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منظمة الأمم المتحدة
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Diversity of Cultural Expressions

1.EXT.IGC

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

First Extraordinary Session
Paris, UNESCO Headquarters
24-27 June 2008

Item 5 of the Provisional Agenda: Operational guidelines on the role and participation of civil society (Art. 11 and related articles)

In Decision 1.IGC 5C adopted at its first ordinary session, the Committee invited the Secretariat to prepare preliminary draft operational guidelines on the role of civil society in the implementation of the Convention, taking into account the comments of the Committee during the session. This document presents in Annex I a draft of operational guidelines, including a definition of civil society and modalities by which it can contribute to the implementation of the Convention and to the work of the organs of the Convention. It also presents in Annex II a set of criteria for admission of civil society representatives to participate in the meetings of the organs of the Convention.

Decision required: paragraph 8

1. Given that the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions is the first international instrument adopted under the aegis of UNESCO to include provisions on civil society, the existing Operational Guidelines of the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage cannot serve as a model in terms of the document's content. The Secretariat has therefore drawn on texts and reports of the United Nations system, research materials and academic studies, the explicit or implicit references to civil society in the provisions of the Convention as well as the comments made by the Committee at its first ordinary session.
2. It should be noted that terms such as 'cultural policy', 'cultural programme', 'cultural process', etc. used in this document do not refer to all cultural policies, programmes and processes but only to those that relate to the promotion and/or protection of the diversity of cultural expressions.
3. The document proposes, as requested by the Committee, a draft text on the criteria for admission of civil society representatives to participate in the sessions of the organs of the Convention.
4. It should be noted in this regard, that the Operational Guidelines of the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage make no mention of criteria for admission of NGOs to the sessions of the Committee or the General Assembly. The only rule concerning participation of NGOs as observers is contained in the Rules of Procedure. Similarly, the draft Operational Guidelines of the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage do not include a text on the criteria for admission of NGOs to the sessions of the Committee or the General Assembly.
5. It should be noted furthermore that the 2005 Convention, unlike the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage or the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage does not provide for the accreditation of 'advisory bodies' or 'organizations acting in advisory capacity', which would require the elaboration of guidelines as to the accreditation of such organizations, similarly to both the 1972 and the 2003 Conventions referred to in this paragraph.
6. Taking into account the fact that the Operational Guidelines should be based on the provisions of the Convention and that the Convention contains no provisions on accreditation of civil society representatives, the Committee may wish to consider whether the set of criteria for admission of civil society representatives to participate in the sessions of the organs of the Committee should be included, for the purposes of coherence, in the Rules of Procedure of the respective organs of the Convention rather than in the Operational Guidelines.
7. In conformity with decision 1.IGC 5C, a meeting entitled 'The role and participation of civil society in the implementation of the Convention for the Protection and the Promotion of the Diversity of Cultural Expressions: An exchange between civil society and Parties to the Convention', will be held at UNESCO Headquarters in Paris on 23 June 2008, the day before the opening of the Committee. Thus, the Committee will be in position to debate on this issue during the First Extraordinary Session, with all views expressed.

8. In light of the above, the Committee may wish to adopt the following decision:

DRAFT DECISION 1.EXT.IGC 5

The Committee,

1. *Having examined document CE/08/1.EXT.IGC/5,*
2. *Recalling Resolution 1.CP 6 of the Conference of Parties,*
3. *Submits to the Conference of Parties for approval the Operational Guidelines on the role and participation of civil society in the implementation of the provisions of the Convention, presented in Annex I to this Decision;*
4. *Decides that, until amendment of the Rules of Procedure of the Intergovernmental Committee concerning the modalities of participation of civil society representatives in its sessions, the set of criteria presented in Annex II to this Decision, will be applied with regard to the admission of civil society representatives to participate in the sessions of the Committee, after its second ordinary session to which Decision 1.IGC 7 will be applicable;*
5. *Decides to propose to the Conference of Parties to apply the set of criteria, presented in Annex II to this Decision, with regard to the admission of civil society representatives to participate in the sessions of the Conference of Parties.*

Preliminary draft of the Operational Guidelines Role and Participation of Civil Society

Chapter xxx: Role and participation of civil society

1. The Convention's most explicit provision with regard to civil society is Article 11 (Participation of civil society). Reference to civil society is made, explicitly or implicitly, in several other provisions of the Convention, including Articles 6, 7, 12, 15, 19.
2. Article 11 – Participation of civil society

'Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.'

Definition and roles of civil society

3. Civil society should be understood as the self-organization of society outside the realm of the state and the market, i.e. a set of more or less formal organizations or groups that do not belong to either the governmental sphere or the market.
4. Civil society has come to perform a variety of services and functions in support of the public good: bringing citizens' concerns to governments, monitoring policy and programme implementation, serving as a warning mechanism, value-guardian and innovator as well as contributing to the achievement of greater transparency and accountability in governance.
5. The provisions of the Convention make explicit reference to non-governmental organizations (Art. 12(c)), non-profit organizations (Art. 6.2, 15 and 19) and groups that support the work of artists and cultural communities (Art. 6.2). Civil society also includes foundations, philanthropic institutions, advocacy groups and alliances, collaborative groups of artists and producers, artistic or literary guilds, etc. organized at the local, national or international level. This enumeration of categories is not exhaustive.

Contribution of civil society to the implementation of the provisions of the Convention

6. Parties should encourage civil society to participate in all aspects of the implementation of the Convention, by performing functions such as those described above.
7. Encouragement of civil society means creating an enabling environment, which includes, inter alia, a legal and regulatory framework for civil society participation. It also implies the provision of spaces and mechanisms that make it possible to involve civil society in consultations on cultural policy-making, and in systems for accessing public information relating to the protection and promotion of the diversity of cultural expressions.
8. Civil society should be encouraged and advised to act as an awareness-raiser and cultural service provider, in particular by offering specific expertise, contributing to capacity building and carrying out data collection in the field of the protection and promotion of the diversity of cultural expressions.

9. Civil society's potential to act as an innovator and cultural change agent in this field should be fostered. Parties should encourage civil society to bring new ideas and approaches to the formulation of cultural policies, as well as to the development of innovative cultural processes, practices or programmes that help achieve the objectives of the Convention.
10. Defending specific cultural values by giving voice to social groups such as minorities, indigenous peoples, women, etc. is another contribution that civil society could be expected and encouraged to make towards the implementation of the Convention.
11. Civil society should play a role in advocating the widespread ratification of the Convention and its implementation by governments, as well as in assisting Parties to promote the objectives and principles of the Convention in other international forums. Civil society organizations should endeavour to assist Parties in ensuring that all stakeholders' interests are taken into account when formulating cultural policies.
12. Civil society should contribute to achieving greater accountability and transparency by monitoring the implementation of the provisions of the Convention. Its participation in the periodical reporting of Parties (Art. 9 of the Convention) may contribute to achieving better accountability.
13. On an international level, civil society organizations should be encouraged by Parties and be proactive in the area of cooperation for development, by initiating, creating and participating in innovative partnerships with the public and private sectors (Art. 15 of the Convention).
14. It is essential that, in addition to being encouraged by Parties, civil society in developing countries receive support and assistance from its counterparts in developed countries, in terms of expertise and organizational, technical and financial support.
15. Participation of civil society in the International Fund for Cultural Diversity is dealt with below in this Chapter.

Contribution of civil society to the work of the organs of the Convention

16. Civil society is encouraged to contribute to the work of the organs of the Convention in a manner consistent with the definition of civil society's major functions described above in this Chapter.
17. The creation of an informal network of experts representing civil society from all regions of the world and in areas covered by the Convention may be encouraged. This network could be consulted by the Intergovernmental Committee, where appropriate.
18. Any civil society organization or group may be consulted on specific issues by the Committee in accordance with Art. 23 (7) of the Convention. In such cases, the Committee may invite the relevant organization or group to attend a specific meeting of the Committee, regardless of whether the organization or group has been accredited to participate in the sessions of the Committee.
19. In order to contribute to greater efficiency, civil society representatives at the meetings of the organs of the Conventions are encouraged to conduct prior consultations among themselves and with other civil society organizations or groups, so as to present, whenever possible, concerted views and proposals.

Participation of civil society in the International Fund for Cultural Diversity

20. Civil society is encouraged to make financial contributions to the Fund, directly or through fund-raising activities.
21. Civil society may be a beneficiary of assistance from the Fund. Conditions and eligibility criteria are specified in Chapter xxxx (IFCD).
22. Civil society representatives may be requested by the Committee to act as service providers on specific issues related to the use of the resources of the Fund. Details are specified in Chapter xxxx (IFCD).

**Criteria for admission of civil society representatives
at the meetings of the organs of the Convention:**

1. Civil society organizations or groups could be admitted to attend the meetings of the organs of the Convention, according to the procedure established by the Rules of Procedure of each organ, if they comply with the following criteria:
 - a. have interests and activities in one or more fields covered by the Convention;
 - b. have a legal status in compliance with the established rules of the jurisdiction in the country of registration;
 - c. are sufficiently representative of their respective field of activity, or of the respective social or professional groups they represent.

2. The request for admission shall be signed by the official representative of the organization or group¹ and will be accompanied by:
 - a. a copy of its statutes or bylaws;
 - b. a list of members or, in the case of non-membership entities (e.g. foundations), a list of board members;
 - c. a brief description of recent activities relating to fields covered by the Convention.

¹ This does not apply to NGOs maintaining official relations with UNESCO.