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Организация
Объединенных Наций по
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منظمة الأمم المتحدة
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联合国教育、
科学及文化组织

Diversity of Cultural Expressions **2.EXT.IGC**

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

**Second Extraordinary Session
Paris, UNESCO Headquarters
23-25 March 2009**

Item 5 of the Provisional Agenda: Documents to be approved by the second ordinary session of the Conference of Parties

Article 23.8 of the Convention provides that the Intergovernmental Committee shall submit its Rules of Procedure to the Conference of Parties for approval. The Conference has also requested the Committee to submit for approval, at its second ordinary session, draft guidelines for the implementation of the Convention (Resolution 1.CP 6 and Resolution 1.CP 7). This document contains in Annex I the Provisional Rules of Procedures of the Committee and in Annex II a compilation of draft guidelines to be completed at the second extraordinary session of the Committee, and to be submitted to the Conference of Parties for approval.

Decision required: paragraph 11

1. In conformity with article 23.8 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”), the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”) should submit its Rules of Procedure to the Conference of Parties for approval. During its first ordinary session in December 2007, the Committee adopted its Provisional Rules of Procedure and decided to submit it for approval to the second ordinary session of the Conference of Parties in June 2009 (Decision 1.IGC 4).

2. Article 22.4(c) of the Convention indicates that the functions of the Conference of Parties include, *inter alia*, the approval of the operational guidelines, prepared by the Intergovernmental Committee upon its request. As for the Committee, its functions include, in particular, the preparation and submission for approval by the Conference of Parties the requested operational guidelines for the implementation and application of the provisions of the Convention (Article 23.6(b) of the Convention).

3. The Conference of Parties, in its Resolutions 1.CP 6 and 1.CP 7 adopted at its first ordinary session in June 2007, requested the Committee to prepare the draft operational guidelines giving priority attention to, among others, the dispositions of Articles 7, 8 and 11 to 17 of the Convention, as well as Article 18, and to submit to it, at its second ordinary session, the result of its work for consideration and approval.

4. The Conference of Parties, at its first ordinary session requested the Committee, in accordance with article 23.6(f) of the Convention, which provides that the Committee shall perform any other tasks as may be requested by the Conference of Parties, to submit to it for approval at its second ordinary session draft guidelines on the use of the resources of the Fund (Article 18 of the Convention) by specifying its priorities and modalities (Resolution 1.CP 7).

5. During its first extraordinary session (June 2008) and its second ordinary session (December 2008), the Committee adopted the following drafts:

- Decision 1.EXT.IGC 3: Draft Operational Guidelines – Measures to promote and protect cultural expressions - (Articles 7, 8 and 17);
- Decision 1.EXT.IGC 4: Draft Operational Guidelines for partnerships (Article 15);
- Decision 1.EXT.IGC 5: Draft Operational Guidelines on the role and participation of civil society (Article 11);
- Decision 2.IGC 5: Draft Operational Guidelines on the integration of culture in sustainable development (Article 13);
- Decision 2.IGC 6: Draft Operational Guidelines on cooperation for development (Article 14);
- Decision 2.IGC 7: Draft Guidelines on the use of the resources on the International Fund for Cultural Diversity (Article 18).

6. However, it should be noted that the Draft operational guidelines concerning the promotion of cultural expressions (Article 7 of the Convention) were only provisionally adopted by the Committee (Decision 1.EXT.IGC 3).

7. In addition, during its second extraordinary session, the Committee could decide either to submit for approval the draft concerning the three articles (7, 8 and 17) at the second ordinary session of the Conference of Parties (option 1) or to submit only the draft regarding Articles 8 and 17 (option 2).

8. At its second ordinary session in Paris in December 2008, the Committee discussed the preliminary draft operational guidelines on the promotion of international cooperation (article 12 of the Convention) and decided to propose to the Conference of Parties that it not adopt operational guidelines on the promotion of international cooperation (article 12 of the Convention), as Article 12 is self-sufficient (Decision 2.IGC 4).

9. Concerning article 16 of the Convention on Preferential Treatment for Developing Countries, it is only at this second extraordinary session that the Committee will examine a preliminary draft of operational guidelines (document CE/09/2.EXT.IGC/208/4).

10. This document includes in annex I the Provisional Rules of Procedure and presents in annex II a compilation of the draft guidelines adopted by the Committee at its various sessions, which follows, as much as possible, the order of the Convention's provisions. If the Committee adopts the draft operational guidelines on Article 16 of the Convention at this second extraordinary session, they will be included in this compilation of draft guidelines which will be submitted for approval to the Conference of Parties

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

DRAFT DECISION 2.EXT.IGC 5

The Committee,

1. Having examined document CE/09/2.EXT.IGC/208/5 and its two annexes;

2 Recalling Resolutions 1.CP 6 and 1CP 7;

3 Submits to the Conference of Parties for approval, as annexed to this Decision, its Provisional Rules of Procedure and the following draft guidelines:

***[Option 1**: Draft Operational Guidelines – Measures to promote and protect cultural expressions – (Articles 7, 8 and 17);]*

***[Option 2**: Draft Operational Guidelines – Measures to protect cultural expressions (special situations) – (Articles 8 and 17);]*

- Draft Operational Guidelines on the role and participation of civil society (Article 11);

- Draft Operational Guidelines on the integration of culture in sustainable development (Article 13);

- Draft Operational Guidelines on cooperation for development (Article 14);

- Draft Operational Guidelines for partnerships (Article 15);

[*- Draft Operational Guidelines on preferential treatment for developing countries (Article 16)*]

- Draft Guidelines on the use of the resources of the International Fund for Cultural Diversity (Article 18).

4. *Decides to propose to the Conference of Parties, if it may wish, to apply, with regard to the admission of civil society representatives to its sessions, the criteria for admission of civil society representatives at the sessions of the Committee as presented in the annex to the Draft operational guidelines on the role and participation of civil society.*

ANNEX I

Provisional Rules of Procedure of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

I. Composition

Rule 1 Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (Article 23 of the Convention)

The Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as the "Committee", shall be composed of the States Parties to the Convention, hereinafter referred to as "Members", elected in accordance with Article 23 of the Convention for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as the "Convention".

II. Sessions

Rule 2 Ordinary and extraordinary sessions

2.1 The Committee shall meet annually in ordinary session.

2.2 The Committee shall meet in extraordinary session at the request of at least two thirds of its Members.

Rule 3 Convocation

3.1 Sessions of the Committee shall be convened by the Chairperson of the Committee, hereinafter referred to as "the Chairperson", in consultation with the Director-General of UNESCO, hereinafter referred to as "the Director-General".

3.2 The Director-General shall inform the Members of the Committee of the date, place and provisional agenda of each session, not less than sixty days in advance in the case of an ordinary session and, if possible, not less than thirty days in advance in the case of an extraordinary session.

3.3 The Director-General shall, at the same time, inform organizations, individuals and observers mentioned in Rules 6 and 7 of the date, place and provisional agenda of each session.

Rule 4 Date and place of the session

4.1 The Committee shall determine at each session, in consultation with the Director-General the date of the next session. The Bureau may, if necessary, modify the date, in consultation with the Director-General.

4.2 The sessions of the Committee will normally take place at UNESCO Headquarters in Paris. On an exceptional basis, the Committee may decide by a

two-thirds majority to hold a session on the territory of one of its Members in consultation with the Director-General.

III. Participants

Rule 5 Delegations

5.1 Each Member of the Committee shall designate a representative who may be assisted by alternates, advisers and experts.

5.2 Members of the Committee shall nominate as their representatives persons who are qualified in the fields covered by the Convention.

5.3 Members of the Committee shall transmit to the Secretariat in writing the names, functions and qualifications of their representatives.

Rule 6 Invitations for consultation

The Committee may invite at any time public or private organizations or individuals to participate in its meeting for consultation on specific issues (Article 23.7 of the Convention).

Rule 7 Observers

7.1 Parties to the Convention which are not Members of the Committee may attend its sessions as observers, as well as all its subsidiary bodies, and shall benefit from the rights as described in Article 20 below, subject to the provisions of Article 18.

7.2 The representatives of Member States of UNESCO not Parties to the Convention, Associate Members and permanent observer missions to UNESCO may, upon written notification, participate in the work of the Committee as observers, without the right to vote, and subject to the provisions of Rule 20.3.

7.3 Representatives of the United Nations and organizations of the United Nations system and other intergovernmental organizations, which have concluded mutual representation agreements with UNESCO, may, upon written notification, participate in the work of the Committee as observers, without the right to vote, and subject to the provisions of Rule 20.3.

7.4 Intergovernmental organizations other than those referred to in Rule 7.3 and nongovernmental organizations having interests and activities in the field covered by the Convention, could be authorized by the Committee, according to modalities to be determined by the latter, to participate in its work as observers, without the right to vote, and subject to the provisions of Rule 20.3, at several of its sessions, at a single session or at a specific meeting of a session upon written request to the Director-General.

IV. Agenda

Rule 8 Provisional Agenda

8.1 The provisional agenda of the sessions of the Committee shall be prepared by UNESCO Secretariat (Article 24.2 of the Convention).

8.2 The provisional agenda of an ordinary session of the Committee may include:

(a) Any question required by the Convention or the present Rules;

(b) Any question referred by the Conference of Parties to the Convention;

(c) Any question the inclusion of which has been decided by the Committee at a previous session;

(d) Any question proposed by Members of the Committee;

(e) Any question proposed by Parties to the Convention which are not Members of the Committee;

(f) Any question proposed by the Director-General.

8.3 The provisional agenda of an extraordinary session shall include only those questions for the consideration of which the session has been convened.

Rule 9 Adoption of the Agenda

The Committee shall adopt at the beginning of each session its agenda for that session.

Rule 10 Amendments, deletions and new items

The Committee may amend, delete or add items to the agenda so adopted if so decided by a two-thirds majority of the Members present and voting.

V. Bureau

Rule 11 Bureau

11.1 The Bureau of the Committee shall consist of the Chairperson, one or more Vice-Chairpersons and a Rapporteur, in conformity with the principle of equitable geographical representation. The Bureau shall coordinate the work of the Committee and fix the dates, times and order of business of meetings. The Chairperson will be assisted in carrying out his/her duties by the other members of the Bureau.

11.2 The Bureau shall meet during the sessions of the Committee as frequently as it deems necessary.

Rule 12 Elections

12.1 The Committee, at the end of each ordinary session, shall elect, from among those Committee Members whose term of office continues through the next ordinary session, a Chairperson, one or more Vice-Chairpersons and a Rapporteur who shall remain in office until the end of that session, and shall not be immediately re-eligible. On a transitory basis, the members of the Bureau of the first session shall be elected at the beginning of the session and their term of office shall expire at the end of the next ordinary session. The election of the Chairperson should respect the principle of geographic rotation without prejudice to the provisions of Rule 12.2.

12.2 On an exceptional basis, a session held outside of UNESCO Headquarters may elect its own Bureau.

12.3 In electing the Bureau, the Committee shall have due regard to the need to ensure equitable geographical representation and, as much as possible, a balance among the fields covered by the Convention.

Rule 13 Duties of the Chairperson

13.1 In addition to exercising the powers conferred upon him/her elsewhere by these Rules, the Chairperson shall open and close each plenary meeting of the Committee. He/she shall direct the discussions, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. He/she shall rule on points of order and, subject to these Rules, shall see to the smooth conduct of the proceedings and the maintenance of order. He/she shall not vote, but he/she may instruct another member of his/her delegation to vote on his/her behalf. He/she shall exercise all other duties entrusted to him/her by the Committee.

13.2 A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

13.3 The Chairperson or Vice-Chairperson(s) of a subsidiary body of the Committee shall have the same powers and duties in regard to the bodies over which they are called upon to preside, as the Chairperson or the Vice-Chairperson(s) of the Committee.

Rule 14 Replacement of Chairperson

14.1 If the Chairperson is unable to act at any session of the Committee or Bureau, or part thereof, his/her functions shall be exercised by a Vice-Chairperson.

14.2 If the Chairperson ceases to represent a Member of the Committee or is for any reason unable to complete his/her term of office, he/she shall be replaced by a Vice- Chairperson, after consultation within the Committee, for the remainder of the term of office.

14.3 The Chairperson shall abstain from exercising his/her functions for all issues that concern the State Party of which he/she is a national.

Rule 15 Replacement of the Rapporteur

15.1 If the Rapporteur is unable to act at any session of the Committee or Bureau, or part thereof, his/her functions shall be exercised by a Vice-Chairperson.

15.2 if the Rapporteur ceases to represent a Member of the Committee or if for any reason he/she is unable to complete his/her term of office, he/she shall be replaced by a Vice-Chairperson, after consultation within the Committee, for the remainder of the term of office.

VI. Conduct of business

Rule 16 Quorum

16.1 At plenary meetings, a quorum shall consist of a majority of the Members of the Committee.

16.2 At meetings of subsidiary bodies, a quorum shall consist of a majority of the States which are members of the bodies concerned.

16.3 Neither the Committee nor its subsidiary bodies shall decide on any matter unless a quorum is present.

Rule 17 Public nature of meetings

Meetings shall be held in public unless decided otherwise by the Committee.

Rule 18 Private meetings

18.1 If, in exceptional circumstances, the Committee decides to hold a private meeting, it shall determine the persons who shall be present, in addition to the representatives of the Members of the Committee.

18.2 Any decision taken by the Committee at a private meeting shall be presented in written form at a subsequent public meeting.

18.3 At each private meeting, the Committee shall decide whether the summary records and working documents of that meeting shall be published. Documents resulting from private meetings shall be made public after a period of twenty years.

Rule 19 Subsidiary bodies

19.1 The Committee may establish such subsidiary bodies as it deems necessary for the conduct of its work.

19.2 It shall define the composition and the terms of reference (including mandate and duration of office) of such subsidiary bodies at the time of their establishment. These bodies are composed of Members of the Committee.

19.3 Each subsidiary body shall elect its Chairperson and, if necessary, its Vice-President(s) and its Rapporteur.

19.4 In appointing members of subsidiary bodies, due regard shall be given to the need to ensure an equitable representation of the different regions of the world.

Rule 20 Order and time-limit of speeches

20.1 The Chairperson may give the floor to speakers, Members of the Committee, in the order in which they signify their wish to speak. Observers may speak at the end of the debate in the following order: representatives of Parties to the Convention, representatives of Member States not Parties to the Convention, other observers. At the request of a Member of the Committee, which is a Member of a regional economic integration organization Party to the Convention, the Chairperson may give the floor to a representative of that organization to speak on issues on which the organization has declared its competence under Article 27 (3) (c) of the Convention.

20.2 The Chairperson may limit the time allowed to each speaker if circumstances make this desirable.

20.3 Organizations, individuals and observers referred to in Rules 6 and 7 may address the meeting with the prior consent of the Chairperson.

Rule 21 Text of proposals

At the request of any Member of the Committee, supported by two other Members, discussion of any substantive motion, resolution or amendment shall be suspended until the text is circulated in the two working languages to all Committee Members present.

Rule 22 Division of proposals

Part of a proposal shall be voted on separately if so requested by a Member of the Committee. Those parts of a proposal which have been approved in separate vote shall then be put to a vote as a whole. If all the parts, constituting the proposal, have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 23 Voting on amendments

23.1 When an amendment to a proposal is moved, the amendment shall be voted on first. When two or more amendments to a proposal are moved, the Committee shall first vote on the amendment deemed by the Chairperson to be furthest removed in substance from the original proposal, and then on the amendment next furthest removed therefrom and so on, until all the amendments have been put to a vote.

23.2 If one or more amendments are adopted, the amended proposal shall then be voted upon as a whole.

23.3 A motion is considered an amendment to a proposal if it adds to, deletes from or revises part of that proposal.

Rule 24 Voting on proposals

If two or more proposals relate to the same question, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been submitted. The Committee may, after each vote on a proposal, decide whether to vote on the next proposal.

Rule 25 Withdrawal of proposals

A proposal may be withdrawn by its proposer at any time before voting on it has begun, provided that the proposal has not been amended. A proposal withdrawn may be reintroduced by another Member of the Committee.

Rule 26 Points of order

26.1 During a discussion, a Member of the Committee may raise a point of order which shall be immediately ruled on by the Chairperson.

26.2 An appeal may be made against the ruling of the Chairperson. Such appeal shall be put to the vote immediately and the Chairperson's ruling shall stand unless overruled by a majority of the Members present and voting.

Rule 27 Procedural motions

During a discussion, a Member of the Committee may propose a procedural motion: suspension or adjournment of the meeting, adjournment of the debate or closure of the debate.

Rule 28 Suspension or adjournment of the meeting

During the discussion of any matter, a Member of the Committee may move the suspension or adjournment of the meeting. Any such motion shall be put to the vote immediately and without discussion.

Rule 29 Adjournment of the debate

During the discussion of any matter, a Member of the Committee may move the adjournment of the debate on the item under discussion. On moving the adjournment the Member shall indicate whether he moves the adjournment sine die or to a particular time which he/she shall specify. In addition to the proposer of the motion, one speaker may speak in favour of, and one against, the motion.

Rule 30 Closure of the debate

A Member of the Committee may at any time move the closure of the debate, whether or not any other speaker has signified his wish to take part in the discussion. If application is made for permission to speak against the closure, it may be accorded to not more than two speakers. The Chairperson shall then put

the motion for closure to the vote and, if the Committee is in favour of the motion, the Chairperson shall declare the closure of the debate.

Rule 31 Order of procedural motions

Subject to the provisions of Rule 26, such motions shall have precedence, in the following order, over all other proposals or motions before the meeting:

(a) Suspension of the meeting;

(b) Adjournment of the meeting;

(c) Adjournment of the debate on the question under discussion;

(d) Closure of the debate on the question under discussion.

Rule 32 Decisions

32.1 The Committee shall adopt such decisions and recommendations as it may deem appropriate.

32.2 The text of each decision shall be adopted at the end of the discussion of the agenda item.

VII. Voting

Rule 33 Voting rights

Each Member of the Committee shall have one vote in the Committee.

Rule 34 Conduct during voting

After the Chairperson has announced the beginning of voting, no one shall interrupt the voting except a Member of the Committee on a point of order in connection with the actual conduct of the voting.

Rule 35 Simple majority

Except where otherwise specified in these Rules, all decisions of the Committee shall be taken by a simple majority of the Members present and voting.

Rule 36 Counting of votes

For the purposes of these Rules, the expression “Members present and voting” shall mean Members casting an affirmative or negative vote. Members abstaining from voting shall be regarded as having not voted.

Rule 37 Method of voting

37.1 Voting shall be by a show of hands unless a secret ballot is requested by one Member of the Committee and seconded by two others.

37.2 If there is any doubt concerning the result of a vote by show of hands, the Chairperson may take a second vote by a roll call.

37.3 A vote by roll call shall also be taken if it is requested by not less than two Members of the Committee before the voting begins.

Rule 38 Conduct of voting by secret ballot

38.1 Before the vote begin, the Chairperson shall appoint two tellers to scrutinize the votes cast.

38.2 When the counting of the votes is completed and the tellers have reported to the Chairperson, he/she shall announce the results of the ballot bearing in mind that the voting will be recorded as follows:

From the total number of the Members of the Committee will be deducted:
(a) the number of Members absent, if any;
(b) the number of blank ballot papers, if any;
(c) the number of invalid ballot papers, if any.

The remaining number will constitute the number of votes recorded.

VIII. Secretariat of the Committee

Rule 39 The Secretariat

39.1 The Committee shall be assisted by the UNESCO Secretariat (Article 24 of the Convention).

39.2 The Director-General or his/her representative shall participate in the work of the Committee and of its subsidiary bodies, without the right to vote. He/she may at any time make either oral or written statements on any question under consideration.

39.3 The Director-General shall appoint an official of the Secretariat of UNESCO to act as Secretary to the Committee, and other officials who shall together constitute the Secretariat of the Committee.

39.4 The Secretariat shall receive, translate and distribute all official documents of the Committee and shall arrange for the interpretation of the discussions.

39.5 The Secretariat shall perform all other duties necessary for the proper conduct of the work of the Committee.

IX. Working languages and reports

Rule 40 Working languages

40.1 The working languages of the Committee shall be English and French. Every effort shall be made, including through extra-budgetary funding, to facilitate the use of the other official languages of the United Nations as working languages.

40.2 Statements made at a meeting of the Committee in one of the working languages shall be interpreted into the other language.

40.3 Speakers may, however, speak in any other language, provided they make their own arrangements for interpretation of their statements into one of the working languages.

40.4 The documents of the Committee shall be issued simultaneously in English and French.

Rule 41 Deadline for distribution of documents

The documents relating to the items on the provisional agenda of each session of the Committee shall be made available in the two working languages in electronic format and distributed as hard copies to the Members of the Committee at the latest four weeks before the beginning of the session. They shall be provided to organizations, individuals and observers under Rules 6 and 7 in electronic format.

Rule 42 Reports of the sessions

At the end of each session, the Committee shall adopt the list of decisions that shall be published simultaneously in the two working languages in the month that follows the closure of the session.

Rule 43 Summary record

The Secretariat shall prepare a detailed draft summary record of the Committee's meetings in the two working languages for approval at the opening of the next session. This draft summary record shall be published electronically simultaneously in the two working languages, at the latest three months after the closure of the session.

Rule 44 Communication of documentation

The list of decisions and the final summary record of the debates in public meetings shall be transmitted by the Director-General to the Members of the Committee and to the organizations, individuals and observers under Rules 6 and 7.

Rule 45 Reports to the Conference of Parties

45.1 The Committee shall submit a report on its activities and decisions to the Conference of Parties.

45.2 The Committee may authorize its Chairperson to submit these reports on its behalf.

45.3 Copies of the reports shall be sent to all Parties to the Convention.

X. Adoption, amendment and suspension of the Rules of Procedure

Rule 46 Adoption

The Committee shall adopt its Rules of Procedure by a decision taken in plenary meeting by a majority of the Members present and voting.

Rule 47 Amendment

The Committee may amend the Rules of Procedure, except when they reproduce provisions of the Convention, by a decision taken in plenary meeting by a two-thirds majority of the Members present and voting, provided the proposed amendment has been included in the agenda of the session in accordance with Rules 8 and 9.

Rule 48 Suspension

The Committee may suspend the application of any Rule of Procedure, except when it reproduces provisions of the Convention, by a decision taken in plenary meeting by a two-thirds majority of the Members present and voting.

ANNEX II

Compilation des projets de directives opérationnelles et d'orientations adoptés par le Comité intergouvernemental

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ARTICLES 7, 8 and 17 of the Convention*

Draft Operational Guidelines

Measures to Promote and Protect Cultural Expressions

Chapter xxx: Measures to promote cultural expressions

Article 7

1. *Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:*
   (a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;
   (b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. *Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.*

Principles

1. Cultural policies and measures developed by Parties to promote the diversity of cultural expressions should:

   1.1 Be part of an integrated approach at the appropriate level and in accordance with the constitutional frameworks;

   1.2 Be based upon the guiding principles as set forth in Article 2 of the Convention;

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* Provided that option 1 in paragraph 11 of this document is retained.

1.3 Foster the full participation and engagement of all members of society contributing to the diversity of cultural expressions, particularly persons belonging to minorities, indigenous peoples and women;

1.4 Take into account the provisions of other international legal instruments in the field of culture which are applicable thereto;

1.5 Foster the emergence of a dynamic cultural sector, taking into account all aspects of the cultural activities, goods and services in their diverse modes of creation, production, dissemination, distribution and access, whatever the means and technologies used.

1.6 Aim, more specifically to:

1.6.1 At the stage of **creation**, support artists and creators in their efforts to create cultural activities, goods and services;

1.6.2 At the stage of **production**, support the development of cultural activities, goods and services by promoting access to production mechanisms and encouraging the development of cultural enterprises;

1.6.3 At the stage of **distribution/dissemination**, promote the opportunity of access in the distribution of cultural activities, goods and services through public, private or institutional channels at the national, regional and international level; and

1.6.4 At the stage of **access**, provide information about available domestic or foreign cultural activities, goods and services by making the appropriate incentives available, and develop the capacity for the public to avail itself of such access.

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

In accordance with the sovereign right of States to formulate and implement cultural policies and adopt measures (Article 5.1 of the Convention), the Parties are encouraged to develop and implement policy instruments and training activities in the field of culture. Such instruments and activities should aim at supporting the creation, production, distribution, dissemination and access to cultural activities, goods and services with the participation of all stakeholders, notably civil society as defined in the Operational Guidelines.

2. These instruments could be related to the following fields:

2.1 Legislative: e.g. establishment of structuring legislation in the cultural field (for example, legislation on broadcasting, copyright, status of the artist, etc.);

2.2 Creation/production/distribution: e.g. creation of cultural organizations mandated to create, produce, present or render access to domestic cultural content;

2.3 Financial support: e.g. development of financial support programmes including tax incentives that provide assistance for the creation, production, distribution and dissemination of domestic cultural activities, goods and services;

2.4 Advocacy and promotion: e.g. participation in exchanges on various international legal instruments to advocate and promote the rights of Parties;

2.5 Export and import strategies: e.g. develop both export-driven (promoting cultural expressions abroad) and import-driven strategies (enabling the distribution of diverse cultural expressions in their respective markets);

2.6 Access strategies: e.g. encourage programmes for economically disadvantaged groups and incentives so as to facilitate their access to cultural goods and services.

3. Bearing in mind the technological changes underway in the field of culture and which have the potential to bring considerable change in matters related to the creation, production, distribution and dissemination of cultural content, Parties are encouraged to promote the following types of intervention:

3.1 Place specific emphasis on measures and polices aimed at promoting the diversity of cultural expressions that are best adapted to the new technological environment; and

3.2 Foster the transfer of information and expertise to help cultural professionals and the cultural industries, with particular regard for youth, to acquire the knowledge and skills required to benefit fully from the perspectives offered by these new technologies.

4. Policy measures and instruments should, wherever possible, be based on existing structures and networks, including grass root communities. These structures should be examined to see how they could be further developed into strategic platforms. At the same time, the development of cultural policies and the establishment of creative industries at the national level could be reinforced through, *inter alia*, regional approaches, wherever possible.

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

Chapter xxx: Measures to protect[1] cultural expressions - special situations

Article 8:

1. Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of special situations where cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.

2. Parties may take all appropriate measures to protect and preserve cultural expressions in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.

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

3. Parties shall report to the Intergovernmental Committee referred to in Article 23 all measures taken to meet the exigencies of the situation, and the Committee may make appropriate recommendations.

Article 17:

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

Special situations

1. The nature of threats to cultural expressions can be *inter alia* cultural, physical or economic.

2. Parties may take all appropriate measures to protect and preserve cultural expressions within their territories in special situations in conformity with Article 8 of the present Convention.

Measures to protect and preserve cultural expressions

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

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

Reporting to the Committee

5. Whenever a Party reports to the Intergovernmental Committee under Article 8.3, it should be able to:

   5.1 Determine that the situation cannot be subject to action under other UNESCO Conventions;

   5.2 Identify the risk or threat to the cultural expression or the urgent safeguarding needed, involving experts, civil society, and including grass root communities as appropriate;

   5.3 Demonstrate the source of the threat *inter alia* with factual data;

   5.4 Determine the vulnerability and importance of the cultural expression at risk;

   5.5 Determine the nature of the consequences of the risk or threat to the cultural expression, and demonstrate the nature of the cultural consequences;

5.6 Explain the measures taken or proposed to remedy the special situation, including short-term and emergency measures, or long-term strategies;

5.7 If necessary, appeal for international cooperation and assistance.

6. Where a Party has identified a special situation under Article 8 (1) and taken measures under Article 8 (2), the concerned Party will report to the Committee regarding the measures taken. The report should contain the information listed at paragraph 5 of this chapter.

7. The report should be provided to the Committee at least three months before the opening of an ordinary session of the Committee in order to allow for the dissemination of information and consideration of the issue.

Role of the Intergovernmental Committee

8. The Committee will include reports on special situations under Article 8 on the agenda of its ordinary sessions. It will examine the reports and the elements attached thereto.

9. Where a Party has determined a special situation on its territory and brought it to the attention of the Committee, the latter may make recommendations and propose remedial measures to be implemented by the Party concerned, if deemed necessary, in compliance with Article 8 (3) and Article 23 (6) (d).

10. Where a special situation under Article 8 (1) has been determined by a Party, the Committee may also recommend the following appropriate measures:

10.1 Foster the dissemination of information on best practices of Parties in similar situations;

10.2 Inform the Parties of the situation and invite them to take action in order to provide assistance within the framework of Article 17;

10.3 Suggest to the Party concerned that it seek assistance, if needed, from the International Fund for Cultural Diversity. This request should be accompanied by the information and data described in paragraph 5 of this chapter and all other information deemed necessary.

Periodical Report

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

International cooperation

12. In accordance with Article 17, the Parties shall cooperate in providing assistance to each other, paying particular attention to developing countries, in situations referred to under Article 8.

13. Cooperation may take various forms: bilateral, regional or multilateral. In this context, Parties may seek assistance from other Parties in accordance with Article 17, and that assistance may be *inter alia* technical or financial.

14. In addition to the individual action by the Parties concerned to remedy a special situation, coordinated actions by the Parties should be encouraged.

ARTICLE 11 of the Convention

Draft Operational Guidelines

Role and Participation of Civil Society

Chapter xxx: Role and participation of civil society

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

2. Article 11 – Participation of civil society

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

Definition and roles of civil society

3. For the purposes of this Convention, civil society means non-governmental organizations, non-profit organizations, professionals in the culture sector and associated sectors, groups that support the work of artists and cultural communities.

4. Civil society plays an essential role in the implementation of the Convention: it brings citizens', associations' and enterprises' concerns to public authorities, monitors policies and programmes implementation, plays a watchdog role, serves as-value-guardian and innovator, as well as contributes to the achievement of greater transparency and accountability in governance.

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

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

6. The potential of civil society to act as an innovator and change-agent in the implementation of the Convention should be fully utilised. Parties should encourage civil society to bring new ideas and approaches to the formulation of cultural policies, as well as to the development of innovative cultural processes, practices or programmes that help achieve the objectives of the Convention.

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

   - support to Parties, as appropriate, in the elaboration and implementation of cultural policies;

- capacity-building in specific domains linked to the implementation of the Convention and carrying out data collection in the field of the protection and promotion of the diversity of cultural expressions;
- promotion of specific cultural expressions by giving voice to groups such as women, persons belonging to minorities, and indigenous peoples, so as to ensure that all stakeholders' special circumstances and needs are taken into account when formulating cultural policies;
- advocating the widespread ratification of the Convention and its implementation by governments, as well as in assisting Parties to promote the objectives and principles of the Convention in other international forums;
- input in the establishment of periodical reports of Parties, within their field of competence. This input would give more responsibility to civil society and would encourage transparency in the elaboration of the reports;
- cooperation for development at local, national and international levels, by initiating, creating or being associated to innovative partnerships with the public and private sectors as well as with civil society of other regions of the world (Article 15 of the Convention).

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

7. Civil society is encouraged to contribute to the work of the organs of the Convention according to the modalities to be defined by these organs.

8. The Committee may consult at any time public or private organizations and individuals on specific issues in accordance with Article 23 (7) of the Convention. In such cases, the Committee may invite them to attend a specific meeting of the Committee, regardless of whether the organization or group has been accredited to participate in the sessions of the Committee.

9. Civil society organizations authorised to participate as observers in the Conference of Parties and the Intergovernmental Committee, according to the Rules of Procedure of the respective body, may:
   - maintain the dialogue with Parties in an interactive manner with regard to their positive contribution to the implementation of the Convention, preferably, as appropriate, before the sessions of the organs;
   - participate in the meetings of these bodies;
   - be given the floor by the Chairperson of the respective body;
   - submit written contributions relevant to the work of the respective bodies when authorized by the Chairperson, to be circulated to all delegations and observers by the Secretariat to the Convention as information documents.

Participation of civil society in the International Fund for Cultural Diversity

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

ANNEX

Draft set of criteria for admission of civil society representatives at the meetings of the organs of the Convention

1. Civil society organizations or groups could be admitted to attend the sessions of the organs of the Convention, according to the procedure established by the Rules of Procedure of each organ, if they comply with the following criteria:

    a. have interests and activities in one or more fields covered by the Convention;

    b. have a legal status in compliance with the established rules of the jurisdiction in the country of registration;

    c. are representative of their respective field of activity, or of the respective social or professional groups they represent.

2. The request for admission shall be signed by the official representative of the organization or group[2] and will be accompanied by:

    a. a copy of its statutes or bylaws;

    b. a list of members or, in the case of non-membership entities (e.g. foundations), a list of board members;

    c. a brief description of their recent activities, which also illustrates their representativeness in the fields covered by the Convention.

[2] This does not apply to NGOs maintaining official relations with UNESCO.

ARTICLE 13 of the Convention

Draft operational guidelines

Integration of Culture in Sustainable Development

General considerations

1. Sustainable development is 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs' (Report of the World Commission on Environment and Development, 1987).

2. The economic, cultural, social and environmental aspects of sustainable development are complementary.

3. Protection, promotion and maintenance of cultural diversity are essential requirements for sustainable development for the benefit of present and future generations (Article 2.6 of the Convention), since they contribute to social and cultural fulfilment, individual and collective well-being, and to the maintenance of creativity and vitality of cultures and institutions.

4. The diversity of cultural expressions must be taken into account in the development process because it contributes to the strengthening of identity and social cohesion and to the building of inclusive societies that uphold the equal dignity of and respect for all cultures.

5. Culture should be integrated into national policies and plans and into international cooperation strategies in order to achieve human development goals[3] and notably poverty reduction.

6. The integration of culture into development policies at all levels (local, national, regional and international) makes it possible to:

   6.1 contribute to the protection and promotion of the diversity of cultural expressions;

   6.2 foster universal access, participation in and enjoyment of creation and production of cultural expressions, especially for disadvantaged groups;

   6.3 realize the full potential and contribution of cultural industries to sustainable development, economic growth and the promotion of decent quality of life through the creation, production, distribution and dissemination of cultural expressions;

   6.4 maintain social cohesion, fight violence through cultural activities that promote human rights and the culture of peace and reinforce the sense of social integration of youth;

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[3] 'Human development is a process of enlarging people's choices.', *Human Development Report*, UNDP, 1990, p.10

6.5 reinforce and improve development policies, inter alia, in the sectors of education, tourism, public health, security and urban planning.

Guidelines

7. Sustainable development is the result of a collection of policies and measures suited to national and local contexts that maintain the harmony of the local cultural ecosystem. For the sake of ownership and harmonization of development policies, when developing such policies, Parties shall endeavour to take into account the following elements.

7.1 Since economic, environmental, social and cultural systems are interdependent and cannot be considered separately, sustainable development policies and measures should be formulated, adopted and implemented in concert with all the relevant public authorities in all sectors and at all levels. Thus effective coordination mechanisms should be established, particularly at the national level.

7.2 Raising awareness among decision makers and their partners of the importance of the cultural dimension of development policies and sensitizing development policy managers from other sectors to cultural issues are essential for achieving the objectives of Article 13.

7.3 The integration of culture into sustainable development policies entails acknowledgment, in particular, of:

7.3.1 the fundamental role of education for sustainable development and the inclusion of culture in the different aspects of educational delivery to foster an understanding and appreciation of diversity and its expressions;

7.3.2 recognition of the needs of women, of the various social groups mentioned in Article 7 of the Convention, and of disadvantaged geographical areas;

7.3.3 the use of new technologies and the expansion of networked communication systems.

Measures related to the integration of the diversity of cultural expressions into sustainable development

8. In order to integrate and foster aspects related to the protection and promotion of the diversity of cultural expressions as elements of their sustainable development policies, Parties are encouraged to:

8.1 provide the necessary conditions for creative abilities to flourish by taking into account the needs of all concerned artists, professionals and practitioners in the cultural sector with special attention to the needs of women, social groups and individuals in disadvantaged geographical areas;

8.2 foster the development of viable cultural industries and in particular of micro, small, and medium enterprises working at the local level;

8.3 encourage long-term investment in the infrastructure, institutions and establishment of legal frameworks necessary for the viability of cultural industries;

8.4 raise awareness among public authorities and their partners, local stakeholders and the various components of society, of the challenges posed by sustainable development and the importance of taking into account its cultural dimension;

8.5 build sustainable technical, budgetary and human capacities in cultural organizations at the local level by, inter alia, facilitating their access to financing;

8.6 facilitate sustained, equitable and universal access to the creation and production of cultural goods, activities and services, particularly for women, youth and vulnerable groups;

8.7 consult and include public authorities responsible for issues related to the diversity of cultural expressions, as well as civil society and representatives of the cultural sector involved in the creation, production, distribution and dissemination of cultural activities, goods and services;

8.8 invite civil society to participate in the identification, elaboration and implementation of development policies and measures related to the cultural sector.

9. In order to better evaluate the role of culture in sustainable development, Parties are encouraged to facilitate the elaboration of statistical indicators, the exchange of information and the dissemination and sharing of best practices.

ARTICLE 14 of the Convention

Draft operational guidelines

Cooperation for Development

Cooperation for development: scope and objectives

1. Article 14 sets out a non-exhaustive list of means and measures intended to foster the emergence of a dynamic cultural sector, to respond to the specific needs of developing countries with regard to the diversity of cultural expressions and to strengthen the link between culture and development:

    - measures aimed at strengthening of the cultural industries;
    - capacity-building programmes;
    - technology transfer;
    - financial support.

2. Given the links between articles 14 and 16 (Preferential treatment for developing countries) as well as 18 (International Fund for Cultural Diversity), Parties should apply coherently and consistently the operational guidelines of these three articles.

3. Within the framework of their cooperation activities with developing countries, Parties are also encouraged to develop partnerships as stated in Article 15 of the Convention and with the provisions of Article 16 on preferential treatment.

4. Parties recognize the importance of the International Fund for Cultural Diversity (Article 18) as a multilateral tool for promoting and developing the diversity of cultural expressions in developing countries, underlining however, that the Fund shall not act as a substitute for means and measures used bilaterally or regionally to provide support to these countries.

Orientations and measures

5. Developing countries will endeavour to identify their priorities, specific needs and interests with regard to the protection and promotion of the diversity of cultural expressions and to produce an operational action plan in order to optimize international cooperation.

6. Cooperation for development between Parties and concerned partners may take, *inter alia*, but not limited to, the forms listed in Article 14 and should foster, in developing countries, an environment conducive to access to and creation, production, distribution/dissemination of cultural activities, goods and services. Paragraphs 6.1 to 6.5 present a non-exhaustive list of measures that could be taken to this end.

    In the following domains the measures could in particular consist of:

    6.1 Strengthening of the cultural industries in developing countries

    6.1.1 setting-up and enhancing support mechanisms, including institutional, regulatory, legal and financial incentives for the production, creation, and

distribution/dissemination of cultural activities, goods and services at the local, national and regional levels;

6.1.2 supporting the elaboration of export-oriented strategies for cultural activities, goods and services, while strengthening local enterprises and maximizing benefits for the artists, professionals and cultural practitioners in the cultural sector;

6.1.3 assist in increasing exchanges of cultural activities, goods and services between developed countries and developing countries and amongst the latter, and increase support to distribution networks and systems at the local, national, regional and international levels;

6.1.4 fostering viable local and regional markets for cultural activities, goods and services, in particular through regulatory action and cultural cooperation programmes and activities, as well as through social inclusion and poverty reduction policies that take into consideration the cultural dimension;

6.1.5 facilitating the mobility of artists and other cultural professionals and practitioners from developing countries and their entry into the territory of developed and developing countries through, inter alia, consideration of flexible short-term visa regimes in both developed and developing countries to facilitate such exchanges;

6.1.6 fostering the conclusion of co-production and co-distribution agreements between developed and developing countries and amongst the latter, as well as market access for co-productions.

6.2 Capacity-building through exchange of information and training

6.2.1 fostering contacts between all concerned artists, professionals and practitioners in the cultural sector and public administrators working in the different fields of the cultural sector of developed and developing countries through networks, cultural exchanges and capacity-building programmes;

6.2.2 supporting the exchange of information on existing and new business models and existing and new forms of promotion and distribution mechanisms on evolving information and communication technologies;

6.2.3 enhancing the entrepreneurial and business competences of professionals working in the cultural industries through management, marketing and financial skills development.

6.3 Technology transfer in the areas of cultural industries and enterprises

6.3.1 regular assessments of evolving technological needs in terms of both physical resources and skills development with the intention of progressively addressing these, notably through international cooperation, in addition to supplying fair and favourable conditions for technology transfer to developing countries;

6.3.2 facilitate access to new information and communication technologies with regards to production and distribution/dissemination and encourage their use;

6.3.3 support dialogue and regular exchanges between information and communication technology experts and governmental and non-governmental actors of the cultural sector;

6.3.4 take appropriate measures to facilitate joint development of technology for the benefit of developing countries.

6.4 Financial support

6.4.1 integrating the cultural sector within framework plans for official development assistance;

6.4.2 facilitating and supporting the access of micro, small- and medium-sized enterprises, cultural industries, artists, professionals, practitioners of the cultural sector, to sources of public and private funding through appropriate measures, such as subsidies, low-interest loans, guarantee funds, microcredit, technical assistance, tax benefits etc;

6.4.3 encouraging Parties to put in place measures, in particular, fiscal incentives to increase the contribution of the private sector to the development of technological innovations and the culture sector.

The role of the Secretariat

Given the role of UNESCO with regard to cooperation for development, Parties shall encourage the Secretariat to support and sustain the implementation and follow-up of the provisions of Article 14. This support will notably consist in collecting information on best practices regarding cooperation for development to the benefit of the Parties.

ARTICLE 15 of the Convention

Draft Operational Guidelines for Partnerships

Chapter xxx: Modalities for Partnerships

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

2. Article 15 – Collaborative arrangements

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

Definition and features of partnerships

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

4. The major principles underpinning successful partnerships include equity, transparency, mutual benefit, responsibility and complementarity.

The objectives and scope of partnerships

5. Partnerships aim at, but are not limited to, value-added activities seeking to accomplish the following objectives:

   5.1 Capacity-building of professionals and of public sector officials in the culture - and associated sectors;

   5.2 Institution building for cultural practitioners and professionals and associated sectors;

   5.3 Cultural policy elaboration and advocacy;

   5.4 Fostering and mainstreaming protection and promotion of diversity of cultural expressions;

   5.5 Protection of cultural goods and services and cultural expressions deemed at risk in accordance with Article 8 of the Convention;

   5.6 Creating and nurturing local, national and regional markets;

5.7 Accessing international markets and other appropriate assistance regarding aspects related to the flow of cultural goods and services and cultural exchanges.

6. In conformity with Article 15, partnerships initiated under the Convention should be in accordance with the needs of developing countries, Parties to the Convention:

6.1 In order to take forward these collaborative arrangements in the interests of developing countries, they may wish, as far as possible, to undertake an analysis of these needs in consultation with stakeholders from the relevant cultural industries and sectors, and where appropriate, in collaboration with national, regional and international partners, in order to identify cultural expressions or areas in greatest need of attention;

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

6.3 Partnerships should build, as much as possible, on existing and potential structures and networks with and amongst the public sector and the civil society, including non-governmental organizations, non-profit organizations, and the private sector.

The Partnering Process

7. For the establishment of a partnership, four stages are to be taken into consideration.

7.1 Creation and relationship building:

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

7.2 Implementing, managing and maintaining:

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

7.3 Reviewing, evaluating, revising, and sharing best practices:

Parties encourage partners to examine and evaluate the effectiveness of the partnership, particularly at the following three levels: (1) partnership as such, (2) their own role in the partnership, and (3) the results or aim of this partnership. Taking into account the acquired experience and their individual and collective evaluation, the partners then consider revising or amending the partnership or the initial project, in light of, inter alia, the costs of the partnership. Parties are encouraged to share best practices, identified from reviews conducted on successful partnerships.

7.4 Sustaining outcomes:

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

The role of the UNESCO Secretariat

8. The UNESCO Secretariat, basing itself in particular on the Global Alliance for Cultural Diversity which is its platform for developing public-private partnerships in support of cultural industries, should play a role of facilitator and motivator on an international level, by:

   8.1 promoting inter-sectorial partnerships among various stakeholders;

   8.2 providing information on existing and prospective partners in the public and private sectors as well as the non-profit sector (including data on needs, projects and case studies of best practices), as well as links to useful management tools, particularly through its website;

9. Headquarters and Field Offices share responsibility in relation to their respective mandates. They are encouraged to utilise the capacities and networks of National Commissions for UNESCO in the promotion of their objectives in this regard;

10. In addition, the Secretariat elaborates and submits innovative projects to donors in the fields covered by the Convention.

ARTICLE 16 of the Convention

Draft Operational Guidelines

Preferential Treatment for Developing Countries

Subject to the Decision 2.EXT.IGC 4

ARTICLE 18 of the Convention

Draft Guidelines on the use of the resources

of the International Fund for cultural diversity

Objectives and general aspects

1. The purpose of the Fund is to finance projects and activities decided by the Committee on the basis of guidelines determined by the Conference of Parties, notably to support cooperation for sustainable development and poverty reduction in order to foster the emergence of a dynamic cultural sector in developing countries, in accordance with Article 14 of the Convention (Article 3 of the Financial Regulations of the Fund).

2. The Fund will be managed as a Special Account pursuant to Article 1.1 of its Financial Regulations and, given its multi-donor nature, cannot receive tied or earmarked contributions.

3. Use of the Fund's resources must be consistent with the spirit and provisions of the Convention. Pursuant to articles 18.3 (a) and 18.7, Parties shall endeavour to provide voluntary contributions on a annual basis. The Committee encourages Parties to provide contributions on an annual basis, the amount being at least equal to 1% of their contribution to UNESCO budget. The resources of the Fund will be used in favour of developing and least-developed countries. Public development aid which is not tied may be used to finance the activities of the Fund for projects and programmes decided by the Committee in accordance with the provisions governing UNESCO Special Accounts.

4. In managing the Fund, the Committee shall ensure that the use of the resources:

   4.1 meets the programmatic priorities established by the Committee;

   4.2 meets the needs and priorities of beneficiary developing countries, especially least-developed countries, including, *inter alia,* promotion of South-South and North-South-South cooperation;

   4.3 contributes to achieving concrete and sustainable results as well as structural impacts, where appropriate, in the cultural field;

   4.4 respects the principle of ownership by the beneficiaries;

   4.5 respects, to the extent possible, an equitable geographic distribution of the resources of the Fund and gives priority to States Parties who have not yet benefited or who have benefited the least from these resources;

   4.6 satisfies the principle of financial accountability, as understood within the UN system;

   4.7 satisfies the need for funds to be spent principally on programmes and ensuring minimum overhead costs;

4.8 avoids spreading resources too thinly or supporting sporadic activities;

4.9 complements other international funds covering similar fields without, however, compromising the Fund's possibility to provide funding to projects that have already received or could receive financial assistance from a third party.

5. These guidelines will apply during a pilot phase lasting 36 months from the date of their approval by the Conference of Parties. During this phase, effective management mechanisms will be put in place and tested in accordance with the administrative and financial regulations of UNESCO. An evaluation of these mechanisms, their results and the effectiveness of the management of the Fund will be carried out six months before the end of the pilot phase. The findings of this evaluation will be submitted to the Committee with a view to a possible revision of the guidelines.

Fields of activity

6. The use of the Fund may take the form of legal, technical, financial or material support, or the form of expertise, and will be allocated:

6.1 For programmes/projects:

6.1.1 introducing cultural policies, where appropriate, and strengthening the corresponding institutional infrastructure;

6.1.2 capacity-building;

6.1.3 strengthening of the existing cultural industries;

6.1.4 creating new cultural industries.

6.2 for special situations as laid down in articles 8 and 17 of the Convention and the operational guidelines relating to them.

6.3 for preparatory assistance. Such assistance may be requested to identify the specific needs of developing countries that are Parties to the Convention and to prepare their requests for assistance.

6.4 for assistance for participation, within the limits of funding decided by the Committee. This assistance may cover:

6.4.1 the cost of participation of public or private organizations or individuals from developing countries invited by the Committee to its meetings for consultation on specific issues in conformity with Article 23.7 of the Convention;

6.4.2 the cost of participation at the meetings of the organs of the Convention by government experts from least-developed countries that are members of the Committee, upon their request.

6.5 for the evaluation of programmes/projects by an expert panel, to be constituted by the Committee, before their submission for examination to the Committee.

7. Programmes/projects and requests aimed at offsetting a deficit, repaying a debt or paying interest or relating solely to the production of cultural expressions will not be eligible for assistance from the Fund.

8. At each of its sessions, on the basis of the funds available in the Special Account, the Committee will draw up a budget for each of the above-mentioned types of assistance.

Beneficiaries

9. Entitled to benefit from the Fund:

9.1 For programmes and projects:

9.1.1 all developing countries which are Parties to the Convention;

9.1.2 all State Parties to the Convention which have determined the existence of special situations on their territory in conformity with articles 8 and 17 of the Convention and related operational guidelines;

9.1.3 non-governmental organizations coming from developing countries that are Parties to the Convention, which meet the definition of civil society and criteria regulating admission of its representatives at meetings of organs of the Convention as mentioned in the operational guidelines relating to the role and participation of civil society;

9.1.4 international non-governmental organizations, which meet the definition of civil society and criteria regulating admission of its representatives at meetings of organs of the Convention as mentioned in the operational guidelines relating to the role and participation of civil society, and which present projects with impact at the sub-regional, regional or inter-regional level;

9.1.5 micro, small and medium enterprises of the private sector active in the cultural field of developing countries that are Parties to the Convention, to the limit of available funds from contributions provided by the private sector, in full conformity with the domestic laws of the Parties concerned;

9.1.6 representatives of vulnerable groups and other social groups identified in the Convention.

9.2 For participatory assistance:

9.2.1 public or private organisations or individuals from developing countries, in conformity with Article 23.7 of the Convention;

9.2.2 governmental experts from least-developed countries, which are members of the Committee.

9.3 For preparatory assistance:

9.3.1 developing countries, in conformity with paragraph 6.3 of the present operational guidelines.

Procedure for the submission of funding requests

10. Funding requests are sent to the Secretariat of the Convention in French or English on the appropriate forms.

11. Funding requests are submitted to the Secretariat of the Convention:

11.1 Through the National Commissions or other official channels designated by the States Parties:

11.1.1 for their own requests;

11.1.2 for special situations;

11.1.3 for national NGOs;

11.1.4 for the private sector active in the cultural field;

11.1.5 for vulnerable and other social groups identified in the Convention.

11.2 directly for INGOs whose programmes/projects are supported in writing by the States Parties beneficiaries concerned.

12. Requests for funding shall include:

12.1 a brief summary of the programme/project;

12.2 a programme/project outline (title, objectives, activities and expected results including the cultural and social impact, beneficiaries, and a commitment to submit a report on the execution of the programme/project);

12.3 the name and address of the entity or representative that will hold financial and administrative responsibility for implementation of the programme/project;

12.4 a work schedule and time frame;

12.5 a detailed budget, including the amount of funding sought from the Fund, as well as other sources of financing. Partial self-financing should be encouraged to the extent possible;

12.6 any information relating to the status of completion of earlier funding requests from the Fund.

13. All funding requests must reach the Secretariat of the Convention by 30 June each year to enable their evaluation by the Committee at its ordinary session before the end of the year.

14. Requests for assistance for participation (6.4.2) must reach the Secretariat of the Convention at least two months before each Committee meeting. These requests will be subjected to a technical evaluation by the Chairperson and the Secretariat subject to the approved budget.

Selection and approval of requests

15. Requests are selected as follows.

    15.1 at the national level, the National Commissions or other official channels designated by the Parties shall ensure that projects are relevant, meet the country's needs, and have been subject to consultation among stakeholders;

    15.2 upon receiving the requests, the UNESCO Secretariat will perform a technical evaluation to ensure that the applications are complete and therefore admissible;

    15.3 an expert panel will be appointed for a two-year period by the Committee, drawn from a database of experts proposed by States Parties. The panel will be selected on the basis of criteria of equitable geographical distribution, representation, as well as complementarity of expertise. It will be responsible, after a technical examination of the programmes/projects, for preparing recommendations for the Committee in view of the examination of the programmes/projects by it. As a rule, the experts will consult electronically.

16. To facilitate the decision-making of the Committee, the recommendations of the expert panel will be accompanied by a detailed presentation, including:

    16.1 a brief summary of the programme/project presented in the request;

    16.2 the potential impact and expected results;

    16.3 an opinion on the amount to be financed from the Fund;

    16.4 the relevance/appropriateness of the programme/project to the objectives of the Convention as well as to the fields of activity of the Fund (paragraphs 4 to 7 included);

    16.5 an assessment of the feasibility of the programme/project proposed, the relevance and effectiveness of its modalities of execution, as well as the expected structural impacts, where appropriate.

Evaluation

17. Any programme/project may be evaluated *ex-post facto* at the request of the Committee with regard to its efficiency, and the achievement of its objectives relative to the resources spent. Evaluation of funded programmes/projects should present lessons learned, as well as the impact of these programmes/projects on cultural policies. The evaluation should showcase how experience gained could benefit other projects, with a view to compiling a knowledge base of best practices. Evaluation should be undertaken systematically for programmes/projects submitted in the pilot phase of implementation of these guidelines (see paragraph 5 above).

Reporting

18. The applicants shall submit a mandatory descriptive, analytical and financial report on the execution of the programme/project and the realization of expected results. The report must be presented to the Secretariat six months after the conclusion of the project/programme as foreseen within the time frame. No financial contributions for new projects will be allocated to applicants who have not submitted this report.

19. Under the Financial Regulations applicable to the Special Account for the Fund, the UNESCO Comptroller is responsible for maintaining the Fund's accounting records and submitting the annual accounts to the UNESCO External Auditor for audit.