

INCP Working Document

Issue

The implementation of the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions calls for the most exhaustive consultative process possible. The Convention stipulates that the Intergovernmental Committee may, at any time, invite public or private organizations or individuals to attend its meetings for consultation on specific issues (Article 23, par. 7). However, the Convention makes no mention of what form this consultative process should take, or how many non-governmental organizations can participate effectively in the work of the Conference of Parties and Intergovernmental Committee.

This working document compiles the ideas shared during meeting of the INCP's Working Group on Cultural Diversity and Globalization (WGCDG) in Prangins, Switzerland in February 2007 and in Madrid in April 2007, and it offers avenues to explore with regard to some consultation methods.

Two levels of intervention

Civil society's monitoring of the Convention is essentially viewed as national. For each country, it must give substance to its implementation and its realization in cultural, educational and social policies, and to the translation of legal texts in a dynamic undertaking.

However, this process should also be taken over at a multilateral level, particularly through non-governmental organization networks. Therefore, we must clearly define the two levels of intervention by civil society (Article 11 vs. Article 23, par. 7). The INCP has made it a priority to address civil society's role in the bodies of the Convention.

Two levels of participation

The role of civil society in the bodies of the Convention will be defined in the Rules of Procedure of the Conference of the Parties and the Intergovernmental Committee. In current UNESCO practices, there are two levels of participation possible for civil society organizations:

- As an *ad hoc* advisory body: See Rule 6, Rules of Procedure, Intergovernmental Committee for the Safeguarding of the Intangible Cultural Heritage: "Non-governmental organizations with recognized competence, which have been accredited for this purpose by the General Assembly in accordance with the criteria that it has established may attend the meetings of the Committee in an advisory capacity." (Note: At this point, the accreditation criteria have been identified within the Committee. However, it has not been determined how the Committee will make use of (assign functions to) the accredited NGOs overall. Article 8.3 of the Rules also provides for the status of observer for any non-governmental organization or non-profit institution; the two statuses—consultative member and observer—are to be differentiated.

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- As an authorized body: see the World Heritage Convention (1972), whose implementation depends essentially on the expertise of the three advisory organizations (ICOMOS, IUCN, ICCROM) who participate in a consultative capacity in the sessions of the Committee (Article 8.3) and with which the Committee and Secretariat cooperate (Articles 13.7 and 14.2). Their role as defined at point 31 of the Orientations that guide the Convention's implementation contains provisions for monitoring the status of the conservation of world heritage property, reviewing requests for international assistance, and assessing property put forward for inclusion on the World Heritage List.

Question: *Can we consider a formula that is less restrictive to the States than the Convention of 1972, yet that is sufficiently defined to ensure that civil society has a consultative/ operational function—one greater than that conferred by the status of observer, which ultimately allows only a limited voice?*

Various areas for cooperation

The INCP recognizes civil society's key role in the implementation and monitoring of the Convention, particularly as concerns international cooperation. This involves sharing expertise for the development of cultural policies and cultural industries or other areas of operational cooperation relating to the objectives of the Convention and the work of the Committee, namely:

- Article 8.3: Contribution to the reports of the States Parties to the Committee on national measures to protect cultural expressions at risk.
- Article 9(a): Participation in preparing the four-year reports of the States Parties to the Committee.
- Article 18.4: Contribution in the preparation, via assessment, of the Committee's decisions on the use of International Fund for Cultural Diversity resources.
- Article 22.4(a) and Article 22.6(c): Analyses and submission of advisory opinions on a national or regional basis concerning the reports of the States Parties addressed to the Committee prior to submission to the Conference of Parties.
- Article 22.7: Cooperation on the choice of organizations to be consulted by the Committee.

Selection criteria

Civil society has an extensive interest in taking part in the Convention's implementation at an intergovernmental level. The Committee will have to identify the criteria to be applied in selecting the non-governmental organizations that will benefit from a consultative and/or observer status. The work of the Intergovernmental Committee for the 2003 Convention on intangible heritage in this regard is difficult.

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It is important to target or limit the selection of organizations to ensure that the Intergovernmental Committee can work effectively. Consequently, the INCP encourages rigidity for the sake of effectiveness. In this perspective, it would be useful to pay special attention to *international* non-governmental organizations (INGOs) among the 335 non-governmental organizations (NGOs) with which UNESCO has an official relationship, particularly those that have already demonstrated their interest during the Convention negotiation process. In the spirit of broader cooperation with the NGOs that do not have official relations¹ with UNESCO, and as recommended in the recent sexennial report on relations between UNESCO and NGOs,² it is important to extend this opportunity to other NGOs, namely the Coalitions for Cultural Diversity.

Coherence

During negotiations, the various sectors involved, represented by the NGOs that have official relations with UNESCO, demonstrated their sound capacity for organization and coherence in their contribution to discussions on which the Committee could base its work. Similarly, during its 9th General Assembly held in Montreal on March 16 and 17, the International Liaison Committee of the Coalitions for Cultural Diversity chose to become an official federation.

At the national level, certain members of the INCP feel that the duty to consolidate the points of view of the national NGOs belongs to the National Commissions for UNESCO. They should play their role as catalyst at the national level and as UNESCO intermediary to coordinate relations between the Committee and civil society.

Representativeness

It is important to ensure a wide geographic representation of the organizations that will be consulted. We have noted, however, that civil society's level of organization in the culture sector differs considerably by area of interest (music, audiovisual, media, etc.) and by region; developed countries are far more advanced in this matter than are developing countries, and they tend to be over-represented in international forums. For this reason, efforts will be needed to strike a balance in the distribution of the various areas of interest and the regions. This could be done with greater involvement of the National Commissions to identify NGOs in less privileged areas.

At the same time, a fair representation of the various sectors involving culture professionals (artists, producers, distributors, etc.) is needed. We need to ensure that the professionals' actions do not take on a corporatist appearance in order to avoid claims of protectionist action

¹ Sexennial report of the Executive Board to the General Conference on the contribution made to UNESCO's activities by non-governmental organizations (NGOs) (2001-2006), 176EX/46.

² This is also the intention of the Director General of UNESCO; while awaiting the adoption of the by-law that sets out the criteria for observer status, the DG will invite the NGOs "associated with the Convention development process" to the first Conference of Parties in June 2007.