

**UNESCO**  
**Convention on the protection and promotion**  
**of the diversity of cultural expressions**

International Fund for Cultural Diversity

1. Article 18 of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions creates an International Fund for Cultural Diversity<sup>1</sup>.
2. The Cultural Diversity Convention is a mixed-type agreement insofar as the European Union is concerned, i.e., the Signatory Parties are the Member States of the European Union and the European Union as such.

Article 27.3 is the provision that enables the European Union to accede to the Convention. By doing so, the European Union acquires the full rights and obligations of the Convention, and becomes specifically entitled – equally with the Member States - to finance the International Fund for Cultural Diversity<sup>2</sup>.

3. After close examination, I can see no specific legal obstacle in Community law that would prevent the Commission from proposing to the European Parliament and Member States that the Union levy a specific charge on EU budget resources to contribute to the Cultural Diversity Fund.

The Member States also have the possibility: France and Germany have already announced their intention to contribute to financing the Fund.

4. The countries of the South are looking for practical effects to come out of the Cultural Diversity Convention which they unanimously supported at the urging of some EU countries, Canada and the institutions of the European Union.

It would be an extremely important demonstration of the European Union's commitment to promoting cultural diversity, especially for the benefit of the least favoured regions and peoples, if the European Parliament as a component of the budgetary authority but also as a world player in human rights were to initiate a decision in favour of financing the Cultural Diversity Fund established by the UNESCO Convention.

5. Were the European Parliament to approve the principle of EU financing for the Cultural Diversity Fund, its initiative would still need to be approved by the Council. Once allocated to it by the European Parliament, the use of the Cultural Diversity Fund's resources will be guided by the operational guidelines adopted by the Intergovernmental Committee established by the Convention<sup>3</sup>.
6. The operational guidelines are at present under discussion in the Intergovernmental Committee but have not yet been finalized (hopefully they will be by the time of the next Conference of Parties set for June 2009)<sup>4</sup>.

7. How it might be done.

The European Parliament could take the initiative of asking the Commission to propose financing for the Fund.

There is another possible option (which requires budgetary expertise that I do not have): the European Parliament could list a specific budget line for the future financing of the UNESCO Cultural Diversity Fund. It would be entered as a memorandum item marked PM (token entry) in the 2009 budget, if such an entry can still be made without having to specify exactly what amount should be recorded in 2009 for the Fund to operate in 2010.

8. Such an initiative taken by the European Parliament would:

- Enhance the European Parliament's world standing as a participant in cultural diversity;
- Deliver consistency between its action in favour of cultural diversity and its role as guarantor of human rights;
- Expand its action in favour of the countries of the South (emerging and developing countries) as established by the ACP Agreements;
- Strengthen Europe's position in multilateral institutions, especially the United Nations bodies and agencies;
- Contribute to the dialogue among civilizations and the global peace process.

Yvon THIEC  
30 April 2008

Annex: 2<sup>nd</sup> meeting of the ACP Ministers of Culture, Santo Domingo, Dominican Republic, 11-13 October 2006 - Ratification and implementation of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions – Speech by Yvon Thiec.

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*Article 18 – International Fund for Cultural Diversity*

*1. An International Fund for Cultural Diversity, hereinafter referred to as “the Fund”, is hereby established.*

*2. The Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO.*

3. *The resources of the Fund shall consist of:*
- (a) *voluntary contributions made by Parties;*
  - (b) *funds appropriated for this purpose by the General Conference of UNESCO;*
  - (c) *contributions, gifts or bequests by other States; organizations and programmes of the United Nations system, other regional or international organizations; and public or private bodies or individuals;*
  - (d) *any interest due on resources of the Fund;*
  - (e) *funds raised through collections and receipts from events organized for the benefit of the Fund;*
  - (f) *any other resources authorized by the Fund's regulations.*
4. *The use of resources of the Fund shall be decided by the Intergovernmental Committee on the basis of guidelines determined by the Conference of Parties referred to in Article 22.*
5. *The Intergovernmental Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that those projects have been approved by it.*
6. *No political, economic or other conditions that are incompatible with the objectives of this Convention may be attached to contributions made to the Fund.*
7. *Parties shall endeavour to provide voluntary contributions on a regular basis towards the implementation of this Convention.*

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#### *Article 27 – Accession*

1. This Convention shall be open to accession by all States not Members of UNESCO but members of the United Nations, or of any of its specialized agencies, that are invited by the General Conference of UNESCO to accede to it.
2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but which have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.
3. The following provisions apply to regional economic integration organizations:
- (a) This Convention shall also be open to accession by any regional economic integration organization, which shall, except as provided below, be fully bound by the provisions of the Convention in the same manner as States Parties;
  - (b) In the event that one or more Member States of such an organization is also Party to this Convention, the organization and such Member State or States shall decide on their responsibility for the performance of their obligations under this Convention. Such distribution of responsibility shall take effect following completion of the notification procedure described in subparagraph (c). The organization and the Member States shall not be entitled to exercise rights under this Convention concurrently. In addition, regional economic integration organizations, in matters within their competence, shall exercise their rights to vote with a number of votes equal to the number of their Member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice-versa;
  - (c) A regional economic integration organization and its Member State or States which have agreed on a distribution of responsibilities as provided in subparagraph (b) shall inform the Parties of any such proposed distribution of responsibilities in the following manner:
    - (i) in their instrument of accession, such organization shall declare with specificity, the distribution of their responsibilities with respect to matters governed by the Convention;
    - (ii) in the event of any later modification of their respective responsibilities, the regional economic integration organization shall inform the depositary of any such proposed modification of their respective responsibilities; the depositary shall in turn inform the Parties of such modification;
  - (d) Member States of a regional economic integration organization which become Parties to this Convention shall be presumed to retain competence over all matters in respect of which transfers of competence to the organization have not been specifically declared or informed to the depositary;
  - (e) "Regional economic integration organization" means an organization constituted by sovereign States, members of the United Nations or of any of its specialized agencies, to which those States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to become a Party to it.
4. The instrument of accession shall be deposited with the Director-General of UNESCO.

3

*Article 23 – Intergovernmental Committee*

1. An Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as “the Intergovernmental Committee”, shall be established within UNESCO. It shall be composed of representatives of 18 States Parties to the Convention, elected for a term of four years by the Conference of Parties upon entry into force of this Convention pursuant to Article 29.
2. The Intergovernmental Committee shall meet annually.
3. The Intergovernmental Committee shall function under the authority and guidance of and be accountable to the Conference of Parties.
4. The Members of the Intergovernmental Committee shall be increased to 24 once the number of Parties to the Convention reaches 50.
5. The election of Members of the Intergovernmental Committee shall be based on the principles of equitable geographical representation as well as rotation.
6. Without prejudice to the other responsibilities conferred upon it by this Convention, the functions of the Intergovernmental Committee shall be:
  - (a) to promote the objectives of this Convention and to encourage and monitor the implementation thereof;
  - (b) to prepare and submit for approval by the Conference of Parties, upon its request, the operational guidelines for the implementation and application of the provisions of the Convention;
  - (c) to transmit to the Conference of Parties reports from Parties to the Convention, together with its comments and a summary of their contents;
  - (d) to make appropriate recommendations to be taken in situations brought to its attention by Parties to the Convention in accordance with relevant provisions of the Convention, in particular Article 8;
  - (e) to establish procedures and other mechanisms for consultation aimed at promoting the objectives and principles of this Convention in other international forums;
  - (f) to perform any other tasks as may be requested by the Conference of Parties.
7. The Intergovernmental Committee, in accordance with its Rules of Procedure, may invite at any time public or private organizations or individuals to participate in its meetings for consultation on specific issues.
8. The Intergovernmental Committee shall prepare and submit to the Conference of Parties, for approval, its own Rules of Procedure.

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*Article 22 – Conference of Parties*

1. A Conference of Parties shall be established. The Conference of Parties shall be the plenary and supreme body of this Convention.
2. The Conference of Parties shall meet in ordinary session every two years, as far as possible, in conjunction with the General Conference of UNESCO. It may meet in extraordinary session if it so decides or if the Intergovernmental Committee receives a request to that effect from at least one-third of the Parties.
3. The Conference of Parties shall adopt its own rules of procedure.
4. The functions of the Conference of Parties shall be, inter alia:
  - (a) to elect the Members of the Intergovernmental Committee;
  - (b) to receive and examine reports of the Parties to this Convention transmitted by the Intergovernmental Committee;
  - (c) to approve the operational guidelines prepared upon its request by the Intergovernmental Committee;
  - (d) to take whatever other measures it may consider necessary to further the objectives of this Convention.