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Diversity of Cultural Expressions

4.IGC

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

Fourth Ordinary Session
Paris, UNESCO Headquarters
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Item 7 of the Provisional Agenda: Draft operational guidelines on information sharing and transparency (Article 9 of the Convention)

At its second ordinary session (June 2009), the Conference of Parties requested the Committee to submit to it for approval at its next session (June 2011) draft operational guidelines concerning Article 9 of the Convention, dealing with information sharing and transparency. Annex I to this document contains the preliminary draft operational guidelines on which the Committee may wish to base its discussion. The schedule for submission of periodic reports is available in Annex II.

Decision required: paragraph 23

1. At its second ordinary session (June 2009), the Conference of Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”) requested the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter “the Committee”) to submit to it for approval at its next session (June 2011) draft operational guidelines concerning Article 9 of the Convention, dealing with information sharing and transparency (Resolution 2.CP 7).

2. Article 9 of the Convention specifically calls upon the Parties to: (a) provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level; (b) designate a point of contact responsible for information sharing in relation to this Convention; and (c) share and exchange information relating to the protection and promotion of the diversity of cultural expressions. Article 19.1 builds upon the latter provision stating that Parties agree to exchange information and share (in addition to measures) expertise concerning data collection and statistics as well as best practices.

3. At its third ordinary session (December 2009), the Committee had an initial discussion on the preparation of draft operational guidelines on Article 9. The Committee then requested the Secretariat to continue its work and to submit for consideration at its next session preliminary draft operational guidelines on Article 9 that reflect its debates held during the third session. The Committee also urged Parties, which had not yet done so, to appoint as soon as possible, points of contact responsible for information sharing in relation to this Convention and transmit their contact details to the Secretariat (Decision 3.IGC 7).

4. This document takes into account the debates of the Committee’s third session and proposes preliminary draft operational guidelines on Article 9 (Annex I). Annex II presents the schedule for submission of periodic reports examined by the Committee at its last session. A draft framework for periodic reports is presented in the information document CE/10/4.IGC/205/INF.3 for the Committee’s consideration.

Periodic Reports

5. Parties will, every four years, submit reports to UNESCO on measures they have taken to protect and promote the diversity of cultural expressions a) within their territory and b) at the international level. The purpose of such reports is to share relevant information and ensure transparency.

6. On the *format of reports*, the Committee members concurred that they should be clear, simple, concise and user-friendly. They stressed the importance of these reports as working tools and therefore the number of pages required should be in line with this objective. Moreover, the Committee underlined that no expert meeting to provide input into the format of reports was needed.

7. Taking into account the Committee's discussions and existing practice by other UNESCO culture conventions, the *content of the reports* could be structured into five main sections:

- Summary (to be transmitted to the Committee and Conference of Parties)
- Section I – General information
- Section II - Measures adopted by the Parties to protect and promote the diversity of cultural expressions within their territory and at the international level

- Section III – Outreach and engagement of civil society
- Section IV - Achievements and challenges to the implementation of the Convention
- Section V – Supporting information and data

8. Regarding the content of Section II, the Committee proposed to adopt a thematic approach on measures Parties have introduced, rather than requesting Parties to report on the implementation of all Articles of the Convention one by one. It also indicated that the themes of international cooperation and the integration of culture in sustainable development policies and programmes should be retained.

9. It is important to note that references to the collection of information on measures taken to protect and promote the diversity of cultural expressions have been made in the operational guidelines approved by the Conference of Parties in June 2009, notably calling for Parties to report on:

- policies and measures they have taken that are aimed at providing support to different stages of creation, production, distribution, dissemination and access to cultural activities, goods and services;
- measures to facilitate preferential treatment for developing countries aimed at supporting the mobility of artists and cultural professionals as well as greater market access for cultural goods and services from developing countries;
- when applicable, measures they have taken to protect cultural expressions under threat.

Therefore, these themes should also be taken into consideration in the proposed framework for periodic reports.

10. The Committee, acknowledging that Parties might not be able to answer all questions at the same level of detail, considered that the proposed framework for periodic reports would evolve over time and that the first reports should be tools to share experiences and challenges encountered.

11. During the debate, the Committee concurred that the type of information to be provided in the periodic reports should be both qualitative and quantitative in nature. This implies an analysis of how, why, when and with what impact, measures to protect and promote the diversity of cultural expressions were introduced. Quantitative data could be presented, when available, to help provide a context that sheds light on the introduction of specific measures. It was also underlined that periodic reports should include best practice examples of measures and experiences that Parties would like to share.

12. Discussions were held on the introduction of indicators to collect statistics through the periodic reports. It was stressed that while a few simple indicators could be included, it was premature, at present, to adopt a more elaborate series of indicators to measure the diversity of cultural expressions. This is due to the lack of consensus on approaches and methodologies to collect data on the diversity of cultural expressions, the varying levels of basic cultural statistics available and the recent adoption of the 2009 UNESCO Framework for Cultural Statistics that requires more time before it is fully implemented by UNESCO Member States.

Role and participation of civil society

13. The operational guidelines for Article 11, on the role and participation of civil society, indicate in paragraph 6 that civil society is to contribute to the periodic reports within their field of competence. Such input would enrich the content and encourage transparency in the elaboration of these reports. By providing reflections of reality on the ground, civil society could eventually contribute to activities that help determine the impact of measures introduced to protect and promote the diversity of cultural expressions.

14. However, only the Parties together with civil society can best determine the modus operandi of such cooperation in the realization of the periodic reports.

Submission and Dissemination of Reports

15. In accordance with Articles 22.4(b) and 23.6(c), the Conference of Parties is to receive and examine the periodic reports transmitted to them by the Committee. These reports are to be transmitted together with the Committee's comments and a summary of their content.

16. Given that the draft Operational Guidelines for Article 9 will be transmitted to the Conference of Parties at its third ordinary session in June 2011, the earliest submission of periodic reports by Parties that ratified the Convention in or before 2008 would be in 2012. In order to allow reasonable time for Parties to prepare these reports, it was proposed that Parties concerned send their reports to the Secretariat by 30 April 2012. They would then be reviewed at the Committee's sixth ordinary session in December 2012 and transmitted to the Conference of Parties at their fourth ordinary session in June 2013.

17. The Committee members are to note that according to the calendar adopted, 94 Party reports will be submitted in 2012 and hence every four years thereafter.

18. The Committee could decide at this session how and when these reports will be made available, keeping in mind that one of the main objectives of the periodic reports is to facilitate the sharing of relevant information on measures to protect and promote the diversity of cultural expressions.

Points of contact

19. Article 9 calls on all Parties to designate a point of contact responsible for information sharing in relation to this Convention. The timing of their designation is stipulated in the final clauses of the Convention through Article 28 stating that Parties are to designate their point of contact upon ratification.

20. At its third session (December 2009), the Committee reminded Parties that had not yet done so to comply with this obligation and send information on their designated point of contact to the Secretariat of the Convention. A letter was sent to all Parties by the Secretariat on 22 February 2010.

21. To date, for the 116 States and regional economic integration organization(s) that have deposited their instrument of ratification, there are 71 points of contact from 61 Parties with the following profiles:

- 55 are officials within government ministries
- 10 are National Commissions
- 3 are Permanent delegations
- 3 are NGOs

In addition:

- 17 from Group I
- 16 from Group II
- 9 from Group III
- 6 from Group IV
- 8 from Group Va
- 4 from Group Vb

22. The main objective of the points of contact is to share information in relation to the Convention within their territories that respond to their respective needs, context, language and culture. While recognising this main objective, Parties could consider their active involvement in other Convention activities related to promotion, visibility, ratification and fundraising.

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

DRAFT DECISION 4.IGC 7

The Committee,

1. *Having reviewed the document CE/10/4.IGC/205/7 and its annexes;*
2. *Recalling Resolution 2.CP 7;*
3. *Adopts the draft operational guidelines for information sharing and transparency (Article 9 of the Convention), as annexed to this decision;*
4. *Adopts the draft framework for periodic reports on measures to protect and promote the diversity of cultural expressions, as contained in the information document CE/10/4.IGC/205/INF.3;*
5. *Submits the draft operational guidelines and the draft framework for periodic reports for approval at the third ordinary session of the Conference of Parties;*
6. *Requests Parties that have not yet done so to appoint as soon as possible points of contact and transmit their contact details to the Secretariat.*

ANNEX I

Preliminary draft operational guidelines on information sharing and transparency (Article 9 of the Convention)

Article 9 – Information sharing and transparency

Parties shall:

- (a) provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level;*
- (b) designate a point of contact responsible for information sharing in relation to this Convention; and*
- (c) share and exchange information relating to the protection and promotion of the diversity of cultural expressions.*

Periodic reports of the Parties to the Convention

1. Each Party will, the fourth year following the year in which it deposited its instrument of ratification, acceptance or approval, and every fourth year thereafter, a report to Conference of the Parties under Article 22.4 (b), through the Secretariat of the Convention.
2. The purpose of such reports is to provide relevant information on measures Parties have taken to protect and promote the diversity of cultural expressions within their territory and at the international level.
3. The information and data provided in these reports could contribute to sharing and exchange activities between Parties on the implementation of the Convention.

Format and content of reports

4. The Parties shall provide information using the form approved by the Conference of Parties. It is understood that the framework for the collection of information on measures taken to protect and promote the diversity of cultural expressions is expected to evolve over time.
5. The periodic reports should provide qualitative and quantitative information and include an analysis of the how, why, when and with what impact, measures to protect and promote the diversity of cultural expressions have been introduced. They should provide statistical evidence, as much as possible, as well as best practice examples of measures and experiences that Parties wish to share.
6. The maximum number of pages is limited to 20 pages. Information should therefore be presented in a concise and clear manner.

Ensuring a participatory process

7. Civil society is to contribute to the periodic reports within their field of competence. Such input is designed to strengthen the collaboration between the Convention's stakeholders, to encourage transparency and achieve its objectives.

8. The Parties together with civil society will determine the modus operandi of such cooperation. For example, Parties may ask civil society to contribute directly to one common submission, while others may prefer that two separate reports are prepared; one by the Parties and one by civil society.

9. Parties could also cooperate with specialized bodies at national, regional and international levels to collect information and data requested in the framework of the periodic reports.

Submission and Dissemination of Reports

10. Parties shall submit reports to the Secretariat on paper and in electronic form in one of the working languages of the Committee (English or French). Parties are invited, if possible, to submit their reports in both languages, and in another working language of the Conference of Parties.

11. The Secretariat will register reports received from Parties, acknowledge receipt and check for completeness. If reports are not complete (i.e. if they do not include sufficient information to allow the Committee to consider them), the Secretariat will advise the Party on what still needs to be completed.

12. The Secretariat will then forward to the Committee before each of its ordinary sessions, the reports it will have received, as well as a summary of their content, which will be provided by the Parties.

13. In accordance with Articles 22.4 (b) and 23.6 (c) of the Convention, after consideration by the Committee, reports will be forwarded to the Conference of Parties for review. These reports will be accompanied by the Committee's comments and content summary.

14. So as to facilitate the exchange of information relating to the protection and promotion of the diversity of cultural expressions, periodic reports will be made available following a resolution by the Conference of Parties.

Points of Contact

15. Upon ratification, Parties designate a point of contact responsible for sharing information on the Convention at the national level. In principle, there should be one point of contact designated per country. In case of change of contact point, the Parties should notify the Secretariat as soon as possible.

16. Points of contact are communication channels through which information about the Convention can be disseminated to relevant Ministries and public agencies. Points of contact should be in a position to respond to queries about the Convention from the general public.

17. Recognising that the main objective of the points of contact is to share information in relation to the Convention, Parties may consider engaging their active involvement in other Convention activities related to promotion, visibility, ratification and fundraising.

18. In the absence of information infrastructure in the country, Parties may request points of contact to participate in gathering relevant information required as input to their periodic reports. To this end, points of contact could be responsible for gathering and maintaining relevant documentation.

19. Points of contact may establish working relationships with civil society bodies working in their countries to promote the objectives of the Convention within their territories. They may also pursue cooperation activities with other points of contact on an international, regional or sub-regional level in order to share information and experiences.

20. Points of contact are invited to share information on their activities with the Secretariat.

ANNEX II

Schedule for submission of the periodical reports of the Parties (Article 9.1 of the Convention)

Date	Number of reports transmitted to the <i>Secretariat</i>	Number of reports reviewed by the <i>Committee</i>		Number of reports submitted to the Conference of Parties	
		Number	Session	Number	Session
04/2012	1st report: 94 ratifications + 4 years (2005 to 2008)				
12/2012		1st report: 94 ratifications + 4 years (2005 to 2008)	6		
04/2013	1st report: 11 ratifications + 4 years (2009)				
06/2013				1st report: 94 ratifications + 4 years (2005 to 2008)	4
12/2013		1st report: 11 ratifications + 4 years (2009)	7		
04/2014	1st report: 6 ratifications + 4 years (2010)				
12/2014		1st report: 6 ratifications + 4 years (2010)	8		
04/2015	1st report XXX Parties to ratify in 2011				
06/2015				1st report: 17 11 (ratifications + 4 years (2009)) 6 (ratifications + 4 years (2010))	5
12/2015		1st report XXX Parties to ratify in 2011	9		
04/2016	1st report XXX Parties to ratify in 2012 2nd report : 94 ratifications + 4 years (2005 to 2008)				
12/2016		1st report XXX Parties to ratify in 2012 2nd report: 94 ratifications + 4 years (2005 to 2008)	10		
04/2017	1st report XXX Parties to ratify in 2013 2nd report : 11 ratifications + 4 years (2009)				
06/2017				1st report XXX Parties to ratify in 2011 et 2012 2nd report: 94 ratifications + 4 years (2005 to 2008)	6
12/2017		1st report XXX Parties to ratify in 2013 2nd report: 11 ratifications + 4 years (2009)	11		

Date	Number of reports transmitted to the <i>Secretariat</i>	Number of reports reviewed by the <i>Committee</i>		Number of reports submitted to the Conference of Parties	
		Number	Session	Number	Session
04/2018	1st report XXX Parties to ratify in 2014 2nd report: 6 ratifications + 4 years (2010)				
12/2018		1st report XXX Parties to ratify in 2014 2nd report: 6 ratifications + 4 years (2010)	12		
04/2019	1st report XXX Parties to ratify in 2015 2nd report XXX Parties to ratify in 2011				
06/2019				1st report XXX Parties to ratify in 2013 and 2014 2nd report: 17 11 (ratifications + 4 years (2009)) 6 (ratifications + 4 years (2010))	7
12/2019		1st report XXX (Parties to ratify in 2015) 2nd report XXX Parties to ratify in 2011	13		
04/2020	1st report XXX Parties to ratify in 2016 2nd report XXX Parties to ratify in 2012 3rd report: 94 ratifications + 4 years (2005 to 2008)				
12/2020		1st report XXX Parties to ratify in 2016 2nd report XXX Parties to ratify in 2012 3rd report: 94 ratifications + 4 years (2005 to 2008)	14		
04/2021	1st report XXX Parties to ratify in 2017 2nd report XXX Parties to ratify in 2013 3rd report: 11 ratifications + 4 years (2009)				
06/2021				1st report XXX Parties to ratify in 2015 and 2016 2nd report XXX Parties to ratify in 2011 and 2012 3rd report: 94 ratifications + 4 years (2005 to 2008)	8
12/2021		1st report XXX Parties to ratify in 2017 2nd report XXX Parties to ratify in 2013 3rd report: 11 ratifications + 4 years (2009)	15		

Date	Number of reports transmitted to the <i>Secretariat</i>	Number of reports reviewed by the <i>Committee</i>		Number of reports submitted to the Conference of Parties	
		Number	Session	Number	Session
04/2022	1st report XXX Parties to ratify in 2018 2nd report XXX Parties to ratify in 2014 3rd report : 6 ratifications + 4 years (2010)				
12/2022		1st report XXX Parties to ratify in 2018 2nd report XXX Parties to ratify in 2014 3rd report : 6 ratifications + 4 years (2010)	16		
04/2023	1st report XXX Parties to ratify in 2019 2nd report XXX Parties to ratify in 2015 3rd report XXX Parties to ratify in 2011 4th rapport: 94 ratifications + 4 years (2005 to 2008)				
06/2023				1st report XXX Parties to ratify in 2017 and 2018 2nd report XXX Parties to ratify in 2013 and 2014 3rd report: 17 11 (ratifications + 4 years (2009)) 6 (ratifications + 4 years (2010))	9