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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
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Item 11 of the provisional agenda: International consultation and coordination:
current status of Article 21 of the Convention (2011-2013)

At its third ordinary session (June 2011), the Conference of Parties requested the Secretariat in the context of the implementation of Section V of the Convention on the relationship to other instruments, (...) to present annually, in relation to Article 21, a compendium of cases wherein the Convention is invoked or utilized in other international forums (Resolution 3.CP 11). An analysis of the consultations of Parties to the Convention since 2011 is annexed hereto.

Decision required: Paragraph 17

1. At its third ordinary session, 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 Secretariat “to present, in relation to Article 21, a compendium of cases wherein the Convention is invoked or utilized in other international forums for examination by the Committee at each ordinary session” (Resolution 3.CP 11).

2. Article 21 “International consultation and coordination” is contained in Section V of the Convention, which concerns its relationship to other instruments. It requires the Parties to accept responsibility by undertaking to promote the objectives and principles of the Convention. For that purpose, in addition to their individual actions and initiatives, the Parties may, if necessary, engage in consultations on the matter in the interests of the Convention.

3. In conjunction with Article 21, Article 23.6 (e) also provides for consultations to ensure the promotion of the objectives and principles of the Convention in other international forums. Under Article 23.6 (e), which falls within the framework of the functions assigned to the Committee by the Convention, the Committee may, if it so desires, establish procedures and other mechanisms for consultation aimed at promoting the objectives and principles of the Convention in other international forums.

4. In accordance with Resolution 3.CP 11 of the Conference of Parties and Decision 5.IGC 8 of the Committee, the Secretariat *consulted the Parties to the Convention in 2011 and 2012* on the implementation of Article 21. To that end, the Secretariat sent a letter to the Parties in both years (29 July 2011 and 12 April 2012), together with a questionnaire (Annex I), inviting them to provide information on the measures that they had taken to implement Article 21.

5. The questionnaire was designed in three parts. The first asked Parties whether they have already invoked or utilized the Convention in other international forums, and if so, they were requested to describe the circumstances and the results. The second part of the questionnaire asked Parties whether they had ever engaged in consultations with other Parties to the Convention to promote its objectives and principles in international forums other than UNESCO, and if so, to describe their response. Finally, the third part asked Parties to consider in which other ways the Convention could be utilized or invoked in international forums in order to promote its objectives and principles.

6. Thirty-six (36) Parties sent replies to the Secretariat in 2011¹ and sixteen (16) in 2012² thus raising to 38 the number of Parties that took part in the consultation in the last two years.

7. The results and analyses of the consultations were submitted to the Committee at its fifth and sixth ordinary sessions in December 2011 and 2012 (document CE/11/5.IGC/213/8REV2, document CE/12/6.IGC/11). The analysis of the replies is contained in Annex II to this document. The analysis shows that, from the very first consultation, the Parties have interpreted the concept of “international forums” very broadly. On the whole, the analysis indicates that the Parties utilized or invoked the Convention for example by:

- making statements in international forums that may or may not have cultural objectives;
- strongly reaffirming the objectives and principles of the Convention in culture and trade agreements;

¹ The questionnaire was completed in 2011 by the following Parties: Argentina, Armenia, Australia, Azerbaijan, Bosnia and Herzegovina, Brazil, Cameroon, Canada, China, Congo, Cuba, Egypt, Ecuador, Guatemala, Jordan, Madagascar, Malawi, Mauritius, Mexico, Namibia, Viet Nam, and the European Union and by the following Member States: Austria, Cyprus, Denmark, Estonia, Finland, France, Greece, Italy, Latvia, Portugal, Czech Republic, Romania, Slovakia and Slovenia.

² The questionnaire was completed in 2012 by the following Parties: Argentina, Australia, Canada, China, Costa Rica, Egypt, Ecuador, Jordan and the European Union and by the following Member States: Cyprus, France, Greece, Italy, Latvia, Netherlands and Portugal.

- consulting other Parties with a view to signing new bilateral agreements reflecting the objectives and principles of the Convention;
- entering into dialogue with non-States Parties to encourage them to ratify the Convention.

8. The results of the second consultation show that the Parties restated facts provided for the first consultation together with additional information concerning, in particular, references to the Convention in cultural and trade agreements, be they bilateral, regional or multilateral. The results also provided new information such as references to the Convention in discussions on the link between culture and development and in declarations and resolutions adopted at international meetings. One of the ideas raised during the consultations in respect of the future implementation of Article 21 was the establishment of a system under which Parties could inform other Parties of negotiations under way in other international forums that could affect or contradict the provisions of the Convention, and thus encourage relevant discussions.

9. As the Parties had indicated during the first consultation that they had high expectations of the quadrennial periodic reports and of the information contained therein on Article 21, the Secretariat has taken account of the analysis of the information provided by the Parties in 2012 and included it in the report.³ Owing to the submission deadline set for the reports, namely 30 April 2013, the information provided by the Parties on Article 21 could not be taken into consideration. That information will be included in the next update on the status of this article.

10. Furthermore, many documents submitted by the Parties for the two consultations have been brought together and a large number of events have been listed. The Parties had been informed that those documents would be important sources for an inventory of experiences and practices in the implementation of Article 21. The inventory has been available online since November 2012 on the Convention's website at the following address: <http://www.unesco.org/culture/cultural-diversity/2005convention/>. Anyone interested may thus view information on how Parties consult each other within other international bodies to promote the Convention and provides specific examples of the implementation of Article 21.

11. The inventory will be developed and updated to establish a database, which is one of the Secretariat's priorities, as required under Article 19 of the Convention to encourage the sharing of information and the exchange of best practices. To assist the Parties in that endeavour, the Secretariat has posted two online questionnaires that Parties may complete at their convenience. The first will be used to transmit to the Secretariat all documents relating to the implementation of the article; the second will be used to provide information on events at which the Convention has been the focus of debates or one of the main topics discussed.

12. The questionnaires are not designed for use by the Parties only, for they can also be completed by representatives of civil society and international organizations. At its sixth ordinary session in December 2012, the Committee strongly encouraged civil society and international organizations to use that platform in order to submit all relevant documents and information at their disposal on the implementation of Article 21. In 2013, the Secretariat informed the Parties, international organizations, civil society and points of contact of the 2005 Convention about the new and valuable tool at their disposal in electronic mail inviting to contribute to this inventory by providing complementary and additional information.

13. As at 5 March 2013, the inventory included 50 references, 34 documents and 16 events, most of which could be downloaded in French, English and Spanish. The documents are classified into the following categories: international agreements; declarations and resolutions; speeches; and academic and research material. The events are categorized as: ministerial meetings; regional/national/international meetings; and seminars/conferences.

³ For example, Canada, Italy, Peru, Slovakia and the European Union referred, in their reports, to information relevant to the implementation of this article.

14. The Committee's debates on the implementation of Article 21 at its last two sessions in 2011 and 2012 covered most of the factors highlighted in the analysis (see detailed summary record of the fifth ordinary session of the Committee, document CE/12/6.IGC/3, paragraphs 137 to 157; draft detailed report of the sixth ordinary session of the Committee, paragraphs 239 to 249) which included: the Parties' broad interpretation of the expression "international forums", which encompassed, in particular, bilateral and multilateral trade agreements; specific references to the Convention in official statements at bilateral or multilateral meetings; the need to preserve the Parties' room for manoeuvre in refining and implementing their cultural policy while negotiating trade agreements; and encouragement of States Members of other organizations to ratify the Convention. At its sixth ordinary session, in December 2012, the members of the Committee expressed great satisfaction in regard to the results contained in the online report and inventory.

15. At the fifth ordinary session of the Committee, during its debates on the issue, one observer, who was not a Party to the Convention, had expressed concern that Article 21 might be used ill-advisedly to block activities in areas other than culture, such as trade and industry, that conflicted with the objectives and principles of the Convention. The Secretariat had then stated that the consultation exercise was only a matter of collecting information from the Parties and presenting it factually, and that the Committee merely took note of the information provided. The results of the consultation would subsequently be submitted to the Conference of Parties for information at its fourth session in June 2013, and it would be for the Conference to assess the information collected and decide how it should be used. The Legal Adviser had given some additional information, stressing that nothing in the document fell outside UNESCO's field of competence. He had also said that the Secretariat's analysis complied with the mandate given to the Committee by the Conference of Parties.

16. The Conference of the Parties is invited at this session to examine the results of the consultations held since 2011 on Article 21, to take into consideration the Committee's debates on these matters in the past two years and to give guidance in order to assist the Committee and the Secretariat as they continue their work on the implementation of Article 21.

17. The Conference of Parties may wish to adopt the following Resolution:

DRAFT RESOLUTION 4.CP 11

The Conference of Parties,

1. *Having examined document CE/13/4.CP/11 and the Annexes thereto;*
2. *Recalling Resolution 3.CP 11 of the Conference of the Parties and Decisions 5.IGC 8 and 6.IGC 11 of the Committee;*
3. *Takes note of the information collected as a result of the consultation on the implementation of Article 21 of the Convention as presented in the document mentioned above;*
4. *Invites the Parties, civil society and international organizations to use the online platform to continue to bring to the attention of the Secretariat all relevant information concerning the implementation of Article 21 of the Convention;*
5. *Requests the Committee to continue its work on the implementation of Article 21, taking into account its discussions and resolutions at the fourth ordinary session, and to communicate the results thereof at its fifth ordinary session;*
6. *Requests the Secretariat to continue its work on this matter, including the development of the database.*

ANNEX I

**QUESTIONNAIRE ON THE IMPLEMENTATION OF
ARTICLE 21 OF THE CONVENTION**

1. Has your government ever invoked or used the Convention in other international forums?

Yes No

• If yes:

1.1 Which forum(s)?

1.2 What type of intervention was made (for example, formal or informal)?

Please describe.

1.3 How was the Convention promoted/defended?

1.4 What were the results?

1.5 If possible, please add a link to the reference document(s) or attach a pdf file to your response.

2. Has your government engaged in consultations with other Parties to the Convention to promote its objectives and principles in international forums other than UNESCO?

Yes No

• If yes:

2.1 Which forum(s)?

2.2 What type of consultations (for example, bilateral or regional consultations, formal or informal procedures)?

2.3 How was the Convention promoted/defended?

2.4 What were the results?

2.5 If possible, please add a link to the reference document(s) or attach a PDF file to your response.

3. In which other ways could the Convention be used or invoked in international forums in order to promote its objectives and principles?

ANNEX II

Implementing Article 21 of the Convention

Analysis of Parties' replies to the 2011 and 2012 consultations

This document is a summary of the questionnaire replies received from the Parties to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) since 2011 and of the information contained in the quadrennial periodic reports transmitted by Parties in 2012 on ways and means of implementing Article 21 in order to promote the Convention in other international forums. Replies were received from thirty-eight (38) Parties to the Convention. Six (6) Parties provided in their quadrennial periodic report information pertaining to this issue.

1. Broad definition of the term “international forum”

Parties have a broad conception of “international forum”, which it embraces multilateral and regional forums run by governmental or non-governmental international organizations, within or outside the cultural sphere. Examples of those mentioned by Parties in their responses included:

- **international organizations** such as the United Nations, the World Trade Organization (WTO) and the World Intellectual Property Organization (WIPO);
- **regional economic organizations** such as the Association of South-East Asian Nations (ASEAN), the European Union (and its institutions, namely the Council of Ministers of the European Union and the European Council of Heads of State or Government), MERCOSUR, the Andean Community of Nations and the Organization of the Black Sea Economic Cooperation;
- **intergovernmental organizations** such as the Asia-Europe Meeting (ASEM), the Commonwealth of Independent States, the Council of Europe, the Organisation for Economic Co-operation and Development (OECD), the Organization of American States (OAS), the Organization of the Ibero-American States for Education, Science and Culture, the International Organisation of La Francophonie (OIF), the Union of South American Nations (UNASUR), the Bolivarian Alliance for the Peoples of our America (ALBA) and the Southern African Development Community;
- **internationally or regionally active government institutes and networks** such as the Central American Educational and Cultural Coordination, the International Network on Cultural Policy (INCP) and the Regional Centre for Book Development in Latin America and the Caribbean;
- **international non-governmental organizations** such as the International Council of Museums, the International Federation of Coalitions for Cultural Diversity (IFCCD), the International Federation of Musicians (FIM), the International Network for Cultural Diversity (INCD), the International Federation of Arts Councils and Culture Agencies (IFACCA), the International Publishers Association and the Anna Lindh Foundation.

2. Court cases and judgments

To date, the Convention has been invoked in two legal cases within the international forum of the World Trade Organization and the European Union Court of Justice. References to these cases were:

- World Trade Organization (WTO) – Measures affecting trading rights and distribution services for certain publications and audiovisual entertainment products (WT/DS363/R, 12 August 2009, and WT/DS363/AB/R, 21 December 2009);

- Court of Justice of the European Union – the Unión de Televisiones Comerciales Asociadas (UTECA) case (C-222/07, 5 March 2009).

One Party referred in its quadrennial periodic report to legal cases in which the Convention had been used by other Parties to uphold the legality of measures relating to cultural goods and services under competition law. Those cases concerned State aid granted by European Union Member States to their cultural industries:

- Case C47/2006 (ex. N648/2005) – France, Tax credit for the creation of video games;
- Case E 4/2008, Sweden, State aid to the press.

Other cases included:

- Case SA.34138 (2012/N) – Spain, aid for the publication of cultural magazines;
- Case SA.34168 (2012/N) – Spain, aid for the publication of literature in the Basque region.

3. Cooperation among Parties to promote the objectives and principles of the Convention in bilateral and multilateral agreements.

In reply to the second question, eighteen (18) Parties stated that they had consulted other Parties in order to promote the Convention's objectives and principles. Such consultations had resulted in the conclusion of multilateral and bilateral cultural agreements and the negotiation of bilateral and multilateral trade agreements.

3.1 Bilateral and multilateral cultural negotiations and agreements

Several Parties referred to multilateral agreements, bilateral cultural agreements and various legal instruments (declarations, protocols and memoranda of understanding) concluded in recent years or then under negotiation, which implement the principles and objectives of the Convention.

Multilaterally, references were made to the Convention at the World Intellectual Property Organization in Article 3 of the draft WIPO Treaty on the Protection of Broadcasting Organizations (2006), for instance, and in the negotiations on the Beijing Treaty on Audiovisual Performances (2012).

The Parties also gave examples of *bilateral cultural agreements*. Those signed by Italy with Belarus and the Czech Republic in 2011 were examples of the promotion of Convention principles and obligations. Other examples included cultural agreements and programmes such as the Canada-China Cultural Cooperation Programme (2013-2015) and the agreement between the Provincial Government of Quebec and the State of Rio de Janeiro (Brazil) signed in October 2011. Some agreements have therefore led to the establishment of specific cultural cooperation programmes (Brazil-Argentina cooperation, which had given rise to the Puntos de Cultura programme adopted in August 2011).

Other *legal instruments* were mentioned by the Parties. In their 2009 joint declaration, Brazil and the European Commission agreed to launch a series of initiatives designed to strengthen cooperation and dialogue in the field of culture, particularly with a view to implementing the Convention. Yet another example is the common declaration on cultural cooperation signed by Quebec City and the autonomous City of Buenos Aires (Argentina) on 12 August 2011.

Some protocols, while reaffirming the benefits of bilateral cultural cooperation, contributed at the same time to the promotion of the Convention (for example, the protocols signed by Italy with Brazil (2010-2013), San Marino (2011-2013) and Spain (2009-2013)).

Memoranda of Understanding (MOU) have also led to action plans stressing the importance of bilateral cultural cooperation in facilitating the implementation of the 2005 Convention (for instance, the MOU signed by Austria and Cyprus in 2010).

Two Parties (Slovakia and Tunisia) stated in their quadrennial periodic report that it had been a challenge to insert a reference to the Convention in bilateral cooperation agreements, especially in the audiovisual, copyright or cultural exchanges sectors.

3.2 Bilateral and multilateral culture-trade negotiations and agreements

The consultations have shown that several bilateral culture-trade agreements referred to the Convention. For example, all bilateral and regional trade agreements signed by Canada after the adoption of the Convention in 2005 contained a reference to the principles and objectives of the Convention and a general exemption clause for cultural industries. That clause was designed as a means of asserting the Parties' right to implement policies and adopt measures enshrined in Articles 5 and 6 of the Convention in order to protect and promote the diversity of cultural expressions.

Other examples include the European Union's free trade agreements with CARIFORUM in December 2007 and the Republic of Korea in October 2009, which contained a cultural protocol. Those protocols constituted, each in its own way, an innovative framework for cooperation based on the objectives and principles of the Convention such as facilitation of trade in cultural goods and services, and the mobility of artists and cultural professionals.

In its quadrennial periodic report, Peru drew attention to the cultural reservations included in the text of the Agreement that it had signed with the United States of America on 12 April 2006 – the United States-Peru Trade Promotion Agreement -, which had since been its template for all other bilateral and multilateral agreements.¹

In its negotiations with Japan and the United States of America on bilateral access to the services market, China had provided information on the Convention's objectives and principles, highlighting the dual nature (economic and cultural) of audiovisual services.

At a multilateral level, the European Union has reported that in WTO negotiations on admissions to that Organization, it invoked the Convention regularly in regard to trade commitments in the audiovisual sector.

Lastly, the Convention is invoked during the Canada-European Comprehensive Economic and Trade Agreement (CETA) negotiations.

The bilateral and multilateral agreements mentioned in the Parties' questionnaire replies and in some periodic reports submitted by the Parties are listed on the Article 21 section of the website at the following address: <http://www.unesco.org/culture/cultural-diversity/2005convention/>.

4. Invoking the Convention in other international forums

In the 2011 and 2012 consultations, twenty-eight (28) Parties replied that they had invoked or used the Convention in international forums and fourteen (14) replied that they had not.

The majority of replies showed that Parties had made formal statements invoking the Convention in international forums. Those statements, which comprised contributions to resolutions and declarations adopted at international meetings, led to the Convention being taken into account by working groups and committees in international organizations other than UNESCO or during consultations at international functions and events.

¹ Other free trade agreements contain cultural reservations. For example, the United States of America-Australia Free Trade Agreement 2005 and the United States of America-Morocco Free Trade Agreement 2006.

4.1 Resolutions and declarations adopted at international meetings

As a result of Parties' written or oral submissions,² several resolutions and declarations adopted at international meetings refer to the Convention and its principles and objectives, call for its ratification and contain recommendations for action to be taken in the areas of cultural policies and/or cultural industries. Examples provided during the consultations included:

- the *Brussels Resolution*, adopted at the Third Meeting of African, Caribbean and Pacific (ACP) Ministers of Culture, in October 2012, who undertook “to facilitate the movement of artists, professionals and cultural property, including through the provision of facilities and granting visas, to improve their mobility and broaden access to their cultural products and services on regional and international markets”;
- the *Dhaka Ministerial Declaration on the Diversity of Cultural Expressions*, Bangladesh (2012), relating specifically to the Convention, recommended that States in the Asia and the Pacific region should consider ratifying the Convention expeditiously if they had not yet done so. Furthermore, the Declaration encouraged States to “facilitate dialogue among people and States on cultural policies promoting and protecting the diversity of cultural expressions”, and “foster co-production and co-distribution agreements among States, as well as facilitate market access for co-productions”;
- paragraph 52 of the *Kinshasa Declaration*, adopted at the close of the 14th Summit of Francophonie in 2012, reaffirmed the determination of Heads of State and Government of countries that shared the French language “to continue to develop [their] cultural policies and industries in the spirit of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions and include culture in [their] development policies with a view to creating favourable conditions for sustainable development”;³
- paragraph 3 (d) of United Nations General Assembly *Resolution 66/208 “Culture and Development”* (2011), which urges States to “actively support the emergence of local markets for cultural goods and services and to facilitate the effective and licit access of such goods and services to international markets, taking into account the expanding range of cultural production and consumption and, for States parties to it, the provisions of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions”;⁴
- paragraph 24.3 of the *Quebec City Declaration*, adopted at the close of the Inter-Parliamentary Conference on the Diversity of Cultural Expressions on 3 February 2011, urged all Heads of State and Government “to bring the full force of the Convention to bear in commercial negotiations in order to defend their right to introduce or maintain policies and measures in support of cultural expressions”;
- paragraph 9 of the *Ljubljana Resolution on Books*, adopted at the World Summit on Books (2011), recommended that “professional associations lead an active policy promoting and implementing cultural policies in the book sector, in line with the

² For example: the address by Latvia’s Culture Minister at the World Forum on Intercultural Dialogue, in Baku, Azerbaijan (2011) and the statements by Latvia and Italy at the Third United Nations Alliance of Civilizations Forum, Rio de Janeiro, Brazil (2010). The Canadian representatives promoted the Convention’s objectives and principles during debates on the Global Effort to Reach the Millennium Goals (2011), on preparations for the United Nations World Conference on Sustainable Development-Rio+20 (2012) and at the fifth Inter-American Meeting of Ministers of Culture and Highest Appropriate Authorities, Washington (2011).

³ See also Article 36, Montreux Declaration, adopted at the close of the 13th Summit of the Francophonie (2010).

⁴ See also paragraph 2. (d) of United Nations General Assembly resolution 65/166 on “Culture and Development” (2010).

objectives of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions”;

- the Declaration of the Tenth Summit of Heads of State of South-East Europe, Mostar, (2012), reaffirmed in its preamble the importance of the Convention, as did the *Riga Declaration*, adopted at the eighth Conference of Ministers of Culture of the Baltic Sea States (2008).

4.2 Working groups and committees in other international forums

Some Parties replied that they had contributed to *working groups in other international forums*. For example, Canada stated that it contributed to the working group on cultural diversity at the International Organisation of La Francophonie, working with other Parties to promote the ratification and implementation of the Convention. Canada and the European Union also referred to the activities of the OECD's Trade Committee working group, concerned with developing a Services Trade Restrictiveness Index (STRI) for the audiovisual sector, the goal being to gather accurate comparative data and not to pass judgement on the legitimacy of the measures that would form part of the Index. Furthermore: within the MERCOSUR framework, the technical working group proposed by Brazil and established in 2010 continued its activities designed to promote the Convention, as evidenced by the second Technical Meeting on Cultural Diversity, held in Buenos Aires, Argentina, in 2012.

As to statements in *working committees*, Canada continued to contribute to the work of the Inter-American Committee on Culture of the Organization of the American States (OAS), in which it continued to promote the strengthening of cultural industries in order to boost economic development and employment through culture. Cyprus referred to European committees, such as the European Union Cultural Affairs Committee, which promoted the Convention.

4.3 Statements during functions and events

During the consultations, Parties gave examples of their contributions to seminars, symposia and conferences, in particular:

- the workshop on EU-China Cooperation in Growing the Cultural Industry and Implementing the 2005 Convention”, held in May 2012 in Hefei, China;
- the 18th Forum of Ministers of Culture and Officials in Charge of Cultural Policies in Latin America and the Caribbean, held on 21 and 22 July 2011, in Santa Cruz de la Sierra en Bolivia (Plurinational State of);
- an international meeting held in 2011 by the Latvian National Commission for UNESCO, entitled “Implementation of the UNESCO Convention on the Diversity of Cultural Expressions in the EU's External Policies” brought EU countries' National Commissions together to discuss the Convention.
- Several Parties also reported informal statements made at professional international events to raise awareness of the Convention and promote its visibility, for example, at the sixth International Cultural Games of La Francophonie, in Lebanon (2009), the World Book Summit, held in Slovenia (2011), and international festivals such as the International Day for the Celebration of Cultural Diversity (Mexico), the International Jazz Festival of Baku, the International Crafts Festival (Cuba), the 23rd edition of FESPACO (Burkina Faso).

The international meetings and events mentioned in the Parties' questionnaire replies and in some periodic reports submitted by the Parties are available on the Article 21 web platform at the following address: <http://www.unesco.org/culture/cultural-diversity/2005convention/>.

5. Awareness-raising tools

Parties have devised awareness-raising tools in order to publicize positive results achieved by implementing the Convention and have disseminated messages promoting the Convention through the media (e.g. radio, television and the Internet) and advertising campaigns. For example, Mexico reported that it had established a web platform (www.diversidadcultural.mx) and had produced ten radio spots to promote cultural diversity and the messages of the Convention. Argentina provided an Internet link to a summary of the symposium “Reflections on the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005)”, in addition to views and comments.

Argentina also reported that at the second technical meeting of MERCOSUR Culture, the representatives of the participating countries agreed to draw up a MERCOSUR atlas on best practices in the field of cultural diversity (Atlas sobre Buenas Prácticas en materia de diversidad cultural).

Finally, several European Parties mentioned the “Cultural Policies and Trends in Europe” Compendium as an important tool because it provided relevant information on the implementation of the Convention.

6. The results of the two consultations: examples of experiences and practices

The replies to the third question raised in the first consultation yielded a wealth of ideas about other ways of using or invoking the Convention in international forums. Replies received for the second consultation showed that those ideas had been put into practice by the Parties, which permitted work to commence on referencing a number of examples of experiences and practices that contributed to the implementation of Article 21. Among those examples, Parties:

- made specific references to the Convention in declarations and at bilateral or multilateral meetings;
- asserted the importance of taking the objectives and principles of the Convention into account when they made statements on non-cultural matters in international forums;
- negotiated bilateral or multilateral protocols or cultural cooperation agreements in which reference was made to the Convention;
- invoked the Convention in international debates on culture and development, which implied that it was perceived as an international instrument that spearheaded progress in the culture and development agenda and had thus become an important instrument for fostering development;⁵
- invoked and used the Convention at meetings convened under UNESCO's other conventions outside the scope of the Culture Sector;⁶
- worked together with other Parties to hold regional seminars and conferences; those meetings had been attended by artists, cultural producers, researchers and high-ranking public officials and had coincided, in particular, with cultural events/cultural weeks, festivals, etc.;
- held workshops on the Convention, inviting both governmental and non-governmental stakeholders;

⁵ For example, the contributions to the International Fund for Cultural Diversity (IFCD) are 100% eligible for official development assistance (ODA).

⁶ For example, the Paris Open Educational Resources Declaration adopted by the World Open Educational Resources Congress, Paris, 20-22 June 2012.

- established joint funding programmes to support transnational Convention-implementing activities formulated and financed in partnership with international organizations and institutions.⁷

8. Future ideas

Other ideas raised by the Parties during the consultations, which were yet to be implemented or added to the inventory of examples, included:

- the introduction of a system enabling Parties to alert other Parties to negotiations under way in other international forums that might affect or contradict the provisions of the Convention, thus prompting debate on the subject;
- the holding of international exhibitions on the Convention, at which artists and cultural professionals could display their work;
- the production and dissemination of videos illustrating institutional practices in implementing the Convention.

8. Conclusion

Owing to the Parties' replies to the consultations, a number of examples of experiences and practices have been referenced and documents and events have been listed. The Secretariat can thus develop the inventory further and release up-to-date information on the implementation of Article 21.

The quadrennial periodic reports and the information provided all give a fuller picture of the present and future implementation of Article 21. In this analysis, the Secretariat took account of the information provided in the reports submitted in 2012 and will continue to do so in following years.

Regular consultation of Parties on the subject is vital to the Secretariat's collection of information and compilation of data on Article 21 and, therefore, to its fulfilment of its obligation regarding the implementation of Article 19 of the Convention. The involvement of international organizations and civil society, too, must be monitored. Although it has been pointed out during the consultations that it was difficult at that point in time to gauge the real impact of activities designed to implement Article 21, continuous monitoring of the implementation of the article has shown that the exercise does yield conclusive results and should be conducted again so that the Parties and the Secretariat can fulfil their respective obligations under the Convention. Resources must be provided to ensure the continuity and quality of the exercise, in particular through the sharing of information and the identification of best practices. This is crucial to permit measurement of the impact of all action taken.

⁷ For example, UNESCO's EU-funded "Technical Assistance programme to strengthen the governance of culture in developing countries" (2010-2013), which contributes to the implementation of the Convention.