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Организация
Объединенных Наций по
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منظمة الأمم المتحدة
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联合国教育、
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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

DECISIONS

Item 2 of the Agenda: Adoption of the Agenda

Decision 1. EXT.IGC 2

The Committee,

1. *Having examined document CE/08/1.EXT. IGC/2 Prov. Rev.,*
2. *Adopts the Agenda of the Session contained in the above-mentioned document.*

Item 2bis of the Agenda: Adoption of the Summary Records of the First Ordinary Session of the Committee

Decision 1. EXT.IGC 2bis

The Committee,

1. *Having examined document CE/07/1.IGC/10,*
2. *Adopts the Summary Records of the First Ordinary Session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions.*

Item 3 of the Agenda: Preparation of operational guidelines for the implementation and application of the provisions of the Convention: measures to promote and to protect cultural expressions (Articles 7, 8 and 17 of the Convention)

Decision 1.EXT.IGC 3

The Committee,

1. *Having examined document CE/08/1.EXT.IGC/3,*
2. *Recalling Resolution 1.CP 6 of the Conference of Parties and Decision 1.IGC 7 of the Committee,*
3. *Decides to adopt the Draft Operational Guidelines concerning the protection of cultural expressions (Articles 8 and 17 of the Convention), as amended and annexed to this Decision;*
4. *Decides to provisionally adopt the Draft Operational Guidelines concerning the promotion of cultural expressions (Article 7 of the Convention). Final adoption by the Committee will occur at such time as Draft Operational Guidelines are adopted for Article 6.*

Annex to Decision 1.EXT.IGC 3

**Draft Operational Guidelines
Measures to Promote and Protect Cultural Expressions**

Chapter xxx: Measures to promote cultural expressions

Article 7:

1. *Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:*
 - (a) *to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;*
 - (b) *to have access to diverse cultural expressions from within their territory as well as from other countries of the world.*
2. *Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.*

Principles

1. Cultural policies and measures developed by Parties to promote the diversity of cultural expressions should:
 - 1.1 Be part of an integrated approach at the appropriate level and in accordance with the constitutional frameworks;
 - 1.2 Be based upon the guiding principles as set forth in Article 2 of the Convention;
 - 1.3 Foster the full participation and engagement of all members of society contributing to the diversity of cultural expressions, particularly persons belonging to minorities, indigenous peoples and women;
 - 1.4 Take into account the provisions of other international legal instruments in the field of culture which are applicable thereto;
 - 1.5 Foster the emergence of a dynamic cultural sector, taking into account all aspects of the cultural activities, goods and services in their diverse modes of creation, production, dissemination, distribution and access, whatever the means and technologies used.
 - 1.6 Aim, more specifically to:
 - 1.6.1 At the stage of **creation**, support artists and creators in their efforts to create cultural activities, goods and services;
 - 1.6.2 At the stage of **production**, support the development of cultural activities, goods and services by promoting access to production mechanisms and encouraging the development of cultural enterprises;
 - 1.6.3 At the stage of **distribution/dissemination**, promote the opportunity of access in the distribution of cultural activities, goods and services through public, private or institutional channels at the national, regional and international level; and
 - 1.6.4 At the stage of **access**, provide information about available domestic or foreign cultural activities, goods and services by making the appropriate incentives available, and develop the capacity for the public to avail itself of such access.

Measures used to facilitate the promotion of cultural expressions (best practices)

In accordance with the sovereign right of States to formulate and implement cultural policies and adopt measures (Article 5.1 of the Convention), the Parties are encouraged to develop and implement policy instruments and training activities in the field of culture. Such instruments and activities should aim at supporting the creation, production,

distribution, dissemination and access to cultural activities, goods and services with the participation of all stakeholders, notably civil society as defined in the Operational Guidelines.

2. These instruments could be related to the following fields:
 - 2.1 Legislative: e.g. establishment of structuring legislation in the cultural field (for example, legislation on broadcasting, copyright, status of the artist, etc.);
 - 2.2 Creation/production/distribution: e.g. creation of cultural organizations mandated to create, produce, present or render access to domestic cultural content;
 - 2.3 Financial support: e.g. development of financial support programmes including tax incentives that provide assistance for the creation, production, distribution and dissemination of domestic cultural activities, goods and services;
 - 2.4 Advocacy and promotion: e.g. participation in exchanges on various international legal instruments to advocate and promote the rights of Parties;
 - 2.5 Export and import strategies: e.g. develop both export-driven (promoting cultural expressions abroad) and import-driven strategies (enabling the distribution of diverse cultural expressions in their respective markets);
 - 2.6 Access strategies: e.g. encourage programmes for economically disadvantaged groups and incentives so as to facilitate their access to cultural goods and services.
3. Bearing in mind the technological changes underway in the field of culture and which have the potential to bring considerable change in matters related to the creation, production, distribution and dissemination of cultural content, Parties are encouraged to promote the following types of intervention:
 - 3.1 Place specific emphasis on measures and policies aimed at promoting the diversity of cultural expressions that are best adapted to the new technological environment; and
 - 3.2 Foster the transfer of information and expertise to help cultural professionals and the cultural industries, with particular regard for youth, to acquire the knowledge and skills required to benefit fully from the perspectives offered by these new technologies.
4. Policy measures and instruments should, wherever possible, be based on existing structures and networks, including grass root communities. These structures should be examined to see how they could be further developed into strategic platforms. At the same time, the development of cultural policies and the establishment of creative industries at the national level could be reinforced through, *inter alia*, regional approaches, wherever possible.

5. Beyond the principles that Parties should endeavour to apply and the measures they are encouraged to implement, Parties are encouraged to communicate better and share information and expertise on the policies, measures, programmes or initiatives that have achieved the best results in the field of culture.

Chapter xxx: Measures to protect¹ cultural expressions - special situations

Article 8:

1. *Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of special situations where cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.*
2. *Parties may take all appropriate measures to protect and preserve cultural expressions in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.*
3. *Parties shall report to the Intergovernmental Committee referred to in Article 23 all measures taken to meet the exigencies of the situation, and the Committee may make appropriate recommendations.*

Article 17:

Parties shall cooperate in providing assistance to each other, and, in particular to developing countries, in situations referred to under Article 8.

Special situations

1. The nature of threats to cultural expressions can be *inter alia* cultural, physical or economic.
2. Parties may take all appropriate measures to protect and preserve cultural expressions within their territories in special situations in conformity with Article 8 of the present Convention.

Measures to protect and preserve cultural expressions

3. Measures taken by the Party under Article 8 (2) will depend on the nature of the 'special situation' determined by the Party and may include but will not be limited to: short-term or emergency measures designed to have an immediate effect; reinforcement or amendment of existing policies and measures; new policies and measures; long term strategies; and appeals to international cooperation.

¹ According to Article 4.7 of the Convention, 'Protection' means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions, and 'Protect' means to adopt such measures.

4. Parties should ensure, that the measures taken under Article 8 (2) do not hinder the guiding principles of the Convention nor are, in any other way, inconsistent with the letter and the spirit of the Convention.

Reporting to the Committee

5. Whenever a Party reports to the Intergovernmental Committee under Article 8.3, it should be able to:
 - 5.1 Determine that the situation cannot be subject to action under other UNESCO Conventions;
 - 5.2 Identify the risk or threat to the cultural expression or the urgent safeguarding needed, involving experts, civil society, and including grass root communities as appropriate;
 - 5.3 Demonstrate the source of the threat *inter alia* with factual data;
 - 5.4 Determine the vulnerability and importance of the cultural expression at risk;
 - 5.5 Determine the nature of the consequences of the risk or threat to the cultural expression, and demonstrate the nature of the cultural consequences;
 - 5.6 Explain the measures taken or proposed to remedy the special situation, including short-term and emergency measures, or long-term strategies;
 - 5.7 If necessary, appeal for international cooperation and assistance.
6. Where a Party has identified a special situation under Article 8 (1) and taken measures under Article 8 (2), the concerned Party will report to the Committee regarding the measures taken. The report should contain the information listed at paragraph 5 of this chapter.
7. The report should be provided to the Committee at least three months before the opening of an ordinary session of the Committee in order to allow for the dissemination of information and consideration of the issue.

Role of the Intergovernmental Committee

8. The Committee will include reports on special situations under Article 8 on the agenda of its ordinary sessions. It will examine the reports and the elements attached thereto.
9. Where a Party has determined a special situation on its territory and brought it to the attention of the Committee, the latter may make recommendations and propose remedial measures to be implemented by the Party concerned, if deemed necessary, in compliance with Article 8 (3) and Article 23 (6) (d).
10. Where a special situation under Article 8 (1) has been determined by a Party, the Committee may also recommend the following appropriate measures:

- 10.1 Foster the dissemination of information on best practices of Parties in similar situations;
- 10.2 Inform the Parties of the situation and invite them to take action in order to provide assistance within the framework of Article 17;
- 10.3 Suggest to the Party concerned that it seek assistance, if needed, from the International Fund for Cultural Diversity. This request should be accompanied by the information and data described in paragraph 5 of this chapter and all other information deemed necessary.

Periodical Report

11. Where a Party has determined a special situation under Article 8 (1) and measures have been taken under Article 8 (2), the Party concerned will include appropriate information about these measures in its periodical report to be provided to UNESCO under Article 9 (a).

International cooperation

12. In accordance with Article 17, the Parties shall cooperate in providing assistance to each other, paying particular attention to developing countries, in situations referred to under Article 8.
13. Cooperation may take various forms: bilateral, regional or multilateral. In this context, Parties may seek assistance from other Parties in accordance with Article 17, and that assistance may be *inter alia* technical or financial.
14. In addition to the individual action by the Parties concerned to remedy a special situation, coordinated actions by the Parties should be encouraged.

Item 4 of the Agenda: Operational guidelines: concept and modalities for partnerships (Article 15 of the Convention)

Decision 1.EXT.IGC 4

The Committee,

1. *Having examined document CE/08/1.EXT.IGC/4, as amended,*
2. *Recalling Resolution 1.CP 6 of the Conference of Parties and Decision 1.IGC 5B of the Committee,*
3. *Submits to the Conference of Parties for approval the Draft Operational Guidelines on the modalities for partnerships within the framework of the Convention as annexed and amended to this Decision.*

Annex to Decision 1.EXT.IGC 4

Draft Operational Guidelines for Partnerships

Chapter xxx: Modalities for Partnerships

1. The Convention's most explicit provision with regard to partnerships is Article 15 (Collaborative arrangements). Reference to partnerships is made, explicitly or implicitly, in other provisions of the Convention, more particularly in Article 12 (Promotion of international cooperation).
2. Article 15 – Collaborative arrangements

Parties shall encourage the development of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural expressions. These innovative partnerships shall, according to the practical needs of developing countries, emphasize the further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.

Definition and features of partnerships

3. Partnerships are voluntary collaborative arrangements between two or more organizations from different parts of society, such as governmental authorities (at the local and national levels) and authorities (at the regional and international levels) and civil society – including the private sector, the media, academia, artists and artistic groups, etc., in which the risks and benefits are shared between the partners and the modalities of functioning, such as decision-making or allocation of resources, are agreed upon collectively by them.
4. The major principles underpinning successful partnerships include equity, transparency, mutual benefit, responsibility and complementarity.

The objectives and scope of partnerships

5. Partnerships aim at, but are not limited to, value-added activities seeking to accomplish the following objectives:
 - 5.1 Capacity-building of professionals and of public sector officials in the culture - and associated sectors;
 - 5.2 Institution building for cultural practitioners and professionals and associated sectors;
 - 5.3 Cultural policy elaboration and advocacy;

- 5.4 Fostering and mainstreaming protection and promotion of diversity of cultural expressions;
 - 5.5 Protection of cultural goods and services and cultural expressions deemed at risk in accordance with Article 8 of the Convention;
 - 5.6 Creating and nurturing local, national and regional markets;
 - 5.7 Accessing international markets and other appropriate assistance regarding aspects related to the flow of cultural goods and services and cultural exchanges.
6. In conformity with Article 15, partnerships initiated under the Convention should be in accordance with the needs of developing countries, Parties to the Convention:
- 6.1 In order to take forward these collaborative arrangements in the interests of developing countries, they may wish, as far as possible, to undertake an analysis of these needs in consultation with stakeholders from the relevant cultural industries and sectors, and where appropriate, in collaboration with national, regional and international partners, in order to identify cultural expressions or areas in greatest need of attention;
 - 6.2 Needs assessment should include analytical, statistical and quality data, and lead to the formulation of a strategy with focused priorities and set objectives, to allow for proper monitoring;
 - 6.3 Partnerships should build, as much as possible, on existing and potential structures and networks with and amongst the public sector and the civil society, including non-governmental organizations, non-profit organizations, and the private sector.

The Partnering Process

7. For the establishment of a partnership, four stages are to be taken into consideration.
- 7.1 Creation and relationship building:

Parties take into consideration the assessment of the needs and the identification of partners and priority areas regarding development and investment. Parties and partners take into consideration an equitable distribution of resources, roles and responsibilities for the participation and establishment of the necessary means of communication.
 - 7.2 Implementing, managing and maintaining:

Parties should ensure a concrete and effective implementation of the partnerships. Partnerships should build as much as possible on existing or potential structures and networks with and amongst civil society, including non-governmental organizations and the private sector.
 - 7.3 Reviewing, evaluating, revising, and sharing best practices:

Parties encourage partners to examine and evaluate the effectiveness of the partnership, particularly at the following three levels: (1) partnership as such, (2) their own role in the partnership, and (3) the results or aim of this partnership. Taking into account the acquired experience and their individual

and collective evaluation, the partners then consider revising or amending the partnership or the initial project, in light of, inter alia, the costs of the partnership. Parties are encouraged to share best practices, identified from reviews conducted on successful partnerships.

7.4 Sustaining outcomes:

Needs assessment should include analytical, statistical and quality data, and lead to the formulation of a strategy with focused priorities and set objectives, to allow for proper monitoring and sustaining of the outcomes.

The role of the UNESCO Secretariat

8. The UNESCO Secretariat, basing itself in particular on the Global Alliance for Cultural Diversity which is its platform for developing public-private partnerships in support of cultural industries, should play a role of facilitator and motivator on an international level, by:
 - 8.1 promoting inter-sectorial partnerships among various stakeholders;
 - 8.2 providing information on existing and prospective partners in the public and private sectors as well as the non-profit sector (including data on needs, projects and case studies of best practices), as well as links to useful management tools, particularly through its website;
9. Headquarters and Field Offices share responsibility in relation to their respective mandates. They are encouraged to utilise the capacities and networks of National Commissions for UNESCO in the promotion of their objectives in this regard;
10. In addition, the Secretariat elaborates and submits innovative projects to donors in the fields covered by the Convention.

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

Decision 1.EXT.IGC 5

The Committee,

1. *Having examined document CE/08/1.EXT.IGC/5, as amended,*
2. *Recalling Resolution 1.CP 6 of the Conference of Parties,*
3. *Submits to the Conference of Parties for approval the amended Draft 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 Draft set of criteria presented as amended in Annex II to this Decision, is adopted and will be applied with regard to the admission of civil society representatives to 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 Draft set of criteria, presented as amended 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.*

Annex I to Decision 1.EXT.IGC 5

**Draft 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. For the purposes of this Convention, civil society means non-governmental organizations, non-profit organizations, professionals in the culture sector and associated sectors, groups that support the work of artists and cultural communities.
4. Civil society plays an essential role in the implementation of the Convention: it brings citizens', associations' and enterprises' concerns to public authorities, monitors policies and programmes implementation, plays a watchdog role, serves as-value-guardian and innovator, as well as contributes to the achievement of greater transparency and accountability in governance.

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

5. Parties should encourage civil society to participate in the implementation of the Convention by associating it by appropriate means on cultural policy-making and by facilitating access to information relating to the protection and promotion of the diversity of cultural expressions, and facilitating the strengthening of capacities in this field. Parties could foresee the provision of *ad hoc*, flexible and effective mechanisms in this regard.
6. The potential of civil society to act as an innovator and change-agent in the implementation of the Convention should be fully utilised. 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.

The contribution of civil society could be exercised in the following areas:

- support to Parties, as appropriate, in the elaboration and implementation of cultural policies;
- capacity-building in specific domains linked to the implementation of the Convention and carrying out data collection in the field of the protection and promotion of the diversity of cultural expressions;
- promotion of specific cultural expressions by giving voice to groups such as women, persons belonging to minorities, and indigenous peoples, so as to ensure that all stakeholders' special circumstances and needs are taken into account when formulating cultural policies;
- 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;

- input in the establishment of periodical reports of Parties, within their field of competence. This input would give more responsibility to civil society and would encourage transparency in the elaboration of the reports;
- cooperation for development at local, national and international levels, by initiating, creating or being associated to innovative partnerships with the public and private sectors as well as with civil society of other regions of the world (Article 15 of the Convention).

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

7. Civil society is encouraged to contribute to the work of the organs of the Convention according to the modalities to be defined by these organs.
8. The Committee may consult at any time public or private organizations and individuals on specific issues in accordance with Article 23 (7) of the Convention. In such cases, the Committee may invite them 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.
9. Civil society organizations authorised to participate as observers in the Conference of Parties and the Intergovernmental Committee, according to the Rules of Procedure of the respective body, may:
 - maintain the dialogue with Parties in an interactive manner with regard to their positive contribution to the implementation of the Convention, preferably, as appropriate, before the sessions of the organs;
 - participate in the meetings of these bodies;
 - be given the floor by the Chairperson of the respective body;
 - submit written contributions relevant to the work of the respective bodies when authorized by the Chairperson, to be circulated to all delegations and observers by the Secretariat to the Convention as information documents.

Participation of civil society in the International Fund for Cultural Diversity

10. The elements concerning this participation are addressed within the framework of the operational guidelines on the use of the resources of the Fund.

Annex II to Decision 1.EXT.IGC 5

Draft set of 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 sessions 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 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 their recent activities, which also illustrates their representativeness in the fields covered by the Convention.

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

Item 6 of the agenda: Interim report on the use of the resources of the International Fund for Cultural Diversity (Article 18)

Decision 1.EXT.IGC 6

The Committee,

1. *Having examined document CE/08/1.EXT.IGC/6,*
2. *Having taken note of information document in two parts CE/08/1.EXT.IGC/INF.6 (A and B),*
3. *Requests the Secretariat to prepare preliminary draft guidelines on the use of the resources of the Fund, with options covering areas where disagreements still exist, taking into account as far as possible the debates of the present session, and to submit them at its next session;*
4. *Requests the Secretariat, using extra-budgetary funding where available, to hold informal consultations with Parties, experts, enterprises and donors, with a view to identify potential sources of financing for the Fund;*
5. *Appeals to the States and organizations with expertise in the field of fund-raising to provide the Secretariat with assistance in this regard.*

Item 7 of the Agenda: Selection of experts and terms of reference for the reports on preferential treatment (Article 16 of the Convention): interim report

Decision 1.EXT.IGC 7

The Committee,

1. *Having examined document CE/08/1.EXT.IGC/7 and its annexes,*
2. *Takes note of the interim report of the Chairperson on the selection of experts and the terms of reference for the work requested by the Committee in accordance with paragraph 5 of Decision 1.IGC 5B (Preferential treatment);*
3. *Requests the Secretariat to organize a working session at UNESCO headquarters between the experts and the coordinator before completion of the requested reports.*