted that the panel of experts should not be a separate step, but a working procedure of the Committee. It also stated that the Fund should serve as a catalyst and, as such, not be the sole source of funding for projects.

359. The delegation of **China** pointed out that the Committee should consider other existing models, including those from outside UNESCO. It also noted that the application process should be flexible in the initial stages, that the evaluation could be carried out either by a panel of independent experts or a sub-committee, and that flexibility was also required

in terms of funding. The delegation stated that project submissions should go through the States Parties. It placed priority on allocating a share of the funds to cultural industries and capacity-building (paragraph 17.1).

360. The delegation of **Luxembourg** expressed support for the comments of several delegations and added that, in the distribution of funds, priority should be given to capacity-building and cultural policies (paragraph 17.1 of the working document). The experts' associated costs should be limited and projects should be neither too small nor disproportionate.

361. The delegation of **Greece** noted that the parameters of other models were not necessarily appropriate in the context of the Convention. The delegation stressed that submissions should go through national official channels and that the panel of experts should be subject to two- or four-year rotation and would be responsible for the initial evaluation. In order to save resources, the Committee could receive and evaluate projects every two years. Priority should be given to projects with structural impact and cultural expressions under threat; at a second stage, priority could be given to projects relating to cultural policies. The delegation considered that minimum and maximum amounts should be set.

362. The delegation of **Mali** supported the idea of a pilot period, which would offer an opportunity to set up effective and appropriate mechanisms, as well as the idea of establishing a panel of experts to select and evaluate projects. With regard to criteria, priority should be given to projects producing a real and lasting structural impact, to the establishment of cultural policies and to capacity-building. The delegation, supported by the delegations of **Senegal, Brazil** and **Germany**, expressed the reservation that the resources allocated to experts should not exceed those allocated for activities.

363. The delegation of **Oman** supported the comments made by the delegation of **Mexico** regarding the need for clear priorities and also echoed comments that it was premature to set maximum and minimum amounts. The delegation also supported the delegation of **Croatia's** comments regarding transparency and questioned the need for an expert panel as the Committee should primarily have this responsibility. The delegation stated that proposals should pass through States Parties or National Commissions. Mechanisms should also be put in place for civil society to submit projects directly, as proposed by the delegation of **Brazil**, but in those cases, Member States should be consulted on the subject.

364. The delegation of **South Africa** added that while Members States had the responsibility of assisting in inviting requests for the Fund, that should not lead to a situation in which they were perceived as censors. The delegation also noted that various actors, including National Commissions and UNESCO field offices, had a role in ensuring that the projects have optimal impact.

365. The delegation of **Senegal** supported the remarks concerning the need to go through States and to set up a panel of experts.

366. The delegation of **Brazil** indicated that the rules should not be too rigid, as those who required more assistance, including those with threatened cultural expressions, might not be able to access the Fund. The delegation noted that, while not resolving all the problems, the funds could showcase examples of what culture could do to help small communities, including reducing poverty and violence.

367. Likewise, the delegation of **Germany** emphasized the need to be flexible. It also noted that experts did not know everything about the needs of all cultural sectors in all countries.

368. The delegation of **Croatia** clarified that, whatever the process for selecting the experts was to be, it would be based on clear directions and guidelines set by the Conference of Parties. The delegation also noted that the Fund could benefit from civil society to assist those who might require assistance to develop their projects.

369. The delegation of **China**, supported by the delegation of **Saint Lucia**, indicated that the mechanisms put in place would need to take into account geographical and cultural distribution, as well as levels of economic development.

370. The delegation of **Burkina Faso** supported the previous comments regarding the pre-selection process and the State channel. It suggested that an ad hoc group of experts should be set up in each country to examine projects, in collaboration with National Commissions and civil society.

371. The **Chairperson** invited Observers to take the floor in the established order.

372. With respect to the Fund, the delegation of **Jamaica** observed that the Secretariat should look at models outside UNESCO, including in other international organizations such as WIPO, and national models like those in Brazil and Barbados. The delegation noted that the minimum and maximum amounts should be based on concepts such as the scope of the project, namely whether it was local, national, or regional. Agreeing with the creation of a panel of experts, the delegation also supported the view that priority should be given to fostering cultural industries in developing countries, as mentioned by the delegation of **Tunisia**.

373. The delegation of **Sri Lanka** proposed that priority should be given to projects submitted jointly with civil society. It was useful to have recourse to experts, but within limits and in accordance with very clear guidelines. Projects should be evaluated by National Commissions.

374. The delegation of **Angola** highlighted three main concerns: the importance of support for developing countries so as to enable them to make their cultural expressions more widely known; the need for international cultural cooperation; and the importance to be given to developing countries in implementing the Fund. The delegation announced that Angola would ratify the Convention shortly.

375. The delegation of **Morocco** said that it supported all the decisions adopted by the Committee, while specifying that it should use the Fund in innovative ways. Priorities should focus on projects with structural impact and capacity-building for cultural policy-making. The delegation announced that Morocco would soon be joining the signatory countries and that it was pleased to note the effectiveness of the current first session of the Committee, which marked a very important stage, embodying what it referred to as 'the spirit of Ottawa'.

376. The **representative from the INCD** reiterated the comment that civil society should be able to apply to the Fund directly, and that it should have a role in decision making, monitoring and assessment. He cited the example of a collaborative project with African countries that met the main criteria proposed by the Committee members.

377. **Ms Rivière** summed up of the Members' comments with special attention to the following aspects, on which the Committee appeared to agree. The guidelines discussed only related to the trial phase and should be flexible; it would be premature to set minimum and maximum amounts; use of resources should not lead to them being spread too thinly but be managed on a transparent basis and serve to strengthen projects with structural impact; the IFCD should play a catalytic role and enable other funds to be mobilized. She also noted that it would be advisable to establish a timetable, mechanisms and straightforward criteria for project descriptions, associating UNESCO regional offices as important intermediaries

and means of support for project formulation. Projects should be submitted by States, through National Commissions, but thought should also be given to the possibility of projects being able to be submitted directly by civil society. The need for pre-screening by an expert panel or a sub-committee, appointed on a rotating basis according to several criteria, such as geographical, cultural and economic distribution and drawing on various kinds of expertise, had been encouraged by most Members of the Committee. The Committee should not be turned into a mechanism for approving projects, to which it should give only part of its time. Members of the Committee had recommended setting priorities such as capacity-building, cultural policies and cultural industries, and the protection of cultural expressions under threat. Although an impact analysis could only be carried out over a longer period, there was considered to be a need for mechanisms for monitoring and submitting reports, including the possibility of a biennial report to the Conference of Parties. Lastly, she suggested that inspiration be drawn from other models being used at UNESCO, but also in other IGOs and at national level.

378. The **Chairperson** noted that the draft decision was a synthesis of the original proposal and amendments proposed by Members of the Committee. He said that the reference to the Table of contents of the operational guidelines would be deleted in paragraph 3. The Committee had decided to continue to prepare operational guidelines on the provisions on cooperation for development, in conjunction with those on the Fund, and to include that item in the agenda of its December 2008 session. He requested the Secretariat to draft, in the light of the proceedings of the current session and the written contributions of the Parties, to be submitted to the Secretariat by the end of February 2008, an interim report which would be presented at its next session, in June 2008. Decision 1.IGC 6 was adopted as amended.

Item 7 of the agenda: Dates and agenda of the next sessions of the Committee / Election of the Members of the Bureau for the next two sessions

379. The **Chairperson** recalled that the Committee had decided to amend the draft Rules of Procedure so that the term of office of the Members of the Bureau elected at the current first session would last until the end of the next session of the Committee. He accordingly proposed an amendment to the title of agenda Item 7. He introduced a revised draft decision for adoption.

380. The delegation of **Saint Lucia** wondered whether an item should be added to the agenda of the next extraordinary session concerning the preferential treatment of developing countries. The delegation of **China** asked for fuller information about the fate of the Table of contents.

381. **Ms Rivière** recalled that the decisions already adopted stipulated that the expert reports on preferential treatment and the draft operational guidelines on Articles 12, 13, 14, 15 and 16 on international cooperation would be addressed by the Committee at its ordinary session in December 2008, on the basis of a document to be submitted to it by the Secretariat. She said that the Committee had taken note of the draft Table of contents, which would evolve in the light of the debates. In June 2009, such a document should be presented to the Conference of Parties. Consequently, the Secretariat could submit to the Committee a revised Table of contents either in December 2008 or during an extraordinary session to be decided before the Conference of Parties in June 2009.

382. The delegation of **Saint Lucia** proposed that an item be added to the agenda so that the Chairperson could make an interim report on the appointment of experts and terms of reference in June 2008. The proposal was adopted (paragraph 2.3 of the decision).

383. The **Chairperson** asked if the Committee could adopt the decision.

384. The Committee decided to convene its second ordinary session at UNESCO Headquarters in Paris in December 2008. It also decided to convene an extraordinary session at UNESCO Headquarters in Paris to discuss issues relating to the elaboration of draft operational guidelines concerning the protection and promotion of cultural expression (Articles 7, 8 and 17 of the Convention), the concept of, and modalities for, partnerships (Article 15) and the role and participation of civil society (Article 11 and other related articles). The Committee also decided to examine at that session the interim report on the contributions of the Parties to the orientations on the use of the resources of the Fund (Article 18) and on cooperation for development (Article 14); and to take note of the interim report of the Chairperson on the selection of experts and the terms of reference for the work requested, in accordance with paragraph 5 of Decision 1.IGC 5B on preferential treatment. The Committee authorized the Chairperson, on a transitory basis, and until it had determined the modalities under Rule 7.4 of the Provisional Rules of Procedure, to request the Director-General to invite the organizations referred to in that Rule, which had made a written request, to participate in its next two sessions. Decision 1.IGC 7 was adopted as amended.

Item 8: Any other business

385. The **Chairperson** drew attention to a draft decision submitted by the delegation of **Saint Lucia** on behalf of most of the Members of the Committee, following the debates held in the Culture Commission during the General Conference session. Following the amendments proposed by the delegations of **South Africa** and **Saint Lucia**, Decision 1.IGC 8, by which the Committee requested that the Director-General of UNESCO, in an urgent manner, take the necessary steps to reinforce the personnel of the Secretariat of the Convention, recommended that he seek the necessary extrabudgetary funds for the current biennium and that he increase the budget for the Convention in the next UNESCO Draft Programme and Budget (33 C/5), was adopted as amended.

Item 9: Close of the first session of the Intergovernmental Committee

9A. Oral report by the Rapporteur for the first session of the Intergovernmental Committee

386. The **Chairperson** announced that the Secretariat would be distributing the list of decisions. He invited Mr Antonio Ricarte to present his oral report on the deliberations and decisions of the Committee at its first session, which was favourably received.

387. The **Chairperson** asked the Committee if it had any particular comments regarding the draft Decisions, with a view to their adoption.

388. The delegation of **Saint Lucia** proposed corrections to Decision 1.IGC 7, in particular the inclusion of the words “terms of reference” in the paragraph concerning the interim report.

389. The delegation of **Germany** asked that the conclusion of the seminar held on 26 November 2007 be included as an information document at the next session of the Committee. The delegation of **Canada** requested that the report of the seminar of 29 November 2007 organized by the OIF and the French Community of Belgium in collaboration with the EC concerning the implementation of the Convention and international cooperation be circulated as an information document before the next session of the Committee.

390. All the decisions were adopted by the Committee.

9B. Closure by the Chairperson

391. The **Chairperson** invited Ms Riviere to offer thanks.

392. **Ms Rivière**, speaking on behalf of the Director-General and in her own name, again thanked the Canadian authorities for hosting the first session of the Intergovernmental Committee in Ottawa. She also thanked all the participants and said that she was gratified by their large number, which reflected the political interest taken in the Committee. She paid tribute to the Chairperson, emphasizing his sense of diplomacy, his determination and his elegance, which had enabled him to bring the work of the Committee to a successful conclusion. She likewise thanked the Rapporteur for having so well reproduced the debates. She recalled that the IFCD had aroused a real interest and that there was a need for innovation in that field in order to demonstrate how culture could contribute to development through that Convention of the third type, based on cooperation and solidarity. She expressed her gratitude to her colleagues in the Secretariat for successfully and resolutely carrying out their difficult task.

393. The **Chairperson** also thanked the members of the Secretariat, after expressing his gratitude to the Assistant Director-General for Culture, the Chief of Section, the interpreters and the technical teams for the efficiency and devotion that they had brought to their work. He welcomed the presence of the Honourable Minister of Culture of Brazil, Mr Gilberto Gil, and concluded by saying that the successful outcome of the session was due to collaborative effort, which would enable the operational guidelines to be submitted to the Conference of Parties in June 2009. He declared closed the First Ordinary Session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions.