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منظمة الأمم المتحدة
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Diversity of Cultural Expressions

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CONFERENCE OF PARTIES TO THE CONVENTION ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS

First session
Paris, UNESCO Headquarters, Room I
18-20 June 2007

DRAFT SUMMARY RECORD

This document contains the draft summary record of the first ordinary session of the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

The first session of the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter “the Conference”), took place at UNESCO Headquarters in Paris, from 18 to 20 June 2007. There were 423 participants, including: 247 participants from 57 Parties to the Convention (56 States and the European Community); 176 participants from 62 States or territories, five international organizations and 16 non-governmental organizations (NGOs) having observer status; and two independent experts. The UNESCO Section for the Diversity of Cultural Expressions provided the secretariat for the meeting.

Room I – 18/06/2007 10 a.m.

Item 1A – Opening of the Conference of Parties

[Official opening ceremony]

1. The first session of the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions began on Monday 18 June 2007 with an official opening ceremony chaired by Mr Koïchiro Matsuura, Director-General of UNESCO.

2. In his opening address, the **Director-General** welcomed all the representatives of the Parties to the Convention, observer States and international organizations, in addition to NGOs which had played a significant role during the Convention’s drafting phase. He expressed his gratitude to the guests of honour for their presence at such a historic moment. He stressed that the Convention, already ratified by 62 Parties, had set a record for entry into force in the field of culture. The States Members, by means of that standard-setting instrument, had wished to recognize creative diversity as an essential element of development by directly addressing what was turning out to be one of the key issues of the twenty-first century: the place of cultural expressions in development, in view of the transformation of the ways in which culture was created, produced and distributed.

[Statements by the guests of honour]

3. During the opening ceremony, **Professor Kader Asmal**, Chairperson of the Intergovernmental Meeting of Experts in charge of elaborating the draft of the Convention, reviewed the past, considered the present and contemplated the future of the Convention. He thus stressed how important it was for the Convention to become universal so that States could invoke it in other international forums. He also highlighted the role of civil society in implementing the Convention, and the great attention that should be devoted to international cooperation. Looking to the future, Professor Asmal expressed the wish that the number of ratifications would be trebled over the next six years, so that all regions would be represented, and he said that in that time, the operational guidelines should be finalized.

4. **Mr Javier Pérez de Cuéllar**, former Secretary-General of the United Nations and President of the World Commission on Culture and Development, who produced the report *Our Creative Diversity*, outlined the evolution of the ideas and landmarks that had shaped international debate in that field. The Convention was the crowning glory of that work, and also proposed avenues towards the future. He recalled that culture was the goal and aim of development, in the sense of ensuring that humankind could fulfil itself.

5. **H.E. Mr bin Jaafar bin Hassan**, President of the General Conference of UNESCO and Permanent Delegate of the Sultanate of Oman to UNESCO, recalled that cultural diversity was pivotal for peace and that the solidarity that lay at the very heart of the Convention was of the essence for the future of humanity.

Item 1B – Election of a Chairperson, one or more Vice-Chairpersons and a Rapporteur of the Conference of Parties

[Election of the Bureau]

6. The Conference of Parties effected the election of a Chairperson. **Ms Françoise Rivière, Assistant Director-General for Culture**, recalled that it was the responsibility of the Conference to elect a Chairperson, Vice-Chairpersons, preferably four, and a Rapporteur, each ideally belonging to a different electoral group.

7. The delegation of **Saint Lucia** took the floor to propose Professor Kader Asmal as Chairperson of the Conference of Parties in view of his competence, experience and the significant commitment that he had shown as Chairperson of the Intergovernmental Meeting of Experts in charge of elaborating the draft of the Convention.

8. That candidature was endorsed by the delegations of **Djibouti**, on behalf of the Africa Group on the grounds of Professor Asmal's professional and personal qualities, **Greece** and **India**, who proposed to elect him by acclamation, and who were followed by the other delegations. The Conference of Parties elected by acclamation Professor Kader Asmal (South Africa) of electoral Group V(a) as Chairperson, and the other members of the Bureau as follows: Vice-Chairpersons: the representatives of Chile, Spain, India and Tunisia; and Croatia (Ms Nina Obuljen) as Rapporteur. All of the electoral groups were represented in the Bureau.

9. Draft Resolution 1.CP 1B was adopted as amended.

[Statements by Parties]

10. The Chairperson invited Parties wishing to make an official statement to do so. Twenty-two speakers representing the Parties, including three Ministers, took the floor.

11. **H.E. Ms Paulina Urrutia**, Minister, Chairperson of **Chile's** National Council of Culture and the Arts stated that the Convention established fundamental new rules for the international legal order, raising culture to an equal and no less legitimate level than free trade. That constituted a significant challenge requiring genuine commitment in order to translate the Convention into specific action. She advocated that cultural reservations be included in the various commercial treaties and agreements; that diversity be respected when forging national cultural policies; that the Convention be taken into account in other international political bodies, such as the World Trade Organization (WTO), the World Intellectual Property Organization (WIPO), and in regional spheres, and that social and cultural dialogue be enhanced. She called for an international balance to be struck between the interests at stake.

12. **H.E. Mr Gabriel Sassouvi Dosseh-Anyron**, Minister of Culture, Tourism and Leisure of **Togo** hailed the unique international mobilization that had led to the Convention's adoption, and paid tribute to all the Parties. He stressed the need to tackle the ethical challenge posed by co-development, and to move now into the decisive phase of consensus-building with regard to the priorities for action. He urged the Intergovernmental Committee for Protection and Promotion of Diversity of Cultural Expressions (hereinafter "the Committee") to consider the role of civil society, international cooperation, interaction between culture and sustainable development, the promotion of partnerships, preferential treatment for developing countries, and mutual assistance in the event of serious threats to cultural expression. The procedures relating to the operation of the International Fund for Cultural Diversity (hereinafter "the Fund") should reflect the commitment of developing countries to that multilateral mechanism, for which the dictates of effectiveness, solidarity and shared responsibility implied an ongoing harnessing of the necessary resources.

13. **H.E. Mr Jean Marie Atangana Mebara**, Minister of State, Minister of External Relations of **Cameroon**, paid tribute to the States and international organizations that had worked to usher in the Convention. He recalled his country's commitment to the Convention's values and objectives and the firm belief of his President, H.E. Mr Paul Biya, that cultural diversity, as enshrined in Cameroon's Constitution, was a factor for tolerance, understanding and peaceful coexistence. The Committee should adopt or move towards adopting mechanisms which would help to give the countries of the South the capabilities to produce and disseminate cultural expressions and which would make it possible to counter imbalances in the flow of cultural expressions between developed and developing countries.

14. The delegation of **Guatemala** drew attention to the Convention's significance, since its purpose constituted an ethical imperative which was indissociable from human beings. It stressed that implementation was urgent, and that following the major texts such as the Universal Declaration of Human Rights, the Convention could occupy a very special place in the twenty-first century, particularly with regard to sustainable development and efforts to combat poverty.

15. The delegation of **Germany**, speaking in its capacity as the representative of the German presidency of the European Union, stated that cultural diversity not only lay at the heart of the European integration project, but was also a key element in the European Union's foreign relations, as was stressed in the communication for a European agenda for culture in a globalizing world. The Parties should send a clear signal of their unified action in order to breathe life into the Convention. That was why the Member States of the European Union had fully endorsed the position ensuring representation of all regional groups within the Intergovernmental Committee, taking rotation into account. The Convention itself mentioned the priorities that should feature in the operational guidelines: the rights and obligations of the Parties, international cooperation, and complementarity and cohesion at the international level.

16. **Ms Odile Quintin, Director General for Education and Culture of the European Commission**, who spoke on behalf of the **European Community**, recalled that since the 1992 Maastricht Treaty, the Community had been committed to endorsing a particular concept of culture, one which took account of differences and diversity. She said that the Convention formed an integral part of the Community's legal order, and that it had been awaited with interest in the general context of debate on new global governance. The Fund could bolster the development of cultural strategies and policies in developing countries and that the European Community was prepared to endorse such an initiative, either directly or according to procedures still to be defined. She spoke of the communication adopted in May 2007 by the Commission for a "European agenda for culture in a globalizing world", which contained proposals to strengthen the cultural dimension in the context of development cooperation policy. The same was true for the implementation of Article 16 of the Convention regarding preferential treatment for cultural goods and services from developing countries. She added that the communication proposed to establish a Cultural Fund of €30 million between 2007 and 2013 in order to support cooperation projects with the countries of Africa, the Caribbean and the Pacific (ACP) in the field of creative industries.

17. The delegation of **Italy**, endorsing the remarks made by the delegation of Germany, said that as soon as the Convention entered into force, the right to safeguard and develop culture had been affirmed in its entire social dimension. Italy endorsed the importance of ensuring that the Convention was open to civil society, without whose participation the Convention would be unable to attain its goals. It suggested involving other partners, such as knowledge networks, the media, radio broadcasters and public television channels, in addition to new Internet-based enterprises. If the globalization of markets and migrations did not go hand-in-hand with a shared system of values based upon reciprocal tolerance and respect, any drive towards a globalized world could only be a source of tension posing significant risks for peace and dialogue.

Room I – 18/06/2007 3 p.m.

18. The delegation of **Finland**, endorsing the remarks made by Germany on behalf of the European Union, recalled the active role played by Finland in drafting the Convention. It welcomed the fact that the European Community had acceded to the Convention under the Finnish presidency in December 2006. It recalled that the Convention urged countries to forge independent national cultural policies, to develop their identity and cultural life, and that it was the “Magna Carta” of international cultural policy. The delegation recalled that the Convention’s success depended as much on the Secretariat as on the Member States, and that by means of the UNESCO programme and budget, States should ensure that the Secretariat had sufficient and necessary resources. It added that it was the States Members’ responsibility to ensure the Convention’s national implementation and to support the Fund. It called for all protagonists, including civil society, to be involved in implementing the Convention, so that it could attain its overarching goal.

19. The delegation of **France** remarked that it was a historic and founding moment, since the establishment of such an unprecedented legal framework was necessary in order to meet the challenges posed to cultural diversity by globalization. France was of the view that during its implementation, there was a need to bear in mind the highly innovative nature of the Convention, which for the first time inscribed in international law the specificity of cultural goods and services, recognized the legitimacy of public cultural policies, and created a framework for international cooperation and solidarity fostering the inclusion of cultural development as an essential part of overall development. The current inaugural Conference bore the weighty responsibility of ensuring the Convention’s multilateral implementation by establishing the Intergovernmental Committee, for which France would stand as a candidate. France considered that cooperation, by means of the Fund, was a key element, for which financing was paramount and represented the Parties’ willingness to give life to the Convention at the international level. France undertook to make a contribution of €150,000 in 2008. It would be necessary to be creative and to design mechanisms to optimize fundraising and ensure the permanence of the Fund, which should be a modern and effective tool.

20. The delegation of **Canada** said that the country was continuing its ratification campaign by promoting the Convention, particularly in under-represented regions, in order to place it at the same level as other major international agreements. Standing for election to the Committee, Canada stated that if it were elected, its endeavours would focus on the Fund, international cooperation and the participation of civil society. The Committee should focus on international cooperation, including the Fund, which should be complementary to other funds, have a structural impact and ensure that specific results are obtained for its beneficiaries. The representative of Quebec within Canada’s delegation urged the Parties to maintain their commitment to the Convention, which embodied the goals and values of UNESCO, by sharing best practices, favouring openness to diverse cultural expressions, and fostering the international impact of artists.

21. The delegation of **Mexico** expressed its satisfaction at helping to ensure conditions enabling cultures to grow and interact freely in favour of creative individuals worldwide through their various forms of artistic and “aesthetic” expression. It recalled the central position of culture in Mexico, which in 1982 had hosted the World Conference on Cultural Policies (Mondiacult). Mexico was among the initiators of the International Network on Cultural Policy (INCP), which promoted the 2001 Universal Declaration on Cultural Diversity, and had chaired the Culture Commission at the 33rd session of the UNESCO General Conference in October 2005, which had recommended approving the Convention. It stressed Mexico’s multi-ethnic and multicultural diversity, saying that cultural diversity was a strategic feature of Mexico’s structural processes, which there was a constitutional obligation to respect. Mexico was standing for election to the Committee, with the aim of promoting the Convention’s implementation.

22. The delegation of **Ecuador** stressed the multilingual and multi-ethnic aspect of the country, hence the importance it attached to the Convention. The 2001 Universal Declaration on Cultural Diversity was the first step, which had affirmed the principles of respect for others, dialogue and cooperation as the best guarantors of respect and international security; with the current new step, States would be able to rely on standards which would act as vehicles for international policy and cooperation in favour of improved intercultural dialogue and the recognition of the equality of all cultures in order to forge closer links between culture and development. Stressing that interculturality was an essential vehicle for consolidating peace, Ecuador recalled that the Ibero-American Heads of State had included in the 2006 Inter-American Social Charter the right to development of each culture and access to universal culture, promotion of the expression of cultural diversity, and the equal dignity of all cultures as essential elements in promoting and consolidating democracy.

23. The delegation of **China** said that each country's national cultures should be respected, and that only cultural diversity would enable the world to be a richer, more beautiful and dynamic place. China fully endorsed UNESCO's endeavours, and reiterated its willingness to promote and implement the Convention.

24. The delegation of **Monaco** said that the Convention was consistent with UNESCO's overarching objectives of respecting human rights and the equality of cultures, and that it was a useful forum for better protecting and promoting the diverse forms and content of cultural expressions. It added that cooperation was particularly important for smaller States such as Monaco, but that its strong past had enabled a cultural identity to develop fully. It expressed its willingness to undertake to implement the Convention and to participate in the Fund from 2007.

25. The delegation of **Norway** said that implementing the Convention would entail international interaction, particularly with regard to the guidance that the Parties would give the Committee regarding management of the Fund with a view to successful application of the Convention and development cooperation. Stressing the Convention's impact on framing national policies, it added that the standard-setting instrument had been the core document for the development of two major policies, and stated that 2008 had been proclaimed Year of Cultural Diversity in Norway. The country also announced that a law on the responsibility of the authorities for cultural activities referring to the Convention had been drafted recently. Those achievements bore witness to the potential for policy development at the national level.

The **Chairperson** invited Norway to transmit that legislation.

26. The delegation of **Portugal**, speaking on behalf of the 38 Member States of the Latin Union, presented that international organization with observer status whose mission was to protect and promote the cultural diversity of the Latin world, which was why it had always supported the Convention and had taken numerous steps to raise the awareness of its Member States regarding the key issues represented by the instrument. Portugal said that cultural diversity was as indispensable to the survival and harmony of humanity as biodiversity was for the sustainability of life on Earth.

27. The delegation of **South Africa** said that the Convention was inseparable from respect for human dignity, a universal ethical necessity. Stressing that one should not overestimate the significance of the Convention for the developing world, the delegation added that the Convention would seek to ensure the adoption of provisions aimed at correcting the imbalances in the international trade of goods and services; it would guarantee the establishment of the Fund as a financial support mechanism for viable projects, and it would assure capacity-building for developing countries' industries and cultural sectors. The Convention would facilitate South-South, North-South and regional cooperation as well as the transfer of technology and knowledge. The delegation recalled the underlying values of the Convention: openness, sustainable development, social cohesion and justice, national

identity, international solidarity and human dignity. The Conference should function as a melting-pot for the framing of ideas and a plan of action to implement the Convention. In taking up the challenges of globalization, it was important to ensure that the intangible heritage and traditional knowledge systems, as well as cultural diversity, were recognized by the developed world as essential components of sustainable development. In September 2006, South Africa had hosted the Africa and Diaspora Conference on Cultural Diversity for Social Cohesion and Sustainable Development, the outcome of which had led to ratification of the Convention by the African States and the adoption of national measures. It expressed its willingness to be involved in the Convention's implementation and to participate in the Fund.

28. The delegation of **Andorra**, stating that it was a member of the International Organization of the Francophonie and the Organization of Ibero-American States, spoke of the seven centuries of peaceful history that Andorra had experienced, thanks to its constant respect for the diverse cultures to which it was home. Andorra recalled its involvement in drafting Article 20 of the Convention, and considered that one of its fundamental aspects was the international cooperation that was needed to deal with the threats hanging over cultures which lacked the means required for their own development. Andorra recommended that UNESCO should establish partnerships with intergovernmental organizations and civil society to provide legal and technical assistance to States. Expressing its willingness to participate in the Fund, Andorra called upon all Parties to make contributions to the Fund. UNESCO should seek resources other than those from governments with a view to bolstering the Fund, and it should also define precise criteria for financing sustainable, structure-enhancing projects. Andorra recommended drawing up lightweight questionnaires for Parties' periodic reports, and hoped that the meetings would be held in Paris.

29. The delegation of **Tunisia** welcomed the progress made and the entry into force of such an international legal framework, which made culture part of the development process and spurred Tunisia's culture and heritage sector on to new dimensions. Tunisia recalled its commitment to promoting the Convention, and mentioned the international symposium on cultural diversity that it had held on 28 and 29 April 2007. The Convention enabled national efforts for intercultural dialogue to be intensified, particularly the Ben Ali Chair and Carthage Centre for dialogue between civilizations; furthering cultural industries was an essential element of national cultural development plans. On behalf of Group V(b), Tunisia said that Jordan, Oman and Tunisia were standing as candidates to the Committee in order to ensure the Convention's application and implementation.

30. The delegation of **Bolivia** recalled the country's multicultural and multilingual nature, and welcomed the Convention's international value and relevance, as demonstrated by the speed of the 60 ratifications that had already taken place. The Convention strengthened the links between culture and sustainable development, consecrated equality between all cultures and equitable access to all cultural expressions, and reiterated respect for human rights and fundamental freedoms. Moreover, the Convention's implementation was crucial since it would put an end to the struggles and demands that had weakened the cultural initiatives of the Bolivian people. The Bolivian Government wished to promote an environment which was favourable to all for the dissemination and sharing of cultural expressions. The establishment of a constituent and participatory assembly would enable moves towards a society in which exchanges were unrestricted.

31. The delegation of **Mali** said that the Convention provided a concrete legal response to the inequality of cultural exchanges, which had economic, social and moral consequences. The Convention offered opportunities to African States, particularly as it dealt with the situations facing Africa: cultures threatened with adulteration or even extinction, particularly those of indigenous peoples, minorities, social groups or individuals who lacked the means to participate fully in producing and disseminating cultural goods and services. The Convention's advantage lay in its capacity to move beyond a macroeconomic vision of development. Mali described the African States' needs and cultural potential, and expressed the hope that the Convention would be fully operable.

Item 2 – Adoption of the agenda

Document CE/07/1.CP/CONF/209/2

32. In the afternoon of 18 June, the **Chairperson** opened debate on item 2 “Adoption of the agenda”. The Conference of Parties adopted the provisional agenda: Resolution 1.CP 2.

Item 3 – Adoption of the Rules of Procedure

Document CE/07/1.CP/CONF/209/3

33. Introducing item 3, **Ms Rivière, Assistant Director-General for Culture**, gave an introductory explanation to the six sections comprising the provisional Rules of Procedure. She stressed the distinctive features of the Convention, referring to some innovative provisions in the draft rules of procedure, including some relating to the participation of civil society representatives as observers. She also pointed out that the Convention could be ratified by States and by regional economic integration organizations. She informed the Conference that some proposals for amendments had been put forward, including some endorsed by the following Parties: Albania, Andorra, Bulgaria, Burkina Faso, Cameroon, Cyprus, Djibouti, France, Greece, Lithuania, Luxembourg, Mali, Monaco, Saint Lucia, Senegal, Slovakia, Togo and Tunisia. She mentioned that Group I had submitted an alternative proposal for Rules 14.2 and 15 of the provisional Rules of Procedure.

34. The **Chairperson** proposed that the Parties should consider the provisional Rules of Procedure one by one. The Conference of Parties adopted Rules 1, 2.1 and 2.2, 3, 5, 6, 7, 8, 9, 10, 11, 12.1, 13.1, 13.2, 13.3 and 13.4, 13.6, 13.7, 13.8, 13.9, 14.1, 16, 17, 18, 19 and 20 of the provisional Rules of Procedure.

[Rule 2 Observers]

35. Referring to Rule 2.3 of the provisional Rules of Procedure regarding intergovernmental organizations other than those referred to in Rule 2.2 and NGOs which could be invited by the Conference to participate in its work as observers, the delegation of **Saint Lucia**, supported by the delegations of **India** and **Germany** on behalf of the **European Union**, proposed to amend the text by introducing the terms “having interests and activities in the field covered by the Convention” and “upon written request to the Director-General of UNESCO”. Those amendments were adopted.

[Rule 4 new]

36. The delegation of **Saint Lucia** proposed adding a new Rule 4 relating to persons and bodies having the authority to have questions included in the agenda. That amendment was unanimously adopted.

37. The delegation of **Brazil**, supported by **Senegal**, proposed deleting the term “amendment” from Rule 12.2, which was accepted and adopted by the Conference.

38. The delegation of **Saint Lucia**, supported by **Monaco**, proposed that the term “raisonnement” in the French version could be translated as “reasonably” in the English version. That proposal was accepted by the Conference.

39. The delegation of **India**, supported by **Germany**, **Senegal** and **Saint Lucia**, sought clarification on voting by a show of hands, as mentioned in Rule 13.5.

40. The **Legal Adviser** first recalled that the term “normally” referred to Rule 17 and implied that a principle could have exceptions. He explained the three methods of voting: voting by a show of hands, considered to be “normal” voting; voting by roll call, used in case of doubt or whenever requested by at least two delegations; and voting by secret ballot,

reserved in the Rules of Procedure of the Conference of Parties for the election of the members of the Committee.

41. The Conference decided to delete the word “normally” from Rule 13.5 of the provisional Rules of Procedure, which became Rule 14.6 of the Rules of Procedure as adopted by the Conference.

[Rule 14/15 new Geographical distribution]

42. With regard to Rule 14.2 of the provisional Rules of Procedure relating to the geographical distribution of the Committee, the delegation of **Greece**, on behalf of Group I, supported by the delegation of **India** on behalf of Group IV, proposed that a minimum of three seats and a maximum of six seats could be allocated to each electoral group in order to ensure equitable geographical distribution. Greece suggested that in the event of particular difficulties, an ad hoc solution could be sought, the aim being to ensure equitable geographical distribution with a better representation of electoral groups within the Committee.

43. The delegation of **India** added that it would be paradoxical for there to be disparities in regional representation among the organs of the Convention. India explained that the proposal by Group I was an appeal to the under-represented groups whose States had set in motion the process of ratifying the Convention. Without such an amendment, some groups could find themselves in difficulties.

44. The delegation of **Brazil**, supported by **Senegal** and **Bolivia**, remarked that the solution, effective in view of the ratification of the Convention by one third of States, was likely to lead one day to over-representation of one group to the detriment of another. Brazil said that it opposed the establishment of upper or lower ceilings.

45. The delegation of **Senegal** said that a written rule rarely lent itself to much flexibility, and drew attention to the fact that it could be more difficult in the future to amend a written rule which had been adopted.

46. The delegation of **Germany** recalled that Rule 20 of the provisional Rules of Procedure provided for the possibility of amending the Conference’s Rules of Procedure, thereby raising the possibility of amending the rule in the event that it proved unsatisfactory. Germany advocated maintaining the proposal by **Greece**.

47. The delegation of **Brazil** pointed out that a two-thirds majority was necessary to be able to amend the Rules of Procedure. That was why it recommended that the stipulation of a minimum of three seats for each group be the subject of a separate decision. Brazil informed the Conference that it would accept the wishes of the majority, but considered that efforts would be required in the future.

48. The delegation of **Senegal**, while stating that it advocated deleting the maximum of six seats and not the minimum of three seats, said that it would go along with the majority. Senegal raised the possibility of finding an ad hoc solution, and proposed a formulation, which was accepted by **Greece**.

49. Having summarized the various positions and clarified the key issues of the question and its effects on the organs of the Convention, the **Chairperson** requested the Legal Adviser to elaborate on an ad hoc solution.

50. The **Legal Adviser** proposed a new draft of Rule 14.2, renumbered as Rule 15.2, which was adopted by the Conference of Parties as follows:

“Membership in the Committee, as composed of 24 States Parties, shall be distributed at each election among the electoral groups in proportion to the number of States Parties from

each group, provided that a minimum of three seats and a maximum of six seats are allotted to each of the six electoral groups. In case the above formula cannot be applied, an exceptional arrangement may be made to accommodate such special circumstances.”

[Rule 15/16 new]

51. Rule 15 of the provisional Rules of Procedure relating to the term of office of the members of the Committee proposed that the term of office of half of the States members of the Committee elected at the first election should be limited to two years. It also advocated that a member of the Committee could not be elected for more than two consecutive terms of office. That phrase was included in square brackets in document CE/07/1.CP/CONF/209/3 for consideration by the Conference. A thoroughgoing debate ensued regarding Rule 15.

52. The delegation of **Saint Lucia**, speaking on behalf of the Latin America and Caribbean Group (GRULAC) and supported by **Norway** and **Mexico**, proposed to refer in Rule 15 to the principle of rotation enshrined in the Convention by adding the expression “taking into account the principle of rotation”. Saint Lucia also advocated deleting the following phrase in square brackets: *[a member of the Committee may not be elected for more than two consecutive terms of office]*.

53. Endorsing the proposal by **Saint Lucia**, the delegation of **India** felt that its conception of the rotation principle was the most appropriate, and explained that keeping the phrase in square brackets risked encouraging consecutive mandates, rather than promoting rotation.

54. The delegation of **Germany**, speaking on behalf of the European Union, and supported by **Canada** and **Greece**, said that it was in favour of limiting the term of office of members of the Committee to two consecutive mandates.

55. Indicating that the rotation principle was essential, the delegation of **Greece** questioned the meaning of that notion, and what authority should interpret it.

56. **Canada** stressed the importance of the rotation principle, indicating that it understood the concerns of **Saint Lucia** and **India**. It expressed its fear that members of the Committee would use the possibility of having more than two terms of office in order to stay longer on the Committee. Mentioning a limit of two consecutive terms of office was a guarantee of a maximum term of office on the Committee.

57. The delegation of **Saint Lucia**, supported by **South Africa**, **Burkina Faso**, **Guatemala**, **Mali**, **Peru**, **Togo** and **Uruguay**, proposed limiting the duration to a single term of office without the possibility of immediate re-election, which it believed would be in keeping with the rotation principle.

58. The delegations of **India** and **China** said that they were in favour of the rotation principle. However, they pointed out that if the duration were limited to a single term of office, Group IV ran the risk of not being represented on the Committee, particularly since it currently comprised only two States Parties to the Convention. They advocated that the Conference provided for developing specific and dispensatory Rules for exceptional situations.

59. The delegation of **Tunisia**, drawing attention to the difficulties that could arise when applying the rule concerning the selection by lot of half of the States Members elected in the first election, recommended a limit of two consecutive terms of office.

60. The delegation of **Greece** proposed allocating a minimum of one seat on the Committee per electoral group so that Group IV could always be represented.

61. The **Chairperson** summarized the meeting by stating that the overwhelming majority of delegations wished to maintain the rotation principle and to delete the phrase in square

brackets that limited the election of a member to the Committee to two consecutive terms of office. He called for consultations, and proposed postponing the discussion until the following day. He then advised the Parties to consider Rules 16 to 22 of the provisional Rules of Procedure one by one. The Conference of Parties adopted the Rules as amended.

Room I – 19/06/2007 10 a.m.

62. On Tuesday 19 June, the **Chairperson** opened the meeting to continue debate on Rule 15.

63. The delegation of **Brazil** proposed replacing the term “renew” with the word “elect” in Rule 15 of the provisional Rules of Procedure.

64. The delegation of **Germany**, speaking on behalf of the European Union, recalled that it favoured a very precise definition of rotation, and as a consequence, a limit of two consecutive terms of office.

65. The delegation of **Saint Lucia** proposed the addition of a new paragraph in Rule 15 with regard to the term of office of members of the Committee to read: “immediate re-election is not recommended unless a regional group does not field the same number of candidates as there are seats to be filled. The States Parties belonging to an electoral group in which the number of candidates is less than the minimum number of seats provided in Rule 15.2 may request re-election”.

66. The **Chairperson** said that in view of the legal nature of the Rules of Procedure, it was important to avoid all ambiguities when drafting the Rules.

67. The delegation of **Greece** proposed the following formulation of Rule 15: “The States Members of the Committee shall be elected for a term of office of four years. Nevertheless, the term of office of half of the States Members of the Committee elected in the first election shall be limited to two years. Those States – two per group – will be chosen by lot at the time of the first election. Every two years, the Conference shall elect half of the membership of the Committee with due regard to the principle of rotation.”

68. The delegation of **India**, supported by **Guatemala**, endorsed that proposal, but recommended one State per group.

69. The delegation of **Mexico** proposed that the Conference should adopt the principle of selection by lot, per electoral group, of half of the States elected to the Committee.

70. The **Legal Adviser** explained the consequences of the various proposals. His explanation showed that it was more equitable to opt for the solution whereby selection by lot enabled half of the members by electoral group to be renewed.

71. Following detailed exchanges resulting from the question of the length of a term of office, and remarks by **Germany, Brazil, China, Greece, Guatemala, India, Mexico, Norway** and **Senegal**, the **Chairperson** requested that **Canada** coordinate the drafting of Rule 15 with GRULAC, Group I being represented by Germany and Greece, and Group V(a) represented by Senegal. The drafting group submitted a consolidated amendment, fully reflecting the principle of rotation, and established clearly defined exceptions, duly taking specific eventualities into account. The Conference adopted Rule 15, as amended, renumbered as Rule 16, and Resolution 1.CP 3.

[Accreditation of observers]

72. The **Chairperson** gave the floor to the Secretariat regarding the accreditation of observers.

73. **Ms Galia Saouma-Forero, Chief of the Section for the Diversity of Cultural Expressions** and Secretary of the Convention, informed the Conference that 62 States and territories had requested accreditation as observers. She said that six States (Bangladesh, Côte d'Ivoire, Cuba, Gabon, Jamaica and the former Yugoslav Republic of Macedonia) had already deposited their instrument of ratification, but could not be considered to be Parties since the Convention had not yet entered into force for them. She read out the names of the observers. She also read out the names of the five intergovernmental organizations and the 16 NGOs, in addition to the two independent experts participating in the Conference. The list of participants appeared in Annex 1. The **Chairperson** then requested the representatives of international organizations and NGOs to take the floor.

74. The representative of the **United Nations Conference on Trade and Development (UNCTAD)** said that it was important to reconcile national cultural diversity and international policies, and that it was essential to become the interface between cultural and commercial policies in order to reinforce cultural industries in international policies. She recalled that global processes played a significant role in cultural diversity. The 2001 Doha Round negotiations had reached an impasse, and cultural diversity and related themes were not among the subjects of the round, but were nonetheless being discussed within the framework of the General Agreement on Tariffs and Trade (GATT), such as trade in the audiovisual field. Liberalization could result in a decline in disciplines that were poorly developed, yet of importance to developing countries – progressive liberalization was the best way forward. Flexibility was crucial for exporting cultural goods and services from developing countries, which remained market players, and she advocated promoting a balance between disciplines, while maintaining room for forging development policies aimed at protecting cultural diversity. She believed that the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) had not received sufficient attention, and that the current intellectual property regime should be dealt with at the international level. She recalled that the issue of creative industries had been first raised at UNCTAD in 2004. Implementing development cooperation and preferential treatment were significant in buttressing national efforts to develop creative industries. She advocated consultations between UNCTAD, WTO, WIPO and UNESCO, and complementarity between various international agreements. Lastly, she said that UNCTAD was pleased to be associated with the process.

75. The representative of the **NGO-UNESCO Liaison Committee** spoke on behalf of the following NGOs: the **International Liaison Committee of Coalitions for Cultural Diversity (ILC)**, the **International Music Council (IMC)**, the **International Council of Museums (ICOM)**, the **International Federation of Museums (FIM)**, the **International Theatre Institute**, the **International Network for Cultural Diversity (INCD)**, **Traditions for Tomorrow** and the **European Broadcasting Union (EBU)**. She was delighted by the number of ratifications, and called for the swift implementation of the Fund, which was essential to attaining the Convention's goals, particularly for furthering cultural industries in developing countries. Recalling the importance of Article 11 of the Convention, she urged the Parties to foster participation by civil society, and invited the Member States to exercise their rights and meet their obligations by providing the necessary means to ensure cultural diversity and access to expressions thereof.

Item 4 – Date and venue of the sessions of the Conference of Parties

Document CE/07/1.CP/CONF/209/4

76. Following the accreditation of the observers, the **Chairperson** opened the debate on agenda item 4 "Date and venue of the sessions of the Conference of Parties". Referring to Article 22.2 of the Convention, he stated that the Conference of Parties should meet in ordinary session every two years.

77. The **Assistant Director-General for Culture** outlined the two options. The Conference of Parties could convene its ordinary sessions at UNESCO Headquarters as far as possible

in conjunction with the UNESCO General Conference, in accordance with Article 22.2 of the Convention (option 1). Alternatively, the Conference of Parties could prefer to convene its ordinary sessions at another time of the year, every two years, some time around the month of June (option 2).

78. The delegations of **Germany**, on behalf of the European Union, **India**, **Senegal** on behalf of the Africa group and **Togo**, spoke of their preference for option 2 in order to avoid overloading the work of the General Conference.

79. The delegation of **Mexico** queried the apparent differences between option 2 and Article 22.2 of the Convention.

80. The **Chairperson** erased doubts by pointing out that Article 22.2 specified “as far as possible”.

81. The Conference adopted Resolution 1.CP 4, according to which the Conference of Parties decided to hold its ordinary sessions every two years, around the month of June. The second ordinary session of the Conference of Parties would therefore be held in June 2009.

Item 5 – Election of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

Item 5A – Distribution among electoral groups of the seats of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

Document CE/07/1.CP/CONF/209/5A

82. Introducing the item, the **Chairperson** recalled that the Conference was required to elect an Intergovernmental Committee of 24 members, according to Article 23.4 of the Convention, given that the number of Parties had exceeded 50. The Convention had entered into force on 18 June for 57 Parties (56 States Parties and the European Community). Article 23.1 of the Convention specified that the Committee was elected for four years and that the election of the members of the Committee was based on the principles of equitable geographical distribution and rotation (Art. 23.5). He invited the representatives of the Parties to consider the list of candidates for election to the Committee (CE/07/1.CP/CONF/209/5B), and opened debate on item 5A of the agenda.

83. The **Chairperson** recalled that the Conference had adopted its Rules of Procedure, of which Rule 15.1 provided for election of Committee members on the basis of UNESCO's electoral groups, and Rule 15.2 provided for distribution among electoral groups in proportion to the number of States Parties from each group, in the understanding that a minimum of three seats and a maximum of six seats were allocated to each of the six electoral groups. Rule 15.2 also provided that an exceptional agreement might be reached in order to adapt to particular circumstances in the event that the above-mentioned formula could not be applied. He said that the Conference should also decide on the allocation of two supplementary seats to Group IV and two supplementary seats to Group V(b). He recalled that in accordance with current practice in the United Nations system, the Conference could initially seek a solution by means of formal and/or informal consultations among the States Parties in order to determine whether electoral groups would be willing to volunteer to relinquish one or more seats, two of which would be transferred to Group IV and two to Group V(b). If not, the Conference of Parties could decide to draw lots among the regional groups that had more than three seats. He also indicated that the number of States Parties in electoral Group IV was less than three, and that the third seat might need to be transferred, temporarily and until the next election, to one of the other electoral groups. He invited the States Parties, in particular those of Group IV, to voice their opinions on the matter of transferring the third seat that should be allocated to them.

84. The delegation of **Senegal**, on behalf of the Africa group, said that it agreed with the principle adopted by the Conference regarding the allocation of a minimum of three seats and a maximum of six seats to each of the six electoral groups. It stressed that if the pro rata principle were applied to the 192 States Members, a minimum of two seats would be fairer than a minimum of three seats. In order to avoid penalizing groups that had had a significant number of ratifications and to encourage ratifications in groups where the opposite was true, Senegal felt that it would be useful, as a provisional measure for the first Committee, and in the interest of balance, to opt for a lower threshold of two seats, without imposing an upper ceiling on the number of seats. The **Chairperson** requested that the delegation of Senegal submit its proposal in writing.

85. The delegation of **India**, on behalf of the Asia and the Pacific group (ASPAC), reported that it had been approached by Group I, which had proposed that Group IV, since it only contained two States for whom the Convention had entered into force, might temporarily transfer a seat to Group I, on the understanding that the Chairperson of Group I would agree in writing that after two years, a seat would return to Group IV, thereby respecting the three-seat principle adopted in the Rules of Procedure. The delegation of India said that it agreed to that proposal, and wished it to be recorded as a decision by the Conference.

86. The delegation of **Tunisia** recalled that the geographical distribution principle arose out of the Convention and that the arrangement adopted by the Conference was consistent with that principle. It mentioned that its group did not endorse the proposal by Senegal which appeared to contradict what the Conference had already adopted.

87. The delegation of **Lithuania**, speaking on behalf of Group II, reiterated its endorsement of equitable geographical distribution and the principle of a minimum of three seats and a maximum of six seats.

88. The delegation of **India**, speaking as a member of the Bureau, suggested that the Chairperson convene the Bureau in order to hold consultations. It felt that there was a consensus, and that it would be best only to consider the possibility of Group V(b) temporarily transferring a seat to Group V(a).

89. The delegation of **Tunisia** said that Group V(b) had never been consulted on the matter. It suggested that an alternative solution would be to draw lots among the regional groups with more than three seats, should consultations prove fruitless.

90. The delegation of **Greece** said that Group I had, on 15 June 2007, submitted a proposal regarding the distribution of seats to the Secretariat, in which they advocated a minimum of three and a maximum of six seats, and had circulated the proposal to the Parties to the Convention.

91. The delegation of **Gabon** remarked that Group IV had never received a copy of the proposal by Group I.

92. The Chairperson convened a meeting of the Bureau chaired by **India** in which the representatives of all the electoral groups, the Secretariat and the Legal Adviser took part. He drew attention to the complex nature of the matter and recalled the number of States per group: Group I: 19 States; Group II: 11 States; Group III: 10 States; Group IV: 2 States; Group V(a): 11 States; Group V(b): 3 States. In total, 56 States. The Chairperson recalled Rule 15 of the Rules of Procedure as adopted. He proposed that following consultations between groups that wished to hold them, the meeting would continue over lunch in order to find a suitable solution.

93. In re-opening the meeting, the **Chairperson** invited the **Assistant Director-General for Culture** to outline the results of consultations, and in turn, she gave the floor to the Rapporteur.

94. The **Rapporteur** said that the Bureau proposed to divide the 24 seats among the electoral groups, as exceptionally agreed, as follows: Group I (7); Group II (4); Group III (4); Group IV (2); Group V(a) (5); Group V(b) (2), it being understood that at the next ordinary session of the Conference of Parties, one seat would be returned by Group I to Group IV, and one seat by Group V(a) to Group V(b).

95. At the request of the **Chairperson**, the **Assistant Director-General for Culture** read out the entire draft resolution as follows:

“The Conference of Parties,

Having examined document CE/07/1.CP/CONF/209/5A,

Considering that, for the purposes of the election of the members of the Committee, the seats on the Committee are to be distributed among the electoral groups pro rata to the number of States Parties in each group in accordance with Rule 15 of the Rules of Procedure, it being understood that a minimum of three seats and a maximum of six seats will be allocated to each of the six electoral groups,

Decides that, for the purposes of the election of the members of the Committee at the present session, and given the special circumstances as provided for by Rule 15.2 of the Rules of Procedure, the 24 seats will be distributed among the electoral groups in accordance with the following exceptional arrangement: Group I (7); Group II (4); Group III (4); Group IV (2); Group V(a) (5); Group V(b) (2), it being understood that at the next ordinary session of the Conference of Parties one seat will be returned by Group I to Group IV, and one seat by group V(a) to Group V(b).”

96. The delegation of **Jordan** said that it had relinquished a seat so that **Tunisia** and **Oman** were elected unanimously to the Committee as members of Group V(b).

97. The delegation of **Greece** said that its group had made many sacrifices. It added that despite its weaknesses, the resolution remained as equitable and politically acceptable as possible.

98. The Conference adopted Resolution 1.CP 5A.

99. The **Chairperson** gave the floor to the observer States that had ratified the Convention, but for which it had not yet entered into force.

100. The delegation of **Gabon**, on behalf of the Africa group, expressed its pride at the election of the Chairperson, and congratulated the Bureau. It thanked all the groups that had endorsed the proposed African candidature. It welcomed the agreement reached between the groups. The intention of the Africa group in proposing a minimum of two and a maximum of seven seats had been an attempt to correct an imbalance in the number of ratifications. It welcomed everyone's efforts and thanked Group V(b) for agreeing to transfer a seat to Group V(a), it being understood that it would be returned in two years' time. The delegation hoped that given the importance of the Convention, many States from each regional group could ratify it in order to avoid future regional imbalances.

101. The delegation of **Jamaica** recalled the role that it played in drafting the Convention, and welcomed the possibility for developing countries to have an international instrument that strengthened cultures. It trusted that the Convention would not marginalize individuals who created culture, and that it would offer genuine opportunities. It stated its interest in

discussing the Fund. The delegation lauded the parity and equity of the Committee's geographical distribution.

Item 5B – Election of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

Document CE/07/1.CP/CONF/209/5B

102. The **Chairperson** informed the Conference of Parties that Madagascar (Group V(a)) and Jordan (Group V(b)) had withdrawn their candidatures.

103. The **Assistant Director-General for Culture** read out Rule 18.1 of the Rules of Procedure regarding the election of members of the Committee, which specified that when the number of candidates, according to geographical distribution, was the same as or less than the number of seats to be filled, the candidates would be declared elected without a need to hold a ballot. She informed the Conference that in most cases, the number of candidates was equal to the number of seats available (known as “clean slate”):

Group I: Germany, Austria, Canada, Finland, France, Greece, Luxembourg;

Group II: Albania, Croatia, Lithuania, Slovenia;

Group IV: China, India;

Group V(b): Oman, Tunisia.

104. The **Conference of Parties** decided to elect the members of Groups III and V(a). The **Chairperson** invited the representatives of Ireland, Mr Hugh Swift, and Madagascar, H.E. Ms Irène Rabenoro, who had been named tellers, to join the Chair. He then read out the names of the States Parties entitled to vote. For Group III, four seats were to be filled; the following five candidates were standing: Brazil, Guatemala, Mexico, Saint Lucia and Uruguay. For Group V(a), there were five seats to be filled; the seven candidates were: Burkina Faso, Djibouti, Mali, Mauritius, Senegal, South Africa and Togo.

105. The **Assistant Director-General for Culture** explained the voting procedure. Each envelope contained two ballot papers, one for each of the electoral groups. Votes were to be cast by circling four names for Group III and five names for Group V(a). She explained the questions of abstentions and invalid votes in accordance with Rule 18 of the Rules of Procedure.

106. The **Secretariat** distributed an envelope and two ballot papers to the 56 delegations present.

[Counting of the votes]

107. Voting took place under the careful supervision of the tellers, the representatives of Ireland and Madagascar, whom the Chairperson thanked. He then read out the election results, and stated that the following States Parties had been elected as members of the Committee:

Group I: Germany, Austria, Canada, Finland, France, Greece, Luxembourg (clean slate);

Group II: Albania, Croatia, Lithuania, Slovenia (clean slate);

Group III: Brazil, Guatemala, Mexico, Saint Lucia (elected);

Group IV: China, India (clean slate);

Group V(a): South Africa, Burkina Faso, Mali, Mauritius, Senegal (elected);

Group V(b): Oman, Tunisia (clean slate).

Fifty-six States Parties present and voting took part in the election. All of the ballot papers were valid and there were no abstentions.

108. The **Chairperson** congratulated the States Members, thanked the Conference, and stated that item 5B was closed.

Item 5C – Selection by lot of 12 States Members of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, whose term of office will be limited to two years

Document CE/07/1.CP/CONF/209/5C

109. The **Chairperson**, referring to Rule 16 of the Rules of Procedure as adopted with regard to the length of the term of office of members of the Committee, recalled that by virtue of the principle of rotation, the term of office of half the States Members of the Committee elected in the first election was limited to two years and that those States would be designated by the drawing of lots at that first election. He mentioned that in order to ensure continuity with the principle of equitable geographical distribution, the Conference had decided to choose by lot by electoral group.

110. The delegation of **India** said that at the meeting of representatives of regional groups it had chaired in the Chairperson's absence, an agreement had been reached with the assistance of the Legal Adviser, who had explained how that significant issue had been resolved with regard to the Convention for the Safeguarding of the Intangible Cultural Heritage. The delegation of India reported that the working group had concluded that when a regional group had an even number of members, it was easy to apply the principle of limiting the term of office of half of the members of the group to two years. As a consequence, the term of office would be limited to two years for:

- Group II: 2 members;
- Group III: 2 members;
- Group IV: 1 member;
- Group V(b): 1 member.

111. With regard to Groups I and V(a), which had odd numbers of States Members of the Committee, seven and five respectively, two scenarios had been put forward. The first was to consider whether Group I would agree to accept a limit of a two-year term of office for four Member States out of seven, in which case, the terms of office of two Member States from Group V(a) would be limited to two years. The second scenario was to draw lots to see whether it would be in Group I that four States would have their terms of office limited to two years or in Group V(a) that three States would have their terms of office limited to two years. **India** said that the Chairperson of Group I had said that they wished lots to be drawn. The **Chairperson** thanked **India** for the clarity of its report and proposed drawing by lots the States Members of Groups II, III, IV and V(b) where the term of office would be limited to two years.

112. After drawing lots for the Member States of Groups II, III, IV and V(b), the **Chairperson** drew lots for Groups I and V(a) to determine which of those two groups would have the terms of office of four or three of its members limited to two years. Group I was drawn. Four States from that group and two States from Group V(a) would have their term of office limited to two years. The Conference then drew lots for the four States Members of Group I and two States Members of Group V(a) whose terms of office would be limited to two years.

113. The Conference decided to draw lots for the 12 Member States of the Intergovernmental Committee whose terms of office would be limited to two years, duly taking geographical distribution into account, in accordance with Rule 16 of the Rules of Procedure. Those 12 States were:

- 4 members for Group I: Austria, Canada, Finland, France;
- 2 members for Group II: Albania, Slovenia;
- 2 members for Group III: Brazil, Guatemala;
- 1 member for Group IV: China;
- 2 members for Group V(a): Burkina Faso, Mali;
- 1 member for Group V(b): Tunisia.

The Conference adopted Resolution 1.CP 5C.

114. For reasons of transparency and in accordance with usual practice, the delegations of **Senegal** and **Saint Lucia** requested the number of votes obtained in the elections to be announced.

115. The **Chairperson** closed the meeting after reading out the following election results:

Group III: Brazil: 43 votes; Guatemala: 46 votes; Mexico: 43 votes; Saint Lucia: 54 votes; Uruguay: 33 votes.

Group V(a): Burkina Faso: 44 votes; Djibouti: 33 votes; Mali: 35 votes; Mauritius: 42 votes; Senegal: 40 votes; South Africa: 50 votes; Togo: 24 votes.

Room I – 20/06/2007 10 a.m.

Item 6 – Date and venue of the first meeting of the Intergovernmental Committee

Document CE/07/1.CP/CONF/209/6

116. The **Chairperson** opened the meeting by stressing the importance of the agenda items. He mentioned that in order for the Convention to be fully operational, some texts needed to be approved by the Conference, the most important of which were the operational guidelines to be prepared by the Committee (Art. 22.4(c) of the Convention). He recalled that it was the Parties' responsibility to request the Committee to start work on that text, and to submit to the Conference of Parties at its second ordinary session a draft for discussion and approval. He invited the Parties to give their views regarding the date and venue of the first meeting of the Committee.

117. The delegation of **Saint Lucia**, presenting its draft amendment supported by 16 States from Groups I, III and V(a) (Albania, Andorra, Bulgaria, Burkina Faso, Cameroon, Cyprus, Djibouti, France, Greece, Lithuania, Luxembourg, Mali, Senegal, Slovakia, Togo and Tunisia), proposed that the Committee's meetings be convened in Paris at UNESCO Headquarters in order to encourage participation by as many States as possible which already had delegations in Paris, particularly those of developing countries with scant resources.

118. The delegation of **Canada**, while expressing its support for the principle of limiting the number of meetings held outside Headquarters, proposed, exceptionally and owing to its inaugural character, that the first meeting of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions should be held in Ottawa, Canada, in December 2007. That proposal was endorsed by **India**.

119. The **Chairperson** noted that there were no objections from those present to the principle of holding meetings in Paris at UNESCO Headquarters.

120. The delegation of **Senegal** proposed another formulation of the rule whereby meetings of the Committee would generally be held in Paris at UNESCO Headquarters. If a State Party wished to invite the other Parties to its country, the proposal should be submitted to the Conference for approval.

121. The delegation of **Greece** proposed that extraordinary meetings might be held away from UNESCO Headquarters.

122. The delegation of **Saint Lucia**, while understanding the point of view of the delegation of **Senegal**, stressed that the question could affect the Fund's resources, and that there was a risk of receiving a significant number of invitations each year. It advocated maintaining the

principle of holding meetings at Headquarters and, in exceptional circumstances, for example the tenth anniversary, the Committee could make a decision.

123. Expressing the same opinion, the delegation of **Brazil** stated that it was the responsibility of the Committee, and not the Conference, to decide on exceptional cases, and added that the draft resolution should state that the first meeting would take place from 10 December 2007 and not on 10 December 2007.

124. The **Chairperson** concluded that in principle, the meetings of the Intergovernmental Committee would be held at UNESCO Headquarters, but the Committee could decide otherwise. The first meeting would be held in Ottawa, Canada, from 10 December 2007. The Conference adopted Resolution 1.CP 6 in paragraphs 1 to 3.

125. Continuing the discussion on paragraph 4 of the draft amendments to Resolution 1.CP 6, regarding the operational guidelines, the **Chairperson** said that priority should be given to, *inter alia*, the provisions of Articles 7, 8 and 11 to 17 of the Convention, in addition to Article 18.

126. The delegation of **Brazil** recommended that the Committee group the articles together, in view of the priorities, which, in its view, were international cooperation and project funding, in particular Articles 14, 15 and 18; the format of national reports, the inventory of best practices, and the participation of civil society, principally Articles 9 to 11; and consultation and coordination with other instruments and international forums (Art. 21).

127. The **Chairperson** said that if those articles were added, the entire Convention would be included in the list of priorities. He suggested proposing a group of priorities, with the alternative being to leave it to the Committee to decide freely. He concluded that there appeared to be a consensus among the participants in the Conference that the list was much too long.

128. The delegation of **Saint Lucia** said that the broad consultations that it had held had been aimed at providing indications of the themes that the Conference felt were a priority, without it binding the Committee, giving it the opportunity to start work immediately on the basic issues that the 17 States Parties considered to be essential.

129. The delegation of **Mexico** added that it was important to determine priorities, and recommended, for greater clarity, drawing attention to the themes indicated in the Convention by incorporating the titles of articles. It suggested including the expression “among other themes” in the resolution so that the Committee might be able to judge what it felt should be a priority.

130. The **Chairperson** stressed that implementation of the Convention was interrelated at the national and international levels. He suggested the following priorities: promotion of development cooperation, preferential treatment of developing countries, the role of civil society and the measures taken at the international level to promote cultural expressions.

131. The delegation of **Saint Lucia** said that the amendment that it submitted had been proposed on behalf of 17 States, and that it could not speak on their behalf regarding a new proposal.

132. The delegation of **Germany** said that in order to structure the Committee’s discussions, it would be desirable to indicate themes for discussions, in much the same way as the delegation of **Saint Lucia** had proposed. It felt that the suggestions that the President had just made were much too detailed. It recalled the remarks that it had made on behalf of 19 Member States of the European Union and the European Commission, in which it had recommended the following principal actions for the Committee: the obligations of the

Parties, international cooperation, and complementarity and cohesion with other instruments and international forums.

133. The delegation of **Tunisia**, recalling the clarity with which section IV of the Convention defined the rights and obligations of the Parties, felt that it was preferable to avoid going into detail, and to leave the Committee to define the priority articles.

134. The delegation of **Senegal**, supporting the amendment, said that the idea was for the Committee to receive a mandate from the Convention to determine its rules of application, and that it would be wise to indicate the priority measures, albeit without going into detail, in order to leave room for manoeuvre.

135. The delegation of **Norway**, stating that it was the responsibility of the Conference to give certain guidelines, endorsed the amendment by **Saint Lucia**, which clearly referred to the fundamental articles of the Convention, and also the idea of grouping the articles together suggested by the Chairperson.

136. The Conference requested the Committee to draw up the operational guidelines mentioned in Article 22.4(c) of the Convention, considering that priority should be given to, *inter alia*, the provisions of Articles 7, 8 and 11 to 17 of the Convention in addition to Article 18, and to submit the results of its work to it at its second ordinary session. Accordingly, it adopted Resolution 1.CP 6 in paragraph 4.

Item 7 – Functioning and administration of the International Fund for Cultural Diversity

Document CE/07/1.CP/CONF/209/7

137. Introducing item 7, the **Chairperson** recalled that Article 18 of the Convention provided for the establishment of an International Fund for Cultural Diversity, to be funded from voluntary contributions, and the use of whose resources was to be decided by the Committee on the basis of guidelines provided by the Conference. It was the responsibility of the Conference to request the Committee to produce draft guidelines and to submit them to it at its second ordinary session.

138. The delegation of **Saint Lucia** added that the amendment proposed by the same group of States as in the case of agenda item 6 had been revised following the advice of the legal service, and was aimed at making the draft resolutions and provisions of the Convention consistent.

139. The delegation of **Germany**, supporting the amendment proposed by Saint Lucia, stressed that some European Union countries had already decided to contribute seed money to the Fund. It explained that it was important for the special account mechanism to be sufficiently flexible so as to be able to receive a range of contributions for specific and general purposes, which it and the European Community favoured. In order to attract funding for cooperation activities, it was important for the criteria applicable to official development assistance (ODA) defined by the Development Assistance Committee (DAC) of the Organisation for Economic Co-operation and Development (OECD) to be considered when drafting the guidelines.

140. The delegation of **Mexico** proposed that the Conference approve the financial regulations annexed to document CE/07/1.CP/CONF/209/7, and to that end, recommended replacing “takes note of” with “approves” the financial regulations in the resolution. That amendment was adopted by the Conference.

141. The delegation of **Canada** endorsed the resolution, and added that it was important for the Fund to be established quickly, and for the Intergovernmental Committee to take up the question as a matter of priority. The Fund should be based on a set of solid guiding principles which were consonant with the spirit of the Convention. With a view to guiding the Committee

in drafting the Fund's guidelines, Canada proposed that the Committee take into account the following guiding principles: the Fund should be, as far as possible, supplementary to existing funds in the cultural sphere, meet the needs expressed by developing countries, have structuring effects, and be focused on the need to attain specific results for its beneficiaries. The Fund should promote projects with structuring effects, and contribute to sustainable progress, linked to policies, institutional infrastructure and cultural creation. Its administration should remain simple, efficient and low-cost in order to channel maximum resources to projects submitted to it, and also provide for the submission of periodic reports on results attained. Canada reiterated its commitment to contributing to the Fund as soon as it was put in place.

142. Thanking **Canada** for its most useful suggestions, the **Chairperson** confirmed that the Rapporteur and the Secretariat were taking due note of those observations, including the reference to the OECD ODA criteria. Since the delegation of **Brazil** had indicated that some Parties were not OECD members, the Conference was unable to approve the rules of that organization. The **Chairperson** stated that Committee was not bound by that reference, but, in accordance with the resolution, it needed to take into account the discussions, the substance of which the Secretariat should report to it. The Conference requested the Committee to submit to it at its second ordinary session draft guidelines on the use of the Fund's resources. It adopted Resolution 1.CP 7.

143. The delegation of **Saint Lucia** said that the country would make a symbolic contribution of €2,000, an amount much greater than 1% of its contribution to the UNESCO budget. It called upon all developing countries to participate in the Fund, if only by means of a symbolic contribution. It felt that the Fund should receive contributions from all Parties, in much the same way as with the other conventions. It welcomed and expressed thanks for the hopefully numerous proposals for funds-in-trust for cultural diversity, and urged the Parties to make as many contributions as possible to the Fund, where decisions relating to the use of resources would be taken in an atmosphere of collegiality and on a multilateral basis.

144. The delegation of **South Africa** said that it would contribute to the Fund. Mentioning the specific needs of developing countries in the cultural sphere, it recommended that the Fund should not depart from the spirit of the Convention, which was to assist developing countries, and that priority should be given to those countries by means of partnerships as instruments of regional cooperation. The Fund should contribute to cultural and institutional capacity-building, strengthen vulnerable cultural expressions and support educational and research programmes, in addition to linguistic diversity. Access to the Fund should be simplified so that all countries might benefit.

145. The delegation of **Andorra** confirmed that it would participate from 2007 in the Fund with a contribution of €10,000, which was a considerable amount with respect to its obligatory contribution. It stressed that it was extremely important for all States to participate in the Fund, and for it to be used on a multilateral basis.

146. The delegation of **France** said that it would contribute €150,000 from 2008. The Fund should supplement existing multilateral or bilateral instruments, and target the international cooperation objectives mentioned in Articles 12 to 17 of the Convention. Accordingly, it was important to dedicate the Fund to enabling actions designed to foster the emergence of a dynamic cultural industry sector in developing countries, and consequently to stress the development of infrastructure, human resources and cultural policies.

147. The delegation of **Germany** recalled that some Member States or non-Members of the European Union were going to contribute to the Fund, and that in 2008 Germany would give 1% of its contribution to the UNESCO budget, of which €50,000 would be available from 2007 if appropriate projects were submitted.

148. The delegation of **Brazil** said that its government was of the view that the establishment of the Fund was of paramount importance, and that it intended to contribute to it in 2008. The Brazilian Government was considering the establishment of innovative and specific mechanisms, which it would make known to the Parties and which might possibly help other developing countries to participate in the Fund's resources, since their desire was to have a Fund which was free of divisions between donor and developing countries. The Fund should focus its activities on endangered cultural expressions and on furthering cultural industries in the developing countries.

149. The delegation of **Monaco** announced that it would contribute regularly to the Fund from 2007. It would comply with whatever was decided in an atmosphere of collegiality and on a multilateral basis.

150. The delegation of **Spain** indicated its firm commitment to the Fund, its contribution to which would be of the order of that of other European Union countries, and would serve to continue the Spanish Government's support to the Global Alliance for Cultural Diversity, as well as the culture and development aspects that Spain had decided to include in the Millennium Development Goals.

151. The delegation of **China** said that it would contribute an amount that it would make known as quickly as possible.

152. The delegation of **Cameroon** announced that it would contribute to the Fund an amount that would be announced in 2008.

153. The delegation of **Italy** announced that it would contribute to the Fund and to the financing of specific projects which were likely to advance the Convention's objectives.

154. The delegation of **Mexico** confirmed its participation in the Fund with a view to achieving the goals pursued by all, and said that it was considering what amount it would contribute and would make it known to the Secretariat.

155. The delegation of **India** announced that its regular contribution would be equal to 1% of its contribution to the UNESCO budget.

156. The delegation of **Mali** said that the Fund was an essential part of the Convention's implementation. What was at stake for the African States was their capacity to produce their own culture and to ensure its continued existence. The difficulties that it had encountered, such as low investment capacity, lack of control over distribution mechanisms, and structural and institutional problems, should be resolved by developing cultural industries and training human resources. Mali had established a national agency to promote cultural industries, and trusted that with the support of international solidarity, it might receive a crucial contribution for the operation of that agency.

157. The delegation of **Uruguay** said that its government, in coordination with civil society, was committed to efforts to promote and protect cultural diversity. It stated that participation in the Fund was crucial to the Convention's implementation and announced its contribution.

158. The **Chairperson** requested the Parties for whom the Convention had not yet entered into force to voice their opinions.

159. The delegation of **Jamaica** said that there was a need to recognize that the Convention should meet the needs and rights of the world's peoples to poverty reduction and wealth creation for the benefit of communities in developing countries. It was necessary to ensure that the drafters of the guidelines found ways to determine the right projects to support. Jamaica would contribute to the Fund and recommended that the projects be measurable

and that it be possible to assess the results and the value added by the Fund to reducing imbalances worldwide.

Item 8 – Closure of the first session of the Conference of Parties

8A. Oral report by the Rapporteur of the first session of the Conference of Parties

160. **Ms Nina Obuljen** gave an oral report on the deliberations and decisions of the first session, which was hailed by the Conference.

8B. Closure by the Chairperson

161. The **Chairperson** said that the intense work of the Conference had borne fruit, and that the number of participants representing States that had not yet ratified the Convention bore witness to the international community's interest in the instrument. He urged States that were not yet Parties to ratify the Convention so that it could become fully universal. He congratulated all the electoral groups for the gratifying election of the Intergovernmental Committee, which had resulted from their cooperation. He recalled the challenges to be met, such as the framing by the Parties of coherent cultural policies to protect and promote the diversity of cultural expressions, and the strengthening of relations with civil society. He invited all the Parties to contribute to the Fund regularly. The Committee would need to be very clear when defining the priorities for the operational guidelines; development cooperation was paramount (Art. 14); the ultimate purpose of the Fund to be established to that end should be clearly and reasonably defined; and its programmes should focus on capacity-building, and should be rigorously identified and assessed. He stressed the insufficiency of the resources and staff of the Secretariat, in view of its weighty and ambitious mission, and the large number of meetings to be organized, not to mention the numerous activities of the programme and the expectations of the international community. The Chairperson urged the Director-General to make the programme a high priority, and to provide it with the human and budgetary resources that were indispensable for it to perform its mission.

162. The **Assistant Director-General for Culture** recalled the fundamental role of the Committee over the next two years, which would involve setting the ground rules, and stressed the importance of its representativity. She expressed her gratitude to Groups I and II, which had voluntarily reduced their representation in favour of the developing countries. However, there was still a need to strike a balance between the respective roles of the Conference and the Committee; it was particularly important for the latter to have the necessary time for its deliberations. On behalf of UNESCO, she again thanked the Canadian authorities for their generous offer of hosting the first session of the Intergovernmental Committee in Ottawa from 10 December 2007.

163. The **Chairperson** expressed his thanks to the **Assistant Director-General for Culture**, the Chief of Section, the Secretariat, the tellers and the interpreters for the efficiency and dedication with which they had performed their task, and declared the first session of the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions closed.