

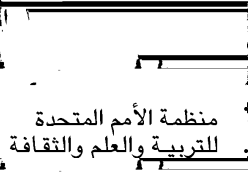


United Nations
Educational, Scientific and
Cultural Organization

Organisation
des Nations Unies
pour l'éducation,
la science et la culture

Organización
de las Naciones Unidas
para la Educación,
la Ciencia y la Cultura

Организация
Объединенных Наций по
вопросам образования,
науки и культуры



منظمة الأمم المتحدة
للتربية والعلم والثقافة

Diversity of Cultural Expressions

2 CP

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

Second ordinary session
Paris, UNESCO Headquarters, Room XII
15-18 June 2009

Item 7 of the provisional agenda: Approval of the operational guidelines for the implementation of the Convention and future activities of the Committee

The Conference of Parties requested the Intergovernmental Committee to submit to it for approval, at its second ordinary session, draft operational guidelines for the implementation of the Convention (Resolution 1.CP 6 and

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 1.CP 6 adopted at its first ordinary session in June 2007, requested the Committee to prepare the operational guidelines giving priority attention to, among others, the dispositions of Articles 7, 8 and 11 to 17 of the Convention, as well as Article 18, and to submit to it at its second ordinary session the results of its work for consideration and approval.

3. The Conference of Parties also requested the Committee to submit to it for approval at its second ordinary session draft guidelines on the use of the resources of the International Fund for Cultural Diversity (Article 18 of the Convention) by specifying its priorities and modalities (Resolution 1.CP 7).

4. The Committee has met on four occasions since the first session of the Conference of Parties – twice in ordinary session (December 2007 and 2008), and twice in extraordinary session (June 2008 and March 2009). During these sessions, the Committee examined and adopted the following drafts:

- Decision 1.EXT.IGC 3: Draft Operational Guidelines – Measures to promote and protect cultural expressions (Articles 7, 8 and 17);
- Decision 1.EXT.IGC 4: Draft Operational Guidelines for partnerships (Article 15);
- Decision 1.EXT.IGC 5: Draft Operational Guidelines on the role and participation of civil society (Article 11);
- Decision 2.IGC 5: Draft Operational Guidelines on the integration of culture in sustainable development (Article 13);
- Decision 2.IGC 6: Draft Operational Guidelines on cooperation for development (Article 14);
- Decision 2.IGC 7: Draft Guidelines on the use of the resources on the International Fund for Cultural Diversity (Article 18);
- Decision 2.EXT.IGC 4: Draft Operational Guidelines on preferential treatment for developing countries (Article 16).

5. At its second ordinary session in Paris in December 2008, the Committee discussed the preliminary draft operational guidelines on the promotion of international cooperation (Article 12 of the Convention) and decided to propose to the Conference of Parties that it not adopt operational guidelines on the promotion of international cooperation (Article 12), as Article 12 is self-sufficient (Decision 2.IGC 4).

6. It should be noted that the draft operational guidelines concerning the promotion of cultural expressions (Article 7 of the Convention) were only provisionally adopted by the Committee (Decision 1.EXT.IGC 3). However, at its second extraordinary session in March 2009, the Committee decided to submit them for approval at the second ordinary session of the Conference of Parties (Decision 2.EXT.IGC 5).

7. At its second extraordinary session, the Committee also decided to propose that the Conference of Parties, if it so wished, apply, with regard to the admission of civil society representatives to its sessions, the criteria for admission of civil society representatives at the

sessions of the Committee as presented in the annex to the draft operational guidelines on the role and participation of civil society (Decision 2.EXT.IGC 5).

8. At the second extraordinary session, the Committee recommended that the Conference of Parties mandate the Committee to devise a fund-raising strategy for the International Fund for Cultural Diversity (IFCD) (Decision 2.EXT.IGC 6). The Committee also discussed the question of the visibility and promotion of the Convention; it recommended that the Conference of Parties consider nominating public personalities to promote the visibility of the Convention (Decision 2.EXT.IGC 7) and that it submit to the Conference draft operational guidelines concerning measures to increase the visibility and the promotion of the Convention (Decision 2.EXT.IGC 8).

9. This document includes in annex a compilation of the draft guidelines adopted by the Committee at its various sessions, which follows, as far as possible, the order of the Convention's provisions.

10. The Conference of Parties may wish to adopt the following resolution:

DRAFT RESOLUTION 2 CP 7

The Conference of Parties,

1. Having examined document CE/09/2 CP/210/7 and its annex,
2. Recalling Resolutions 1.CP 6 and 1.CP 7,
3. Approves the following operational guidelines, as annexed to this Resolution:
 - *Operational Guidelines – Measures to promote and protect cultural expressions (Articles 7, 8 and 17);*
 - *Operational Guidelines on the role and participation of civil society (Article 11);*
 - *Operational Guidelines on the integration of culture in sustainable development (Article 13);*
 - *Operational Guidelines on cooperation for development (Article 14);*
 - *Operational Guidelines for partnerships (Article 15);*
 - *Operational Guidelines on preferential treatment for developing countries (Article 16);*
 - *Guidelines on the use of the resources on the International Fund for Cultural Diversity (Article 18);*
4. Decides

7. *[Option 1 - Decides to nominate *** (name), *** (name) and *** (name) to promote the visibility of the Convention;]*

[Option 2 – Also requests the Committee to submit to it at its next session a proposal for nominating public personalities to promote the visibility of the Convention;]

8. *Mandates the Committee to devise a fundraising strategy for the International Fund for Cultural Diversity (IFCD) and to report to it on the outcome of its work at its next session.*

- 1.5 foster the emergence of a dynamic cultural sector, taking into account all aspects of the cultural activities, goods and services in their diverse modes of creation, production, dissemination, distribution and access, whatever the means and technologies used.
- 1.6 aim, more specifically to:
 - 1.6.1 at the stage of creation, support artists and creators in their efforts to create cultural activities, goods and services;
 - 1.6.2 at the stage of production, support the development of cultural activities, goods and services by promoting access to production mechanisms and encouraging the development of cultural enterprises;
 - 1.6.3 at the stage of distribution/dissemination, promote the opportunity of access in the distribution of cultural activities, goods and services through public, private or institutional channels at the national, regional and international level; and
 - 1.6.4 at the stage of access, provide information about available domestic or foreign cultural activities, goods and services by making the appropriate incentives available, and develop the capacity for the public to avail itself of such access.

Measures used to facilitate the promotion of cultural expressions (best practices)

In accordance with the sovereign right of States to formulate and implement cultural policies and adopt measures (Article 5.1 of the Convention), the Parties are encouraged to develop and implement policy instruments and training activities in the field of culture. Such instruments and activities should aim at supporting the creation, production, distribution, dissemination and access to cultural activities, goods and services with the participation of all stakeholders, notably civil society as defined in the Operational Guidelines.

2. These instruments could be related to the following fields:
 - 2.1 Legislative: e.g. establishment of structuring legislation in the cultural field (for example, legislation on broadcasting, copyright, status of the artist, etc.);
 - 2.2 Creation/production/distribution: e.g. creation of cultural organizations mandated to create, produce, present or render access to domestic cultural content;
 - 2.3 Financial support: e.g. development of financial support programmes including tax incentives that provide assistance for the creation, production, distribution and dissemination of domestic cultural activities, goods and services;
 - 2.4 Advocacy and promotion: e.g. participation in exchanges on various international legal instruments to advocate and promote the rights of Parties;
 - 2.5 Export and import strategies: e.g. develop both export-driven (promoting cultural expressions abroad) and import-driven strategies (enabling the distribution of diverse cultural expressions in their respective markets);
 - 2.6 Access strategies: e.g. encourage programmes for economically disadvantaged groups and incentives so as to facilitate their access to cultural goods and services.

3. Bearing in mind the technological changes underway in the field of culture and which have the potential to bring considerable change in matters related to the creation, production, distribution and dissemination of cultural content, Parties are encouraged to promote the following types of intervention:
 - 3.1 place specific emphasis on measures and policies aimed at promoting the diversity of cultural expressions that are best adapted to the new technological environment; and
 - 3.2 foster the transfer of information and expertise to help cultural professionals and the cultural industries, with particular regard for youth, to acquire the knowledge and skills required to benefit fully from the perspectives offered by these new technologies.
4. Policy measures and instruments should, wherever possible, be based on existing structures and networks, including grass root communities. These structures should be examined to see how they could be further developed into strategic platforms. At the same time, the development of cultural policies and the establishment of creative industries at the national level could be reinforced through, *inter alia*, regional approaches, wherever possible.
5. Beyond the principles that Parties should endeavour to apply and the measures they are encouraged to implement, Parties are encouraged to communicate better and share information and expertise on the policies, measures, programmes or initiatives that have achieved the best results in the field of culture.

Chapter xxx: Measures to protect¹ cultural expressions - special situations

Article 8:

1. *Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of special situations where cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.*
2. *Parties may take all appropriate measures to protect and preserve cultural expressions in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.*
3. *Parties shall report to the Intergovernmental Committee referred to in Article 23 all measures taken to meet the exigencies of the situation, and the Committee may make appropriate recommendations.*

Article 17:

Parties shall cooperate in providing assistance to each other, and, in particular to developing countries, in situations referred to under Article 8.

¹ According to Article 4.7 of the Convention, "Protection" means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions, and "Protect" means to adopt such measures.

Special situations

1. The nature of threats to cultural expressions can be *inter alia* cultural, physical or economic.
2. Parties may take all appropriate measures to protect and preserve cultural expressions within their territories in special situations in conformity with Article 8 of the present Convention.

Measures to protect and preserve cultural expressions

3. Measures taken by the Party under Article 8(2) will depend on the nature of the “special situation” determined by the Party and may include but will not be limited to: short-term or emergency measures designed to have an immediate effect; reinforcement or amendment of existing policies and measures; new policies and measures; long term strategies; and appeals to international cooperation.
4. Parties should ensure, that the measures taken under Article 8(2) do not hinder the guiding principles of the Convention nor are, in any other way, inconsistent with the letter and the spirit of the Convention.

Reporting to the Committee

5. Whenever a Party reports to the Intergovernmental Committee under Article 8.3, it should be able to:
 - 5.1 determine that the situation cannot be subject to action under other UNESCO Conventions;
 - 5.2 identify the risk or threat to the cultural expression or the urgent safeguarding needed, involving experts, civil society, and including grass root communities as appropriate;
 - 5.3 demonstrate the source of the threat *inter alia* with factual data;
 - 5.4 determine the vulnerability and importance of the cultural expression at risk;
 - 5.5 determine the nature of the consequences of the risk or threat to the cultural expression, and demonstrate the nature of the cultural consequences;
 - 5.6 explain the measures taken or proposed to remedy the special situation, including short-term and emergency measures, or long-term strategies;
 - 5.7 if necessary, appeal for international cooperation and assistance.
6. Where a Party has identified a special situation under Article 8(1) and taken measures under Article 8(2), the concerned Party will report to the Committee regarding the measures taken. The report should contain the information listed at paragraph 5 of this chapter.
7. The report should be provided to the Committee at least three months before the opening of an ordinary session of the Committee in order to allow for the dissemination of information and consideration of the issue.

Article 11 of the Convention

Draft Operational Guidelines

Role and Participation of Civil Society

Chapter xxx: Role and participation of civil society

1. The Convention's most explicit provision with regard to civil society is Article 11 (Participation of civil society). Reference to civil society is made, explicitly or implicitly, in several other provisions of the Convention, including Articles 6, 7, 12, 15, 19.
2. Article 11 – Participation of civil society

Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.

Definition and roles of civil society

3. For the purposes of this Convention, civil society means non-governmental organizations, non-profit organizations, professionals in the culture sector and associated sectors, groups that support the work of artists and cultural communities.
4. Civil society plays an essential role in the implementation of the Convention: it brings citizens', associations' and enterprises' concerns to public authorities, monitors policies and programmes implemsociatioe1 Tc 0.09 Tci60ns i.001 Tc 0.p1.147ig07 Tc,(urs()Tj49 Tc 0.0987 T

- promotion of specific cultural expressions by giving voice to groups such as women, persons belonging to minorities, and indigenous peoples, so as to ensure that all stakeholders' special circumstances and needs are taken into account when formulating cultural policies;
- advocating the widespread ratification of the Convention and its implementation by governments, as well as in assisting Parties to promote the objectives and principles of the Convention in other international forums;
- input in the establishment of periodical reports of Parties, within their field of competence. This input would give more responsibility to civil society and would encourage transparency in the elaboration of the reports;
- cooperation for development at local, national and international levels, by initiating, creating or being associated to innovative partnerships with the public and private sectors as well as with civil society of other regions of the world (Article 15 of the Convention).

ANNEX

Draft set of criteria for admission of civil society representatives at the meetings of the organs of the Convention

1. Civil society organizations or groups could be admitted to attend the sessions of the organs of the Convention, according to the procedure established by the Rules of Procedure of each organ, if they comply with the following criteria:
 - (a) have interests and activities in one or more fields covered by the Convention;
 - (b) have a legal status in compliance with the established rules of the jurisdiction in the country of registration;
 - (c) are representative of their respective field of activity, or of the respective social or professional groups they represent.
2. The request for admission shall be signed by the official representative of the organization or group² and will be accompanied by:
 - (a) a copy of its statutes or bylaws;
 - (b) a list of members or, in the case of non-membership entities (e.g. foundations), a list of board members;
 - (c) a brief description of their recent activities, which also illustrates their representativeness in the fields covered by the Convention.

² This does not apply to NGOs maintaining official relations with UNESCO.

Article 13 of the Convention

Draft operational guidelines

Integration of Culture in Sustainable Development

General considerations

1. Sustainable development is “development that meets the needs of the present without compromising the ability of future generations to meet their own needs” (Report of the World Commission on Environment and Development, 1987).
2. The economic, cultural, social and environmental aspects of sustainable development are complementary.
3. Protection, promotion and maintenance of cultural diversity are essential requirements for sustainable development for the benefit of present and future generations (Article 2.6 of the Convention), since they contribute to social and cultural fulfilment, individual and collective well-being, and to the maintenance of creativity and vitality of cultures and institutions.
4. The diversity of cultural expressions must be taken into account in the development process because it contributes to the strengthening of identity and social cohesion and to the building of inclusive societies that uphold the equal dignity of and respect for all cultures.
5. Culture should be integrated into national policies and plans and into international cooperation strategies in order to achieve human development goals³ and notably poverty reduction.
6. The integration of culture into development policies at all levels (local, national, regional and international) makes it possible to:
 - 6.1 contribute to the protection and promotion of the diversity of cultural expressions;
 - 6.2 foster universal access, participation in and enjoyment of creation and production of cultural expressions, especially for disadvantaged groups;
 - 6.3 realize the full potential and contribution of cultural industries to sustainable development, economic growth and the promotion of decent quality of life through the creation, production, distribution and dissemination of cultural expressions;
 - 6.4 maintain social cohesion, fight violence through cultural activities that promote human rights and the culture of peace and reinforce the sense of social integration of youth;
 - 6.5 reinforce and improve development policies, *inter alia*, in the sectors of education, tourism, public health, security and urban planning.

³ “Human development is a process of enlarging people’s choices”, *Human Development Report*, UNDP, 1990, p.10.

Guidelines

7. Sustainable development is the result of a collection of policies and measures suited to national and local contexts that maintain the harmony of the local cultural ecosystem. For the sake of ownership and harmonization of development policies, when developing such policies, Parties shall endeavour to take into account the following elements.
 - 7.1 Since economic, environmental, social and cultural systems are interdependent and cannot be considered separately, sustainable development policies and measures should be formulated, adopted and implemented in concert with all the relevant public authorities in all sectors and at all levels. Thus effective coordination mechanisms should be established, particularly at the national level.
 - 7.2 Raising awareness among decision makers and their partners of the importance of the cultural dimension of development policies and sensitizing development policy managers from other sectors to cultural issues are essential for achieving the objectives of Article 13.
 - 7.3 The integration of culture into sustainable development policies entails acknowledgment, in particular, of:
 - 7.3.1 the fundamental role of education for sustainable development and the inclusion of culture in the different aspects of educational delivery to foster an understanding and appreciation of diversity and its expressions;
 - 7.3.2 recognition of the needs of women, of the various social groups mentioned in Article 7 of the Convention, and of disadvantaged geographical areas;
 - 7.3.3 the use of new technologies and the expansion of networked communication systems.

Measures related to the integration of the diversity of cultural expressions into sustainable development

8. In order to integrate and foster aspects related to the protection and promotion of the diversity of cultural expressions as elements of their sustainable development policies, Parties are encouraged to:
 - 8.1 provide the necessary conditions for creative abilities to flourish by taking into account the needs of all concerned artists, professionals and practitioners in the cultural sector with special attention to the needs of women, social groups and individuals in disadvantaged geographical areas;
 - 8.2 foster the development of viable cultural industries and in particular of micro, small, and medium enterprises working at the local level;
 - 8.3 encourage long-term investment in the infrastructure, institutions and establishment of legal frameworks necessary for the viability of cultural industries;
 - 8.4 raise awareness among public authorities and their partners, local stakeholders and the various components of society, of the challenges posed by sustainable development and the importance of taking into account its cultural dimension;

- 8.5 build sustainable technical, budgetary and human capacities in cultural organizations at the local level by, *inter alia*, facilitating their access to financing;
 - 8.6 facilitate sustained, equitable and universal access to the creation and production of cultural goods, activities and services, particularly for women, youth and vulnerable groups;
 - 8.7 consult and include public authorities responsible for issues related to the diversity of cultural expressions, as well as civil society and representatives of the cultural sector involved in the creation, production, distribution and dissemination of cultural activities, goods and services;
 - 8.8 invite civil society to participate in the identification, elaboration and implementation of development policies and measures related to the cultural sector.
9. In order to better evaluate the role of culture in sustainable development, Parties are encouraged to facilitate the elaboration of statistical indicators, the exchange of information and the dissemination and sharing of best practices.

- 6.1.2 supporting the elaboration of export-oriented strategies for cultural activities, goods and services, while strengthening local enterprises and maximizing benefits for the artists, professionals and cultural practitioners in the cultural sector;
- 6.1.3 assist in increasing exchanges of cultural activities, goods and services between developed countries and developing countries and amongst the latter, and increase support to distribution networks and systems at the local, national, regional and international levels;
- 6.1.4 fostering viable local and regional markets for cultural activities, goods and services, in particular through regulatory action and cultural cooperation programmes and activities, as well as through social inclusion and poverty reduction policies that take into consideration the cultural dimension;
- 6.1.5 facilitating the mobility of artists and other cultural professionals and practitioners from developing countries and their entry into the territory of developed and developing countries through, *inter alia*, consideration of flexible short-term visa regimes in both developed and developing countries to facilitate such exchanges;
- 6.1.6 fostering the conclusion of co-production and co-distribution agreements between developed and developing countries and amongst the latter, as well as market access for co-productions.

6.2 *Capacity-building through exchange of information and training*

- 6.2.1 fostering contacts between all concerned artists, professionals and practitioners in the cultural sector and public administrators working in the different fields of the cultural sector of developed and developing countries through networks, cultural exchanges and capacity-building programmes;
- 6.2.2 supporting the exchange of information on existing and new business models and existing and new forms of promotion and distribution mechanisms on evolving information and communication technologies;
- 6.2.3 enhancing the entrepreneurial and business competences of professionals working in the cultural industries through management, marketing and financial skills development.

6.3 *Technology transfer in the areas of cultural industries and enterprises*

- 6.3.1 regular assessments of evolving technological needs in terms of both physical resources and skills development with the intention of progressively addressing these, notably through international cooperation, in addition to supplying fair and favourable conditions for technology transfer to developing countries;
- 6.3.2 facilitate access to new information and communication technologies with regards to production and distribution/dissemination and encourage their use;
- 6.3.3 support dialogue and regular exchanges between information and communication technology experts and governmental and non-governmental actors of the cultural sector;

6.3.4 take appropriate measures to facilitate joint development of technology for the benefit of developing countries.

6.4 *Financial support*

6.4.1 integrating the cultural sector within framework plans for official development assistance;

6.4.2 facilitating and supporting the access of micro, small- and medium-sized enterprises, cultural industries, artists, professionals, practitioners of the cultural sector, to sources of public and private funding through appropriate measures, such as subsidies, low-interest loans, guarantee funds, microcredit, technical assistance, tax benefits etc;

6.4.3 encouraging Parties to put in place measures, in particular, fiscal incentives to increase the contribution of the private sector to the development of technological innovations and the culture sector.

The role of the Secretariat

7. Given the role of UNESCO with regard to cooperation for development, Parties shall encourage the Secretariat to support and sustain the implementation and follow-up of the provisions of Article 14. This support will notably consist in collecting information on best practices regarding cooperation for development to the benefit of the Parties.

Article 15 of the Convention

Draft Operational Guidelines for Partnerships

Chapter xxx: Modalities for partnerships

1. The Convention's most explicit provision with regard to partnerships is Article 15 (Collaborative arrangements). Reference to partnerships is made, explicitly or implicitly, in other provisions of the Convention, more particularly in Article 12 (Promotion of international cooperation).
2. Article 15 – Collaborative arrangements

Parties shall encourage the development of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural expressions. These innovative partnerships shall, according to the practical needs of developing countries, emphasize the further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.

Definition and features of partnerships

3. Partnerships are voluntary collaborative arrangements between two or more organizations from different parts of society, such as governmental authorities (at the local and national levels) and authorities (at the regional and international levels) and civil society – including the private sector, the media, academia, artists and artistic groups, etc., in which the risks and benefits are shared between the partners and the modalities of functioning, such as decision-making or allocation of resources, are agreed upon collectively by them.
4. The major principles underpinning successful partnerships include equity, transparency, mutual benefit, responsibility and complementarity.

The objectives and scope of partnerships

5. Partnerships aim at, but are not limited to, value-added activities seeking to accomplish the following objectives:
 - 5.1 capacity-building of professionals and of public sector officials in the culture – and associated sectors;
 - 5.2 institution building for cultural practitioners and professionals and associated sectors;
 - 5.3 cultural policy elaboration and advocacy;
 - 5.4 fostering and mainstreaming protection and promotion of diversity of cultural expressions;
 - 5.5 protection of cultural goods and services and cultural expressions deemed at risk in accordance with Article 8 of the Convention;
 - 5.6 creating and nurturing local, national and regional markets;

- 5.7 accessing international markets and other appropriate assistance regarding aspects related to the flow of cultural goods and services and cultural exchanges.
6. In conformity with Article 15, partnerships initiated under the Convention should be in accordance with the needs of developing countries, Parties to the Convention:
 - 6.1 In order to take forward these collaborative arrangements in the interests of developing countries, they may wish, as far as possible, to undertake an analysis of these needs in consultation with stakeholders from the relevant cultural industries and sectors, and where appropriate, in collaboration with national, regional and international partners, in order to identify cultural expressions or areas in greatest need of attention;
 - 6.2 Needs assessment should include analytical, statistical and quality data, and lead to the formulation of a strategy with focused priorities and set objectives, to allow for proper monitoring;
 - 6.3 Partnerships should build, as much as possible, on existing and potential structures and networks with and amongst the public sector and the civil society, including non-governmental organizations, non-profit organizations, and the private sector.

The partnering process

7. For the establishment of a partnership, four stages are to be taken into consideration.
 - 7.1 Creation and relationship building:

Parties take into consideration the assessment of the needs and the identification of partners and priority areas regarding development and investment. Parties and partners take into consideration an equitable distribution of resources, roles and responsibilities for the participation and establishment of the necessary means of communication.
 - 7.2 Implementing, managing and maintaining:

Parties should ensure a concrete and effective implementation of the partnerships. Partnerships should build as much as possible on existing or potential structures and networks with and amongst civil society, including non-governmental organizations and the private sector.
 - 7.3 Reviewing, evaluating, revising, and sharing best practices:

Parties encourage partners to examine and evaluate the effectiveness of the partnership, particularly at the following three levels: (1) partnership as such, (2) their own role in the partnership, and (3) the results or aim of this partnership. Taking into account the acquired experience and their individual and collective evaluation, the partners then consider revising or amending the partnership or the

Article 16 of the Convention

**Draft operational guidelines
Preferential Treatment for Developing Countries**

Article 16 – Preferential treatment for developing countries:

- developed countries for professional reasons. These measures should include, in conformity with the applicable provisions in this respect, for example: simplification of procedures for issue of visas regarding entry, stay and temporary travel; lower cost of visas;
- (v) funding arrangements and resource-sharing, including supporting access to cultural resources of developed countries;
 - (vi) encouraging the creation of networks between civil society actors in developed and developing countries, including partnerships for development;
 - (vii) providing specific fiscal incentives for artists and other cultural professionals and practitioners from developing countries within the framework of their activities related to the present Convention.
- (b) with regard to cultural goods and services from developing countries:
- (i) providing support and expertise to developing countries for the elaboration of policies and measures related to the creation, production, distribution and dissemination of domestic cultural goods and services;
 - (ii) providing special fiscal measures and incentives for cultural enterprises from developing countries, such as tax credits and double taxation avoidance agreements;
 - (iii) providing technical assistance, including equipment acquisition, technology transfer and expertise;
 - (iv) improving access of cultural goods and services of developing countries through specific support and assistance schemes for the distribution and dissemination of such goods and services to the markets of developed countries, notably through co-production and co-distribution agreements or support to domestic initiatives in this regard.
 - (v) providing financial aid which may take the form of direct or indirect assistance
 - (vi) facilitating the participation of developing countries in cultural and trade events to promote various cultural goods and services from developing countries;
 - (vii) encouraging the presence and the initiatives, as well as the investment of cultural enterprises from developing countries in developed countries through e.g. information services, assistance or appropriate measures of fiscal or legal nature;
 - (viii) fostering private sector investment in the cultural industries of developing countries;

- (ix) fostering the access of cultural goods and services from developing countries through facilitating temporary importation of the necessary technical material and equipment for the purposes of cultural creation, production and distribution from developing countries;
- (x) ensuring that development aid public policies of developed countries also give adequate attention to cultural sector

- 7.4 Parties recognize the important role of research for the efficient implementation of preferential treatment under Article 16. Research should be conducted by the largest number of partners, where possible. To this end, Parties shall seek to compile and share the results of any relevant research relating to Article 16.

5. These guidelines will apply during a pilot phase lasting 36 months from the date of their approval by the Conference of Parties. During this phase, effective management mechanisms will be put in place and tested in accordance with the administrative and financial regulations of UNESCO. An evaluation of these mechanisms, their results and the effectiveness of the management of the Fund will be carried out six months before the end of the pilot phase. The findings of this evaluation will be submitted to the Committee with a view to a possible revision of the guidelines.

Fields of activity

6. The use of the Fund may take the form of legal, technical, financial or material support, or the form of expertise, and will be allocated:
 - 6.1 For programmes/projects:
 - 6.1.1 introducing cultural policies, where appropriate, and strengthening the corresponding institutional infrastructure;
 - 6.1.2 capacity-building;
 - 6.1.3 strengthening of the existing cultural industries;
 - 6.1.4 creating new cultural industries.
 - 6.2 for special situations as laid down in Articles 8 and 17 of the Convention and the operational guidelines relating to them.
 - 6.3 for preparatory assistance. Such assistance may be requested to identify the specific needs of developing countries that are Parties to the Convention and to prepare their requests for assistance.
 - 6.4 for assistance for participation, within the limits of funding decided by the Committee. This assistance may cover:
 - 6.4.1 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;
 - 6.4.2 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.
 - 6.5 for the evaluation of programmes/projects by an expert panel, to be constituted by the Committee, before their submission for examination to the Committee.
7. Programmes/projects and requests aimed at offsetting a deficit, repaying a debt or paying interest or relating solely to the production of cultural expressions will not be eligible for assistance from the Fund.
8. At each of its sessions, on the basis of the funds available in the Special Account, the Committee will draw up a budget for each of the above-mentioned types of assistance.

Beneficiaries

9. Entitled to benefit from the Fund:

9.1 For programmes and projects:

9.1.1 all developing countries which are Parties to the Convention;

9.1.2 all State Parties to the Convention which have determined the existence of

11. Funding requests are submitted to the Secretariat of the Convention:
 - 11.1 Through the National Commissions or other official channels designated by the States Parties:
 - 11.1.1 for their own requests;
 - 11.1.2 for special situations;
 - 11.1.3 for national NGOs;
 - 11.1.4 for the private sector active in the cultural field;
 - 11.1.5 for vulnerable and other social groups identified in the Convention.
 - 11.2 directly for INGOs whose programmes/projects are supported in writing by the States Parties beneficiaries concerned.
12. Requests for funding shall include:
 - 12.1 a brief summary of the programme/project;
 - 12.2 a programme/project outline (title, objectives, activities and expected results including the cultural and social impact, beneficiaries, and a commitment to submit a report on the execution of the programme/project);
 - 12.3 the name and address of the entity or representative that will hold financial and administrative responsibility for implementation of the programme/project;
 - 12.4 a work schedule and time frame;
 - 12.5 a detailed budget, including the amount of funding sought from the Fund, as well as other sources of financing. Partial self-financing should be encouraged to the extent possible;
 - 12.6 any information relating to the status of completion of earlier funding requests from the Fund.
13. All funding requests must reach the Secretariat of the Convention by 30 June each year to enable their evaluation by the Committee at its ordinary session before the end of the year.
14. Requests for assistance for participation (6.4.2) must reach the Secretariat of the Convention at least two months before each Committee meeting. These requests will be subjected to a technical evaluation by the Chairperson and the Secretariat subject to the approved budget.

Selection and approval of requests

15. Requests are selected as follows.
 - 15.1 at the national level, the National Commissions or other official channels designated by the Parties shall ensure that projects are relevant, meet the country's needs, and have been subject to consultation among stakeholders;

- 15.2 upon receiving the requests, the UNESCO Secretariat will perform a technical evaluation to ensure that the applications are complete and therefore admissible;
 - 15.3 an expert panel will be appointed for a two-year period by the Committee, drawn from a database of experts proposed by States Parties. The panel will be selected on the basis of criteria of equitable geographical distribution, representation, as well as complementarity of expertise. It will be responsible, after a technical examination of the programmes/projects, for preparing recommendations for the Committee in view of the examination of the programmes/projects by it. As a rule, the experts will consult electronically.
16. To facilitate the decision-making of the Committee, the recommendations of the expert panel will be accompanied by a detailed presentation, including:
- 16.1 a brief summary of the programme/project presented in the request;
 - 16.2 the potential impact and expected results;
 - 16.3 an opinion on the amount to be financed from the Fund;
 - 16.4 the relevance/appropriateness of the programme/project to the objectives of the Convention as well as to the fields of activity of the Fund (paragraphs 4 to 7 included);
 - 16.5 an assessment of the feasibility of the programme/project proposed, the relevance and effectiveness of its modalities of execution, as well as the expected structural impacts, where appropriate.

Evaluation

17. Any programme/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 programmes/projects should present lessons learned, as well as the impact of these programmes/projects on cultural policies. The evaluation should showcase how experience gained could benefit other projects, with a view to compiling a knowledge base of best practices. Evaluation should be undertaken systematically for programmes/projects submitted in the pilot phase of implementation of these guidelines (see paragraph 5 above).

Reporting

18. The applicants shall submit a mandatory descriptive, analytical and financial report on the execution of the programme/project and the realization of expected results. The report must be presented to the Secretariat six months after the conclusion of the project/programme as foreseen within the time frame. No financial contributions for new projects will be allocated to applicants who have not submitted this report.
19. Under the Financial Regulations applicable to the Special Account for the Fund, the UNESCO Comptroller is responsible for maintaining the Fund's accounting records and submitting the annual accounts to the UNESCO External Auditor for audit.