

UNESCO Cultural Diversity Convention
Special Exchange Session between NGOs and States Parties

23 June 2008

Opening Comments

Thank you Madam Chair, Honourable Delegates, NGO colleagues and friends. My name is Garry Neil, Executive Director of INCD. This message was to have been delivered by Mr. Lupwishi Mbuyamba, but there was a delay in his visa and he will not be able to join the meeting until tomorrow. But he asked me to deliver it to you and so I will ask you to suspend disbelief for a moment and consider me a representative of an African NGO. Lupwishi is from Maputo, Mozambique where he is Executive Director of the Observatory of Cultural Policies in Africa. He is also a member of the Steering Committee of the International Network for Cultural Diversity and last year was involved in launching *INCD Africa*, an advocacy network promoting national cultural policies, the ratification and effective implementation of the Convention and the inclusion of arts and culture into the national Poverty Reduction Strategy Papers.

INCD Africa is also working to develop concrete measures to support the development of African arts and culture, primarily through the *ARTerial Network for Vitalising African Cultural Assets* launched in 2007 as a joint project between groups like INCD and key funding agencies. ARTerial has just issued a call for proposals for four projects: to research the African arts economy; to deliver a training program for cultural entrepreneurs; another training program for arts journalists; and a proposal to consider the feasibility of an African Arts and Culture Fund.

I tell you all this because it is important for you to know that when Article 11 acknowledges the fundamental role of civil society in protecting and promoting the diversity of cultural expressions, it is based on these kinds of projects and activities and many, many, others. NGOs around the world are carrying out such work every day, in communities and countries on every continent.

We are very pleased that you decided to organize this session today because we can share with you some of these experiences from the ground, from countries north and south; least developed, developing and developed; and from countries in transition. We also look forward to discussing concrete measures that will give effect to the commitment in Article 11 that each Party to the Convention, both individually and collectively “shall encourage” the fundamental role.

Many delegates at previous meetings, both from governments and NGOs, pointed out that an equivalent to Article 11 does not exist in any other UNESCO treaty or convention, and it is rare in instruments administered by any other agency in the UN system. For this reason, we are looking to develop a relationship between civil society and States Parties that meets or exceeds best practices in other international instruments in the United Nations system.

Given the strong commitment in Article 11, it is appropriate for the relationship between Parties and civil society to set new standards for partnership, collaboration, engagement and openness.

While we will discuss the specifics later in this meeting, let me just say here that representatives of civil society organizations active in the field should have a right to attend, to make oral and written representations to, and to suggest agenda items for the Conference of Parties and the Intergovernmental Committee. Civil society representatives should be eligible to be elected to advisory committees you decide to create as members of these bodies with voice but no vote. We should also have the right to participate in the decision-making processes of the International Fund for Cultural Diversity, as well as direct access to funding.

Madam Chair, let me again thank you and all government representatives with us today for organizing this important meeting. We are sincerely hopeful that it will lead to a new partnership and new forms of collaboration. Bringing Article 11 to life will place UNESCO and this Convention in the forefront of a growing global awareness that civil society participation is a vibrant democratic principle and practice. Convention Parties will then benefit from the capabilities and efforts of a large number of citizens and non-governmental organizations around the world.

23 June 2008

Comments on Definition and Role

Thank you Madam Chair. My name is Margaret Shiu, from Hong Kong and Taiwan. I am a member of the Steering Committee of the International Network for Cultural Diversity. I am also with the Arts Network Asia which provides funding for new emerging arts in South East Asian countries and Intra-Asia Network for Artists Exchanges.

In INCD's view, the definition of civil society is straightforward, its organizations come together around shared interests, purposes and values, and are distinct from the state, the family and the market. By our very nature we are non-governmental.

This Convention is about "cultural expressions," which refers to the work of artists, creators and cultural producers in every medium from traditional crafts, music, stories and dance, to publishing, film, television and new media. In turn, the "cultural sector" is a continuum of activities covering the creation, production, distribution, exhibition and preservation of cultural expressions.

This leads us to our recommendations which you will find in the INCD document.

Official recognition should be extended to non-governmental organizations which bring together individuals, firms, associations, non-governmental institutions, others involved in the cultural continuum and academics who study the sector. Official

recognition will be extended by the Director General and will exist for a period of four years after which it can be reviewed.

This process will be primarily of interest to international NGOs who should demonstrate they have a regional or global presence, they are representative of their constituency, as well as having an interest and activities covered by the Convention. To deal with these issues, the DG will need to obtain the input of NGOs, perhaps through the Liaison Committee.

The rights that would be granted to the recognized NGOs should be the following:

- a) to attend the Conference of Parties and Intergovernmental Committee**
- b) to propose that items of special interest be placed on the provisional agenda of the IC**
- c) to speak at an appropriate time on each agenda topic and before decisions are taken, subject to the responsibility of the Chair to ensure that the work can be carried out expeditiously**
- d) to submit a written statement relevant to the work of the Conference or the IC, which shall, subject to rules established by the secretariat, be circulated to all members by the Director-General.**

When establishing a working committee to consider any aspect of the Convention, the Conference of Parties or the Intergovernmental Committee SHALL (note this is change from our written document) invite one or more representatives of NGOs to serve on the Committee.

These representatives should be elected by and from among the recognized NGOs.

The basis of creating such a body may be in the working documents prepared by the secretariat Annex 1, page 2 which proposes the creation of an informal network of experts. If this is made formal and given a substantive collaborative role, the objective would be achieved.

Finally, we recommend that Parties create an extra-budgetary fund to support delegates from NGOs with limited resources and to ensure NGO representation on working committees. Parties will be invited to make a contribution to the fund.

Thank you again Madam Chair.

UNESCO INTERGOVERNMENTAL COMMITTEE

POSITION OF THE INTERNATIONAL NETWORK FOR CULTURAL DIVERSITY

ARTICLE 7, 8 AND 17

24 JUNE 2008

Thank you Mr. Chairman. As the first non-governmental organization to speak at this meeting, let me thank the members for allowing us this opportunity to contribute to your work and thank you Mr. Chairman for giving me the floor. My name is Garry Neil, Executive Director of the International Network for Cultural Diversity.

Under Article 7, Parties shall endeavour to create an environment which is conducive both to supporting diverse arts and cultural productions as well as receiving diverse works from other cultures. But, unlike Article 6 which enunciates concrete measures that can be used to achieve its objectives, Article 7 is silent on the means.

So, we welcomed the proposal of the secretariat to provide advice in the Operational Guidelines for ways in which parties could create such a positive environment. The secretariat text includes processes, concepts and potential policy directions. While the text may have been too detailed or specific, we find that the amended version is now so general it fails to act as a guide, particularly for developing countries, as to how to achieve the objectives. It also seems to ignore Article 7.2 which discusses the important role of artists and others in the creative process.

On Article 8, we share the concerns of Brazil about the proposed Operational Guidelines. In some ways, the conditionality provisions seem to be limiting the ability of Parties to act quickly and decisively to counter a threat to a form of cultural expression at risk. A party should be able to act and should be able to receive the support it needs from the international community.

We strongly support the proposal of Brazil to include a specific reference in Article 7, point 2 to organizations recognized pursuant to Article 11. The secretariat had included three such references and we are disappointed that, particularly in light of Monday's exchange session, the amended text contained only one reference, and that was to the undefined concept of stakeholders.

On this definitional issue, we should note that for us, the concept is clear. Civil society encompasses everything outside government and its institutions and agencies. Where organizations are formed in civil society, they are non-governmental organizations (NGOs), regardless of how they are organized or constituted. Let me finally add that I know personally all of the key NGOs at this meeting and I want to assure you that each is based at the grass roots level. Members of all these NGOs include local, grass roots groups, some may also include national or global organizations as well.

Thank you again, Mr. Chairman

25 JUNE 2008

**OPERATIONAL GUIDELINES ON THE ROLE AND PARTICIPATION
OF CIVIL SOCIETY**

Thank you, Mr. Chairman and distinguished delegates, for giving me the floor. My name is Rasmané Ouedraogo. I am an actor, writer and film director from Burkina Faso—as well as an educator helping to develop the next generation of filmmakers in my region of West Africa. I am honoured to have this opportunity to report to you on behalf of more than 100 representatives of NGOs that participated in the Exchange Session on June 23 and in the preparatory work that led to the session. We are grateful to the Committee and to the secretariat for organizing this unique session. It was extremely valuable, because it provided NGOs an opportunity to explain in detail how we work to protect and promote cultural diversity, to highlight concrete projects that we implement to achieve the objectives of the Convention, and to review how we work to promote additional ratifications. We have circulated to you the recommendations that emerged from that meeting. I will touch briefly on a few of our conclusions and the issues that you will be addressing in this session.

We sincerely hope that the Intergovernmental Committee will consider convening similar exchange sessions in future, not only on matters of process, but also on the substantive issues in the Convention that will be on your agenda, because we know that we can bring an important perspective to your deliberations.

Mr. Chairman, many delegates at previous meetings, both from governments and NGOs, have pointed out that Article 11 is without precedent in any other UNESCO treaty or convention, and it is rare in instruments administered by any other agency in the UN system. For this reason, we are looking to develop a relationship between civil society and States Parties that meets or exceeds best practices in other international instruments in the United Nations system. Given the strong commitment in Article 11, it is appropriate for the relationship between Parties and civil society to set new standards for partnership, collaboration, engagement and openness.

Our relationship will exist on three levels.

At the national level, Parties to the Convention will work with local and national NGOs to develop programs and measures to promote cultural diversity and to elaborate national cultural policies and those which promote international cooperation and exchanges.

The Intergovernmental Committee, under the Operational Guidelines you are soon to consider and under Article 23(7) of the Convention, will be able to invite individuals, as well as these local and national organizations, when they will bring an important perspective to your stewardship of this international convention.

At the international level, we envisage that the Intergovernmental Committee and the Conference of Parties will develop a formal and mutually-beneficial relationship with those of us who were at the Exchange Session, at the negotiations that led to this Convention, and are here today. These are NGOs that operate regionally and globally, and bring together grass roots organizations of artists, cultural professionals and others in the sector.

We strongly support the amendment proposed by the EU to establish the rights of accredited NGOs to be present, to participate, to speak on agenda items before decisions are taken, and to make written submissions to the respective bodies. We know that our engagement will add considerable value to your work, by bringing to you the views of those who work in the cultural sector—those who are creating, producing and disseminating the cultural expressions that are the subject of this Convention, as well as those who support our efforts.

My name is Margaret Shiu, from Hong Kong and Taiwan. I am a sculptor, cultural worker and policy researcher, I work to promote cultural exchange and development throughout Asia, with a particular focus on emerging talents.

Mr. Chairman, we hope you will adopt today as many of our recommendations as you can. But we acknowledge that some of our proposals are beyond your authority at this extraordinary session, such as our request that you include NGO representatives as members of working committees. What we hope you will do on these issues is to join with us to bring these into effect at your future meetings, or as appropriate at the 2009 Conference of Parties.

Mr. Chairman, we know that implementation of the Convention is a work in progress—including the role of civil society. In a spirit of partnership, we look forward to developing new mechanisms of collaboration and engagement as we enter that future together.

On behalf of the vast networks of globally connected and yet locally specific culture NGOs, I thank you sincerely, Mr Chairman and all the delegates, for giving us this chance to further highlight our recommendations to all of you.

States Parties and Civil Society partnerships

NGOs' recommendations to the Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions

1st Extraordinary Session - June 24-27, 2008

The partnership between States Parties and civil society is entering into a new phase highlighted by the 1st Exchange Session, held on the 23rd of June 2008 in Paris, at the request of the Intergovernmental Committee at its First Ordinary Session held in Ottawa in December 2007. At this Exchange Session, around 100 delegates from NGOs participated, representing many thousands of artists, authors, cultural industry professionals, cultural and media institutions, development organizations, and academics from around the world. More or less the same number of States representatives took part in the Exchange Session.

NGOs shared with States examples of best practices on what they are doing to raise awareness of the Convention and to encourage additional ratifications. There was discussion of practical ways the Convention should or could be implemented. Important exchanges took place on the need to improve the status of the artist and to develop communication strategies to promote the objectives of the Convention.

During this fruitful Exchange Session, a number of recommendations emerged regarding the role and obligations of civil society, and the framework in which NGOs should participate in the decision-making organs of the Convention, including the Conference of States Parties and the Intergovernmental Committee, as provided for particularly in Article 11 of the Convention and in the Rules of Procedure governing these organs. Unique in UNESCO instruments, Article 11 is as strong a commitment encouraging partnership with civil society as can be found in any international instrument. Thus, the civil society representatives seek to meet or exceed existing best practices in the UN system.

Civil society representatives note that the Convention's implementation is a process, and are offering the following recommendations at this time:

1. **DEFINITION/ACCREDITATION:** For the purposes of defining civil society in the context of the Convention, NGOs are intermediaries between the strictly defined states institutions and organisms, and the private sector. Official accreditation should be granted to NGOs that bring together individuals, firms, associations, non-governmental institutions, others involved in the cultural continuum including academics who study the sector.
2. **CRITERIA FOR ACCREDITATION:** Official accreditation should be granted by the Secretariat for a period of four years after which it can be reviewed. To be eligible, NGOs should demonstrate that:
 - a. they have an interest and activities in the fields covered by the Convention,
 - b. they have a regional or global presence,
 - c. they are representative of their constituency, and
 - d. they have been active for a minimum of four years.

To deal with these issues, the Secretariat will need to obtain the input of NGOs, perhaps with the operational involvement of the NGO-UNESCO Liaison Committee.

3. **RIGHTS OF ACCREDITED NGOS:** The rights that would be granted to the accredited NGOs should be the following:
 - a. to attend the Conference of Parties and Intergovernmental Committee sessions,

- b. to propose that items of special interest be placed on the provisional agenda of the Intergovernmental Committee,
 - c. to speak at an appropriate time on each agenda topic, including upon request of State parties in the course of the discussions, and in any case before decisions are taken, consistent with the model applied at the First Ordinary Session of the Intergovernmental Committee,
 - d. to submit a written statement relevant to the work of the Conference or the Intergovernmental Committee, which shall, subject to rules established by these governing bodies, be circulated to all members by the Secretariat.
4. EXCHANGE SESSIONS: The June 23 Exchange Session should serve as the model for further exchanges with accredited NGOs prior to each Conference of Parties and session of the Intergovernmental Committee. These exchanges, which topic and agenda will have been decided in consultation with such organizations, would provide an opportunity for views and proposals from NGOs to be expressed before the formal debates of the Conference of Parties and Intergovernmental Committee take place.
5. INFORMAL EXPERTS' COMMITTEE: The informal experts' committee (rather than a network, as envisaged in paragraph 17 of the working paper on civil society, CE/08/1.EXT.IGC/5) should be composed of 10 delegates elected by and from accredited NGOs. One of the first mandates for this committee should be to conduct a benchmarking exercise examining best practice models of engaging civil society in the work of governing bodies of other United Nations organizations, as well as developing innovative approaches tailored to the specific challenges of implementing the 2005 Convention. This committee could serve as a liaison between accredited NGOs, the Secretariat and governing bodies of the Convention.
6. PARTICIPATION ON WORKING COMMITTEES: When establishing a working committee to consider any aspect of the Convention, the Conference of Parties or the Intergovernmental Committee shall invite one or more representatives of NGOs to serve on the Committee. These representatives should be elected by and from among the informal experts' committee as proposed in Paragraph 5.
7. PARTICIPATION IN THE INTERNATIONAL FUND: On any committee established to oversee program design, delivery and evaluation of the International Fund for Cultural Diversity, two representatives of NGOs shall be elected by and from among the informal experts' Committee as proposed in Paragraph 5. These delegates shall have voice and vote at all sessions of such committees.
8. RIGHT TO APPLY TO THE FUND: NGOs shall have the right to apply directly, and without State sponsorship, for funding from the International Fund.
9. FUNDRAISING FOR THE INTERNATIONAL FUND: NGOs will collaborate in seeking additional funds for the International Fund from private sector sources. Providing a decision-making role for the relevant NGOs in the activities of the International Fund will facilitate this effort.