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para la Educación,  
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منظمة الأمم المتحدة  
للتربية والعلم والثقافة

联合国教育、  
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## Diversity of Cultural Expressions

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

**Fifth Ordinary Session  
Paris, UNESCO Headquarters  
5 - 7 December 2011**

This document contains the detailed draft summary record of the fifth ordinary session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (Paris, UNESCO Headquarters, 5 - 7 December 2011). Participants may submit comments by email to [convention2005@unesco.org](mailto:convention2005@unesco.org) before 5 September 2012.

## OPENING OF THE SESSION

1. The fifth ordinary session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”) was held at UNESCO Headquarters in Paris from 5 to 7 December 2011.

2. It was attended by 304 participants, including 77 participants from the 24 States Members of the Committee, 130 participants from 67 Parties non-members of the Committee (66 States Parties and the European Union (EU)), 45 participants from 25 States not Parties to the Convention, 2 participants from a Permanent Observer Mission to UNESCO, 8 participants from 5 intergovernmental organizations (IGOs) and 42 participants from 16 non-governmental organizations (NGOs) with observer status.

3. In opening the session, **Mr Yang Zhi**, Chairperson, welcomed all participants and drew their attention to the fact that following consultation and agreement of the members of the Committee, the duration of the Committee’s 5<sup>th</sup> session had been exceptionally reduced to three days due to the current budget crisis. He then gave the floor to the Director-General of UNESCO, **Ms Irina Bokova**. In her speech, Ms Bokova stressed UNESCO’s role as an international leader promoting *culture for development* particularly as regards the attainment of the Millennium Development Goals. She referred to the International Fund for Cultural Diversity (IFCD) as a key instrument of the 2005 Convention and its tangible impact on cultural industries, social cohesion and poverty alleviation in developing countries. To illustrate this point, Ms Bokova gave several examples from projects launched during the first IFCD funding cycle in 2010 and indicated how they contribute to economic, social and cultural development. She made an appeal for the Parties’ continued support and contributions to the IFCD in order to reach a critical mass to produce a lasting structural impact. In this connection, she expressed her gratitude to the Government of Norway, without whose strong and committed support many of the projects would not have been possible. She also highlighted the importance of all contributions, large and small, including by individuals and the private sector. With regard to the forthcoming quadrennial periodic reports of the Parties, Ms Bokova emphasized the importance of involving civil society in their preparation. Finally, Ms. Bokova spoke about the need to promote the universality of the Convention and to invest resources in capacity-building for its implementation, a top priority for the coming years as decided by the 36<sup>th</sup> session of the General Conference of UNESCO’s Member States. She concluded by congratulating Ms Galia Saouma-Forero on her thirty-year career at UNESCO and her leadership as the first Secretary of the 2005 Convention.

4. Following Ms Bokova’s speech, **the Chairperson** briefly recapped the highlights of the session’s agenda and the decisions to be taken by the Committee. He invited the representatives of the press to leave the room to enable the Committee to begin its work.

## ITEM 1 – ADOPTION OF THE AGENDA

### Document CE/11/5.IGC/213/1

5. The **Chairperson** made some announcements concerning interpretation and the limited number of hard copies of the working documents available. He then introduced the members of the Bureau elected at the previous session (Vice-Chairs: Brazil, Bulgaria, Cameroon, and Tunisia; Rapporteur, Ms Dominique Levasseur) and announced the Bureau’s meeting the following morning. The Chairperson reminded the Committee about the time constraints of the session and its full agenda, and requested all speakers to keep their interventions short and to the point. He announced that the timer would be used for the first time by this Committee limiting each member’s

intervention to three minutes. The Chairperson then announced the quorum had been reached and invited the Secretary of the 2005 Convention to present the items on the provisional agenda.

6. The **Secretary of the Convention**, Ms Danielle Cliche, observed that the working documents had been made available online on 7 November within the statutory deadlines established by the Rules of Procedure. She proceeded to read out the titles and reference numbers of the working and information documents, and announced that for the first time a compilation of the Basic Texts of the Convention was available and could be obtained from the room clerks.

7. The **Chairperson** invited the Committee members to adopt the provisional timetable proposed by the Assistant Director-General for Culture in his email of 14 November to the members of the Committee, as amended by Canada in an email of 18 November, in which Canada proposed to reverse items 9 and 8. There were no objections recorded.

*Decision 5.IGC 1 was adopted as amended.*

## **ITEM 2 – APPROVAL OF THE LIST OF OBSERVERS**

8. The **Chairperson** invited the Secretary of the Convention to read out the list of observers: 67 Parties non-members of the Committee, 25 Member States not Parties to the Convention, 1 permanent observer mission to UNESCO, 5 IGOs and 16 NGOs. He then announced the order in which the observers would take the floor during the debates and invited the Committee to adopt the list of observers.

*Decision 5.IGC 2 was adopted.*

## **ITEM 3 – ADOPTION OF THE DETAILED SUMMARY RECORD OF THE FOURTH ORDINARY SESSION OF THE COMMITTEE**

### **Document CE/11/5.IGC/213/3**

9. The **Chairperson** invited the Committee to consider the adoption of the detailed summary record of the fourth ordinary session of the Committee, held at UNESCO Headquarters in Paris from 29 November to 3 December 2010. The Chairperson informed the Committee that no comments on the draft report had been received by the Secretariat. No objections were recorded.

*Decision 5.IGC 3 was adopted.*

## **ITEM 4 – PREPARATION OF QUADRENNIAL PERIODIC REPORTS OF PARTIES TO THE CONVENTION**

### **Document CE/11/5.IGC/213/4**

10. The **Chairperson** moved on to item 4 of the agenda referring to the exchange session held in the morning of 5 December that was dedicated to the role of civil society in the preparation of Parties' periodic reports. He added that this was the first time that Parties would be reporting on the implementation of the 2005 Convention, and their reports were expected to constitute an extremely valuable information and knowledge base. He then gave the floor to the Legal Advisor to answer a question raised by the delegation of Canada on behalf of the francophone group on this item related to the language(s) in which the full reports will be made available.

11. The **Legal Advisor** said he had been asked for a legal opinion on whether the Parties' reports constituted working documents of the Committee under Rule 40.4 and Rule 41 of the Rules of Procedure, and as such would have to be issued in English and French. After making a distinction between the obligation of the Parties to report and the obligation of translation, which was the burden of the Secretariat, the Legal Advisor explained that Rules 40.4 and 41 of the Rules of Procedure were taken from Rules 44 and 45 of the Rules of Procedure of the 1972 World Heritage Committee. He explained that those rules were never interpreted as obliging the Secretariat to translate all the reports into English and French. In practice, the World Heritage Committee adopted the format for the periodic reports and examined their summaries made by the Secretariat region by region. However, the World Heritage Centre operated an electronic database to simplify the information management of the full reports published in the original language in which they had been drafted. The Legal Advisor also explained that the periodic reports of the States Parties to the 2003 Convention were examined by the Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage, and that the Committee took a decision, based on its Rules of Procedure (which are similar to those of the World Heritage Committee) to submit to the General Assembly only the 'overview and summary of the 2011 reports of States Parties on the implementation of the Convention and on the current status of all elements inscribed on the Representative List'. However, the Secretariat made available to the members of the Committee all the reports received for information purposes. Finally, he cited paragraph 10 of the Operational Guidelines for the implementation of Article 9 of the Convention, where it is provided that the periodic reports should be submitted in English or French as indicated also in the Framework approved by the third session of the Conference of Parties in 2011 for that purpose. Taking into account those precedents, the Legal advisor stated that, in his view, the reports submitted by the Parties are not working documents to be translated by the Secretariat in both English and French, unless there is a decision requesting its members to deliberate on each report of each Party as an individual working document to be translated into both French or English. In addition to the above, he recalled that the modalities relating to the documents submitted by Parties, such as periodic reports, should be, in principle, defined by means of a specific resolution of the Conference of Parties as a competent body to interpret paragraphs 10 to 14 of the Operational Guidelines. This specific resolution is the Resolution 3.CP 10 adopted in June 2011. Consequently, when paragraph 5 of Resolution 3.CP 10 tasks the Secretariat 'to draw up a strategic and action-oriented analytical summary of the quadrennial periodic reports received and to submit it to the Committee at its sixth session', the definition of the working document as given by that supreme body was referring clearly to the summary of the Secretariat which should be the basis for the decision making-process, while the transmission of the original periodic reports, as drafted in English or French would be an information document which should be made available for all the members of the Committee in either of the two languages. The Legal Advisor concluded that based on that interpretation, all summaries of the periodic reports and the Secretariat's analysis will be the "working document" to be translated into both languages, without prejudice to the right of each Party to present its report in both English and French or even in the six official languages for information-sharing purposes.

12. Following the legal opinion, the **Chairperson** gave the floor to the Secretary of the Convention to present the working document. The **Secretary of the Convention** emphasized that the reports were intended as tools to facilitate an exchange of experiences and best practices among Parties. She pointed out that the first 94 periodic reports were due in April 2012 and recalled that, after consideration by the Committee, these reports and the Secretariat's analytical summary would be made publicly available through the 2005 Convention website and would be forwarded to the Conference of Parties, together with the Committee's comments, for review at its fourth ordinary session, in June 2013. The Secretary of the Convention stated that the executive summaries of these reports as well as the Secretariat's analytical summary would be translated into both English and French for the sixth session of the Committee and into the other four official languages for the

fourth session of the Conference of Parties. Concerning the translation of the full reports into an additional working language of the Committee, she informed that Committee that the estimated cost for the first round of submissions would be US\$ 131,600 (94 reports x 20 pages x 70 US\$/page).

13. The delegation of **Canada** remarked that the translation of the periodic reports into both working languages of the Committee was not only a vehicle for information-sharing but also a question of principle. However, recognizing that the translation of the reports may be a challenge, the delegation proposed to insert a paragraph 4 that would read: 'Encourages Parties to submit their quadrennial periodic reports in both working languages of the Intergovernmental Committee'.

14. The delegation of **Brazil** expressed the opinion that the full reports should be understood as information documents and not working documents of the Committee, and thus should not be translated into the other working language of the Committee. The delegation then added that for information-sharing purposes it was advisable to invite Parties to also submit their reports in other languages than the two working languages of the Committee, for instance in their national language. The delegation proposed to add a new paragraph that would read: 'Invites Parties that are in a position to do so to also submit their reports in other languages for purposes of information sharing.'

15. The delegation of **Cuba** supported the proposal of Brazil to invite Parties to also submit their reports in their national languages.

16. The delegation of **Switzerland** remarked cultural diversity implied linguistic diversity, and that a multilingual country such as Switzerland could prepare its report in several languages for the attention of its own citizens and those of the neighbouring countries. The delegation suggested that Parties could be invited to submit their reports either in English or French or any other official language, and it would be up to UNESCO to translate it into one of the working languages of the Committee, while ensuring that there was parity between the two languages.

17. The delegation of **Canada** supported Switzerland's remarks and emphasized that Committee members should be able to read and understand the periodic reports submitted for their consideration.

18. The delegation of **France** expressed its support for the statements by Canada and Switzerland, while acknowledging the additional costs related to the translation of the full reports. The delegation also supported the Canadian amendment encouraging Parties to submit their reports in both working languages of the Committee, and insisted that it be ensured that at least the analytical summary of the reports be available in both English and French.

19. The delegation of **Tunisia** reminded the Committee that the 2005 Convention was about the diversity of cultural expressions, which was a component of the notion of 'cultural diversity' in the sense of the Universal Declaration on Cultural Diversity. The delegation expressed the view that if a Party wished to submit its report in both working languages of the Committee, as well as in an additional language, it should be free to do so.

20. The delegations of **Argentina** and **Saint Vincent and the Grenadines** supported Brazil's proposal on submitting reports in national languages, for instance, Spanish to promote information-sharing in Latin America and the Caribbean.

21. The delegation of **Kenya** supported by **Zimbabwe** stated that it had hoped that there would be more discussion on the content of the reports and not only on the language, especially in light of the exchange session of 5 December on the role of civil society. With regard to the language of the

reports, the delegation supported the option of submitting them in one working language of the Committee and, when possible, in additional languages.

22. The delegation of **Viet Nam** supported the amendments by Brazil and Canada, and suggested that the burden of translation should be shared between the Secretariat and Parties.

23. The delegation of **Canada** requested that the Legal Advisor's opinion be provided to the Committee in written form and requested that the Secretariat inform the Committee about its budgetary situation for 2012, so that the latter could determine whether it was possible to have the reports translated.

24. The **Chairperson** inquired whether the Committee wanted to look at the legal opinion or turn to the draft Decision.

25. The delegation of **Brazil** supported by **Albania, Switzerland, Zimbabwe** and **Cuba** observed that the Committee was moving towards a consensus on this issue and proposed that it move to examine the draft Decision.

26. The **Chairperson** remarked that the consensus among Committee members was not to wait for the written legal opinion, after which he gave the floor to the observers.

#### **[Observers]**

27. The delegation of **South Africa** inquired whether civil society's contributions were to be incorporated into the Parties' reports or submitted separately.

28. The representative of the non-governmental organization **Traditions pour demain**, also speaking in his capacity as member of the NGO-UNESCO Liaison Committee, made a brief report of the exchange session on the involvement of civil society in the preparation of the periodic reports. He highlighted the salient points that transpired from the presentations and discussions, in particular the need to ensure that a large spectrum of groups and institutions were consulted in preparing the report, including the private sector and the 'non-organized' civil society, and that the reporting exercise was an opportunity to have a dialogue at the national level between civil society and governments. He also noted that the NGOs with observer status had met earlier that week and taken note that information of a regional or international nature compiled by certain NGOs would be submitted to the Secretariat as thematic reports. He concluded by regretting that in some cases substantial segments of civil society may not be involved by Parties in the preparation of their reports, or that their observations would not be included in the reports which must be concise. He inquired if in those cases, the INGOs could contribute by addressing complementary reports to the Secretariat and to the Parties concerned.

29. The representative of the **International Network for Cultural Diversity (INCD)** observed that the periodic reports were an important tool to promote the objectives of the Convention and to make it effective. He emphasized that in preparing the reports, Parties should report on what they were doing to support their artists and cultural producers and to revisit how they were implementing their obligations for cooperation for development and preferential treatment. He expressed his satisfaction that during the exchange session representatives of Parties had agreed that they must consult with civil society organizations in their countries in the preparation of their reports. He insisted that this was essential considering that trade associations of cultural producers, cultural activists, academics and artists' associations have specialized knowledge and key information that would be necessary to produce accurate, timely and useful reports. The representative of INCD

concluded by quoting from a recent statement of Mike Van Graan, Secretary-General of the Arterial Network, who asserted that 'civil society needs to give content both in theory and practice to an understanding of development that integrates social and economic development with human rights and fundamental freedoms as promoted by the Convention. For all of us, the reports should highlight the best practices in cultural policy for every cultural sector.'

30. The representative of **Union Européenne de Radio-Télévision (UER)** declared that in the framework of periodic reports it was necessary to look at public radio and television, and that his organization was going to send a thematic report on this issue to the Secretariat.

31. The **Chairperson** thanked the observers for their contributions and asked that the Committee members examine draft Decision 4 paragraph by paragraph.

32. The delegation of **Kenya** proposed that a new paragraph be introduced in the text of the Decision to make a reference to the exchange session: 'Thanks the Secretariat and the NGO-UNESCO Liaison Committee for having organized an exchange session on the role of civil society in the preparation of the quadrennial periodic reports.' The amendment was adopted.

33. The delegation of **Albania** proposed to add a paragraph that would read: 'Encourages Parties to ensure the widest participation and involvement of civil society when preparing their quadrennial periodic reports.' The amendment was adopted.

34. The **Chairperson** invited the Committee to examine the amendment proposed earlier by Canada. The delegation of **Congo** supported it, proposing to add a phrase 'to the extent possible'. The delegation of **Cuba** expressed its objections to the Canadian amendment, to which the Chairperson replied that the amendment was to encourage Parties to submit their reports in both working languages, but not to make it compulsory. The delegations of **Albania, Cameroon, Saint Vincent and the Grenadines** and **France** supported Canada's proposal as amended by Congo. The delegations of **Kenya, Zimbabwe, Honduras, Tunisia** and **Cuba** expressed their preference for the amendment proposed by Brazil. The **Legal Advisor** remarked that the purposes of the two amendments were very different: the Canadian one aiming to solve the burden of translation that could not be borne by the Secretariat alone, and the Brazilian one aiming to foster the sharing of information. The **Chairperson** observed that the delegation of Canada and those having supported Canada's amendment had shown considerable flexibility and appealed to the Committee to adopt the amendment in the spirit of consensus. The amendment was adopted.

35. The **Chairperson** proposed to move to the new paragraph proposed by Brazil which read: 'Invites Parties that are in a position to do so to also submit their reports in other languages for purposes of information sharing.' After some discussion the amendment was adopted.

36. The delegation of **Brazil** proposed that the paragraph concerning the translation of the periodic reports be amended to read: 'the quadrennial periodic reports ... are not to be translated into the other working language'. The delegation of **Albania** supported by **Congo** proposed that the paragraph be shortened to read: 'Decides that the quadrennial periodic reports of Parties submitted in one of the Committee's working languages (English or French).' The delegation of **Saint Vincent and the Grenadines** remarked that it had already been decided that the reports were to be submitted in one of the working languages and no new decision was required in this regard. The delegation of **Tunisia** supported **Saint Vincent and the Grenadines** stating that this point was already in the Operational Guidelines and that the entire paragraph should be deleted. The delegation also expressed its regret that too much time was spent by the Committee on the issue of translation and not enough on the issue of civil society's involvement in the periodic reports. The

delegation of **Albania** proposed to replace the word 'decides' by 'recalls'. The delegations of **Canada, France** and **Zimbabwe** supported the point made by Saint Vincent and the Grenadines and Tunisia's amendment. The paragraph in question was deleted.

*Decision 5.IGC 4 was adopted as amended.*

## **ITEM 5 – SECRETARIAT'S REPORT ON THE IMPLEMENTATION OF THE SECOND YEAR OF THE PILOT PHASE OF THE INTERNATIONAL FUND FOR CULTURAL DIVERSITY (IFCD)**

### **Document CE/11/5.IGC/213/5**

37. The **Secretary of the Convention** explained that two separate documents regarding the IFCD were presented to the Committee: Document 5 on the implementation of the second year of the pilot phase and Document 6, on the use of the resources of the IFCD and the draft budget for 2012. With regard to the Secretariat's report, the Secretary of the Convention pointed out that the 31 projects approved by the fourth session of the Committee in 2010 were advancing in their implementation, and that their progress could be monitored through the Convention's website. The Secretary of the Convention provided an overview of the second call for proposals launched in March 2011, highlighting the new criteria introduced by the Committee at its fourth session. She remarked that 197 applications were received from 59 countries (of which 55 were eligible) and 23 INGOs, noting that the majority of the applications were from non-governmental entities. She informed the Committee that approximately 40% of all funding requests for a total worth of US\$5,562,441 were deemed eligible by the Secretariat and forwarded to the Panel of Experts for evaluation. Of these, the Panel of Experts recommended 17 projects to the Committee for a total value of US \$1,290,409, which was within the limits of the funds available on 30 June 2011 (US\$1,316,328), in conformity with decision 4.ICG 10A. The Secretary of the Convention concluded by recalling that in addition to the funding requests, the Committee was also to consider whether to renew the members of the IFCD Panel of Experts for another year until the end of the pilot phase, or whether to appoint a new panel.

38. The **Chairperson** thanked the Secretariat for its work on the second IFCD call for applications and, on behalf of the Committee, thanked the Panel of Experts for their commitment and hard work in ensuring that the IFCD supported worthy programmes and projects that can advance the implementation of the Convention. He then turned to the floor for questions or comments from Committee members.

39. The delegation of **Congo** thanked the Secretariat and inquired if National Commissions had been trained on how to help national actors to prepare their applications. Referring to the renewal of the Panel of Experts, the delegation expressed its concern about continuity if an entirely new panel was to be appointed, and suggested that renewing only half of the members may be a solution.

40. The delegation of **Canada** commented on the excellent preparatory work and the quality of the working documents prepared by the Secretariat. It commended the work of the Panel of Experts and suggested to amend draft Decision 5 to indicate that the Committee was taking note with interest of the Panel's observations and recommendations. The delegation also insisted that securing diverse funding sources was essential to the future of the IFCD, and encouraged the Secretariat to focus on attracting funding requests from under-represented regions.

41. The delegation of **Switzerland** commended the Secretariat on its documents and the Panel of Experts for its work. It recommended that co-financing be a pre-condition for IFCD funding. The delegation then pointed out the relevance of the IFCD in enabling small but valuable projects that may have difficulties securing funding elsewhere. The delegation supported the Canadian amendment and suggested that the planned evaluation of the IFCD Pilot Phase take due note of the Panel's observations. Referring to paragraph 29 of the Document 5 on the role of National Commissions, the delegation expressed its concerns and insisted that every effort should be made to strengthen the capacity of National Commissions to serve as bridges between applicants and UNESCO. The delegation of **Armenia** agreed that it would be beneficial to organize a training programme for National Commissions and NGOs concerned.

42. The delegation of **Zimbabwe** joined the consensus with regard to the quality of the documents and the work done by the Secretariat and the Panel of Experts. The delegation commented that Zimbabwe gained a lot from the guidance that was provided by the Secretariat and that the criteria were quite clear. The delegation expressed its satisfaction with the fact that NGOs were the main beneficiaries of the IFCD funding. The delegation also noted in a number of cases there had been synergies between the State institutions, National Commissions and NGOs, emphasizing that such synergies were very important in terms of capacity-building and informing cultural policies for sustainable development. With regard to the Panel of Experts' mandate, the delegation of Zimbabwe proposed that the appointment of the current Panel be extended until the end of the Pilot Phase.

43. The delegation of **Tunisia** congratulated the Secretariat on their work and supported the proposal to renew the current members of the Panel of Expert for another year.

44. The **Representative of the Director-General**, Ms Galia Saouma-Forero, responded to the comments concerning the role of the National Commissions stating that the Secretariat was convinced that they were essential in the IFCD process, and that the message of the Panel of Experts was that some National Commissions were able to fulfill their role without additional training, while others were not. She emphasized that the comments of the Committee in this regard were duly noted and that the Secretariat, in cooperation with Field Offices, will look into various solutions to provide training to the National Commissions, suggesting that one possibility would be to prepare a training module to be incorporated into the training sessions organized regularly for new Secretary-Generals at UNESCO Headquarters.

45. The **Chairperson** invited the Committee to consider the list of projects recommended by the Panel of Experts and asked the Secretary of the Convention to read out the list. After she read out the list of projects and the amounts recommended, the Chairperson asked if there were questions or comments on these projects.

46. The delegation of **Kenya** expressed its satisfaction that there were projects focusing on youth, which demonstrated that the Convention was not only concerned with professionals and experts but also with young people who represent the future of the cultural industries.

47. The delegation of **Saint Vincent and the Grenadines** referred to paragraph 28 of Document 5 concerning the experts' recommendation that co-funding be a prerequisite for the IFCD. The delegation, supported by France, suggested that, in light of that recommendation, the project evaluations presented to the Committee should specify the total budget of the projects indicating the funds requested from the IFCD and the other sources of financing.

48. The **Chairperson** proposed that the Secretariat prepare this information and make it available to the Committee.

49. The **Secretary of the Convention** recapped the relevant provisions from the *Guidelines on the use of the resources of the IFCD* and described the process, the criteria and the methodology used by the Panel of Experts. Following this, she moved on to presenting the recommended projects one by one, including information on co-financing, as requested by the Committee.

50. The **Committee** proceeded to considering the 17 recommended projects one by one. It approved all the projects with the amounts recommended by the Panel of Experts.

51. After the approval of the projects, the Delegation of **Kenya** asked why the Panel of Experts recommended reducing the budget of the South African project, to which the Secretary of the Convention read the explanation given in the evaluation by the Panel of Experts.

52. The delegation of **Tunisia** asked for clarification about one of the beneficiaries that appeared to be a development agency. It proposed that the Committee discourage applications from development agencies. The **Secretary of the Convention** explained that the organization was in fact an international non-governmental organization with a name that looked like that of a developing agency.

53. The delegation of **Switzerland** supported by **France, Saint Vincent and the Grenadines** and **Tunisia** proposed that the evaluation of the pilot phase of the IFCD look into the matter of co-financing and that more information be made available to the Committee, for instance, by inviting the Coordinator of the Panel of Experts to the next session to provide additional information and answer questions.

54. The delegation of **Albania** requested a clarification concerning two national-scope projects by INGOs that appeared to be in contradiction with paragraph 9.1.4 of the *Guidelines on the use of the resources of the IFCD*, which stipulates that INGOs could present projects with impact on the sub-regional, regional or inter-regional level. The **Secretary of the Convention** indicated that she would investigate and provide a response quickly.

55. The delegation of **Viet Nam** expressed its interest in the reports and evaluations of the projects funded by the IFCD and the impact of these projects on cultural policy development.

56. As no other members of the Committee wished to make further comments, the **Chairperson** invited observers to take the floor in the following order: Parties to the Convention non-members of the Committee, Member-States of UNESCO not party to the Convention, Associate Members, Permanent Observer Missions, IGOs and NGOs.

#### **[Observers]**

57. The delegation of **Saint Lucia** remarked that some of the questions raised by Committee members after the approval of the projects should have been asked before, and that the Committee should be more involved in discussing the substance of the projects. The delegation supported in particular Albania's comments on the two INGO projects, and noted that bringing the Coordinator to the next Committee session would be of use only if the Committee has had an opportunity to consult the applications in advance.

58. The delegation of **Norway** insisted on the need for more transparency with regard to the projects recommended for funding. The delegation expressed its regret about not having had, as a Party non-member of the Committee, access to the relevant information prior to the Committee meeting. The delegation stressed that an increased level of transparency would not violate the principle of confidentiality with regard to the applications and cited the case of the 2003 Convention, which makes all application files accessible. The delegation remarked in this connection that it was surprising that two UNESCO Conventions used different approaches in similar situations. The delegation also stressed that the IFCD constitutes perhaps the most visible aspect of the 2005 Convention and, in this light, it was important for the Committee to reconsider its policy with regard to the availability of information to the wider public on projects being recommended for funding approval by the Committee. At the moment, access to the files is only available to Committee Members.

59. The delegation of **South Africa** expressed its satisfaction with the fact that NGOs had responded actively to the call for proposals and that they are the main beneficiaries of IFCD funding. The delegation then expressed its concern about the fact that the budget of the project from South Africa had been reduced due to what seemed to be a calculation mistake. Reacting to some of the previous statements, the delegation argued that co-financing should not be a pre-condition for IFCD funding.

60. The delegation of **Croatia** reminded the Committee and the Parties that the IFCD was still in its pilot phase, which was a time for learning and making proposals to improve the functioning of the IFCD. It recalled the Committee's previous concerns about having to read through all the documents on each file and expressed its firm belief that the Committee should trust the professionalism and integrity of the Panel of Experts that it had selected.

61. As no other observers requested the floor, the **Chairperson** asked the Committee Members whether they had additional remarks.

62. The delegation of **Cameroon** expressed its support for South Africa's assertion that co-financing should not be a pre-requisite for obtaining funding from the IFCD. The delegation argued that in developing countries, NGOs working in the domain of promotion of the diversity of cultural expressions have very limited resources, and their funding opportunities are scarce. The delegation asserted that, in these circumstances, making co-financing a pre-requisite for obtaining IFCD funding, may be a real obstacle for many of these NGOs.

63. The **Representative of the Director-General** underlined that the IFCD was in its pilot phase and that its forthcoming evaluation would be a great opportunity to review the procedures. On the issue of co-funding, she assured the delegations concerned that it was not a pre-requisite. In reaction to Norway's comments about transparency and availability of project-related documents to Parties, she replied that the point was well taken and that it will be brought before the evaluators. She also reminded the Committee that until recently the Secretariats of the 2003 and 2005 Conventions were part of two distinct Divisions, and it was precisely with the aim of better coordination and harmonization of procedures that the Director-General had put them in one Division a few months earlier. With reference to Armenia's request for training, the Representative of the Director-General reiterated that capacity-building activities were envisaged through UNESCO's Field Offices, but also at Headquarters when Parties come for briefings.

64. The **Secretary of the Convention** replied to Albania's question about the two INGO projects that they were, indeed, of national scope.

65. The delegation of **Albania** supported by **Saint Vincent and the Grenadines** expressed its concern about adopting projects that did not conform to the *Guidelines* and thus creating a precedent for the future, while recognizing that this issue should have been raised before the Committee approved the projects and not after.

66. The delegation of **Armenia** remarked that the issue seemed to be of a legal nature and asked for the opinion of the Legal Advisor.

67. The **Legal Advisor** observed that each project had been presented by the Secretariat in accordance with the *Guidelines* and the Committee approved all the projects. He suggested that there was a lesson to be learnt for the future, and that the Committee, through its Decision on this item, could make a recommendation to the Panel of Experts for the next cycle.

68. The delegation of **Cameroon** supported the opinion of the Legal Advisor, emphasizing that the current phase was especially about consolidating the Operational Guidelines.

69. The delegation of **Albania** asked the Legal Advisor to clarify if at that point the Committee could reconsider its decision regarding the two projects in question.

70. The **Legal Advisor** stated that the Committee had taken a decision on Annex 4 of the Document 5, having examined and approved each project, and that a two-thirds majority was required for the Committee to reconsider its decision.

71. The **Chairperson** remarked that a 'pilot phase' was by definition imperfect and that all actors were improving their processes and doing their job better and better each year. He suggested that the Committee take the concerns expressed by some of its members into consideration and learn lessons for the future.

72. The delegation of **Tunisia** supported by **Lao People's Democratic Republic** observed that during the presentation and discussion on each of the recommended projects any Committee member could have intervened to ask a question or express a concern. The delegation proposed that a recommendation for the Panel of Experts be included in the Decision of the Committee on this item.

73. The **Chairperson** concluded that there was an obvious consensus not to reconsider the decision on the approved projects and asked the Committee to consider the matter of renewing or not the Panel of Experts' term for another year, until the end of the IFCD pilot phase.

74. The delegation of **Tunisia** supported **Congo, Brazil, Sweden** and **Kenya** proposed that the current members of the Panel be extended for an additional year to ensure continuity and institutional memory during the evaluation of the pilot phase.

75. The **Chairperson** observed that there was a consensus on extending the current members and asked the Committee to move on to consider the draft Decision 5 paragraph by paragraph.

76. With reference to the second paragraph of the draft Decision, the delegation of **Saint Vincent and the Grenadines** asked for a clarification concerning the total amount available for funding requests.

77. The **Secretary of the Convention** specified that the amount US\$ 1,316,328 was available and the **Chief Administrative Officer of the Culture Sector** explained how that amount had been determined: the total amount available at the end of 30 June 2011 was US\$ 2,322,873, from which was deducted the total of all programmes/projects approved by the Committee in 2010 and the fixed costs established by the Committee; 70% of the remaining amount was to be allocated to funding programmes/projects approved in 2011, in conformity with Decision 4.IGC 10A paragraph 10.

78. The delegation of **Armenia** supported by **Canada, Cuba** and **Zimbabwe** proposed to amend the second paragraph of the draft decision to include the total amount available for funding on 30 June 2011, i.e. US\$ 1,316,328. With no objections from the Committee, the total amount was introduced in paragraph 2.

79. The delegation of **Tunisia** supported by **Armenia** proposed to introduce in paragraph 3 a reference to the reservations expressed by Committee members concerning the INGO projects. The delegation of **Albania** supported by **Lao People's Democratic Republic** and **Honduras** proposed to introduce a new paragraph after paragraph 3 that would read as follows 'Expresses its concern that the *Guidelines on the use of the resources of the IFCD* have not been rigorously applied in certain cases and urges the Panel of Experts to rigorously apply the Guidelines in the next cycle of evaluations'.

80. The delegation of **Canada** suggested that the following phrase be added to paragraph 3: 'while taking into account the observations of the Committee members' in order to reflect Albania's concern. The delegation of **Zimbabwe** proposed to add to the Canadian amendment 'concerning the *Guidelines on the use of the resources of the IFCD*', and the delegation of **Switzerland** supported by **Cameroon** amended Zimbabwe's addition to read 'on the more rigorous application of the *Guidelines on the use of the resources of the IFCD*'.

81. The delegation of **Albania** insisted that a separate paragraph was called for in order to convey to the Panel of Experts the message that the Guidelines had not been applied rigorously in certain cases. The delegation of **Armenia** expressed an opinion that introducing such a paragraph would be in contradiction with the Committee's decision to extend the Panel of Experts for another year. The delegation of **France** was of the view that there was no contradiction and that the amendments proposed by Albania and Tunisia were not mutually exclusive but rather complementary.

82. The delegation of **Kenya** supported by **Canada, Cameroon** and **Zimbabwe** suggested a more positively framed version of the paragraph which would reconcile the concerns of the previous speakers and would read as follows: 'Invites the Panel of Experts to rigorously apply the *Guidelines on the use of the resources of the of the IFCD* in the next cycle of evaluation taking into account the Committee members' observations and comments on the adherence to the Guidelines'. The delegation of **Congo** supported by **Tunisia** expressed a view that the paragraph proposed by Albania gave the impression that the Committee did not appreciate the Panel of Experts' efforts.

83. The delegation of **France** supported by **Albania, Sweden** and **Brazil** supported the Kenyan proposal, suggesting that it be amended to replace 'Invites' with 'Urges', 'to rigorously apply' with 'to apply more rigorously' and 'comments' with 'concerns'. The delegation of **Argentina** joined the consensus further amending the text to put 'next evaluation cycle' in the plural form and to end the sentence after the word 'concerns'.

84. The delegation of **Switzerland** remarked that paragraphs 3 and 4 dealt with complementary yet distinct issues, and the delegation of **Canada** observed that paragraph 3 served to contextualize the Committee's decision on the projects, while paragraph 4 was making a recommendation for the future work of the Panel of Experts. The delegation proposed a revised wording for both paragraphs, which was supported by **Kenya, Brazil, Switzerland** and **France** (on paragraph 3).

85. The delegation of **Canada** supported by **Saint Vincent and the Grenadines** and **Tunisia** re-introduced its proposal to include in the decision a mention that the Committee 'takes note with interest of the comments and observations of the Panel of Experts'. The delegation of **Switzerland** proposed to add 'and recommendations' after 'comments and observations'. The delegation of **Kenya** expressed its reservations with regard to the Panel's recommendation on co-financing as a pre-condition for IFCD funding. The **Representative of the Director-General** noted that the Panel of Experts' comments and recommendations were triggering diverse reactions from members of the Committee and assured the Committee that these comments will be presented to the evaluators of the pilot phase.

86. At the proposal of the **Chairperson**, the Committee adopted a new paragraph 5 reflecting the Canadian proposal as amended by Switzerland, as well as option 1 of paragraph 6 thus deciding to 'renew, for a one-year period starting from this session, the members of the Panel of Experts to draw up recommendations for the sixth ordinary session of the Committee with a view to its examination of requests for the funding of programmes/projects by the IFCD'.

87. The delegation of **Switzerland** supported by **Tunisia** recalled that the Committee wished to invite the Coordinator of the Panel of Experts to its next session and, noting that this could have budgetary implications, suggested that a short paragraph be introduced in the Decision to that effect. With no objections from the Committee, paragraph 7 was added which read 'Requests the Secretariat to invite the Coordinator of the Panel of Experts to attend the sixth ordinary session of the Committee.'

*Decision 5.IGC 5 was adopted as amended.*

## **ITEM 6 - USE OF THE RESOURCES OF THE INTERNATIONAL FUND FOR CULTURAL DIVERSITY (IFCD)**

### **Document CE/11/5.IGC/213/6**

88. At the Chairperson's invitation, the **Secretary of the Convention** presented working Document 6 on the use of the resources of the IFCD. She began by outlining the expenditures incurred since the fund became operational in 2007 and the contributions received. She told the Committee that US\$1,547,700 had been spent on the first series of projects approved by the Committee in 2010. Additional expenditures included payments for the Panel of Experts and the participation costs of government experts from least developed countries (LDCs) to attend meetings of the Convention's Governing Bodies. In terms of income, contributions to the IFCD had been steady since the Special Account was opened in 2007. The Secretary of the Convention said that as of 30 November 2011, over US\$ 5 million had been contributed to the IFCD by 35 countries and 11 individuals, which represented an increase of US\$ 1,5 million since the same time a year earlier. She added that contributions from Norway, France, Canada, Spain, Finland and Mexico accounted for 83% of total contributions and that Norway alone had contributed US\$ 1,5 million to the IFCD in the past year. She also highlighted the innovative fundraising activities to raise contributions to the IFCD taken by individuals such as Neko Likongo through his Kili (Kilimanjaro) campaign. The Secretary of the Convention proceeded to present the draft provisional IFCD budget for 2012 in Annex 3 of the document. She explained that the budget was broken down into two main sections, namely **fixed costs** (including the costs of the evaluation of the pilot phase of the IFCD) and, secondly, **funding requests**.

89. The **Chairperson** expressed his satisfaction with the increasing number of contributions received but also appealed to the Committee members and Parties to renew their efforts to engage

in innovative fundraising activities both on the international and national levels. He then invited the Committee to first examine the financial statements in Annex 1 of Document 6, and to address any questions that may arise to the Secretariat. He proposed that the Committee then move on to consider the draft budget in Annex 3 for adoption.

90. No comments or questions were raised in relation to the financial statements on expenditures. With respect to the draft budget for 2012, the delegation of **Switzerland** inquired about the budgetary implications of inviting the Coordinator of the Panel of Experts to attend the next session of the Committee and whether a provision should be made for that purpose.

91. The **Representative of the Director-General** responded that the cost of the Coordinator's participation could be estimated at US\$ 2,000, which could be added to the budget line 'Evaluation of funding requests by the expert panel (consultancy contracts).'

92. The delegation of **Saint Vincent and the Grenadines** thanked the Secretariat for its report on the use of the resources of the IFCD, adding that it would have liked to see in the draft budget for 2012 a provision for fundraising activities, in conformity with Resolution 3.CP 9, which requested the Committee to continue working on the fundraising strategy and to identify the resources for this initiative. The delegation also pointed out that there had been several debates of the Committee on fundraising, during which ideas had been exchanged and the way forward agreed upon, and that it was time to stop discussing and to begin implementing the fundraising strategy. The delegation asked the Secretariat to provide an estimate of the cost of hiring a professional company specialized in fundraising.

93. In reply to this question, the **Secretary of the Convention** explained the Secretariat had consulted other UN bodies to be able to assess the cost. It was established during those consultations that, for instance, UNICEF spent US\$ 14 million per year on fundraising, resulting in 4,5 euros raised for every euro spent. She added that in addition to having 20 employees working full time on fundraising, UNICEF engaged a professional company specialized in fundraising and marketing, paying them €140,000 per year as a base fee and another €60,000 for the implementation of three campaigns.

94. The delegation of **Lao People's Democratic Republic**, having thanked Saint Vincent and the Grenadines for having raised the matter of fundraising, inquired with the Legal Advisor if UNESCO was authorized to hire professional fundraisers and if yes, what would be the implications of such an initiative. The delegate then stated his approval for the draft budget and his satisfaction with the fact that it contained a provision for covering the costs of participants from LDCs.

95. The **Legal Advisor** said that it was important to distinguish between fundraising for UNESCO's Regular Budget and fundraising for the IFCD, which was authorized by the Convention (Article 18) and its Guidelines. It was, therefore, up to the Committee to decide whether it wanted the Secretariat to move forward in this direction. He added that in engaging the fundraising company, the Secretariat would work in conformity with the existing UNESCO financial regulations and procedures.

96. The delegation of **France** pointed out that National Committees were instrumental in ensuring UNICEF's success with fundraising and suggested that the President of the French National Committee attend the next session of this Committee to share his experience. The delegation also invited the Committee to reflect on engaging UNESCO National Commissions in fundraising for the IFCD.

97. The **Representative of the Director-General** reminded Committee members that a representative of the National Committee UNICEF France made a presentation during the information session on fundraising organized at UNESCO Headquarters in 2009, and that the Executive Secretary of UNITAID told the Committee about their approach to fundraising at another information session organized at the initiative of Brazil. It was, she stressed, in light of those presentations that the Committee agreed that it took resources to raise resources and that it was, therefore, necessary to invest in fundraising to obtain results. With regard to the involvement of UNESCO National Commissions, she remarked that it was not up to the Secretariat but rather to Committee members who know the capacities of their National Commissions to answer that question.

98. The **Chief Administrative Officer of the Culture Sector** reminded the Committee that the contributions to the IFCD were made on a voluntary and not mandatory basis, and a certain loss of momentum has been observed over the past year. He added that the Secretariat of the Convention was not specialized in fundraising and that a professional external input could be extremely beneficial for reinvigorating the level of contributions to the IFCD. He expressed the opinion that a one-time initial investment to kick off the fundraising effort was required at this point.

99. The delegation of **Saint Vincent and the Grenadines** presented to the Committee its amendments to draft Decision 6, which were as follows:

- a. to insert a reference to the Secretariat's report of activities (document CE/11/5.IGC/213/INF.3) in paragraph 1 and a reference to paragraph 5 of Resolution 3.CP 9 of the Conference of Parties in paragraph 2, since both texts referred to fundraising;
- b. to add a new paragraph that would read: 'Commends the Parties and individuals that have contributed to the IFCD and encourages Parties to continue to contribute to the IFCD as stated in paragraph 7 of Article 18 of the Convention.';
- c. to add a new paragraph that would read: (option 1) 'Decides to allocate, in addition, under fixed costs a maximum amount of US\$ 200,000 for fundraising activities, from the total remaining funds in the IFCD special account.'; or (option 2) 'Requests the Secretariat to identify appropriate means or mechanisms to facilitate contributions to the Fund (i.e., PayPal);
- d. to add 'as amended' in the paragraph stating the adoption of the 2012 budget;
- e. to insert a paragraph that would read: 'Decides to inscribe the item of fundraising activities on the agenda of the sixth ordinary session of the Committee';
- f. to insert a paragraph that would read: 'Requests that the Secretariat proposes options, including cost and feasibility, for fundraising activities before the next Committee session';
- g. to insert a paragraph that would read: 'Requests the Secretariat to submit to the next ordinary session of the Committee preliminary draft revisions to the *Guidelines on the use of the resources of the IFCD*, taking into account the results of the evaluation of the pilot phase of the IFCD and debates held at its fifth ordinary session.'

100. The delegation of **Brazil** supported the proposal to allocate a maximum amount of US\$ 200,000 for fundraising and requested that the Secretariat specify what use would be made of that amount. The delegation announced that the Ministry of Culture was considering making annual contributions to the IFCD and that a contribution of US\$ 150,000 was being envisaged in the near

future. With reference to the last paragraph of the draft Decision requesting the Director-General to launch a new appeal for contributions in 2012 to all Parties to the Convention, the delegation proposed to add 'and other stakeholders'.

101. The **Secretary of the Convention** explained that the maximum amount of US\$ 200,000 would serve to fund, on the one hand, a contract with a professional company which would not only prepare but also launch a fundraising campaign and, on the other hand, to reinforce the Secretariat to be able to implement the fundraising strategy.

102. The delegation of **Kenya** supported Brazil's proposal while expressing its concern with regard to the substantial amendments to the draft Decision that had not been circulated in advance.

103. The delegation of **Switzerland** supported by **Lao People's Democratic Republic** and **Sweden** welcomed the spirit of Saint Vincent's amendments and expressed its opinion that it may be premature at this point to allocate a specific amount for fundraising.

104. The delegation of **China** supported by **Cuba** expressed its appreciation of Saint Vincent's contribution but said that it needed more time to consider it. The delegation also proposed to add 'States' after 'Parties' in the new paragraph 4 introduced by Saint Vincent and the Grenadines in order to recognize the contributions made to the IFCD by States non-party to the Convention.

105. The delegation of **Tunisia** proposed that a small amount be allocated to allow the Secretariat to conduct additional research on fundraising needs, while waiting for the results of the evaluation of the IFCD pilot phase.

106. The **Representative of the Director-General** pointed out that when managing a fund based on voluntary contributions, it was difficult to anticipate revenues and it was indispensable to dedicate some resources to fundraising. She agreed that the proposal to allocate a substantial amount to fundraising in the absence of a working document on this matter may seem premature. She stressed, however, that it was important to acknowledge the inherent difficulty with the fund and to work on a solution.

107. The delegation of **Saint Vincent and the Grenadines** explained that her amendments had been elaborated the previous night, which explains why they had not been distributed to Committee members beforehand. She also pointed out that taking a decision on fundraising could hardly be called premature considering the number of the Committee's and Conference of Parties' prior debates, working documents, decisions and Resolutions on this subject.

108. The **Chairperson** proposed to consider the draft Decision as amended by Saint Vincent and the Grenadines paragraph by paragraph. The Committee had no comments on the first three paragraphs of the draft Decision.

109. The **Representative of the Director-General** clarified that the Chinese amendment to the new paragraph 4 would indeed reflect the contribution to the IFCD made by Belgium, which is not yet a Party to the Convention.

110. The delegation of **Canada** observed that paragraph 5 was redundant with paragraph 1 and could be removed, which met with no objections.

111. With regard to the two options presented in the new paragraph 6, the delegations of **Tunisia, Brazil, Armenia, France, Albania, Honduras, Argentina, Kuwait, Lao People's Democratic**

**Republic, Cuba, Saint Vincent and the Grenadines**, expressed their support to option 1, which read: 'Decides to allocate, in addition, under fixed costs a maximum amount of US\$ 200,000 for fundraising activities, from the total remaining funds in the IFCD special account.' The delegations of **Switzerland, Canada, Guinea, Bulgaria and Kenya** voiced their objections to it in the absence of a working document with a detailed cost estimate, and favoured option 2 which read 'Requests the Secretariat to identify appropriate means or mechanisms to facilitate contributions to the Fund (i.e., PayPal)'.

112. The delegation of **Canada** supported by **Sweden** observed that, in fact, option 2 was not an alternative to option 1 but a distinct provision which, together with paragraph 8, could meet the concerns related to fundraising.

113. The delegation of **Tunisia** proposed that the two options be considered by the Committee as separate paragraphs of the draft Decision, the first identifying the budget for fundraising and the second, to ask the Secretariat to take action to introduce new mechanisms to facilitate contributions to the IFCD. The delegation of **Lao People's Democratic Republic** supported Tunisia's proposal stating that options 1 and 2 were complementary. Tunisia's proposal was met with further support from the delegations of **Brazil and Albania**, who also proposed to add a reference in option 1 to document CE/11/3.CP/209/INF.5. The delegations of **Cameroon, France, Saint Vincent and the Grenadines, Zimbabwe and Kuwait** pointed out that option 2 aimed at facilitating contributions from individuals.

114. The delegation of **Albania** asked the Secretariat to provide information on previous working documents on the subject of fundraising. In reply to Albania's question, the **Secretary of the Convention** recapped the previous documents and debates on fundraising. These included those produced as a result of:

- a. exchange session entitled "Fundraising: Challenges and Opportunities"<sup>1</sup> held in March 2009, whose purpose was to examine successful experiences (UNICEF France, TOTAL Foundation, Touscoprod.com) to serve as a basis for the Committee's reflection on the development of a fund-raising strategy for the IFCD. The participants recommended some effective methods and approaches, such as the donor/actor concept, ensuring transparency and traceability of donations, the importance of good communication and marketing to reach small donors and secure their loyalty, and the need to involve professional fundraisers in these activities;
- b. the second session of the Conference of Parties in June 2009, which mandated the Committee to devise a fundraising strategy for the Fund, and in this framework to continue its reflection on the elaboration and utilization of innovative financial mechanisms<sup>2</sup>;
- c. the fourth session of the Intergovernmental Committee in December 2010 reviewed the costs and feasibility study prepared by the Secretariat on various fundraising activities<sup>3</sup>, and
- d. the third session of the Conference of Parties in June 2011 which approved the terms of reference for the IFCD fundraising strategy and examined the results of the Secretariat's survey

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<sup>1</sup> See document entitled: 'Alternatives for fundraising for the International Fund for Cultural Diversity', 2009, reference: [CE/09/2.EXT.IGC/208/6](#) and [CE/09/2.EXT.IGC/208/6.Add](#), which contains the minutes of the exchange session on fundraising.

<sup>2</sup> See document entitled 'Fundraising for the IFCD', 2009, reference: [CE/09/2.CP/210/INF.4](#).

<sup>3</sup> See document entitled 'International Fund for Cultural Diversity (IFCD) fundraising strategy', 2010, reference: [CE/10/4.IGC/205/10B](#)

on various fundraising mechanisms implemented at the national level to raise resources for the IFCD<sup>4</sup>.

115. The delegation of **Switzerland** asked if the issue of fundraising could be included in the terms of reference of the evaluation of the IFCD pilot phase. The **Secretary of the Convention** replied that specific terms of reference for a fundraising strategy were adopted by the third Conference of Parties and read out the relevant paragraph 5 of Resolution 3. CP 9 of the Conference of Parties, which requested the Committee to continue its work on the fundraising strategy and to identify the resources to be used for this initiative.

116. The delegation of **Saint Vincent and the Grenadines** requested the Secretariat to inform the Committee about the number of contributions made to the IFCD since 30 June 2011. The **Secretary of the Convention** replied that seven countries had contributed since that date, as well as eight individuals, for a total amount of US\$ 899,655.85.

117. The **Legal Advisor** offered an opinion that in order to move forward with the implementation of the fundraising strategy, the Secretariat will need to organize a competitive bidding to hire a professional company, which would not be possible without including option 1 in the Decision. With regard to option 2, which required that specific tasks be undertaken by the Secretariat, he remarked that this paragraph would allow the Committee to guide the Secretariat's activities and discuss this matter at its next session. The **Chief Administrative Officer of the Culture Sector** pointed out that if the Committee were to postpone the identification of resources for the fundraising strategy until its next session, and taking into account the delays related to the competitive bidding process, no progress on fundraising would be possible until the second half of 2013.

118. The **Chairperson** expressed a view that the explanations provided by the Secretary of the Convention, the Legal Advisor, and the Chief Administrative Officer adequately addressed the concerns of some Committee members, and proposed that in the spirit of consensus, the Committee move forward to consider the draft Decision as amended by Tunisia, i.e., with options 1 and 2 as separate paragraphs.

119. The delegation of **Canada**, supported by **Switzerland** proposed that a working group be formed to discuss the wording of the paragraph based on option 1 during lunchtime. With no other Committee members lending support to this proposal, the **Chairperson** proposed to adopt option 1 as a distinct paragraph. After its adoption, the Chairperson proposed to adopt option 2 as a distinct paragraph. The delegation of **Brazil** remarked that it was not advisable to cite a specific company (in this case, PayPal) in a Committee Decision. This advice was supported by **Albania**, who also proposed to amend the paragraph to read 'to facilitate the payment of contributions to the IFCD'. The delegation of **France** supported both Brazil's and Albania's proposals, after which the paragraph was adopted as amended.

120. Following the adoption of the two new paragraphs, the **Chairperson** asked the Committee to look at the amended draft budget for 2012. The amendments concerned the section on Fixed Costs, where US\$ 2,000 was added to the line 'Evaluation of funding requests by the expert panel (consultancy contracts)' and a new line with US\$ 200,000 allocated for fundraising was added to reflect the Committee's decision. A question was raised by the delegation of **Switzerland** on where

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<sup>4</sup> See document entitled 'Fundraising Strategy for the International Fund for Cultural Diversity (IFCD)', 2011, reference: [CE/11/3.CP/209/9](#), 'Outline of the terms of reference for a future fundraising strategy for the International Fund for Cultural Diversity', 2011, reference; [CE/11/3.CP/209/INF.5](#) and 'Replies of the Parties to the questionnaire on fundraising mechanisms implemented at the national level to raise resources for the International Fund for Cultural Diversity', 2011, reference: [CE/11/3.CP/209/INF.7](#)

the amount of US\$ 200,000 was to be taken from, to which the **Chief Administrative Officer of the Culture Sector** replied that it would be taken from the unassigned funds (US\$ 696,862 as at 30 June 2011). The **Representative of the Director-General** added that the allocation for fundraising was done on an exceptional basis, unlike the other fixed costs that recur at every cycle. The delegation of **Canada** recalled that the relevant new paragraph of Decision 6 adopted by the Committee referred to a maximum amount of US\$ 200,000 and proposed that this be reflected in the budget table. Following these remarks, the IFCD budget for 2012 was adopted as amended.

121. The delegation of **Canada** proposed to introduce a new paragraph which would read: 'Requests the Secretariat to submit to the Committee a detailed report on the use of the funds intended for fundraising activities at its sixth ordinary session'. The delegation of **Brazil** proposed that the new text be merged with the paragraph proposed by Saint Vincent and the Grenadines on adding the item on fundraising to the agenda of the sixth ordinary session of the Committee. The new amended paragraph would thus read: 'Decides to inscribe the item of fundraising activities on the agenda of the sixth ordinary session of the Committee, and requests the Secretariat to submit to the Committee a detailed report on the use of the funds intended for fundraising activities'. This proposal was supported by **Canada, Cameroon and Albania**, and was adopted by the Committee.

122. The **Chairperson** asked if any observers wished to take the floor on item 6. No observers indicated they wished to take the floor on this item.

*Decision 5.IGC 6 was adopted as amended.*

## **ITEM 7 – TERMS OF REFERENCE FOR THE EVALUATION OF THE PILOT PHASE OF THE INTERNATIONAL FUND FOR CULTURAL DIVERSITY (IFCD)**

### **Document CE/11/5.IGC/213/7**

123. The **Chairperson** invited the Secretary of the Convention to present the working document CE/11/5.IGC/213/7.

124. The **Secretary of the Convention** began by recalling that the third session of the Conference of Parties had requested that the Committee formulate terms of reference for the evaluation of the IFCD pilot phase, foreseen in the *Guidelines of the IFCD* to be carried out six months before the end of the pilot phase, in 2012. She remarked that the evaluation would be carried out by the Internal Oversight Service of UNESCO (IOS) and would address the management of the IFCD by the Secretariat including financial and administrative mechanisms and the implementation of the programmes/projects by the beneficiaries. In this framework, she highlighted a number of questions that the evaluation could focus on, based on observations raised by the Conference of Parties, the Intergovernmental Committee and the Panel of Experts, including the eligibility criteria for programmes/projects and clarity of scope of the fields of activity of the IFCD, the role of the National Commissions and their capacity for reviewing projects, criteria and the method for selecting experts, the cost-effectiveness of programmes/projects and their expected outcomes and results, as well as the voluntary and multi-donor nature of the IFCD.

125. The **Chairperson** turned to the floor for comments or amendments from Committee members. The **representative of the Government of Quebec** in the Canadian delegation thanked the Secretariat for the excellent document and supported the draft Decision, proposing to add a fourth paragraph that would read: 'Invites the evaluators to pay particular attention to the following principles when applying the terms of reference: sound management of resources, structuring effects of projects, their sustainability, as well as their complementarity with projects funded by

States, Parties and other international Funds'. This proposal was supported by **Tunisia, Switzerland, Saint Vincent and the Grenadines, Cameroon and France**.

126. The delegation of **Brazil** supported by Sweden and Tunisia commended the work of the Secretariat on the document and supported the amendment of Canada. The delegation of **Sweden** supported by **Albania, Switzerland, Saint Vincent and the Grenadines and France** proposed to add a sub-paragraph (j) under Part A (ii) of the terms of reference that would read: 'transparency of the process as a whole'.

127. The delegation of **Albania** supported by **Switzerland and France** proposed to add a new paragraph to the draft Decision 7 that would read: 'Requests the Secretariat to make available online within the statutory deadlines all the project files as well as their evaluation.' The delegation of **Saint Vincent and the Grenadines**, while supporting Albania's amendment asked the Secretariat in what form the application files were received and whether it would be technically possible to make them available online. The **Secretary of the Convention** replied that the Secretariat would be able to put the files online on the 2005 Convention's website, and that, according to the text of the Decision as it stood, there would be no password protection and everyone would be able to access the files, including the applications themselves, the Review Forms of the National Commissions, the Secretariat's evaluation of eligibility and the evaluations by the Panel of Experts.

128. As no other Committee members requested the floor, the **Chairperson** asked whether any observers would like to take the floor on item 7 of the agenda.

#### **[Observers]**

129. The delegation of the **Norway** underscored the necessity of carrying out an evaluation of the pilot phase of the IFCD and expressed its particular satisfaction with Part B of the terms of reference. The delegation pointed out that most of the projects would not have been finished by the time of the evaluation, which would be a challenge for the IOS. In conclusion, the delegation stated that considering the importance of the IFCD-funded projects to the success and visibility of the Convention, Norway was very much looking forward to the results of the evaluation.

130. The delegation of **South Africa** expressed its support to the terms of reference for the evaluation of the pilot phase of the IFCD, but remarked that, in its view, the amendments proposed by Canada were redundant with other parts of the text. The delegation also highlighted that it was interesting to see to what extent the IFCD-funded projects were promoting the implementation of Article 16 on preferential treatment. Finally, the delegation asserted that the public availability of the Panel of Experts' evaluations of projects would facilitate timely corrections should mistakes occur.

131. As no other observers asked to take the floor, the **Chairperson** proposed that the Committee move on to adopt the Decision paragraph by paragraph.

132. The delegation of **Brazil** took the floor to propose that 'as amended' be added after the reference to the terms of reference in paragraph 3. This amendment was adopted.

133. The delegation of **Armenia** proposed to introduce a new paragraph after paragraph 3 that would read: 'Requests the Secretariat to draft a monitoring model for the funding requests of 2011, which will help to assess the impact and adequacy of the projects/programmes to be implemented in 2012, as well as will provide informed decision-making.' The delegation of **Kenya** requested that the delegation of Armenia provide some explanation on its amendment. The delegation of **Brazil** remarked that introducing additional requests from the Secretariat entails implications in terms of

resources and requested that Armenia elaborate on these implications. The delegation of Armenia explained that this proposal referred to the programmes/projects approved by the Committee for 2012 that need to be monitored, and involves the collection of information, analysis based on indicators and drawing lessons for the future. The delegation explained that the proposed monitoring model would enable the Committee to make informed decisions in the future and serve as a basis for the evaluation of the IFCD.

134. The **Chairperson** requested that the Secretary of the Convention provide some clarifications with regard to monitoring IFCD-funded projects. The **Secretary of the Convention** pointed out that the monitoring model described by Armenia was integral to the contracts signed between UNESCO and the beneficiaries of IFCD funding in 2011. Based on those provisions, the Secretariat maintains close contact with the project beneficiaries with the aim of collecting information, analysing it and drawing recommendations for the future. She added that this methodology would certainly be applied to the projects to be implemented in 2012. The delegation of Armenia remarked that monitoring based exclusively on self-evaluation of the beneficiaries may not always yield an accurate picture of the situation, and that it would be useful to add an alternative source of information, which could be mass media, informants, focus groups, and other sources.

135. The representative of the **Internal Oversight Service** (IOS) remarked that the terms of reference for the IFCD pilot phase evaluation included a question in Part B on whether the programmes/projects had effective monitoring mechanisms in place, and an additional question on what monitoring indicators could be recommended for incorporation into the application forms. She stated that IOS would look closely at this issue when undertaking the evaluation, and if it was determined that monitoring was not sufficiently taken care of by the existing mechanisms, IOS would make a relevant recommendation in their report to the Committee. Following this explanation, the delegation of Armenia withdrew its amendment.

136. The **Committee** proceeded to adopt paragraphs 4 and 5 of the draft Decision.

*Decision 5.IGC 7 was adopted as amended.*

## **ITEM 8 – INTERNATIONAL CONSULTATION AND COORDINATION: CURRENT STATE OF ARTICLE 21 OF THE CONVENTION**

### **Document CE/11/5.IGC/213/8 REV 2**

137. The **Chairperson** invited the Secretary of the Convention to present the working Document 8.

138. The **Secretary of the Convention** informed the Committee that in accordance with the Resolution 3.CP 11 of the Conference of Parties requesting the Secretariat to present, in relation to Article 21 of the Convention, a compendium of cases wherein the Convention is invoked or utilized in other international forums, the Secretariat consulted the Parties by a letter of 29 July 2011. Thirty-four (34) Parties replied to the questionnaire annexed to the letter, providing information on the measures they had taken to implement Article 21. The Secretary of the Convention observed that the replies of the Parties revealed that a broad definition of the concept of “international forums” was in use including those forums whose primary mandate may or may not be cultural. The contexts and ways in which the Parties had invoked the Convention included: interventions at meetings and conferences, underlining the principles of the Convention in culture and trade agreements, consulting with other Parties to sign new bilateral agreements reflecting the principles and objectives of the Convention and engaging in a dialogue with non-Party countries to encourage ratification. She added that the documents provided by the Parties would form the basis of a repository of

information on the implementation of Article 21, and that all Parties were encouraged to continue to submit documents to the Secretariat for that purpose.

139. The delegation of **France** thanked the Secretariat for the excellent document that showed that a number of measures were already being taken by Parties, but that more information was required to establish an accurate state of the art of implementation of Article 21. The questionnaire permitted a very useful exchange of experiences and facilitated cooperation. It stressed that one of the proposals formulated in the document was a central point in the implementation of Article 21, namely specific references to the Convention in official declarations adopted during bilateral and multilateral meetings and the importance of preserving the Parties' leverage to develop and implement their cultural policies while negotiating trade agreements.

140. The delegation of **Lao People's Democratic Republic** congratulated the Secretariat on the quality of its document. The delegation stated with respect to the Asia and Pacific region that it was the responsibility of the Parties to promote the principles and objectives of the Convention in the regional organizations such as the Association of Southeast Asian Nations (ASEAN) or the Economic and Social Commission for Asia and the Pacific (ESCAP) and to encourage the States Members of these organizations to ratify the Convention, in the name of regional solidarity.

141. The delegation of **Canada** supported France's and LPDR's appraisal of the high quality of the document and commented on the pertinence of its conclusions. Highlighting the broad interpretation by Parties of the expression "international forums", which included bilateral agreements, the delegation recalled that all recent bilateral and regional trade agreements signed by Canada since the adoption of the Convention in 2005 included a reference to the principles and objectives of the Convention and a general exemption clause for cultural industries. The delegation called on the Parties to continue to share best practices, and invited the Secretariat to disseminate that information widely.

142. The delegation of **Brazil** joined the previous speakers in thanking the Secretariat for the very informative document, and highlighted that Brazil was making every effort to promote the principles and objectives of the Convention in international forums, providing some recent examples focusing on the promotion of culture as a pillar of sustainable development.

143. The delegation of **Bulgaria** underscored the clarity of the working document and the quality of the information that it provided. The delegation pointed out that Bulgaria seized every opportunity to promote the principles and objectives of the Convention both in EU forums, as well as in those specific to South-East Europe.

144. The delegation of **Tunisia** thanked the Secretariat for its efforts to produce the document, and recommended that information also be collected on the application of Article 16 of the Convention on preferential treatment.

145. The **Chairperson** asked Committee members to express their reactions and views regarding Tunisia's proposal. The delegation of **Canada** thanked Tunisia for its suggestion, while expressing its concern that too complex a questionnaire might be difficult for Parties to fill in and the return rate might be low. From this point of view, adding a question on Article 16 to the existing questionnaire might not be advisable. The delegation of **Cameroon** welcomed Tunisia's proposal, explaining that inserting a question on Article 16 would remind Parties about this provision of the Convention that they have to promote and implement. The delegation of **France** supported by **Lao People's Democratic Republic** joined Canada's view that it was inexpedient to mix the two topics (i.e.,

Article 21 and Article 16) in one survey, and suggested that for more clarity and efficiency it was preferable to keep the two areas distinct.

146. As no other Committee Member requested the floor, the **Chairperson** asked if any observers would like to take the floor on this item of the agenda.

#### **[Observers]**

147. The delegation of **Latvia** informed the Committee that it had filled out the questionnaire, but that their answers had not been included in Working Document 8.

148. The delegation of **Japan** expressed its appreciation for the work of the Secretariat in the preparation of Working Document 8. It reminded that when the Convention was adopted by the General Conference in 2005, an additional Resolution 42 on the Convention for the Protection and Promotion of the Diversity of Cultural Expressions was adopted stating: 'the General Conference is aware that this Convention pertains to the field of culture, UNESCO being the unique agency with responsibility for culture in the United Nations system.' In this context, the delegation asked how the ideas on the future implementation of Article 21 as provided in Annex II of working Document 8 relate to Resolution 42 adopted by the General Conference. Finally, the delegation expressed its concern that the ideas for the future suggested by the Parties concerning other ways to use or invoke the Convention in international forum might have gone too far. They are concerned that Article 21 may be misused to prevent activities in fields other than culture such as trade and industry, which could work against the objectives and principles of the Convention.

149. The **representative of the Director-General** thanked Japan for its question and reminded the Committee that since Japan was not yet a Party to the Convention. She recalled how the work of the Committee is determined, in other words by the agenda set by the Conference of Parties. At the third session of the Conference of Parties in June 2011, a set of operational guidelines for a number of articles that are crucial for the implementation of the Convention were adopted. The Director-General in her opening remarks to this session of the Committee praised the operational aspects of the 2005 Convention, in particular those projects funded by the IFCD. Implementation not only involves projects on the ground, but also looking forward to the future to meet the objectives of the Convention. Deciding not to elaborate Operational Guidelines on the implementation of Article 21, the third session of the Conference of Parties requested the Committee to, as a first step, gather information on what Parties to the Convention have done. She underlined that the working Document 8 is no more or less than a collection of information gathered from 34 Parties, and presented in a factual manner. Neither the Secretariat, nor the Committee has made comments but has merely taken note of the information on the table. The Secretariat has been requested to send the questionnaire again, and the results will be presented in a similar manner at the sixth session of the Committee to be held in December 2012. The document will then be sent to the fourth Conference of Parties for information in June 2013. It is up to the Conference of Parties to take stock of the information gathered, and they will decide what to do with the information presented.

150. The **Legal Advisor** provided some additional observations in this regard. He stated that nothing in Working Document 8 was outside the area of competence of UNESCO as confirmed by the resolution of the General Conference that adopted the 2005 Convention. He also asserted that Annex 2 of the document fulfilled the mandate given by the Conference of Parties to the Committee and the Secretariat by citing for the first time two legal cases in which the Convention had been invoked. These two legal cases rendered the 2005 Convention an element of international law to be taken into consideration by the judiciary, which was very important for the promotion of the Convention in international forums.

151. The representative of the **Parliamentary Assembly of Francophonie (APF)**, an IGO grouping Members of Parliament of 77 Parliaments and inter-parliamentary organizations on five continents, informed the Committee about the Quebec Declaration adopted by the inter-parliamentary conference on the theme Diversity of Cultural Expressions (CIDEDEC) in February 2011. To APF, the adoption of this Declaration by the CIDEDEC represented a good practice of promoting the principles and objectives of the Convention and implementing Article 21. Furthermore, the 37<sup>th</sup> session of APF held in Kinshasa (Democratic Republic of Congo) in July 2011 adopted a draft action plan on the promotion and implementation of the Convention in the francophone countries. A capacity-building programme to empower francophone Members of Parliament to initiate and develop national cultural policies and cultural industries was envisaged. The Kinshasa meeting also adopted a resolution recommending that States, the International Organization of the Francophonie (IOF) and UNESCO introduce a mechanism for monitoring international trade agreements so that States maintain their capacity to intervene in the area of the protection and promotion of the diversity of cultural expressions. The representative of APF concluded by saying that, in his opinion, the present debate was the first step towards the implementation of an expanded and systematized consultation mechanism, which was in line with the functions conferred to the Committee by Article 23.6 (e) of the Convention.

152. The representative of the **International Organization of the Francophonie (IOF)** recalled the importance of the Convention in the programme of IOF, considering that one of the Organization's four missions was the promotion of cultural diversity. The representative of IOF also mentioned that ratifying the Convention was a prerequisite to becoming a member of IOF. Most of its documents, including those in non-cultural domains, invoked the Convention. In conclusion, the representative of IOF thanked the Secretariat for having enabled the exchange of information and good practices.

153. The delegation of **Senegal** shared Tunisia's and Cameroon's concerns regarding the preferential treatment, and asked if it was possible for the Secretariat to prepare a document on the implementation of Article 16 for the next session of the Committee. The **Representative of the Director-General** replied that a question on the implementation of Article 16 was included in the Framework for Parties' Quadrennial Periodic Reports, and that 94 reports were expected in 2012. She pointed out that a great number of reports were to be submitted simultaneously, which provided an excellent opportunity to obtain a global overview regarding the implementation of that article.

154. The representative of the **International Network for Cultural Diversity (INCD)** asserted that the genesis of the Convention lay in the issue of how to protect the right of governments to implement cultural policies in the face of economic globalization, in particular trade agreements. He observed that Articles 20 and 21 of the Convention were at the very heart of the Convention and inextricably linked. In this context, he expressed his regret that only China, the European Union, France and Canada made specific reference to trade issues in their responses to the Secretariat's questionnaire. The representative of INCD gave the example of how delegates to WTO accept that trade agreements must respect and take into account the MEAs (Multilateral Environment Agreements). He added that INCD considers that the Parties to the 2005 Convention will have fulfilled their obligations in Article 21 when trade agreements also openly acknowledge the need to take into account the provisions of this Convention. Finally, he highlighted and supported the idea presented in Document 8, according to which Parties should introduce a system to inform other Parties when negotiations in other forums might impact on or be in contradiction with the provisions of the Convention.

155. The representative of the **Canadian Coalition for Cultural Diversity** and the **International Federation of Coalitions for Cultural Diversity (FICDC)** said that both the working document and

the constructive debate of the Committee were excellent first steps in the right direction to discuss the real substance of the Convention, which could include in the future exchanges on Article 16 for example. He also expressed his concern about some recent developments and read out an excerpt of a message received from the Korean Coalition for Cultural Diversity, which raised some serious concerns about the bilateral trade agreement being ratified between the Republic of Korea and the United States of America. The message claimed that the Korean film industry would see the reduction by half of the screen quota confirmed and that in the case of broadcasting the obligatory programming ratio of Korean animation and movie would also be reduced. Coupled with the plans to allow 100% direct foreign investment in some broadcasting after three years, these provisions could be interpreted as abandoning the rights of governments under Article 6 of the Convention. The representative concluded by saying that this example showed that there was much work to be done and that Parties should use the Committee meetings to learn from one another and be collectively stronger.

156. The representative of the **French Coalition for Cultural Diversity** stressed that civil society and professional associations were extremely concerned about free trade agreements recently signed and in preparation, inasmuch as those agreements had a tendency to mix trade commitments with cultural cooperation protocols. He provided the example of a recent initiative within OECD to inventory barriers to free trade in all OECD Member States, which included cultural policies promoting cultural diversity. He made an appeal that cultural cooperation should have autonomy from such agreements and pointed out that it was the role of the Convention to help promote this autonomy.

157. The **Chairperson** invited the Committee to proceed to adopting Decision 8 paragraph by paragraph. There were no objections to the draft Decision from the Committee.

*Decision 5.IGC 8 was adopted unamended.*

## **ITEM 9 – CREATION OF AN EMBLEM FOR THE CONVENTION AND PREPARATION OF DRAFT OPERATIONAL GUIDELINES FOR ITS USE**

### **Document CE/11/5.IGC/213/9**

158. The **Chairperson** invited the Secretary of the Convention to provide background information on the item. The **Secretary of the Convention** recalled that the purpose of creating an emblem was to have a visual identity for the Convention, which would help raise awareness of the Convention and its activities. Following Resolution 3. CP 11 of the Conference of Parties, which approved the principle of creating an emblem in a cost-effective manner, the Committee was tasked to develop draft Operational Guidelines on the use of the emblem. The Secretary of the Convention noted that in order for the Secretariat to prepare these draft Guidelines, the Committee was invited to determine whether the Convention's emblem would be used with or without the UNESCO logo. She explained that using the Convention's emblem with the UNESCO logo would entail an established procedure whereby a requester needs to submit to the Director-General of UNESCO his/her wish to use the joint emblem. In terms of time, this option may require several months before the use of the joint logo could be granted. If the Committee decided not to join the Convention's emblem with the UNESCO logo and that the use of the Convention emblem would be granted by the Committee, the processing time may be shorter. She concluded by stating that whichever option was chosen by the Committee, there would be consequences on the resources of the Secretariat that should be taken into consideration.

159. The delegation of **Armenia** asked whether the Committee had to decide on the question of an international competition to select the logo. The **Secretary of the Convention** replied that there had been a feasibility study and a cost analysis, and that the Committee had agreed that the visual signature representing “circles” currently in use on the website of the Convention and on its communication materials, should provide the basis for a future emblem. She referred the delegation to the summary records the fourth ordinary session of the Committee in 2010 and the relevant working document, namely document CE/10/4.IGC/205/5.

160. The delegation of **Cameroon** stated that, indeed, there was an urgent need for the Convention to have an emblem. The delegation also observed that were the Convention’s emblem to be used without the UNESCO logo, it would allow other UN bodies to refer to and promote the Convention more easily and systematically.

161. The delegation of **Saint Vincent and the Grenadines** supported Cameroon’s statement, and said that an optional contextualized use of the UNESCO logo was preferable. With regard to the cost of the emblem, the delegation asked what the estimation was. The **Secretary of the Convention** replied that the cost of elaborating different models of the emblem by a designer could be estimated at US\$ 5,000, to which one should add the additional cost of producing the selected emblem in different colours, formats, etc., bringing the total estimated cost of the exercise to US\$ 17,000 as stated in document CE/10/4.IGC/205/5.

162. The delegation of **France** expressed its support to the views expressed by Cameroon and Saint Vincent and the Grenadines.

163. The delegation of **Sweden** remarked that flexibility and the need to be able to ensure effective administration were its main concerns, in light of which a decision on the possibility of a separate use of the emblem appeared appropriate.

164. The **Chief of Publications, Branding and Merchandising Section** of UNESCO responded to the previous comments by emphasizing that members of the Committee were clearly concerned about flexibility and autonomy, which should be addressed. He suggested that the Committee could benefit from the work carried out in 2007 to review the use of the UNESCO logo, and at present, of the World Heritage name and logo. He stressed that in both cases UNESCO’s Member-States and the States Parties to the 1972 Convention had similar concerns about flexibility and autonomy. With regard to resource implications, he stated that the Secretariat would have to follow the same procedures regardless of whether the logos were associated or not. He added that UNESCO was visible through its Conventions and dissociating Conventions’ emblems from the UNESCO logo could be considered detrimental to UNESCO’s visibility. From this point of view, linked or paired logos were thus a means to increase the visibility of the Organization. He suggested that the solution was in identifying concrete cases that created a bottleneck and for which specific guidelines providing flexibility could be applied.

165. The delegation of **Sweden** inquired if the Committee’s concerns about flexibility could be met without adopting a specific decision on that matter.

166. The delegation of **France** appealed for caution in relation to using the emblem of the Convention in conjuncture with the UNESCO logo, in light of the experience of other UNESCO Conventions, and reiterated its preference for the separate use of the emblem.

167. The **Chairperson** proposed that the Committee consider the draft Decision 9 paragraph by paragraph. The delegation of **Tunisia** asked in relation to paragraph 3 whether the expression

'Convention's existing visual identity' referred to the Convention's emblem by itself or also included the UNESCO logo, to which the Chairperson replied that it referred only to the emblem. The delegation of **Saint Vincent and the Grenadines** remarked in relation to paragraph 4 that the draft text contained no references to the use of the emblem. The delegation wished to ensure that the Committee's views on flexibility and separate use expressed during the present debate would be taken into consideration when preparing the draft Operational Guidelines. The delegation of **Canada** noted that paragraph 4 in its present form did respond to the concerns raised by the previous speaker. The delegation of **Armenia** supported the wording of paragraph 4 as it stood. The delegation of **Tunisia** proposed to insert in paragraph 4, after 'taking into consideration its debates at this session' the phrase 'in particular, the principle of flexibility'. The amendment was adopted.

*Decision 5.IGC 9 was adopted as amended.*

168. The Chairperson then asked whether any observers would like to take the floor.

#### **[Observers]**

169. The delegation of **South Africa** stressed that the emblem was a very important matter and that it was essential for the credibility and visibility of UNESCO that its logo be used in conjunction with the emblem of the Convention. She expressed the view that paring the Convention's emblem with the UNESCO logo would contribute to strengthening the branding and the recognition of the Convention's visual identity, the 'circles'.

### **ITEM 10 – DATE OF THE NEXT SESSION OF THE COMMITTEE**

#### **Document CE/11/5.IGC/213/10**

170. The **Chairperson** turned the Committee's attention to agenda item 10 and asked if there were any objections to the proposed date of the sixth session of the Committee, 10-14 December 2012. There were no objections from Committee members on this agenda item.

*Decision 5.IGC 10 was adopted unamended.*

### **ITEM 11 – ELECTION OF THE MEMBERS OF THE BUREAU OF THE SIXTH ORDINARY SESSION OF THE COMMITTEE**

#### **Document CE/11/5.IGC/213/11**

171. The **Chairperson** reminded Committee members that according to the Rules of Procedure, Article 12.1, the mandate of the Bureau would expire at the end of the session and that, according to the established practice, a new Bureau composed of a Chairperson, four Vice-Chairpersons and a Rapporteur would have to be elected. He remarked that informal consultations appeared to have taken place among Committee members and invited them to propose a Chairperson.

172. The delegation of **Cameroon**, on behalf of Group V(a), proposed Professor Paul Damasane of Zimbabwe, a prominent writer and cultural rights advocate, as the Chairperson of the sixth session of the Committee. Professor Paul Damasane was elected by acclamation.

173. The delegation of **Canada** nominated Switzerland from Group I as one of the Vice-Chairpersons for the sixth session of the Committee. The delegation of **Bulgaria** proposed Armenia as Vice-Chair for Group II. The delegation of **Honduras** proposed Brazil as Vice-Chair for Group III. The **Chairperson** noted that Brazil being an outgoing member of the Bureau would require that the

Rules of Procedure be suspended, in particular Rule 12.1, so that it could again be a member of the Bureau. The **Legal Advisor** said that the Committee might, under Rule 48 of its Rules of Procedure, decide to suspend Rule 12.1 by a two-thirds majority. The delegation of the **Lao People's Democratic Republic** reminded the Committee that the same initiative was taken by the Committee at the fourth session of the Committee in favour of the current Chairperson from Group IV and suggested that the Rule 12.1 be suspended for Brazil. The delegation of **China** proposed to wait for all Electoral Groups to nominate their candidates before suspending Rule 12.1. The delegation of **Kuwait** nominated Tunisia as Vice-Chair for Group V(b). The delegation of **Viet Nam** proposed Lao People's Democratic Republic as Vice-Chair for Group IV. The **Chairperson** acknowledged all the nominations and noted no objections from Committee members to the proposed suspension of the Rules of Procedure, after which he invited the Committee to identify a Rapporteur from among the nominated Bureau Members. The delegation of **Bulgaria** proposed, on behalf of Electoral Group II, Mr Artashes Arakelyan (Armenia) as Rapporteur of the sixth session of the Committee.

174. The **Chairperson** asked Committee members if they would adopt the draft Decision 11.

*Decision 5.IGC 11 was adopted as amended.*

## **ITEM 12 – OTHER BUSINESS**

175. The **Chairperson** turned the Committee's attention to item 12 of the agenda.

176. The delegation of **Switzerland** remarked that the Decision 5.IGC 4 did not appear sufficiently clear on whether the periodic reports would be translated into both working languages of the Committee. The delegation requested that the detailed summary record of the fifth session of the Committee spell out clearly that Decision 5.IGC 4 implied that there would be no translations of the full periodic reports.

177. The delegation of **Saint Vincent and the Grenadines** said with reference to the Decision 5.IGC 6 that in the spirit of transparency and in order to reassure the present and future contributors to the IFCD, the Secretariat should regularly inform the Committee through its website about its fundraising initiatives, including the bidding procedure to hire a professional fundraiser, which was an innovative approach within UNESCO.

178. The delegation of **France**, on behalf of a number of delegations expressed its gratitude and appreciation of Ms Galia Saouma-Forero, Representative of the Director-General and Director of the Division of Cultural Expressions and Heritage, who was to retire after the Committee session. The delegation recalled with great satisfaction the productive years of cooperation with Ms Saouma-Forero, and was joined by Committee members and observers who gave Ms Saouma-Forero a standing round of applause.

179. The **Representative of the Director-General** said that she was touched by this sign of appreciation and friendship, remarking that since the establishment of the Committee in 2007, she had the great chance and the honour to work in synchrony and even in harmony with the Parties. She added that the success of the Convention was due to the engagement of its Parties, and the role of the Secretariat was to assist them and to facilitate their undertakings, which will continue to be the case.

180. At the Chairperson's request, the **Rapporteur** summed up the discussions held by the Committee and outlined the decisions that had been adopted. With no objections from Committee members, the **Chairperson** declared that the fifth ordinary session of the Committee had adopted its Decisions in full and exhausted its agenda.

181. The delegation of **Canada** thanked the Chairperson for his flexibility and open-mindedness which allowed the Committee to have very fruitful content exchanges during its fifth session and to exchange best practices, which is at the heart of the Convention.

182. The delegation of **France** joined the Canadian delegation in congratulating the Chairperson for his excellent work and thanked the Secretariat, in particular Ms Danielle Cliche and her team, for their excellent work and their efficiency, and expressed its gratitude to the legal advisors, the interpreters and technical support staff.

183. The delegation of **Cameroon** admitted its initial worries upon hearing that the duration of the session had been reduced by two days. The delegation added that it was thanks to the competency of the Chairperson and the effective preparation by the Secretariat that the Committee succeeded in exhausting its agenda within three days.

184. The delegation of **Kenya** echoed the previous speakers and thanked the Chairperson for his expert leadership, and the Secretariat, for its openness and sincerity in its answers to the Committee members.

185. The delegation of **Brazil** joined the previous speakers congratulating the Chairperson, the Representative of the Director-General to whom the Parties to this Convention owe a great deal of gratitude and will miss her, the Secretary of the Convention and all UNESCO colleagues who contributed to the organization of the session.

186. The delegation of **Tunisia** congratulated the Chairperson and everyone for the success of the session, gave tribute to Ms Saouma-Forero who had been instrumental to the success of the Convention and to the Secretariat for continuing on this path.

187. The delegation of **Armenia** thanked, on behalf of Electoral Group II, the Committee for its good work and congratulated the newly elected Bureau.

188. The delegate of **Lao People's Democratic Republic**, expressed his special appreciation of Ms Saouma-Forero and Ms Dominique Lvasseur, both of whom he knew for many years. He continued by thanking the Chairperson and the Secretariat for their exemplary work, and wished every success to the newly elected Bureau and its Chairperson.

189. The delegation of **Congo** highlighted the Chairperson's competence and patience in leading the fifth session of the Committee, wished every success to the Ms Saouma-Forero in her new undertakings, as well as to the Ms Cliche, the Secretary of the Convention and her team in their future work and, finally, expressed the delegation's confidence in the newly elected Chairperson.

190. The delegation of **Saint Vincent and the Grenadines** joined the Caribbean voice to the remarks of the previous speakers, and expressed special thanks to the Rapporteur of the Committee.

191. The representative of **China** congratulated the Chairperson for his work and the Secretariat for its valuable assistance, and expressed its best wishes to the Representative of the Director-General for her future. The delegation concluded by reasserting China's commitment to the Convention.

192. The **Representative of the Director-General** paid tribute to the outgoing Chairperson who had done honour to the tradition of great Chairpersons of the Committee. She expressed her

appreciation and admiration at the efficiency and equanimity with which the Chairperson steered the debates and thanked him for his excellent work. She then told the members of the Committee that the Secretariat of the Convention was a winning team, lead by Ms Cliche, the Secretary of the Convention, who came from civil society, and over year two years at UNESCO had fully mastered the modus operandi of an intergovernmental committee and of international cooperation. The representative of the Director-General expressed her confidence in the ability of Ms Cliche to ensure that the statutory bodies of the Convention continued their effective and innovative work and to deliver the results expected, together with her young, dynamic and motivated team. In conclusion, she expressed her privilege to have contributed to the growth of the 2005 Convention.

193. At the invitation of the Chairperson and at the request of the delegation of South Africa, the **Committee** held a minute of silence for Professor Kader Asmal, the architect and the Chairperson of the first Conference of Parties, who had passed away recently.

194. The **Chairperson** thanked Committee members for their hard work and commitment during this compacted session in order to accomplish all the tasks foreseen on the agenda. He highlighted the importance of the International Fund for Cultural Diversity (IFCD) and the role of the Secretariat to deliver capacity-building activities in the future to implement the Convention. The Chairperson then thanked the Assistant Director-General for Culture, Mr Francesco Bandarin and Ms Saouma-Forero, Director of the Division of Cultural Expressions and Heritage, wishing her every success in her future endeavours. He congratulated the Secretariat of the Convention for their extraordinary work and expressed his thanks to Ms Cliche and everybody in her team. He also thanked the interpreters, the technicians and all the colleagues whose contribution ensured that the fifth session of the Committee session was a success in spite of the unusual conditions in which it was held.

195. The **Secretary of the Convention** took the floor to express her personal and professional gratitude to Ms Saouma-Forero, the first Secretary of the 2005 Convention, who has provided great leadership in the foundation and chartered the course for our future work. Ms Cliche thanked her for her generosity in sharing her experience and her passion with the team.

196. The **Chairperson** declared the fifth session of the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions adjourned.

## **CLOSING OF THE SESSION**