



Diversity of cultural expressions

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منظمة الأمم المتحدة
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INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

First session
Ottawa, Canada, 10-13 December 2007

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

The Conference of Parties adopted at its first session Resolution 1.CP 6 requesting the Committee to prepare the operational guidelines and to submit to it at its second ordinary session (June 2009) the results of its work for consideration and approval. This document presents a draft Table of contents of the operational guidelines, which could be used as a basis for their preparation, and proposes working methods for the Committee.

Decision required: paragraph 9

1. The Conference of Parties adopted at its first session Resolution 1.CP 6 requesting the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”) to prepare the operational guidelines mentioned in subparagraph (c) of Article 22.4 and subparagraph (b) of Article 23.6 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”) giving priority attention to, *inter alia*, the provisions of Articles 7, 8 and 11 to 17 of the Convention as well as Article 18, in compliance with Resolution 1.CP 7, and to submit to it at its second ordinary session (June 2009) the results of its work for consideration and approval.
2. The Conference of Parties also adopted Resolution 1.CP 7 requesting the Committee, in compliance with Article 23.6 subparagraph (f) of the Convention, to submit for approval at its second ordinary session draft guidelines on the use of the resources of the International Fund for Cultural Diversity (hereinafter referred to as “the Fund”), in compliance with Article 18.4, by specifying its priorities and modalities. This resolution is the subject of item 6 of the provisional agenda (document CE/07/1.IGC/6), on the preparation of guidelines on the use of the Fund’s resources. It is proposed to the Committee that the guidelines on the use of the Fund’s resources be made an integral part of the operational guidelines, as has been decided in the framework of the Convention for the Safeguarding of the Intangible Cultural Heritage.
3. The draft Table of contents of the operational guidelines presented in the present document mainly follows the order of the provisions of the Convention, although certain provisions have been grouped for the sake of coherence. It is made up of nine chapters. The first one is introductory and includes general elements on the Convention, namely: its context, objectives, guiding principles and scope of application, definitions and relations with other international instruments. The second chapter pertains to the promotion and the protection of cultural expressions. Chapter 3 refers to the sharing of information and transparency and unites the provisions on this aspect for both the Parties and the Secretariat. Chapter 4 pertains to education and public awareness. Chapter 5 refers to the participation of civil society. Chapter 6 pertains to the provisions on international cooperation. Chapter 7 is dedicated to the International Fund for Cultural Diversity. The last two chapters pertain to consultations and dispute resolution respectively. Finally, it is proposed that annexes be included in the draft Table of contents, including a ratification instrument model, model forms on the Fund and a model of periodical reports of the Parties (Article 9(a) of the Convention). It should be mentioned that the chapters and paragraphs of the draft Table of contents marked by an asterisk pertain to provisions of the Convention to which priority attention should be given, in compliance with resolutions 1.CP 6 and 1.CP 7.
4. In order to draft the chapters of the operational guidelines on the provisions to which priority attention should be given, in compliance with Resolution 1.CP 6, the Committee should determine for each chapter a roadmap including a timetable and specifying its working methods. In so doing, it may wish to take into consideration the expectations of the international community, the Convention’s “momentum” and assess the volume of work to be carried out in 18 months, before the second ordinary session of the Conference of the Parties.
5. As a consequence, it is proposed that during this first session, following the examination of items 5B, 5C and 6 of the provisional agenda, the Committee adopt detailed roadmaps for the following chapters: Chapter 5 – Participation of civil society;

Chapter 6 – International cooperation; Chapter 7 – International Fund for Cultural Diversity.

6. It is also proposed that the Committee establish the basis of a work plan for paragraphs 2.2 and 2.3 on the Promotion and Protection of Cultural Expressions (Articles 7, 8 and 17 of the Convention) of Chapter 2 of the draft Table of contents of the operational guidelines. In compliance with Resolution 1.CP 6, these elements also pertain to provisions of the Convention that require priority attention. Thus the Committee could envisage to initiate reflection and determine the detailed roadmap and its working methods on these questions at its next ordinary or extraordinary session.
7. The following proposals present a non-exhaustive list of working methods, the majority of which constitute common practices in other normative instruments of UNESCO. These methods could be used by the Committee for the preparation of the draft operational guidelines. Depending on the subjects, the Committee could adopt the most appropriate methods:
 - i) **Setting up one or several working groups and/or drafting groups** within the Committee. Coordination of the work of each group could be provided by one of the Members of the Committee. The Committee could also decide that the working groups will consult electronically, without meeting. If this proposal is accepted by the Committee, it will need to take into account the inherent costs (including interpretation in two languages, travel costs by the Parties, etc.), and to define the workload and, should it be the case, the role of the Secretariat for the organization of the group(s)'s meetings.
 - ii) **Holding expert meetings** on specific themes. It is worth noting that this proposal involves the same considerations and gives rise to the same comments as those mentioned in the preceding paragraph. In addition, the Committee should define the procedure for the selection of experts. Members of the Committee, should they so decide, could participate in these meeting as observers.
 - iii) **Commissioning analytical studies** on specific topics to academic bodies, research centres or other, as well as to well-known personalities. These studies could undergo peer-review by other bodies or well-known personalities from other regions. If this method is chosen by the Committee, it would be appropriate, for each study, to plan the procedure in detail in order to coordinate the necessary deadlines for their commissioning, reception, review and translation with the Committee's calendar of sessions.
 - iv) **Written contributions of the Parties** to the Convention on the chapters of the draft Table of contents, or on specific topics related to it, included in the agenda of each session of the Committee. Contributions should be sent to the President 30 days before the beginning of the session of the Committee at the latest. The President will then transmit them to the Secretariat to be posted on the Convention's website as information documents. If this method is chosen by the Committee, it would be appropriate, in order to accelerate the dissemination of the contributions and to facilitate reflection, that the Parties present them in the two working languages of the Committee. If the contributions are presented in one of the two languages, only this one linguistic version will be disseminated by the Secretariat. Moreover, the Secretariat could be in charge of disseminating these contributions in print version during the session of the Committee.
 - v) **Consultation of public or private organizations or individuals**, invited by the Committee, on specific issues pursuant to Article 23.7 of the Convention.

8. The draft Table of contents on the structure and content of the operational guidelines is as follows:

**Draft Table of contents of the operational guidelines
(Article 23.6 subparagraph (b))**

Chapter 1: Introduction

- 1.1 Background of the Convention [Preamble]
- 1.2 Objectives of the Convention [article 1]
- 1.3 Guiding principles of the Convention [article 2]
- 1.4 Scope of application of the Convention [article 3]
- 1.5 Definitions of the Convention [article 4]
- 1.6 Relation to other instruments [articles 20 and 21]

Chapter 2: Promotion and protection of cultural expressions

- 2.1 Rights of Parties at the national level [article 6]
- 2.2 Measures to promote cultural expressions [article 7]*
- 2.3 Measures to protect cultural expressions – special situations [articles 8 and 17]*

Chapter 3: Information sharing and transparency [articles 9 and 19]

- 3.1 Objectives
- 3.2 Procedure and format of submission of periodical reports
- 3.3 Evaluation and follow-up
- 3.4 Points of contact
- 3.5 Exchange, analysis and dissemination of information (data collection and statistics)
- 3.6 Role of UNESCO Secretariat
- 3.7 Data bank on different sectors
- 3.8 Capacity building in the field of information

Chapter 4: Education and public awareness [article 10]

- 4.1 Education and awareness programmes
- 4.2 Cooperation with other Parties and international and regional organizations

* For provisions of the Convention that need priority attention pursuant to resolutions 1.CP 6 and 1.CP 7.

Chapter 5: Role and participation of civil society *
[Article 11 and other related articles]

- 5.1 Terminology and definitions
- 5.2 Organizations and actors of civil society
- 5.3 Roles and functions of civil society
- 5.4 Measures to encourage the participation of civil society
- 5.5 Role of civil society at national and international levels

Chapter 6: International cooperation *

- 6.1 Objectives, principles, and modalities of international cooperation [article 1, 2.4,12, 15]
- 6.2 Integration of culture in sustainable development [article 13]
- 6.3 Cooperation for development [article 14]
- 6.4 Preferential treatment [article 16]

Chapter 7: International Fund for Cultural Diversity (IFDC) *
[Articles 14 (d) (i) and 18]

- 7.1 Guidelines on the use of the resources of the IFDC
 - 7.1.1 Guiding Principles
 - 7.1.2 Objectives
 - 7.1.3 Scope of application by priority level
 - 7.1.4 Beneficiaries
 - 7.1.5 Form of assistance
 - 7.1.6 Services to the Committee
- 7.2 Modalities of use of the resources of the IFDC
 - 7.2.1 Types of programmes, projects and activities
 - 7.2.2 Procedure and format for submission of assistance requests
 - 7.2.3 Procedure and format for submission of requests in special situations
 - 7.2.4 Selection criteria and procedures
 - 7.2.5 Evaluation and approval of the assistance requests by the Committee
 - 7.2.6 Application and evaluation
 - 7.2.7 Reports to the Committee

Chapter 8: Consultations

Procedures and other mechanisms for consultation [article 23.6 (e)]

Chapter 9: Settlement of disputes [article 25 + annex to the Convention]

- 9.1 Negotiation
- 9.2 Good offices and mediation
- 9.3 Conciliation procedure

* For provisions of the Convention that need priority attention pursuant to resolutions 1.CP 6 and 1.CP 7.

Annexes

Annex 1: Ratification instrument model

Annex 2: IFDC model forms

- 2.1 Model forms for submission of assistance requests to the IFDC
- 2.2 Model forms for submission of requests for special situations
- 2.3 Model forms for submission of evaluation reports to the Committee
- 2.4 Model forms of activity, financial and project evaluation reports by the beneficiaries
- 2.5 Model forms of evaluation reports of the assistance projects and of the results obtained to the Committee
- 2.6 Model forms of evaluation reports of the projects conducted in the framework of special situations and of obtained results

Annex 3: Model form of the periodical reports of the Parties

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

DRAFT DECISION 1.IGC 5A

The Committee,

1. *Having examined the draft Table of contents of the operational guidelines proposed in document CE/07/1.IGC/5A;*
2. *Adopts on a provisional basis the draft Table of contents of the operational guidelines as it appears in the above-mentioned document;*
3. *Decides to initiate reflection, during this first session, on Chapters 5 – Participation of civil society; 6 – International cooperation; 7 – International Fund for Cultural Diversity, of the draft Table of contents of the operational guidelines and to determine the detailed roadmaps for their preparation, in the framework of the respective items on the agenda (items 5B, 5C and 6);*
4. *Decides, in addition, that the examination of paragraphs 2.2 and 2.3 on the promotion and protection of cultural expressions (Articles. 7, 8 and 17 of the Convention) of Chapter 2 of the draft Table of contents of the operational guidelines, will be included in the agenda of the next ordinary or extraordinary session of the Committee;*
5. *Decides that the working methods of the Committee for the examination and drafting of each chapter of the draft operational guidelines, could include, without being limited to:*
 - i) *setting up working and/or drafting groups within the Committee;*
 - ii) *holding expert meetings;*
 - iii) *commissioning analytical studies;*
 - iv) *written contributions of the Parties to the Convention;*
 - v) *consultation of public or private organizations or individuals, invited by the Committee, on specific issues, pursuant to Article 23.7 of the Convention.*

6. Decides that, depending on the adopted working method, the modalities mentioned in paragraph 7 of document CE/07/1.IGC/5A, as well as the debates which have taken place during the present session of the Committee will be taken into account, except in case of a specific decision and/or a decision to the contrary of the Committee.