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Организация
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науки и культуры

منظمة الأمم المتحدة
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Diversity of Cultural Expressions

4 CP

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

**Fourth ordinary session
Paris, UNESCO Headquarters, Room II
11–14 June 2013**

Item 9 of the provisional agenda: Approval of the operational guidelines for the implementation of the Convention

The Conference of Parties requested the Intergovernmental Committee to submit to it for approval, at its fourth ordinary session, draft operational guidelines for the implementation of the Convention (Resolution .CP 11). This document contains in Annex a compilation of draft operational guidelines adopted by the Committee at its last session.

Decision required: paragraph 5

1. Article 22.4(c) of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Convention”) indicates that the functions of the Conference of Parties include, *inter alia*, the approval of the operational guidelines prepared by the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions (hereinafter referred to as “the Committee”) upon its request (Article 23.6(b) of the Convention).
2. The Conference of Parties, in Resolution 3.CP 11, adopted at its third ordinary session in June 2011, requested the Committee to continue its work and to submit to it, for approval at its next session, draft operational guidelines on the use of the emblem of the Convention; as well as to review the Guidelines on the use of the resources of the International Fund for Cultural Diversity (IFCD).
3. The Committee has met on two occasions in ordinary session (December 2011 and 2012) since the third ordinary session of the Conference of Parties. During the last session, the Committee examined and adopted the following drafts:
 - Decision 6.IGC 8: Revised draft Guidelines on the use of the resources of the International Fund for Cultural Diversity (IFCD);
 - Decision 6.IGC 12: Draft Operational Guidelines on the use of the emblem of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.
4. This document includes in annex a compilation of the draft operational guidelines adopted by the Committee at its last session.
5. The Conference of Parties may wish to adopt the following resolution:

DRAFT RESOLUTION 4 CP 9

The Conference of Parties,

1. *Having examined document CE/13/4.CP/9 and its Annex;*
2. *Recalling Resolution 3.CP 11;*
3. *Approves the following operational guidelines, as annexed to this Resolution:*
 - *Guidelines on the use of the resources of the International Fund for Cultural Diversity (IFCD);*
 - *Operational Guidelines on the use of the emblem of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.*

ANNEX - Compilation of the draft operational guidelines adopted by the sixth session of the Intergovernmental Committee

Guidelines on the use of the resources of the International Fund for Cultural Diversity (IFCD)

DRAFT REVISIONS

Strategic considerations and objectives

1. The purpose of the International Fund for Cultural Diversity (IFCD) is to finance projects and activities approved by the Intergovernmental Committee (herein after “the Committee”) on the basis of guidelines determined by the Conference of Parties, notably to facilitate international cooperation for sustainable development and poverty reduction to foster the emergence of dynamic cultural sectors in developing countries¹, in accordance with Article 14 of the Convention (Article 3 of the Financial Regulations of the IFCD).
2. The main objective of the IFCD is to invest in projects that lead to structural change through the introduction and/or elaboration of policies and strategies that have a direct effect on the creation, production, distribution of and access to a diversity of cultural expressions, including cultural goods, services and activities, as well as through the reinforcement of institutional infrastructures deemed necessary to support viable cultural industries at the local and regional levels.
3. IFCD projects demonstrate the value and opportunities that the cultural industries bring to sustainable development processes, in particular to economic growth and the promotion of a decent quality of life.
4. The IFCD is managed as a Special Account pursuant to Article 1.1 of its Financial Regulations and, given its multi-donor nature, cannot receive tied or earmarked contributions.
5. Use of the IFCD’s resources must be consistent with the spirit and provisions of the Convention. Pursuant to Article 18.3(a) and 18.7, Parties shall endeavour to provide voluntary contributions on an annual basis. The Committee encourages Parties to provide contributions on an annual basis, the amount being at least equal to 1% of their contribution to the UNESCO budget. The resources of the IFCD will be used to fund projects in developing countries. Public development aid which is not tied may be used to fund the activities of the IFCD for projects approved by the Committee in accordance with the provisions governing UNESCO Special Accounts.
6. In managing the IFCD, the Committee shall ensure that the use of the resources:
 - 6.1 meets the programmatic and strategic priorities established by the Committee;
 - 6.2 meets the needs and priorities of beneficiary developing countries;
 - 6.3 promotes South-South and North-South-South cooperation;

¹ Parties to the UNESCO 2005 Convention on the Protection and the Promotion of the Diversity of Cultural Expressions that are recognized by UNCTAD as developing economies, economies in transition and least developed countries.

6.4 contributes to achieving concrete and sustainable results as well as structural impacts in the cultural field;

6.5 respects the principle of ownership by the beneficiaries;

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

6.7 satisfies the principle of financial accountability, as understood within the United Nations system;

6.8 satisfies the need for funds to be spent principally on project activities and ensuring minimum overhead costs as referred to in paragraph 15.7;

6.9 avoids spreading resources too thinly or supporting sporadic activities;

6.10 promotes gender equality;

6.11 promotes the participation of various social groups as identified in Article 7 of the Convention in the creation, production, dissemination, distribution and enjoyment of diverse cultural expressions;

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

Areas of intervention

7. Funds will be allocated:

7.1 For projects that:

7.1.1 introduce and/or develop policies and strategies that have a direct effect on the creation, production, distribution, and access to a diversity of cultural goods, services and activities;

7.1.2 strengthen corresponding institutional infrastructure², including professional capacities and organizational structures, deemed necessary to support viable local and regional cultural industries and markets in developing countries;

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

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

7.2.2 the cost of participation at the meetings of the organs of the Convention by government experts from least-developed countries that are members of the Committee, upon their request. Requests must reach the Secretariat of the Convention at least two months before each session of the Committee or of the Conference of Parties;

² Institutional infrastructure is to be understood as any public, collective and professional organizational structures (excluding working space and equipment, physical construction or restoration of buildings), capacities as well as legislative (legal) and administrative provisions deemed necessary for the implementation of policies.

7.3 For the evaluation of projects by the Panel of Experts, to be constituted by the Committee, before their submission for examination to the Committee. Funds could also be allocated for a meeting between the Secretariat and the members of the Panel of Experts every two years in Paris.

8. Projects aimed at offsetting a deficit, repaying a debt or paying interest, relating solely to the production of cultural expressions or sustaining ongoing activities with recurring costs, will not be eligible for assistance from the IFCD.

9. At each session, on the basis of the funds available in the Special Account, the Committee will adopt a budget for each of the above-mentioned types of assistance.

Beneficiaries

10. Entitled to benefit from the IFCD:

10.1 For projects:

10.1.1 all developing countries which are Parties to the Convention;

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

10.1.3 international non-governmental organizations (INGOs), which meet the definition of civil society and criteria regulating admission of its representatives at meetings of organs of the Convention as mentioned in the Operational Guidelines relating to the role and participation of civil society;

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

10.2 For participatory assistance:

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

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

10.3 To avoid any conflict of interest, National Commissions and any other organizations participating in the pre-selection or approval of projects submitted to the Secretariat are not eligible for IFCD funding.

Funding and submission ceilings

11. Regarding the funding and submission ceilings, the following shall be taken into consideration:

11.1 the maximum amount requested from the IFCD for each project is US\$100,000;

11.2 the project implementation period can be between 12 and 24 months;

11.3 National Commissions or other official channels designated by Parties can forward a maximum of four applications per funding cycle, maximum two per Party (public authority/institution) and maximum two from NGOs;

11.4 Each INGO may present a maximum of two applications per funding cycle with written support from beneficiary countries.

Pre-selection process at the country level

12. Regarding the pre-selection process at the country level, the following shall be taken into consideration:

12.1 National Commissions or other official channels designated by the Parties shall launch a call for funding requests within their countries, setting appropriate deadlines that take into account the submission deadlines communicated by the Secretariat;

12.2 National Commissions or other official channels designated by the Parties shall form a pre-selection panel made up of, in particular, Ministries of Culture and/or other Ministries responsible for the cultural industries, and members of civil society organizations specializing in the field of culture to evaluate and pre-select projects to be submitted to the Secretariat;

12.3 the pre-selection panel is to undertake an assessment on how the projects are relevant, meet the country's needs and priorities, and have been subject to consultation among stakeholders.

Procedure for the submission of funding requests

13. Regarding the procedure for the submission of funding requests, the following shall be taken into consideration:

13.1 the Secretariat shall launch the call for funding requests in January each year. All funding requests will be received by the Secretariat by 15 May at the latest. Those received after the deadline are considered ineligible;

13.2 funding requests by Parties and NGOs are submitted to the Secretariat through the National Commissions or other official channels designated by the Parties, that ensure projects are relevant and meet the country's needs and priorities;

13.3 funding requests by INGOs are submitted directly to the Secretariat with written support from the beneficiaries concerned to ensure projects are relevant and meet the beneficiary's needs and priorities. Funding requests by INGOs are submitted on a separate form and must demonstrate a sub-regional, regional or inter-regional impact;

13.4 upon receiving the requests, the Secretariat will perform a technical assessment to ensure that the applications are complete, fall within the areas of intervention of the IFCD and therefore are eligible. Upon completion, the Secretariat will forward eligible project files to the members of the Panel of Experts for evaluation.

Funding Request Forms

14. Forms provided by the Secretariat on the website of the 2005 Convention shall be used and considered the official funding request forms.

15. All funding requests shall be submitted in either English or French and contain the following information:

15.1 background information about the beneficiary, including mission and activities, and biographical information about project staff members;

15.2 a brief summary of the project;

15.3 a project outline (title, short- and long-term measurable objectives, country context and needs assessment, activities and expected results, including the cultural, social and economic impact, beneficiaries and partnerships);

15.4 the name and address of the representative of the beneficiaries' organization that will hold financial and administrative responsibility for implementation of the project;

15.5 a work schedule and time frame;

15.6 measures to promote the sustainability of the proposed project;

15.7 a detailed budget, including the amount of funding sought from the IFCD, as well as other sources. Self or co-funding is encouraged to the extent possible. Expenditures for project-related overhead costs required to implement the project are limited to a maximum of 30% of the total project budget;

15.8 any information relating to the status of completion of earlier funding requests from the IFCD.

Panel of Experts

16. A six-member Panel of Experts shall be proposed by the Secretariat to the Committee for its approval based on the following criteria:

- equitable geographical distribution and representation;
- university degree or professional experience in the fields of cultural policy and/or cultural industries;
- experience in evaluating projects;
- professional experience in international cooperation;
- in-depth professional experience in one of the UNESCO regions;
- gender equality;
- fluency in French or English and, if possible, a good understanding of the other language.

16.1 Members of the Panel of Experts have a four-year mandate. Half are renewed each two years in order to ensure the continuity of work;

16.2 A coordinator shall be designated from among the six members of the Panel of Experts by the members themselves;

16.3 A meeting is organized for the Panel of Experts by the Secretariat every two years in Paris;

16.4 The Panel of Experts is responsible for preparing recommendations for the Committee for examination and possible approval. The Coordinator shall be invited to the Committee's ordinary session when it examines projects recommended by the Panel of Experts;

16.5 Each project application should be assessed by two experts using the evaluation forms provided by the Secretariat. No expert should assess a project from his/her country.

Recommendations by the Panel of Experts

17. The Panel of Experts shall undertake an evaluation of funding requests it receives from the Secretariat, using the official evaluation tools and taking into account the overall objectives of the IFCD.

17.1 The Panel of Experts can recommend to the Committee:

17.1.1 a list of projects to be funded within the limits of the funds available;

17.1.2 only projects that receive at least 75% of the maximum number of points attributable;

17.1.3 only one project per beneficiary;

17.1.4 if applicable, adjustment of the funds requested for projects and activities from the IFCD with accompanying explanation(s).

17.2 The Secretariat shall make available online four weeks before the Committee session all project files, their evaluation and recommendation by the Panel of Experts.

Decision-making of the Committee

18. The Committee shall examine and approve projects at its ordinary session.

19. To facilitate the decision-making of the Committee, the recommendations of the Panel of Experts will be accompanied by a detailed presentation, including:

19.1 a brief summary of the project presented in the request;

19.2 the potential impact and expected results;

19.3 an opinion on the amount to be financed from the IFCD;

19.4 the relevance/appropriateness of the project to the objectives of the IFCD as well as to the areas of intervention of the IFCD;

19.5 an assessment of the feasibility of the project proposed, the relevance and effectiveness of its modalities of execution, as well as the expected structural impacts, where appropriate;

19.6 an analysis of the sustainability of the project, reflecting the level of ownership demonstrated by the beneficiaries, plans for longer-term expected results that go beyond the output level, as well as the potential of projects to produce structural effects or put in place measures/create conditions for future structural effects to take hold;

19.7 an assessment as to the interest of the project;

19.8 an assessment of how the project takes into consideration gender equality.

Monitoring

20. UNESCO shall develop a systemic and risk-based project monitoring system with adequate human and financial resources to identify and address project implementation challenges and to ensure project sustainability. This monitoring system shall be based on short and long term objectives and SMART³ indicators.

³ Specific, Measurable, Achievable, Relevant and Timed.

21. All relevant UNESCO Field Offices shall designate a focal point to cooperate with the Secretariat in ensuring ongoing monitoring of IFCD projects, and their complementarity and synergies with UNESCO's other work at the country level. The involvement of UNESCO Field Offices should also facilitate the establishment of contacts and sharing of experiences between IFCD project partners and potential future donors.

Evaluation

22. An evaluation and audit of the IFCD shall be carried out every five years.

23. In addition, any project may be evaluated *ex-post facto* at the request of the Committee with regard to its efficiency, and the achievement of its objectives relative to the resources spent. Evaluation of funded projects should present lessons learned, as well as the impact of these projects on strengthening and/or fostering the emergence of dynamic cultural industries in developing countries. The evaluation should showcase how experience gained could benefit other projects, with a view to compiling and disseminating best practices on the Convention knowledge platform.

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

Reporting

25. The beneficiaries shall submit a mandatory descriptive, analytical and financial report on the execution of the project and the realization of expected results to the Secretariat. The report must be presented using the reporting forms provided by the Secretariat in order for the beneficiary to receive its final payment. No financial contributions for new projects will be allocated to beneficiaries who have not received their final payment.

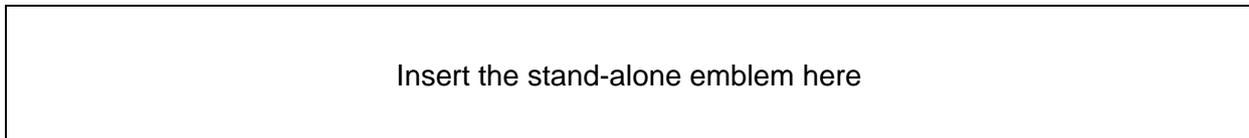
Draft Operational Guidelines on the use of the emblem of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions

I. General Considerations

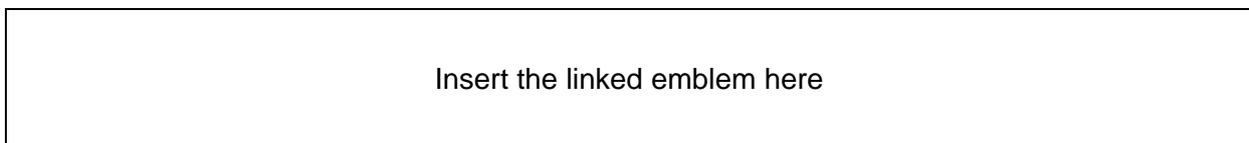
1. In order to increase the visibility and encourage the promotion of the Convention at the national, regional and international levels, the Parties to the Convention deem necessary to create an emblem encapsulating its objectives and principles.
2. The emblem of the Convention is a graphic representation, visually exploring the relationships, concepts and ideas of the Convention and their interactions with one another.
3. The emblem of the Convention can be used independently as a stand-alone emblem (hereinafter “stand-alone emblem”) or be used together with the UNESCO logo (hereinafter “linked emblem”).
4. The use of the stand-alone emblem is governed by the provisions stipulated in the present Guidelines.
5. The use of the linked emblem is governed both by the present Guidelines and by the *Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO*, as adopted by the General Conference of UNESCO¹. The use of the linked emblem must therefore be authorized both under the present Guidelines and under the *Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO* (for the part of the UNESCO logo) in accordance with the procedures provided in their respective Guidelines.

II. Graphic design of stand-alone and linked emblems

6. The stand-alone emblem, which is used as the official seal of the Convention, is shown below:



7. The linked emblem is shown below:



III. Rights of use of the emblem

8. The following have the right to use the stand-alone emblem without prior authorization, subject to the rules set out by the present Guidelines:
 - (a) the statutory organs of the Convention:
 - i) the Conference of Parties;

¹ The most recent version of the *Directives concerning the Use of the Name, Acronym, Logo and Internet Domain Names of UNESCO* is found in the annex to Resolution 86 of the 34th session of the General Conference (Resolution 34C/86) or at <http://unesdoc.unesco.org/images/0015/001560/156046e.pdf>.

- ii) the Intergovernmental Committee for the Protection and the Promotion of the Diversity of Cultural Expressions (hereinafter “Committee”); and
 - (b) the UNESCO Secretariat of the 2005 Convention (hereinafter “Secretariat”).
9. All others desiring the right to use the emblem must request and receive authorization pursuant to the procedures set forth below.

IV. Graphical standards

10. Both the stand-alone and linked emblems can be used in the six official languages of UNESCO. They shall be reproduced according to the specific graphical charter and a Brand Tool Kit elaborated by the Secretariat and published on the Convention’s website and shall not be altered.
11. Use of languages other than those six official languages of UNESCO in the stand-alone and linked emblems must be approved by UNESCO, prior to their use.

V. Authorization procedure for use of the stand-alone emblem

12. Authorizing the use of the stand-alone emblem is the prerogative of the Conference of Parties and/or the Committee, and the authorization may be granted by either one.
13. The Conference of Parties and the Committee authorize the use of the stand-alone emblem by means of resolutions and decisions that will stipulate the terms of the authorization granted, in accordance with the present Guidelines.
14. The decision authorizing the use of the stand-alone emblem shall be evaluated based on the following criteria:
- (a) relevance to and compliance with the Convention’s principles and objectives;
 - (b) potential impact to raise visibility and awareness of the Convention and the diversity of cultural expressions; and
 - (c) adequate assurance is provided to demonstrate the successful organization of a proposed activity, including the professional experience and reputation of the requesting body, and the financial and technical feasibility of the proposed activity.
15. Requests for the use of the stand-alone emblem can be submitted at any time for activities such as one-off activities that are international, regional, national and/or local in scope, that present a large diversity of cultural expressions and that involve artists, cultural producers, policy makers and/or civil society. These activities may include performances, exhibitions, audio-visual productions or publications (printed or electronic), or public events such as conferences or meetings and festivals and trade fairs for example in the film, book or music sectors.
16. The following steps are required to request the use of the stand-alone emblem:
- (a) Step 1: For national, regional as well as international activities, a requester must fill in a “Request Form” on the use of the stand-alone emblem and submit it to National Commissions for UNESCO of the Party or Parties, or other national authorities duly designated by respective Parties, in whose territory the planned activities are to be held.
 - (b) Step 2: The National Commissions or designated national authority will undertake a review to decide whether they support or do not support the request and forward to the Secretariat those requests they recommend, using an “Endorsement Form”.
 - (c) Step 3: Those requests forwarded to the Secretariat by 31 August, midnight CET, of each year will be submitted to the Committee at its session taking place in

December of the same year for its consideration and decision. Additionally, every other year, requests forwarded to the Secretariat by 1 March, midnight CET, can be considered by the Conference of Parties at its session taking place in June of the same year for its consideration and approval.

- (d) Step 4: Upon deliberation by the Conference of Parties or the Committee, a resolution or a decision to grant or not the use of the stand-alone emblem will be communicated to the requester by an official letter from the Secretariat.
- (e) Step 5: Those requesters who received positive replies by the Conference of Parties or the Committee will receive from the Secretariat the appropriate electronic file with the stand-alone emblem and a Brand Tool Kit.

VI. Authorization of the linked emblem

- 17. The Director-General is empowered to authorize the use of the linked emblem in connection with patronage and contractual arrangements as well as specific promotional activities.
- 18. **Patronage** may be given as UNESCO's moral endorsement of an activity for which the Organization is not directly involved, is not providing financial support, or cannot be held legally responsible. Patronage is limited in time and can be granted to one-off activities that are international, regional and national in scope and that present a large diversity of cultural expressions and that involve artists, cultural producers, policy makers and/or civil society. These activities may include performances, exhibitions, cultural industry festivals and trade fairs for example in the film, book or music sectors. Patronage may also be granted for one-off audio-visual productions or publications (printed or electronic), or public events such as conferences or meetings.
- 19. Request for the use of the linked emblem for the purpose of patronage must be submitted to the Director-General of UNESCO along with an endorsement of National Commissions for UNESCO of the Party or Parties, or other national authorities duly designated by respective Parties, in whose territory the planned activities are to be held.
- 20. **Projects receiving support from the International Fund for Cultural Diversity** (hereinafter "IFCD-funded projects") are those that are approved by the Committee for IFCD funding.
- 21. After the approval of the Committee of the IFCD-funded projects, it is only through signing of the "Intergovernmental Body Allocation Contract" with UNESCO that the linked emblem can be used in the framework of the implementation of the IFCD-funded projects according to conditions of use stipulated in the contract.
- 22. **Partnership agreements** are negotiated between UNESCO and partners such as public sector institutions, private sector or civil society to carry out defined activities that advance the objectives and principles of the Convention and its implementation on the international, regional, national and/or local levels.
- 23. Use of the linked emblem within partnership agreements shall be authorized by the UNESCO Secretariat.
- 24. **Fundraising activities** encompass activities undertaken by Convention stakeholders (public, private and civil society) whose sole objective is to raise donations for the IFCD.
- 25. Use of the linked emblem for fundraising activities shall be authorized by the UNESCO Secretariat.
- 26. **Commercial use** is the sale of goods or services bearing the name, acronym, logo or internet domain names of UNESCO chiefly for profit.

27. Requests for commercial use of the linked emblem including those received by National Commissions or other national authorities duly designated shall be sent to the Director-General of UNESCO for written approval.

VII. Donation to the IFCD through the commercial use of the emblem

28. When profit is generated through commercial use of the emblem, the contribution of a percentage of the profit to the IFCD is obligatory.
29. Contributions to the IFCD shall be governed in accordance with the Financial Regulations of the Special Account for the IFCD.

VIII. Protection

30. To the extent that the name, acronym and logo of UNESCO have been notified and accepted by the Paris Union Member States under Article 6ter of the Paris Convention for the Protection of Industrial Property, adopted in 1883 and revised at Stockholm in 1967, and to the extent that the emblem of the Convention [has been submitted] to the International Bureau of the World Intellectual Property Organization (WIPO) and [has been notified and accepted] by the Paris Union Member States under Article 6ter of the Paris Convention for the Protection of Industrial Property, adopted in 1883 and revised at Stockholm in 1967, UNESCO has recourse to the Paris Convention Member States' domestic systems to prevent the emblem of the Convention and the name, acronym or logo of UNESCO from being used where such use falsely suggests a connection with the Convention or UNESCO, or any other abusive use.
31. The Parties are invited to submit to UNESCO the names and addresses of the authorities in charge of managing the use of the emblem.
32. In specific cases, the statutory organs of the Convention may request the Director-General of UNESCO to monitor the proper use of the emblem of the Convention and to initiate proceedings, where appropriate, in case of abusive use.
33. The Director-General of UNESCO is responsible for instituting proceedings in the event of unauthorized use of the emblem of the Convention at the international level. Parties to the Convention should take all possible measures to prevent the use of the emblem in their respective countries by any group or for any purpose not explicitly recognized by the Statutory Bodies of the Convention.
34. The Secretariat and the Parties cooperate closely in order to prevent, in conjunction with competent national bodies and in line with the present Guidelines, any unauthorized use of the emblem of the Convention at the national level.