



THE READER

a collection of key policy documents
for Culture Action Europe members

Culture Action Europe

10, rue de la Science
1000 - Bruxelles

T: +32 (0) 2 534 4002

F: +32 (0) 2 534 1150

e-mail: advocate@cultureactioneurope.org

www.cultureactioneurope.org

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europen cultural foundation

Brussels, 10 November 2009

Dear Culture Action Europe members,
Dear members' of members,

It is with great pleasure that we present our 'Reader', a collection of key policy documents prepared especially for our extended membership.

The intention of this publication was to gather a series of key official documents, from international and European sources, that constitute the legal and policy backbone of our advocacy actions towards the European Union.

Culture Action Europe, through the involvement of its members - active across Europe and beyond - advocate for improved access to culture for all citizens, and for better conditions for artists and cultural operators. The demands we formulate and present to national and European policymakers are not shaped in a vacuum, they are based on conventions, declarations and recommendations that have been developed and adopted by European institutions or international organisations over the past 50 years. When seeking improvements in European cultural policymaking, we should build upon those standards our governments have already agreed upon, and the precedents they have set in the past.

The Reader is composed of two parts: the first one listing documents from International sources and the second, from European sources. A special focus is given to fundamental cultural rights, which are at the heart of all our advocacy actions.

This publication will hopefully inform your activities and help position your own advocacy work in a broader legal and policy framework. We also wish to develop the concepts in the months to come, and will start collecting examples of national, regional and legal policy initiatives that give life to those international level commitments. Your help and practical experience will be extremely useful at the time of bringing this work a step further.

The Culture Action Europe office remains at your disposal for any complementary information you may need, and we hope to have the opportunity to meet you soon in Brussels or in any other exciting location across Europe!

Kind regards,

Ilona Kish
Secretary-General

Contents

1. International conventions

a) Cultural rights

Key International Law documents on Cultural Rights	p. 5
Fribourg Declaration on Cultural Rights	p. 7

b) Cultural Policies

European Cultural Convention – Council of Europe 1954	p. 11
Declaration of principles of international cultural cooperation – UNESCO 1966	p. 13
Recommendation concerning the Status of the Artist – UNESCO 1980	p. 15
Mexico City Declaration – UNESCO 1982	p. 23
Agenda 21 for culture 2004	p. 27
Convention on the promotion and preservation of the diversity of cultural expressions – UNESCO 2005	p. 31

2. European documents

Article 151, Treaty of Maastricht, EU, 1992	p. 41
Charter Fundamental rights of the EU, 2000	p. 43
Council Resolution on the role of culture in the development of the EU, 2002	p. 49
Communication for a European agenda for Culture in a globalizing world, 2007	p. 51
European Council conclusions on the culture work plan 2008 – 2010, 2008	p. 57

Key International Law documents on Cultural Rights

UNIVERSAL DECLARATION OF HUMAN RIGHTS, 1948

Adopted and proclaimed by General Assembly of the United Nations

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

UNITED NATIONS INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS, 1966

(Entry into force 1976)

Preamble:

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Article 1

All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

THE UNITED NATIONS INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, 1966

(Entry into force 1976)

Preamble:

Recognizing that, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights,

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all economic, social and cultural rights set forth in the present Covenant.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

(a) To take part in cultural life;

(...)

(b) To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

UNIVERSAL DECLARATION OF CULTURAL DIVERSITY

Adopted by General Conference of the UNESCO, 2001

Article 5 - Cultural rights as an enabling environment for cultural diversity

Cultural rights are an integral part of human rights, which are universal, indivisible and interdependent. The flourishing of creative diversity requires the full implementation of cultural rights as defined in Article 27 of the Universal Declaration of Human Rights and in Articles 13 and 15 of the International Covenant on Economic, Social and Cultural Rights.

All persons should therefore be able to express themselves and to create and disseminate their work in the language of their choice, and particularly in their mother tongue; all persons should be entitled to quality education and training that fully respect their cultural identity; and all persons have the right to participate in the cultural life of their choice and conduct their own cultural practices, subject to respect for human rights and fundamental freedoms.

Fribourg Declaration on Cultural Rights

Fribourg, 7 May 2007

Issues	Justification
1 <i>Fundamental principles</i>	Principles and definitions
2 <i>Definition</i>	
3 <i>Identity and cultural heritage</i>	
4 <i>Reference to cultural communities</i>	
5 <i>Access to and participation in cultural life</i>	Cultural rights
6 <i>Education and training</i>	
7 <i>Information and communication</i>	
8 <i>Cultural cooperation</i>	
9 <i>Principles of democratic governance</i>	
10 <i>Integration into the economy</i>	
11 <i>Responsibility of actors in the public sector</i>	Implementation
12 <i>Responsibility of international organizations</i>	

(1) Recalling the Universal Declaration of Human Rights, the two International Covenants on human rights of the United Nations, the UNESCO Universal Declaration on Cultural Diversity and other relevant universal and regional instruments;

(2) Reaffirming that human rights are universal, indivisible and interdependent and that cultural rights, as much as other human rights, are an expression of and a prerequisite for human dignity;

(3) Convinced that violations of cultural rights give rise to identity related tensions and conflicts which are some of the main causes of violence, wars and terrorism;

(4) Equally convinced that cultural diversity cannot be truly protected without the effective implementation of cultural rights;

(5) Considering the need to take into account the cultural dimension of all human rights as recognized today;

(6) Considering also that respect for diversity and cultural rights is a crucial factor in the legitimacy and consistency of sustainable development based upon the indivisibility of human rights;

(7) Observing that cultural rights have been asserted primarily in the context of the rights of minorities and indigenous peoples and that it is essential to guarantee these rights in a universal manner, notably for the most destitute;

(8) Considering that a clarification of the position of cultural rights within the human rights system, as well as a better understanding of their nature and

the consequences of violations of these rights, constitute the best means to prevent them from being used in support of cultural relativism and from becoming a pretext for pitting communities or peoples against one another

(9) Considering also that cultural rights, as expressed in the present Declaration, are currently recognized in a dispersed manner in a large number of human rights instruments and that it is important to group these rights together in order to ensure their visibility and coherence and to encourage their full realization;

We present this Declaration on cultural rights to actors in the three sectors: public (States and their institutions), civil society (nongovernmental organizations and other non-profit associations and institutions) and private (enterprises) with a view to encouraging the recognition and implementation of cultural rights at the local, national, regional and universal levels.

Article 1 (*fundamental principles*)

The rights enunciated in the present Declaration are essential to human dignity. For this reason, they form an integral part of human rights and must be interpreted according to the principles of universality, indivisibility and interdependence.

Therefore:

a. These rights are guaranteed without discrimination of any kind such as colour, sex, age, language, religion, conviction, descent, national or ethnic origin, social origin or status, birth or any other situation on the basis of which a person constructs one's cultural identity;

b. No one shall suffer or be discriminated against in any way as a consequence of the exercise or non-exercise of the rights set forth in the present Declaration;

c. No one shall invoke these rights to impair another right recognized in the Universal Declaration or in other human rights instruments;

d. The exercise of cultural rights shall only be subjected to those limitations provided for in international human rights instruments. Nothing in the present Declaration shall affect any provisions which are more conducive to the realization of cultural rights and which may be contained in national legislation or practice or in international law;

e. The effective realization of a human right requires that its cultural dimensions be taken into account in light of the fundamental principles enumerated above.

Article 2 (definitions)

For the purposes of the present Declaration:

- a. The term "culture" covers those values, beliefs, convictions, languages, knowledge and the arts, traditions, institutions and ways of life through which a person or a group expresses their humanity and the meaning they give to their existence and to their development;
- b. The expression "cultural identity" is understood as the sum of all cultural references through which a person, alone or in community with others, defines or constitutes oneself, communicates and wishes to be recognized in one's dignity;
- c. "Cultural community" denotes a group of persons who share references that constitute a common cultural identity that they intend to preserve and develop.

Article 3 (identity and cultural heritage)

Everyone, alone or in community with others, has the right:

- a. To choose and to have one's cultural identity respected, in the variety of its different means of expression. This right is exercised in interconnection with, in particular, the freedoms of thought, conscience, religion, opinion and expression;
- b. To know and to have one's own culture respected as well as those cultures that, in their diversity, make up the common heritage of humanity. This implies in particular the right to knowledge about human rights and fundamental freedoms, as these are values essential to this heritage
- c. To access, notably through the enjoyment of the rights to education and information, cultural heritages that constitute the expression of different cultures as well as resources for both present and future generations.

Article 4 (reference to cultural communities)

- a. Everyone is free to choose to identify or not to identify with one or several cultural communities, regardless of frontiers, and to modify such a choice;
- b. No one shall have a cultural identity imposed or be assimilated into a cultural community against one's will.

Article 5 (access to and participation in cultural life)

- a. Everyone, alone or in community with others, has the right to access and participate freely in cultural life through the activities of one's choice, regardless of frontiers.
- b. This right includes in particular:
 - The freedom to express oneself, in public or in private in the language(s) of one's choice;
 - The freedom to exercise, in conformity with the

rights recognized in the present Declaration, one's own cultural practices and to follow a way of life associated with the promotion of one's cultural resources, notably in the area of the use of and in the production of goods and services;

- The freedom to develop and share knowledge and cultural expressions, to conduct research and to participate in different forms of creation as well as to benefit from these;
- The right to the protection of the moral and material interests linked to the works that result from one's cultural activity.

Article 6 (education and training)

Within the general framework of the right to education, everyone has the right throughout one's lifespan, alone or in community with others, to education and training that, in response to fundamental educational needs, contribute to the free and full development of one's cultural identity while respecting the rights of others and cultural diversity.

This right includes in particular:

- a. Human rights education and knowledge;
- b. The freedom to teach and to receive teaching of and in one's language and in other languages, as well as knowledge related to one's own culture and other cultures;
- c. The freedom of parents to ensure the religious and moral education of their children in conformity with their own convictions while respecting the freedom of thought, conscience and religion of the child on the basis of her/his capacities;
- d. The freedom to establish, to direct and to have access to educational institutions other than those run by the public authorities, on the condition that the internationally-recognized norms and principles in the area of education are respected and that these institutions comply with the minimum rules prescribed by the State.

Article 7 (communication and information)

Within the general framework of the rights to freedom of expression, including artistic freedom, as well as freedom of opinion and information, and with respect for cultural diversity, everyone, alone or in community with others, has the right to free and pluralistic information that contributes to the full development of one's cultural identity. This right, which may be exercised regardless of frontiers, comprises in particular:

- a. The freedom to seek, receive and impart information;
- b. The right to participate in pluralist information, in the language(s) of one's choice, to contribute to its production or its dissemination by way of all information and communication technologies;
- c. The right to respond to erroneous information

concerning cultures, with full respect of the rights expressed in this Declaration.

Article 8 (cultural cooperation)

Everyone, alone or in community with others, has the right to participate, according to democratic procedures:

- in the cultural development of the communities of which one is a member;
- in the elaboration, implementation and evaluation of decisions that concern oneself and which have an impact on the exercise of one's cultural rights;
- in the development of cultural cooperation at different levels.

Article 9 (principles of democratic governance)

The respect, protection and fulfilment of the rights expressed in the present Declaration imply obligations for each person and community. Cultural actors in the three different sectors - public, private and civil - have a particular responsibility within the framework of democratic governance to interact and, if need be, to take initiatives for the purpose of:

- a. Ensuring respect for cultural rights and developing means of consultation and participation in order to guarantee their realization, in particular for those who are most disadvantaged by virtue of their social status or the fact that they belong to a minority;
- b. Guaranteeing in particular the interactive exercise of the right to adequate information to ensure that cultural rights are taken into consideration by all actors in the social, economic and political spheres;
- c. Training their personnel and raising public awareness on the understanding and respect for all human rights and cultural rights in particular;
- d. Identifying and taking into account the cultural dimensions of all human rights in order to enhance universality through diversity and to encourage the appropriation of these rights by all persons, alone or in community with others.

Article 10 (integration into the economy)

Actors in the public, private and civil sectors must, within the framework of their specific mandates and responsibilities:

- a. Ensure that the cultural goods and services that carry value, identity and meaning, as well as all other goods to the extent that they have a significant influence on ways of life and other cultural expressions, are conceived, produced and used in a manner that does not impair the rights expressed in the present Declaration;
- b. Consider that the cultural compatibility of goods and services is often of crucial importance for persons in disadvantaged situations as a result of poverty, isolation or one's belonging to a discriminated group.

Article 11 (responsibility of actors in the public sector)

States and other actors in the public sector must, within the framework of their specific mandates and responsibilities:

- a. Incorporate the rights recognized in the present Declaration into their national legislation and practice;
- b. Respect, protect and fulfil the rights enunciated in the present Declaration in conditions of equality and dedicate a maximum amount of their available resources to ensuring their full exercise;
- c. Ensure that anyone who, alone or in community with others, claims that one's cultural rights have been violated, has access to effective remedies, in particular, judicial remedies;
- d. Strengthen the means of international cooperation necessary for this implementation, in particular by intensifying their interaction within the relevant international organizations.

Article 12 (responsibility of international organizations)

International organizations must, within the framework of their specific mandates and responsibilities:

- a. Guarantee that cultural rights and the cultural dimension of other human rights are systematically taken into consideration in all of their activities;
- b. Ensure that cultural rights are consistently and progressively integrated into all relevant instruments and monitoring mechanisms;
- c. Contribute to the development of common transparent and effective mechanisms for evaluation and monitoring.

Adopted in Fribourg on May 7th 2007

The **working group**, or "Fribourg Group", responsible for drafting the Declaration is composed of:

Taïeb Baccouche, Arab Institute of Human Rights and University of Tunis ; Mylène Bidault, Universities of Paris and Geneva ; Marco Borghi, University of Fribourg ; Claude Dalbera, consultant, Ouagadougou ; Emmanuel Decaux, University of Paris II ; Mireille Delmas-Marty, Collège de France, Paris ; Yvonne Donders, University of Amsterdam ; Alfred Fernandez, OIDEL, Geneva ; Pierre Imbert, former Director of Human Rights at the Council of Europe, Strasbourg ; Jean-Bernard Marie, CNRS, University R. Schuman, Strasbourg ; Patrice Meyer-Bisch University of Fribourg ; Abdoulaye Sow, University de Nouakchott ; Victor Topanou, UNESCO Chair, University of Abomey Calavi, Cotonou.

Many other observers and researchers have however contributed to the elaboration of the text.

A list of persons and institutions that support this Declaration is accessible on the website of the Observatory of Diversity and Cultural Rights
www.unifr.ch/iiedh

The Declaration is addressed to all those who, in a personal or an institutional capacity, wish to associate themselves with it.

Please send a letter of support with your references, specifying whether you are adhering in a personal capacity or on behalf of your institution, to:

*Institut interdisciplinaire d'éthique et des droits de l'homme,
6, rue St-Michel CH 1700 Fribourg
iiedh@unifr.ch*

Additional information, commentaries, summary documents, working documents and research outlines can be found on the Observatory's website.

Why a Declaration on Cultural Rights?

At a time when normative instruments on human rights abound but are not always coherent, it might seem inopportune to propose a new text. However, given the persistence of violations, the fact that current and potential conflicts are largely caused by violations of cultural rights, as well as the fact that numerous development strategies have proved

inadequate due to their neglect of these rights, we concluded that the universality and indivisibility of human rights still suffer as a result of the marginalization of cultural rights. The recent development of the protection of cultural diversity can only be understood as an attempt to avoid relativism, anchored in the indivisibility and interdependence of all human rights, and more specifically by clarifying the importance of cultural rights.

The present Declaration groups together and defines rights that are already recognized, albeit in a dispersed manner in many instruments.

Clarification is necessary to underscore the crucial importance of these cultural rights as well as the cultural dimension of other human rights. The proposed text is a new, completely reworked version of a document drafted for UNESCO2 by the international working group known as the "Fribourg Group" because it operates out of the Interdisciplinary Institute for Ethics and Human Rights of the University of Fribourg in Switzerland. The outcome of a broad debate with actors from very different backgrounds, this Declaration is addressed to people, communities, institutions and organizations that intend to work to ensure the development of the rights, freedoms and responsibilities it expresses.

European Cultural Convention, Council of Europe

Paris, 19 December 1954

The governments signatory hereto, being members of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose, among others, of safeguarding and realising the ideals and principles which are their common heritage;

Considering that the achievement of this aim would be furthered by a greater understanding of one another among the peoples of Europe;

Considering that for these purposes it is desirable not only to conclude bilateral cultural conventions between members of the Council but also to pursue a policy of common action designed to safeguard and encourage the development of European culture;

Having resolved to conclude a general European Cultural Convention designed to foster among the nationals of all members, and of such other European States as may accede thereto, the study of the languages, history and civilisation of the others and of the civilisation which is common to them all,

Have agreed as follows:

Article 1

Each Contracting Party shall take appropriate measures to safeguard and to encourage the development of its national contribution to the common cultural heritage of Europe.

Article 2

Each Contracting Party shall, insofar as may be possible:

1. encourage the study by its own nationals of the languages, history and civilisation of the other Contracting Parties and grant facilities to those Parties to promote such studies in its territory; and

2. endeavour to promote the study of its language or languages, history and civilisation in the territory of the other Contracting Parties and grant facilities to the nationals of those Parties to pursue such studies in its territory.

Article 3

The Contracting Parties shall consult with one another within the framework of the Council of Europe with a view to concerted action in promoting cultural activities of European interest.

Article 4

Each Contracting Party shall, insofar as may be

possible, facilitate the movement and exchange of persons as well as of objects of cultural value so that Articles 2 and 3 may be implemented.

Article 5

Each Contracting Party shall regard the objects of European cultural value placed under its control as integral parts of the common cultural heritage of Europe, shall take appropriate measures to safeguard them and shall ensure reasonable access thereto.

Article 6

1. Proposals for the application of the provisions of the present Convention and questions relating to the interpretation thereof shall be considered at meetings of the Committee of Cultural Experts of the Council of Europe.

2. Any State not a member of the Council of Europe which has acceded to the present Convention in accordance with the provisions of paragraph 4 of Article 9 may appoint a representative or representatives to participate in the meetings provided for in the preceding paragraph.

3. The conclusions reached at the meetings provided for in paragraph 1 of this article shall be submitted in the form of recommendations to the Committee of Ministers of the Council of Europe, unless they are decisions which are within the competence of the Committee of Cultural Experts as relating to matters of an administrative nature which do not entail additional expenditure.

4. The Secretary General of the Council of Europe shall communicate to the members of the Council and to the government of any State which has acceded to the present Convention any decisions relevant thereto which may be taken by the Committee of Ministers or by the Committee of Cultural Experts.

5. Each Contracting Party shall notify the Secretary General of the Council of Europe in due course of any action which may be taken by it for the application of the provisions of the present Convention consequent on the decisions of the Committee of Ministers or of the Committee of Cultural Experts.

6. In the event of certain proposals for the application of the present Convention being found to interest only a limited number of the Contracting Parties, such proposals may be further considered in accordance with the provisions of Article 7, provided that their implementation entails no expenditure by the Council of Europe.

Article 7

If, in order to further the aims of the present Convention, two or more Contracting Parties desire to arrange meetings at the seat of the Council of Europe other than those specified in paragraph 1 of Article 6, the Secretary General of the Council shall afford them such administrative assistance as they may require.

Article 8

Nothing in the present Convention shall be deemed to affect:

1. the provisions of any existing bilateral cultural convention to which any of the Contracting Parties may be signatory or to render less desirable the conclusion of any further such convention by any of the Contracting Parties, or
2. the obligation of any person to comply with the laws and regulations in force in the territory of any Contracting Party concerning the entry, residence and departure of foreigners.

Article 9

1. The present Convention shall be open to the signature of the members of the Council of Europe. It shall be ratified, and the instruments of ratification shall be deposited with the Secretary General of the Council of Europe.
2. As soon as three signatory governments have deposited their instruments of ratification, the present Convention shall enter into force as between those governments.
3. With respect to each signatory government ratifying subsequently, the Convention shall enter into force on the date of deposit of its instrument of ratification.
4. The Committee of Ministers of the Council of Europe may decide, by a unanimous vote, to invite, upon such terms and conditions as it deems

appropriate, any European State which is not a member of the Council to accede to the present Convention. Any State so invited may accede by depositing its instrument of accession with the Secretary General of the Council of Europe. Such accession shall take effect on the date of receipt of the said instrument.

5. The Secretary General of the Council of Europe shall notify all members of the Council and any acceding States of the deposit of all instruments of ratification and accession.

Article 10

Any Contracting Party may specify the territories to which the provisions of the present Convention shall apply by addressing to the Secretary General of the Council of Europe a declaration which shall be communicated by the latter to all the other Contracting Parties.

Article 11

1. Any Contracting Party may denounce the present Convention at any time after it has been in force for a period of five years by means of a notification in writing addressed to the Secretary General of the Council of Europe, who shall inform the other Contracting Parties.
2. Such denunciation shall take effect for the Contracting Party concerned six months after the date on which it is received by the Secretary General of the Council of Europe.

In witness whereof the undersigned, duly authorised thereto by their respective governments, have signed the present Convention.

Done at Paris this 19th day of December 1954, in the English and French languages, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General shall transmit certified copies to each of the signatory and acceding governments

Declaration of Principles of International Cultural Co-operation, UNESCO

Paris, 4 November 1966

The General Conference of the United Nations Educational, Scientific and Cultural Organization, met in Paris for its fourteenth session, this fourth day of November 1966, being the twentieth anniversary of the foundation of the Organization,

Recalling that the Constitution of the Organization declares that 'since wars begin in the minds of men, it is in the minds of men that the defenses of peace must be constructed' and that the peace must be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind,

Recalling that the Constitution also states that the wide diffusion of culture and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern,

Considering that the Organization's Member States, believing in the pursuit of truth and the free exchange of ideas and knowledge, have agreed and determined to develop and to increase the means of communication between their peoples,

Considering that, despite the technical advances which facilitate the development and dissemination of knowledge and ideas, ignorance of the way of life and customs of peoples still presents an obstacle to friendship among the nations, to peaceful co-operation and to the progress of mankind,

Taking account of the Universal Declaration of Human Rights, the Declaration of the Rights of the Child, the Declaration on the Granting of Independence to Colonial Countries and Peoples, the United Nations Declaration on the Elimination of all Forms of Racial Discrimination, the Declaration on the Promotion among Youth of the Ideals of Peace, Mutual Respect and Understanding between Peoples, and the Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States and the Protection of their Independence and Sovereignty, proclaimed successively by the General Assembly of the United Nations,

Convinced by the experience of the Organization's first twenty years that, if international cultural co-operation is to be strengthened its principles require to be affirmed,

Proclaims this Declaration of the principles of international cultural co-operation, to the end that governments, authorities, organizations, associations and institutions responsible for cultural activities may constantly be guided by these principles; and for the purpose, as set out in the Constitution of the Organization, of advancing, through the educational, scientific and cultural relations of the peoples of the world, the objectives

of peace and welfare that are defined in the Charter of the United Nations.

Article I

1. Each culture has a dignity and value which must be respected and preserved.
2. Every people has the right and the duty to develop its culture.
3. In their rich variety and diversity, and in the reciprocal influences they exert on one another, all cultures form part of the common heritage belonging to all mankind.

Article II

Nations shall endeavour to develop the various branches of culture side by side and, as far as possible, simultaneously, so as to establish a harmonious balance between technical progress and the intellectual and moral advancement of mankind.

Article III

International cultural co-operation shall cover all aspects of intellectual and creative activities relating to education, science and culture.

Article IV

The aims of international cultural co-operation in its various forms, bilateral or multilateral; regional or universal, shall be:

1. To spread knowledge, to stimulate talent and to enrich cultures;
2. To develop peaceful relations and friendship among the peoples and bring about a better understanding of each other's way of life;
3. To contribute to the application of the principles set out in the United Nations Declarations that are recalled in the Preamble to this Declaration;
4. To enable everyone to have access to knowledge, to enjoy the arts and literature for all peoples, to share in advances made in science in all parts of the world and in the resulting benefits, and to contribute to the enrichment of cultural life;
5. To raise the level of the spiritual and material life of man in all parts of the world.

Article V

Cultural co-operation is a right and a duty for all peoples and all nations, which should share with one another their knowledge and skills.

Article VI

International co-operation, while promoting the enrichment of all cultures through its beneficent action, shall respect the distinctive character of each.

Article VII

1. Broad dissemination of ideas and knowledge, based on the freest exchange and discussion, is essential to creative activity, the pursuit of truth and the development of the personality.

2. In cultural co-operation, stress shall be laid on ideas and values conducive to the creation of a climate of friendship and peace. Any mark of hostility in attitudes and in expression of opinion shall be avoided. Every effort shall be made, in presenting and disseminating information, to ensure its authenticity.

Article VIII

Cultural co-operation shall be carried on for the mutual benefit of all the nations practicing it. Exchanges to which it gives rise shall be arranged in a spirit of broad reciprocity.

Article IX

Cultural co-operation shall contribute to the establishment of stable, long-term relations between peoples, which should be subjected as little as possible to the strains which may arise in international life.

Article X

Cultural co-operation shall be specially concerned with the moral and intellectual education of young people in a spirit of friendship, international understanding and peace and shall foster awareness among States of the need to stimulate talent and promote the training of the rising generations in the most varied sectors.

Article XI

1. In their cultural relations, States shall bear in mind the principles of the United Nations. In seeking to achieve international co-operation they shall respect the sovereign equality of States and shall refrain from intervention in matters which are essentially within the domestic jurisdiction of any State.

2. The principles of this Declaration shall be applied with due regard for human rights and fundamental freedoms.

Recommendation concerning the Status of the Artist, UNESCO

Belgrade, 27 October 1980

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Belgrade from 23 September to 28 October 1980 at its twenty-first session,

Recalling that, under the terms of Article I of its Constitution, the purpose of the Organization is to contribute to peace and security by promoting collaboration among the nations through education, science and culture in order to further universal respect for justice, for the rule of law and for the human rights and fundamental freedoms which are affirmed for the peoples of the world, without distinction of race, sex, language or religion, by the Charter of the United Nations,

Recalling the terms of the Universal Declaration of Human Rights, and particularly Articles 22, 23, 24, 25, 27 and 28 thereof, quoted in the annex to this Recommendation,

Recalling the terms of the United Nations International Covenant on Economic, Social and Cultural Rights, particularly its Articles 6 and 15, quoted in the annex to this Recommendation, and the need to adopt the necessary measures for the preservation, development and dissemination of culture, with a view to ensuring the full exercise of these rights,

Recalling the Declaration of the Principles of International Cultural Co-operation, adopted by the General Conference of UNESCO at its fourteenth session, particularly its Articles III and IV, which are quoted in the annex to this Recommendation, as well as the Recommendation on Participation by the People at Large in Cultural Life and their Contribution to it, adopted by the General Conference of UNESCO at its nineteenth session,

Recognizing that the arts in their fullest and broadest definition are and should be an integral part of life and that it is necessary and appropriate for governments to help create and sustain not only a climate encouraging freedom of artistic expression but also the material conditions facilitating the release of this creative talent,

Recognizing that every artist is entitled to benefit effectively from the social security and insurance provisions contained in the basic texts, Declarations, Covenant and Recommendation mentioned above,

Considering that the artist plays an important role in the life and evolution of society and that he should be given the opportunity to contribute to society's development and, as any other citizen, to exercise his responsibilities therein, while preserving his creative inspiration and freedom of expression,

Further recognizing that the cultural, technological, economic, social and political development of society influences the status of the artist and that it is consequently necessary to review his status, taking account of social progress in the world,

Affirming the right of the artist to be considered, if he so wishes, as a person actively engaged in cultural work and consequently to benefit, taking account of the particular 'conditions of his artistic profession, from all the legal, social and economic advantages pertaining to the status of workers,

Affirming further the need to improve the social security, labour and tax conditions of the artist, whether employed or self-employed, taking into account the contribution to cultural development which the artist makes,

Recalling the importance, universally acknowledged both nationally and inter-nationally, of the preservation and promotion of cultural identity and of the role in this field of artists who perpetuate the practice of traditional arts and also interpret a nation's folklore,

Recognizing that the vigour and vitality of the arts depend, *inter alia*, on the well-being of artists both individually and collectively,

Recalling the conventions and recommendations of the International Labour Organization (ILO) which have recognized the rights of workers in general and, hence, the rights of artists and, in particular, the conventions and recommendations listed in the appendix to this Recommendation,

Taking note, however, that some of the International Labour Organization standards allow for derogations or even expressly exclude artists, or certain categories of them, owing to the special conditions in which artistic activity takes place, and that it is consequently necessary to extend their field of application and to supplement them by other standards,

Considering further that this recognition of their status as persons actively engaged in cultural work should in no way compromise their freedom of creativity, expression and communication but should, on the contrary, confirm their dignity and integrity,

Convinced that action by the public authorities is becoming necessary and urgent in order to remedy the disquieting situation of artists in a large number of Member States, particularly with regard to human rights, economic and social circumstances and their conditions of employment, with a view to providing artists with the conditions necessary for the development and flowering of their talents and appropriate to the role that they are able to play in the planning and implementation of cultural policies and cultural development activities of communities

and countries and in the improvement of the quality of life,

Considering that art plays an important part in education and that artists, by their works, may influence the conception of the world held by all people, and particularly by youth,

Considering that artists must be able collectively to consider and, if necessary, defend their common interests, and therefore must have the right to be recognized as a professional category and to constitute trade union or professional organizations,

Considering that the development of the arts, the esteem in which they are held and the promotion of arts education depend in large measure on the creativity of artists,

Aware of the complex nature of artistic activity and of the diverse forms it takes and, in particular, of the importance, for the living conditions and the development of the talents of artists, of the protection of their moral and material rights in their works, or performances, or the use made of them, and of the need to extend and reinforce such protection,

Considering the need to endeavour to take account as far as possible of the opinion both of artists and of the people at large in the formulation and implementation of cultural policies and for that purpose to provide them with the means for effective action,

Considering that contemporary artistic expression is presented in public places and that these should be laid out so as to take account of the opinions of the artists concerned, therefore that there should be close co-operation between architects, contractors and artists in order to lay down aesthetic guidelines for public places which will respond to the requirements of communication and make an effective contribution to the establishment of new and meaningful relationships between the public and its environment,

Taking into account the diversity of circumstances of artists in different countries and within the communities in which they are expected to develop their talents, and the varying significance attributed to their works by the societies in which they are produced,

Convinced, nevertheless, that despite such differences, questions of similar concern arise in all countries with regard to the status of the artist, and that a common will and inspiration are called for if a solution is to be found and if the status of the artist is to be improved, which is the intention of this Recommendation,

Taking note of the provisions of the international conventions in force relating, more particularly, to literary and artistic property, and in particular of the Universal Convention and the Berne Convention for the Protection of Literary and Artistic Works, and of those relating to the protection of the rights of

performers, of the resolutions of the General Conference, of the recommendations made by UNESCO's intergovernmental conferences on cultural policies, and of the conventions and recommendations adopted by the International Labour Organization, listed in the appendix to this Recommendation,

Having before it, as item 31 of the agenda of the session, proposals concerning the status of the artist,

Having decided, at its twentieth session, that this question should be the subject of a recommendation to Member States,

Adopts this Recommendation this twenty-seventh day of October 1980:

The General Conference recommends that Member States implement the following provisions, taking whatever legislative or other steps may be required in conformity with the constitutional practice of each State and the nature of the questions under consideration to apply the principles and norms set forth in this Recommendation within their respective territories.

For those States which have a federal or non-unitary constitutional system, the General Conference recommends that, with regard to the provisions of this Recommendation the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces, cantons or any other territorial and political subdivisions that are not obliged by the constitutional system of the federation to take legislative measures, the federal government be invited to inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

The General Conference recommends that Member States bring this Recommendation to the attention of authorities, institutions and organizations in a position to contribute to improvement of the status of the artist and to foster the participation of artists in cultural life and development.

The General Conference recommends that Member States report to it, on dates and in a manner to be determined by it, on the action they have taken to give effect to this Recommendation.

I. Definitions

For the purposes of this Recommendation:

1. 'Artist' is taken to mean any person who creates or gives creative expression to, or re-creates works of art, who considers his artistic creation to be an essential part of his life, who contributes in this way to the development of art and culture and who is or asks to be recognized as an artist, whether or not he is bound by any relations of employment or association.

2. The world 'status' signifies, on the one, hand, the regard accorded to artists, defined as above, in a society, on the basis of the importance attributed to the part they are called upon to play therein and, on the other hand, recognition of the liberties and rights, including moral, economic and social rights, with particular reference to income and social security, which artists should enjoy.

II. Scope of application

This Recommendation applies to all artists as defined in paragraph 1.1, irrespective of the discipline or form of art practiced by such artists. These include *inter alia* all creative artists and authors within the meaning of the Universal Copyright Convention and the Berne Convention for the Protection of Literary and Artistic Works, as well as performers and interpreters within the meaning of the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations.

III. Guiding principles

1. Member States, recognizing that art reflects, preserves and enriches the cultural identity and spiritual heritage of the various societies, constitutes a universal form of expression and communication and, as a common denominator in ethnic, cultural or religious differences, brings home to everyone the sense of belonging to the human community, should accordingly, and for these purposes, ensure that the population as a whole has access to art.

2. Member States should encourage all activities designed to highlight the action of artists for cultural development, including in particular 'activities carried out by the mass media and the educational system, and for the employment of leisure for cultural purposes.'

3. Member States, recognizing the essential role of art in the life and development of the individual and of society, accordingly have a duty to protect, defend and assist artists and their freedom of creation. For this purpose, they should take all necessary steps to stimulate artistic creativity and the flowering of talent, in particular by adopting measures to secure greater freedom for artists, without which they cannot fulfill their mission, and to improve their status by acknowledging their right to enjoy the fruits of their work. Member States should endeavour by all appropriate means to secure increased participation by artists in decisions concerning the quality of life. By all means at their disposal, Member States should demonstrate and confirm that artistic activities have a part to play in the nations' global development effort to build a juster and more humane society and to live together in circumstances of peace and spiritual enrichment.

4. Member States should ensure, through appropriate legislative means when necessary, that artists have the freedom and the right to establish trade unions and professional organizations of their choosing and to become members of such organizations, if they so wish, and should make it

possible for organizations representing artists to participate in the formulation of cultural policies and employment policies, including the professional training of artists, and in the determination of artists' conditions of work.

5. At all appropriate levels of national planning, in general, and of planning in the cultural field, in particular, Member States should make arrangements, by close co-ordination of their policies relating to culture, education and employment among other things, to define a policy for providing assistance and material and moral support for artists and should ensure that public opinion is informed of the justification and the need for such a policy. To that end, education should place due emphasis on the encouragement of artistic awareness, so as to create a public capable of appreciating the work of the artist. Without prejudice to the rights that should be accorded to them under copyright legislation, including resale rights (*droit de suite*) when this is not part of copyright, and under neighboring rights legislation, artists should enjoy equitable conditions and their profession should be given the public consideration that it merits. Their conditions of work and of employment should be such as to provide opportunities for artists who so wish to devote themselves fully to their artistic activities.

6. Since freedom of expression and communication is the essential prerequisite for all artistic activities, Member States should see that artists are unequivocally accorded the protection provided for in this respect by international and national legislation concerning human rights.

7. In view of the role of artistic activity and creation in the cultural and overall development of nations, Member States should create conditions enabling artists fully to participate, either individually or through their associations or trade unions, in the life of the communities in which they practice their art. They should associate them in the formulation of local and national cultural policies, thus stressing their important contribution in their own society as well as towards world progress in general.

8. Member States should ensure that all individuals, irrespective of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status or birth, have the same opportunities to acquire and develop the skills necessary for the complete development and exercise of their artistic talents, to obtain employment, and to exercise their profession without discrimination.

IV. The vocation and training of the artist

1. Member States should encourage, at school and from an early age, all measures tending to strengthen respect for artistic creation and the discovery and development of artistic vocations, and should bear in mind that, if it is to be effective, the stimulation of artistic creativity calls for provision of the necessary professional training of talent to

produce works of outstanding quality. For this purpose, Member States should:

(a) take the necessary measures to provide an education designed to stimulate artistic talent and vocation;

(b) take all appropriate measures, in association with artists, to ensure that education gives due prominence to the development of artistic sensitivity and so contributes to the training of a public receptive to the expression of art in all its forms;

(c) take all appropriate measures, whenever possible, to institute or develop the teaching of particular artistic disciplines;

(d) seek by means of incentives, such as the granting of fellowships or paid educational leave, to ensure that artists have the opportunity to bring their knowledge up to date in their own disciplines or in related specialities and fields, to improve their technical skills, to establish contacts which will stimulate creativity, and to undergo retraining so as to have access to and work in other branches of art; for these purposes, Member States should see that appropriate facilities are provided and that those already existing are, where necessary, improved and developed;

(e) adopt and develop co-ordinated, comprehensive vocational guidance and training policies and programmes, taking into consideration the particular employment situation of artists and enabling them to enter other sectors of activity if necessary;

(f) stimulate artists' participation in the restoration, conservation and use of the cultural heritage in the widest sense of the term, and provide artists with the means of transmitting to future generations the knowledge and artistic skills which they possess;

(g) recognize the importance in arts and craft training of the traditional ways of transmitting knowledge and in particular of the initiation practices of various communities, and take all appropriate measures to protect and encourage them ;

(h) recognize that art education should not be separated from the practice of living art, and see that such education is reoriented in such a way that cultural establishments, theatres, art studios, radio and television broadcasting organizations, etc., play an important part in this type of training and apprenticeship ;

(i) give particular attention to the development of women's creativity and the encouragement of groups and organizations which seek to promote the role of women in the various branches of artistic activity;

(j) recognize that artistic life and the practice of the arts have an international dimension and accordingly provide those engaged in artistic activities with all the means and, in particular, travel and study grants, likely to enable them to establish lively and far-reaching contacts with other cultures;

(k) take all appropriate steps to promote the free international movement of artists, and not to hinder the freedom of artists to practice their art in the country of their choice, while ensuring that these do not prejudice the development of endogenous talents and the conditions of work and employment of national artists;

(1) give special attention to the needs of traditional artists, in particular by facilitating their travel inside and outside their own country to serve the development of local traditions.

2. As far as possible and without prejudice to the freedom and independence of both artists and educators, Member States should undertake and support initiatives to ensure that artists, during their training, are made aware of their community's cultural identity, including traditional and folk cultures, thereby contributing to the affirmation or revival of that identity and those cultures.

V. Social status

Member States should promote and protect the status of artists by considering artistic activity, including innovation and research, as a service to the community. They should make it possible for them to enjoy the esteem necessary for the full development of their work and provide the economic safeguards to which artists are entitled as people actively engaged in cultural work. Member States should :

1. Grant artists public recognition in the form best suited to their respective cultural environments and establish a system, where it does not already exist or is inadequately designed, to give artists the prestige to which they are entitled.

2. See that the artist benefits from the rights and protection provided for in international and national legislation relating to human rights.

3. Endeavour to take the necessary steps to see that artists enjoy the same rights as are conferred on a comparable group of the active population by national and international legislation in respect of employment and living and working conditions, and see that self-employed artists enjoy, within reasonable limits, protection as regards income and social security.

4. Recognize the importance of international protection of the rights of artists under the terms of existing conventions and in particular of the Berne Convention for the Protection of Literary and Artistic Works, the Universal Copyright Convention, and the Rome Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations, and take all necessary steps to extend the field of application, scope and effectiveness of those instruments, particularly - in the case of Member States which have not already done so- by considering the possibility of adhering to them.

5. Recognize the right of trade union and professional organizations of artists to represent and defend the interests of their members and give them the opportunity to advise the public authorities on suitable measures for stimulating artistic activity and ensuring its protection and development.

VI. Employment, working and living conditions of the artist, professional and trade union organizations

1. Being aware of the need to improve the social recognition of artists by according them the moral and material support required to remedy their difficulties, Member States are invited to:

(a) consider measures for supporting artists at the beginning of their careers, in particular during the initial period when they are attempting to devote themselves completely to their art;

(b) promote the employment of artists in their own disciplines, particularly by devoting a proportion of public expenditure to artistic works;

(c) promote artistic activities within the context of development and stimulate public and private demand for the fruits of artistic activity in order to increase opportunities of paid work for artists, inter alia by means of subsidies to art institutions, commissions to individual artists, or the organization of artistic events at the local, regional or national levels, and by establishing art funds;

(d) identify remunerative posts which could be given to artists without prejudice to their creativity, vocation and freedom of expression and communication, and in particular:

(i) give artists opportunities in the relevant categories of the educational and social services systems at national and local levels and in libraries, museums, academies and other public institutions;

(ii) increase the participation of poets and writers in the overall effort towards the translation of foreign literature;

(e) encourage the development of the necessary facilities (museums, concert halls, theatres and other forums) conducive to fostering the dissemination of the arts and the meeting of artists with the public;

(f) study the possibility of establishing, within the framework of employment policies or public employment services, effective machinery to assist artists to find jobs and that of adhering to the Fee-Charging Employment Agencies Convention (revised) (No. 96) of the International Labour Organization, which is listed in the appendix to this Recommendation.

2. Within the context of a general policy to encourage artistic creativity, cultural development and the promotion and improvement of conditions of employment, Member States are invited, wherever possible, practical and in the interest of the artist, to:

(a) encourage and facilitate the application of the standards adopted for various groups of the active population to artists, and ensure that they enjoy all the rights accorded to the corresponding groups in respect of working conditions;

(b) seek means of extending to artists the legal protection concerning conditions of work and employment defined by the standards of the International Labour Organization, in particular the standards relating to:

(i) hours of work, weekly rest and paid leave in all fields of activities, more particularly, in the case of performers, taking into consideration the hours spent in travelling and rehearsal as well as those spent in public performance or appearances;

(ii) protection of life, health and the working environment;

(c) take into consideration the particular problems of artists, in respect of the premises where they work, while at the same time ensuring the preservation of the architectural heritage and the environment and upholding regulations pertaining to safety and health, when administering regulations relative to the alteration of artists' premises where this is in the interest of artistic activity;

(d) make provision when necessary for appropriate forms of compensation for artists, preferably in consultation with organizations representing artists and their employers, when, for reasons connected with the nature of the artistic activity undertaken or the artists' employment status, the standards relating to the matters referred to in paragraph 2(b)(i) of this section cannot be observed;

(e) recognize that profit-sharing systems, in the form of deferred salaries or shares in the profits of production, may prejudice artists' rights vis-a-vis their real incomes and social security entitlement and take appropriate measures in such cases to preserve these rights.

3. With the object of giving specific consideration to the child artist, Member States are invited to take account of the provisions of the United Nations Declaration of the Rights of the Child.

4. Recognizing the part played by professional and trade union organizations in the protection of employment and working conditions, Member States are invited to take appropriate steps to:

(a) observe and secure observance of the standards relating to freedom of association, to the right to organize and to collective bargaining, set forth in the international labour conventions listed in the appendix to this Recommendation and ensure that these standards and the general principles on which they are founded may apply to artists;

(b) encourage the free establishment of such organizations in disciplines where they do not yet exist;

(c) provide opportunities for all such organizations, national or international, without prejudice to the right of freedom of association, to carry out their role to the full.

5. Member States are invited to endeavour within their respective cultural environments to provide the same social protection for employed and self-employed artists as that usually granted respectively to other employed and self-employed groups. Provision should likewise be made for measures to extend appropriate social protection to dependent members of the family. The social security system which Member States may find it well to adopt, improve or supplement should take into consideration the special features of artistic activity, characterized by the intermittent nature of employment and the sharp variations in the incomes of many artists without, however, this entailing a limitation of the artist's freedom to create, publish and disseminate his work. In this context, Member States are invited to consider the adoption of special means of financing social security for artists, for example by resorting to new forms of financial participation either by the public authorities or by the business undertakings which market or which use the services or works of artists.

6. Recognizing in general that national and international legislation concerning the status of artists is lagging behind the general advances in technology, the development of the media of mass communication, the means of mechanical reproduction of works of art and of performances, the education of the public, and the decisive part played by the cultural industries, Member States are invited to take, wherever necessary, appropriate measures to:

(a) ensure that the artist is remunerated for the distribution and commercial exploitation of his work, and provide for the artist to maintain control of his work against unauthorized exploitation, modification or distribution;

(b) provide, to the extent possible, for a system guaranteeing the exclusive moral and material rights of artists in respect of any prejudice connected with the technical development of new communication and reproduction media, and of cultural industries; this means, in particular, establishing rights for performers, including circus and variety artists, and puppeteers; in doing so, it would be appropriate to take account of the provisions of the Rome Convention and, with reference to problems arising from the introduction of cable diffusion and video grams, of the Recommendation adopted by the Intergovernmental Committee of the Rome Convention in 1979;

(c) compensate any prejudice artists might suffer in consequence of the technical development of new communication and reproduction media and of cultural industries by favouring, for example, publicity for and dissemination of their works, and the creation of posts;

(d) ensure that cultural industries benefiting from technological changes, including radio and television organizations and mechanical reproduction undertakings, play their part in the effort to encourage and stimulate artistic creation, for instance by providing new employment opportunities, by publicity, by the dissemination of works, payment of royalties or by any other means judged equitable for artists;

(e) assist artists and organizations of artists to remedy, when they exist, the prejudicial effects on their employment or work opportunities of new technologies.

7. (a) Convinced of the uncertainty of artists' incomes and their sudden fluctuations, of the special features of artistic activity and of the fact that many artistic callings can be followed only for a relatively short period of life, Member States are invited to make provision for pension rights for certain categories of artists according to length of career and not the attainment of a certain age and to take into account in their taxation system the particular conditions of artists' work and activity;

(b) in order to preserve the health and prolong the professional activity of certain categories of artists (for example ballet dancers, dancers, vocalists) Member States are invited to provide them with adequate medical care not only in the event of incapacity for work but also for the purpose of preventing illness, and to consider the possibility of research into the health problems peculiar to artistic professions;

(c) taking into account the fact that a work of art should be considered neither as a consumer good nor as an investment, Member States are invited to consider the possibility of alleviating indirect taxation on works of art and on artistic performances at the time of their creation, dissemination or first sale, and this in the interest of artists or of development of the arts.

8. In view of the growing importance of international exchanges of works of art, and contacts between artists, and the need to encourage them, Member States separately or collectively, without prejudice to the development of national cultures, are invited to:

(a) assist free circulation of such work by, inter alia, flexible customs arrangements and concessions in relation to import duties, particularly as regards temporary importation;

(b) take measures to encourage international travel and exchange by artists, giving due attention to visiting national artists.

VII. Cultural policies and participation

Member States should endeavour, in accordance with paragraphs 111.7 and V.5 of this Recommendation, to take appropriate measures to have the opinions of artists and the professional and trade union organizations representing them, as well as of the people at large, in the spirit of UNESCO's

Recommendation on Participation by the People at Large in Cultural life and their Contribution to It, taken carefully into account in the formulation and execution of their cultural policies. To this end, they are invited to make the necessary arrangements for artists and their organizations to participate in discussions, decision-making processes and the subsequent implementation of measures aimed, inter alia, at:

- (a) the enhancement of the status of artists in society, for example measures relating to the employment and working and living conditions of the artist, to the provision of material and moral support for artistic activities by the public authorities, and to the professional training of the artist;
- (b) the promotion of culture and art within the community, for example measures relating to cultural development, to the protection and effective presentation of the cultural heritage, including folklore and the other activities of traditional artists, to cultural identity, to relevant aspects of environmental issues and the use of leisure, and to the place of culture and art in education;
- (c) the encouragement of international cultural co-operation, for example measures relating to the dissemination and translation of works, to the exchange of works and of persons, and to the organization of regional or international cultural events.

VIII. Utilization and implementation of this Recommendation

1. Member States should strive to extend and supplement their own action in respect of the status of the artist by co-operating with all the national or international organizations whose activities are related to the objectives of this Recommendation, in particular with National Commissions for UNESCO, national and international artists' organizations, the International Labour Office and the World Intellectual Property Organization.

2. Member States should, by the most appropriate means, support the work of the above-mentioned bodies representing artists and enlist their professional co-operation to enable artists to benefit from the provisions set forth in this Recommendation and to obtain recognition of the status described herein.

IX. Existing advantages

Where artists enjoy, in certain respects, a status which is more favourable than that provided for in this Recommendation, its terms shall not in any case be invoked to diminish the advantages already acquired or directly or indirectly to affect them.

Mexico City Declaration on Cultural Policies, UNESCO

World Conference on Cultural Policies, Mexico City, 26 July - 6 August 1982

The world has undergone profound changes in recent years. The progress of science and technology has changed man's place in the world and the nature of his social relations. Education and culture, whose significance and scope have been considerably extended, are essential for the genuine development of the individual and society.

Despite today's increased opportunities for dialogue, the community of nations is also faced with serious economic difficulties, inequality between nations is growing, and many conflicts and grave tensions are threatening peace and security.

It is therefore now more urgent than ever to establish closer collaboration among nations, to guarantee respect for the rights of others and to ensure the exercise of the fundamental freedoms of man and of peoples, and of their right to self-determination. More than ever it is urgent to construct 'defences of peace' in the mind of each individual, *inter alia* through education, science and culture, as affirmed in the Constitution of UNESCO.

By gathering in Mexico City on the occasion of the World Conference on Cultural Policies, the international community has decided to contribute effectively to the closer communion of peoples and to greater understanding among men.

Therefore, expressing trust in the ultimate convergence of the cultural and spiritual goals of mankind, the Conference agrees:

- that in its widest sense, culture may now be said to be the whole complex of distinctive spiritual, material, intellectual and emotional features that characterize a society or social group. It includes not only the arts and letters, but also modes of life, the fundamental rights of the human being, value systems, traditions and beliefs;

- that it is culture that gives man the ability to reflect upon himself. It is culture that makes us specifically human, rational beings, endowed with a critical judgement and a sense of moral commitment. It is through culture that we discern values and make choices. It is through culture that man expresses himself, becomes aware of himself, recognizes his incompleteness, questions his own achievements, seeks untiringly for new meanings and creates works through which he transcends his limitations. Consequently, the Conference solemnly agrees that the following principles should govern cultural policies:

CULTURAL IDENTITY

1. Every culture represents a unique and irreplaceable body of values since each people's traditions and forms of expression are its most effective means of demonstrating its presence in the world.

2. The assertion of cultural identity therefore contributes to the liberation of peoples. Conversely, any form of domination constitutes a denial or an impairment of that identity.

3. Cultural identity is a treasure that vitalizes mankind's possibilities of self-fulfilment by moving every people and every group to seek nurture in its past, to welcome contributions from outside that are compatible with its own characteristics, and so to continue the process of its own creation.

4. All cultures form part of the common heritage of mankind. The cultural identity of a people is renewed and enriched through contact with the traditions and values of others. Culture is dialogue, the exchange of ideas and experience and the appreciation of other values and traditions; it withers and dies in isolation.

5. The universal cannot be postulated in the abstract by any single culture: it emerges from the experience of all the world's peoples as each affirms its own identity. Cultural identity and cultural diversity are inseparable.

6. Special characteristics do not hinder, but rather enrich the communion of the universal values that unite peoples. Hence recognition of the presence of a variety of cultural identities wherever various traditions exist side by side constitutes the very essence of cultural pluralism.

7. The international community considers it its duty to ensure that the cultural identity of each people is preserved and protected.

8. All of this points to the need for cultural policies that will protect, stimulate and enrich each people's identity and cultural heritage, and establish absolute respect for and appreciation of cultural minorities and the other cultures of the world. The neglect or destruction of the culture of any group is a loss to mankind as a whole.

9. The equality and dignity of all cultures must be recognized, as must the right of each people and cultural community to affirm and preserve its cultural identity and have it respected by others.

CULTURAL DIMENSION OF DEVELOPMENT

10. Culture constitutes a fundamental dimension of the development process and helps to strengthen the independence, sovereignty and identity of nations. Growth has frequently been conceived in quantitative terms, without taking into account its necessary qualitative dimension, namely the satisfaction of man's spiritual and cultural aspirations. The aim of genuine development is the continuing well-being and fulfilment of each and every individual.

11. It is vital to humanize development, the ultimate goal of which is the individual in his dignity as a human being and his responsibility to society. Development implies for every individual and every people access to information and opportunities to learn and to communicate with others.

12. If all men and women are to be given the opportunity to improve their lot the course of development must be continually adjusted.

13. Steadily increasing numbers of men and women are seeking a better world. They do not only seek the satisfaction of basic needs but also the development of human beings, their well-being and their possibilities of living together in fellowship with all peoples. Their objective is not production, profit or consumption per se, but the full realization of their potential, both individual and collective, and the preservation of nature.

14. Man is the origin and the goal of development.

15. Any cultural policy should restore to development its profound, human significance. New models are required. And it is in the sphere of culture and education that they are to be found.

16. Balanced development can only be ensured by making cultural factors an integral part of the strategies designed to achieve it; consequently, these strategies should always be devised in the light of the historical, social and cultural context of each society.

CULTURE AND DEMOCRACY

17. Article 27 of the Universal Declaration of Human Rights proclaims that 'everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits'. States must take the necessary steps to attain this objective.

18. Culture springs from the community as a whole and should return to it; neither the production of culture nor the enjoyment of its benefits should be the privilege of élites. Cultural democracy is based on the broadest possible participation by the individual and society in the creation of cultural goods, in decision-making concerning cultural life and in the dissemination and enjoyment of culture.

19. The aim, above all, should be to open up new channels for democracy through equality of opportunity in education and culture.

20. It is necessary to bring about a geographical and administrative decentralization of cultural life and ensure that the institutions responsible for cultural action are more fully aware of the preferences, options and needs of society in cultural matters. It is essential, therefore, that more opportunities should be provided for contact between the public and cultural bodies.

21. A programme for the democratization of culture calls, in the first place, for the decentralization of

access to leisure pursuits and the arts. A democratic cultural policy will provide for enjoyment of artistic excellence by all communities and the whole population.

22. The participation of all individuals in cultural life requires the elimination of inequalities based, inter alia, on social background and status, education, nationality, age, language, sex, religious beliefs, health or the fact of belonging to ethnic, minority or fringe groups.

CULTURAL HERITAGE

23. The cultural heritage of a people includes the works of its artists, architects, musicians, writers and scientists and also the work of anonymous artists, expressions of the people's spirituality, and the body of values which give meaning to life. It includes both tangible and intangible works through which the creativity of that people finds expression: languages, rites, beliefs, historic places and monuments, literature, works of art, archives and libraries.

24. Every people therefore has a right and a duty to defend and preserve its cultural heritage, since societies recognize themselves through the values in which they find a source of creative inspiration.

25. The cultural heritage has frequently suffered damage or destruction as a result of thoughtlessness as well as of the processes of urbanization, industrialization and technological penetration. But even more intolerable is the damage caused to the cultural heritage by colonialism, armed conflict, foreign occupation and the imposition of alien values. All these have the effect of severing a people's links with and obliterating the memory of its past. Preservation and appreciation of its cultural heritage therefore enable a people to defend its sovereignty and independence, and hence affirm and promote its cultural identity.

26. The restitution to their countries of origin of works illicitly removed from them is a basic principle of cultural relations between peoples. Existing international instruments, agreements and resolutions could be strengthened to increase their effectiveness in this respect.

ARTISTIC AND INTELLECTUAL CREATION AND ART EDUCATION

27. The flowering of culture is inseparable both from the independence of peoples and from individual freedom. Freedom of opinion and expression is essential for the creative activities of artists and intellectuals alike.

28. Social and cultural conditions must be established which will facilitate, stimulate and guarantee artistic and intellectual creation without political, ideological, economic or social discrimination.

29. The development and promotion of art

education imply not only the formulation of specific programmes designed to foster artistic appreciation and support groups or institutions engaged in creation and dissemination, but also the encouragement of activities that will stimulate public awareness of the social importance of art and intellectual creation.

RELATIONSHIP OF CULTURE WITH EDUCATION, SCIENCE AND COMMUNICATION

30. The overall development of society calls for complementary policies in the fields of culture, education, science and communication with a view to the establishment of a harmonious balance between technological progress and the intellectual and moral advancement of mankind.

31. Education is ideally suited to the transmission of national and universal cultural values and should foster the assimilation of scientific and technological knowledge without detriment to each people's capacities and values.

32. At the present time, integral, innovative education is required that not only informs and transmits, but also trains and renews; that helps students to become aware of the realities of their times and of their environment, that assists in the full development of the personality; that provides training in self-discipline, respect for others, and social and international solidarity; that equips people for organization and productivity and for the production of truly necessary goods and services; and finally, that encourages renovation and stimulates creativity.

33. It is necessary to encourage the use of national languages to communicate knowledge.

34. Literacy is an essential condition for each people's cultural development.

35. Science and technology teaching should be conceived above all as a cultural process which develops critical awareness, and should be made an integral part of education systems in accordance with the development needs of peoples.

36. A free flow and a wider and more balanced dissemination of information, ideas and knowledge, which are among the principles of a new world information and communication order, imply for all nations the right not only to receive but also to transmit cultural, educational, scientific and technical information.

37. The modern communication media should facilitate objective information on cultural trends in the various countries, without detriment to the freedom of creativity and cultural identity of nations.

38. The technological progress of the last few years has led to the expansion of cultural industries. Whatever their mode of organization, these industries play an important role in the distribution of cultural goods. However, in their international activities they often disregard the traditional values

of society and kindle hopes and aspirations which are not in keeping with the actual needs of its development. Furthermore, the absence of national cultural industries may, particularly in developing countries, constitute a source of cultural dependence and give rise to alienation.

39. It is consequently essential to encourage the establishment of cultural industries in countries where they do not exist, through bilateral and multilateral assistance programmes, always ensuring that the production and distribution of cultural goods is in keeping with the integrated development of each society.

40. The modern communication media are now fulfilling a basic role in education and the spreading of culture. Society therefore has to find ways and means of using new production and communication technologies to achieve genuine individual and collective development and to promote the independence of nations by preserving their sovereignty and strengthening peace in the world.

PLANNING, ADMINISTRATION AND FINANCING OF CULTURAL ACTIVITIES

41. Culture is the essential condition for genuine development. Society must make substantial efforts with respect to the planning, administration and financing of cultural activities. For this purpose account must be taken of the needs and problems of each society, always guaranteeing the freedom necessary for cultural creation, as regards both its spirit and its content.

42. If cultural development in the Member States is to be effective, the corresponding budget allocations must be increased and funds from a variety of sources must be employed as far as possible. Similarly, more must be done to train staff in the fields of cultural planning and administration.

INTERNATIONAL CULTURAL CO-OPERATION

43. The widest possible dissemination of ideas and knowledge on the basis of cultural exchanges and encounters is essential to man's creative activity and to the full development of the individual and of society.

45. More extensive subregional, regional, interregional and international co-operation and understanding in cultural matters are pre-conditions for the achievement of a climate of respect, confidence, dialogue and peace among the nations. Such a climate cannot be fully achieved without reducing and eliminating current tensions and conflicts and without halting the arms race and achieving disarmament.

45. The Conference solemnly reaffirms the value and validity of the Declaration of the Principles of International Cultural Co-operation, adopted at its fourteenth session by the General Conference of the United Nations Educational, Scientific and Cultural Organization.

46. International cultural co-operation must be based on respect for cultural identity, recognition of the dignity and value of all cultures, national independence and sovereignty, and non-intervention. Consequently, in co-operative relations between nations, all forms of subordination or the replacement of one culture by another should be avoided. It is also essential to rebalance cultural interchange and co-operation in order that the less-known cultures, particularly those of certain developing countries, may be more broadly disseminated in all countries.

47. Cultural, scientific and educational exchanges should strengthen peace, promote respect for human rights, and help to eradicate colonialism, neo-colonialism, racism, apartheid and all forms of aggression, domination and interference. Similarly, cultural co-operation should help to create an international climate conducive to disarmament, so that the human resources and huge sums allocated to armaments can be used for constructive purposes, such as programmes of cultural, scientific and technological development.

48. International cultural co-operation needs to be diversified and fostered in an interdisciplinary context and with special attention to the training of qualified staff for cultural services.

49. Encouragement should be given, in particular, to co-operation among developing countries, so that knowledge of other cultures and of other experiences of development may enrich the lives of

such countries.

50. The Conference reaffirms that educational and cultural factors are essential in efforts to establish a new international economic order.

UNESCO

51. In a world torn by dissensions which imperil the cultural values of the different civilizations, the Member States and Secretariat of the United Nations Educational, Scientific and Cultural Organization must increase their efforts to preserve such values and take more intensive action to further the development of mankind. The establishment of a lasting peace is essential to the very existence of human culture.

52. In this situation, the goals of UNESCO, as set out in its Constitution, acquire a capital importance.

53. The World Conference on Cultural Policies appeals to UNESCO to continue and strengthen its work to increase cultural contacts between peoples and nations and continue to pursue its lofty mission of helping men, despite their diversity, to make the ancient dream of universal brotherhood come true.

54. The international community, meeting in this Conference, endorses the motto of Benito Juárez: 'In relations between individuals as between nations, peace means respect for others' rights'.

Agenda 21 for Culture

Barcelona, 7-8 May 2004

We, cities and local governments of the world, committed to human rights, cultural diversity, sustainability, participatory democracy and the creation of the conditions for peace, assembled in Barcelona on 7 and 8 May 2004, at the IV Porto Alegre Forum of Local Authorities for Social Inclusion, in the framework of the Universal Forum of Cultures – Barcelona 2004, agree on this Agenda 21 for Culture as a guiding document for our public cultural policies and as a contribution to the cultural development of humanity.

I. PRINCIPLES

1. Cultural diversity is the main heritage of humanity. It is the product of thousands of years of history, the fruit of the collective contribution of all peoples through their languages, imaginations, technologies, practices and creations. Culture takes on different forms, responding to dynamic models of relationship between societies and territories. Cultural diversity is "a means to achieve a more satisfactory intellectual, emotional, moral and spiritual existence" (UNESCO Universal Declaration on Cultural Diversity, article 3), and is one of the essential elements in the transformation of urban and social reality.

2. Clear political analogies exist between cultural and ecological questions, as both culture and the environment are common assets of all humanity. The current economic development models, which prey excessively on natural resources and common goods of humanity, are the cause of increasing concern for the environment. Rio de Janeiro 1992, Aalborg 1994, and Johannesburg 2002, have been the milestones in a process of answering one of the most important challenges facing humanity: environmental sustainability. The current situation also provides sufficient evidence that cultural diversity in the world is in danger due to a globalisation that standardises and excludes. UNESCO says: "A source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for nature" (UNESCO Universal Declaration on Cultural Diversity, article 1).

3. Local governments recognise that cultural rights are an integral part of human rights, taking as their reference the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966) and the UNESCO Universal Declaration on Cultural Diversity (2001). They recognise that the cultural freedom of individuals and communities is an essential condition for democracy. No one may invoke cultural diversity to infringe upon the human rights guaranteed by international law, nor to limit their scope.

4. Local governments are worldwide agents of prime importance as defenders and promoters of the

advance of human rights. They also represent the citizens of the world and speak out in favour of international democratic systems and institutions. Local governments work together in networks, exchanging practices and experiences and coordinating their actions.

5. Cultural development relies on a host of social agents. The main principles of good governance include transparency of information and public participation in the conception of cultural policies, decisionmaking processes and the assessment of programmes and projects.

6. The indispensable need to create the conditions for peace must go hand in hand with cultural development strategies. War, terrorism, oppression and discrimination are expressions of intolerance which must be condemned and eradicated.

7. Cities and local spaces are a privileged setting for cultural invention which is in constant evolution, and provide the environment for creative diversity, where encounters amongst everything that is different and distinct (origins, visions, ages, genders, ethnic groups and social classes) are what makes full human development possible. Dialogue between identity and diversity, individual and group, is a vital tool for guaranteeing both a planetary cultural citizenship as well as the survival of linguistic diversity and the development of cultures.

8. Coexistence in cities is a joint responsibility of citizens, civil society and local governments. Laws are fundamental, but cannot be the only way of regulating coexistence in cities. As the Universal Declaration of Human Rights (article 29) states: "Everyone has duties to the community in which alone the free and full development of his ...(/her)... personality is possible".

9. Cultural heritage, tangible and intangible, testifies to human creativity and forms the bedrock underlying the identity of peoples. Cultural life contains both the wealth of being able to appreciate and treasure traditions of all peoples and an opportunity to enable the creation and innovation of endogenous cultural forms. These qualities preclude any imposition of rigid cultural models.

10. The affirmation of cultures, and the policies which support their recognition and viability, are an essential factor in the sustainable development of cities and territories and its human, economic, political and social dimension. The central nature of public cultural policies is a demand of societies in the contemporary world. The quality of local development depends on the interweaving of cultural and other public policies – social, economic, educational, environmental and urban planning.

11. Cultural policies must strike a balance between public and private interest, public functions and the

institutionalisation of culture. Excessive institutionalisation or the excessive prevalence of the market as the sole distributor of cultural resources involves risks and hampers the dynamic development of cultural systems. The autonomous initiative of the citizens, individually or in social entities and movements, is the basis of cultural freedom.

12. Proper economic assessment of the creation and distribution of cultural goods – amateur or professional, craft or industrial, individual or collective – becomes, in the contemporary world, a decisive factor in emancipation, a guarantee of diversity and, therefore, an attainment of the democratic right of peoples to affirm their identities in the relations between cultures. Cultural goods and services, as stated in the UNESCO Universal Declaration on Cultural Diversity (article 8), “as vectors of identity, values and meaning, must not be treated as mere commodities or consumer goods”. It is necessary to emphasise the importance of culture as a factor in the creation of wealth and economic development.

13. Access to the cultural and symbolic universe at all stages of life, from childhood to old age, is a fundamental element in the shaping of sensitivity, expressiveness and coexistence and the construction of citizenship. The cultural identity of each individual is dynamic.

14. The appropriation of information and its transformation into knowledge by the citizens is a cultural act. Therefore access without discrimination to expressive, technological and communication resources and the constitution of horizontal networks strengthens and nourishes the collective heritage of a knowledge-based society.

15. Work is one of the principal spheres of human creativity. Its cultural dimension must be recognised and developed. The organisation of work and the involvement of businesses in the city or territory must respect this dimension as one of the basic elements in human dignity and sustainable development.

16. Public spaces are collective goods that belong to all citizens. No individual or group can be deprived of free use of them, providing they respect the rules adopted by each city.

II. UNDERTAKINGS

17. To establish policies that foster cultural diversity in order to guarantee a broad supply and to promote the presence of all cultures especially minority or unprotected cultures, in the media and to support coproductions and exchanges avoiding hegemonic positions.

18. To support and promote, through different means and instruments, the maintenance and expansion of cultural goods and services, ensuring universal access to them, increasing the creative capacity of all citizens, the wealth represented by linguistic diversity, promoting artistic quality,

searching new forms of expression and the experimentation with new art languages, as well as the reformulation and the interaction between traditions, and the implementation of mechanisms of cultural management which detect new cultural movements and new artistic talent and encourage them to reach fulfilment. Local governments state their commitment to creating and increasing cultural audiences and encouraging cultural participation as a vital element of citizenship.

19. To implement the appropriate instruments to guarantee the democratic participation of citizens in the formulation, exercise and evaluation of public cultural policies.

20. To guarantee the public funding of culture by means of the necessary instruments. Notable among these are the direct funding of public programmes and services, support for private enterprise activities through subsidies, and newer models such as micro-credits, risk-capital funds, etc. It is also possible to consider establishing legal systems to facilitate tax incentives for companies investing in culture, providing these respect the public interest.

21. To open up spaces for dialogue between different spiritual and religious choices living side by side in the local area, and between these groups and the public authorities to ensure the right to free speech and harmonious coexistence.

22. To promote expression as a basic dimension of human dignity and social inclusion without prejudice by gender, age, ethnic origin, disability, poverty or any other kind of discrimination which hinders the full exercise of freedoms. The struggle against exclusion is a struggle for the dignity of all people.

23. To promote the continuity and the development of indigenous local cultures, which are bearers of a historic and interactive relation with the territory.

24. To guarantee the cultural expression and participation of people with cultures from immigration or originally rooted in other areas. At the same time, local governments undertake to provide the means for immigrants to have access to and participate in the culture of the host community. That reciprocal commitment is the foundation of coexistence and intercultural processes, which in fact, without that name, have contributed to creating the identity of each city.

25. To promote the implementation of forms of “cultural impact assessment” as a mandatory consideration of the public or private initiatives that involve significant changes in the cultural life of cities.

26. To consider cultural parameters in all urban and regional planning, establishing the laws, rules and regulations required to ensure protection of local cultural heritage and the legacy of previous generations.

27. To promote the existence of the public spaces of

the city and foster their use as cultural places for interaction and coexistence. To foster concern for the aesthetics of public spaces and collective amenities.

28. To implement measures to decentralise cultural policies and resources, legitimating the creative originality of the so-called peripheries, favouring the vulnerable sectors of society and defending the principle of the right of all citizens to culture and knowledge without discrimination. That determination does not mean avoiding central responsibilities and, in particular, responsibility for funding any decentralisation project.

29. To particularly promote coordination between the cultural policies of local governments that share a territory, creating a dialogue that values the identity of each authority, their contribution to the whole and the efficiency of the services for citizens.

30. To boost the strategic role of the cultural industries and the local media for their contribution to local identity, creative continuity and job creation.

31. To promote the socialisation of and access to the digital dimension of projects and the local or global cultural heritage. The information and communication technologies should be used as tools for bringing cultural knowledge within the reach of all citizens.

32. To implement policies whose aim is the promote access to local public media and to develop these media in accordance with the interests of the community, following the principles of plurality, transparency and responsibility.

33. To generate the mechanisms, instruments and resources for guaranteeing freedom of speech.

34. To respect and guarantee the moral rights of authors and artists and ensure their fair remuneration.

35. To invite creators and artists to commit themselves to the city and the territory by identifying the problems and conflicts of our society, improving coexistence and quality of life, increasing the creative and critical capacity of all citizens and, especially, cooperating to contribute to the resolution of the challenges faced by the cities.

36. To establish policies and investments to encourage reading and the diffusion of books, as well as full access for all citizens to global and local literary production.

37. To foster the public and collective character of culture, promoting the contact of all sectors of the city with all forms of expression that favour conviviality: live shows, films, festivals, etc.

38. To generate coordination between cultural and education policies, encouraging the promotion of creativity and sensitivity and the relations between cultural expressions of the territory and the education system.

39. To guarantee that people with disabilities can enjoy cultural goods and services, facilitating their access to cultural services and activities.

40. To promote relations between the cultural facilities and other entities working with knowledge, such as universities, research centres and research companies.

41. To promote programmes aimed at popularising scientific and technical culture among all citizens, especially taking into account that the ethical, social, economic and political issues raised by possible applications of new scientific knowledge are of public interest.

42. To establish legal instruments and implement actions to protect the cultural heritage by means of inventories, registers, catalogues and to promote and popularise heritage appreciation through activities such as exhibitions, museums or itineraries.

43. To protect, valorise and popularise the local documentary heritage generated in the public local/regional sphere, on their own initiative or in association with public and private entities, providing incentives for the creation of municipal and regional systems for that purpose.

44. To encourage the free exploration of cultural heritage by all citizens in all parts of the world. To promote, in relation with the professionals in the sector, forms of tourism that respect the cultures and customs of the localities and territories visited.

45. To develop and implement policies that deepen multilateral processes based on the principle of reciprocity. International cultural cooperation is an indispensable tool for the constitution of a supportive human community, which promotes the free circulation of artists and cultural operators, especially across the north-south frontier, as an essential contribution to dialogue between peoples to overcome the imbalances brought about by colonialism and for interregional integration.

III. RECOMMENDATIONS

TO LOCAL GOVERNMENTS

46. All local governments are invited to submit this document for the approval of their legislative bodies and to carry out a wider debate with local society.

47. Ensure the central place of culture in local policies and promote the drafting of an Agenda 21 for culture in each city or territory, in close coordination with processes of public participation and strategic planning.

48. Make proposals for agreeing the mechanisms for cultural management with other institutional levels, always respecting the principle of subsidiarity.

49. Fulfil, before 2006, a proposal for a system of cultural indicators that support the deployment of

this Agenda 21 for culture, including methods to facilitate monitoring and comparability.

TO STATE AND NATIONAL GOVERNMENTS

50. Establish instruments for public intervention in the cultural field, bearing in mind the increase in citizens' cultural needs, current deficiencies of cultural programmes and resources and the importance of devolving budgetary allocations. Moreover, it is necessary to work to allocate a minimum of 1% of the national budget for culture.

51. Establish mechanisms for consultation and agreement with local governments, directly or through their networks and federations, to make new legislation, rules and systems for funding in the cultural field.

52. Avoid trade agreements that constrain the free development of culture and the exchange of cultural goods and services on equal terms.

53. Approve legal provisions to avoid the concentration of cultural and communication industries and to promote cooperation, particularly in the field of production, with local and regional representatives and agents.

54. Guarantee appropriate mention of the origin of cultural goods exhibited in our territories and adopt measures to prevent illegal trafficking of goods belonging to the historic heritage of other peoples.

55. Implement at state or national level international agreements on cultural diversity, especially the UNESCO Universal Declaration on Cultural Diversity, approved at the 31st General Conference, in November 2001, and the Plan of Action on Cultural Policies for Development agreed at the Intergovernmental Conference in Stockholm (1998).

TO INTERNATIONAL ORGANISATIONS ORGANISATIONS OF CITIES

56. To United Cities and Local Governments: adopt this Agenda 21 for Culture as a reference document for their cultural programmes and also assume their role as coordinators of the process after their adoption.

57. To continental networks of cities and local governments (especially the ones that promoted this Agenda 21 such as Interlocal, Eurocities, Sigma or Mercociudades): consider this document within their technical action and policy programmes.

UNITED NATIONS PROGRAMMES AND AGENCIES

58. To UNESCO: recognise this Agenda 21 for Culture as a reference document in its work preparing the international legal instrument or Convention on Cultural Diversity planned for 2005.

59. To UNESCO: recognise cities as the territories where the principles of cultural diversity are applied, especially those aspects related to coexistence, democracy and participation; and to establish the means for local governments to participate in its programmes.

60. To the United Nations Development Programme (UNDP): deepen its analysis of culture and development and incorporate cultural indicators into the calculation of the human development index (HDI).

61. To the Department of Economic and Social Affairs – Sustainable Development Section, which is responsible for the monitoring of Agenda 21: develop the cultural dimension of sustainability following the principles and commitments of this Agenda 21 for Culture.

62. To United Nations – HABITAT: consider this document as a basis for the establishing the importance of the cultural dimension of urban policies.

63. To the United Nations Committee on Economic, Social and Cultural Rights: include the urban dimension in its analysis of the relations between cultural rights and other human rights.

INTERGOVERNMENTAL AND SUPRANATIONAL ORGANISATIONS

64. To the World Trade Organisation: exclude cultural goods and services from their negotiation rounds. The bases for exchanges of cultural goods and services must be established in a new international legal instrument such as the Convention on Cultural Diversity planned for 2005.

65. To the continental organisations (European Union, Mercosur, African Union, Association of Southeast Asian Nations): incorporate culture as a pillar of their construction. Respecting the national competences and subsidiarity, there is a need for a continental cultural policy based on the principles of the legitimacy of public intervention in culture, diversity, participation, democracy and networking.

66. To the multilateral bodies established on principles of cultural affinity (for example, the Council of Europe, the League of Arab States, the Organisation of Iberoamerican States, the International Francophone Organisation, the Commonwealth, the Community of Portuguese Language Countries, the Latin Union): promote dialogue and joint projects which lead to a greater understanding between civilisations and the generation of mutual knowledge and trust, the basis of peace.

67. To the International Network for Cultural Policies (states and ministers of culture) and the International Network for Cultural Diversity (artists' associations): consider the cities as fundamental territories of cultural diversity, to establish the mechanisms for the participation of local governments in their work and to include the principles set out in this Agenda 21 for culture in their plans of action.

Barcelona, 8 May 2004 www.agenda21cultura.net

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

Paris, 20 October 2005

On the 5th of October 2007, 69 countries had ratified the Convention as well as the European Union as a separate entity.

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 3 to 21 October 2005 at its 33rd session,

Affirming that cultural diversity is a defining characteristic of humanity,

Conscious that cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,

Being aware that cultural diversity creates a rich and varied world, which increases the range of choices and nurtures human capacities and values, and therefore is a mainspring for sustainable development for communities, peoples and nations,

Recalling that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,

Celebrating the importance of cultural diversity for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments,

Emphasizing the need to incorporate culture as a strategic element in national and international development policies, as well as in international development cooperation, taking into account also the United Nations Millennium Declaration (2000) with its special emphasis on poverty eradication,

Taking into account that culture takes diverse forms across time and space and that this diversity is embodied in the uniqueness and plurality of the identities and cultural expressions of the peoples and societies making up humanity,

Recognizing the importance of traditional knowledge as a source of intangible and material wealth, and in particular the knowledge systems of indigenous peoples, and its positive contribution to sustainable development, as well as the need for its adequate protection and promotion,

Recognizing the need to take measures to protect the diversity of cultural expressions, including their contents, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment,

Emphasizing the importance of culture for social cohesion in general, and in particular its potential for

the enhancement of the status and role of women in society,

Being aware that cultural diversity is strengthened by the free flow of ideas, and that it is nurtured by constant exchanges and interaction between cultures,

Reaffirming that freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies,

Recognizing that the diversity of cultural expressions, including traditional cultural expressions, is an important factor that allows individuals and peoples to express and to share with others their ideas and values,

Recalling that linguistic diversity is a fundamental element of cultural diversity, and *reaffirming* the fundamental role that education plays in the protection and promotion of cultural expressions,

Taking into account the importance of the vitality of cultures, including for persons belonging to minorities and indigenous peoples, as manifested in their freedom to create, disseminate and distribute their traditional cultural expressions and to have access thereto, so as to benefit them for their own development,

Emphasizing the vital role of cultural interaction and creativity, which nurture and renew cultural expressions and enhance the role played by those involved in the development of culture for the progress of society at large,

Recognizing the importance of intellectual property rights in sustaining those involved in cultural creativity,

Being convinced that cultural activities, goods and services have both an economic and a cultural nature, because they convey identities, values and meanings, and must therefore not be treated as solely having commercial value,

Noting that while the processes of globalization, which have been facilitated by the rapid development of information and communication technologies, afford unprecedented conditions for enhanced interaction between cultures, they also represent a challenge for cultural diversity, namely in view of risks of imbalances between rich and poor countries,

Being aware of UNESCO's specific mandate to ensure respect for the diversity of cultures and to recommend such international agreements as may be necessary to promote the free flow of ideas by word and image,

Referring to the provisions of the international instruments adopted by UNESCO relating to cultural diversity and the exercise of cultural rights, and in particular the Universal Declaration on Cultural Diversity of 2001,

Adopts this Convention on 20 October 2005.

I. Objectives and guiding principles

Article 1 – Objectives

The objectives of this Convention are:

- (a) to protect and promote the diversity of cultural expressions;
- (b) to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner to encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges in the world in favour of intercultural respect and a culture of peace;
- (d) to foster interculturality in order to develop cultural interaction in the spirit of building bridges among peoples;
- (e) to promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels;
- (f) to reaffirm the importance of the link between culture and development for all countries, particularly for developing countries, and to support actions undertaken nationally and internationally to secure recognition of the true value of this link;
- (g) to give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;
- (h) to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;
- (i) to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions.

Article 2 – Guiding principles

1. Principle of respect for human rights and fundamental freedoms

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law,

or to limit the scope thereof.

2. Principle of sovereignty

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

3. Principle of equal dignity of and respect for all cultures

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

4. Principle of international solidarity and cooperation

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

5. Principle of the complementarity of economic and cultural aspects of development

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

6. Principle of sustainable development

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

7. Principle of equitable access

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

II. Scope of application

Article 3 – Scope of application

This Convention shall apply to the policies and measures adopted by the Parties related to the protection and promotion of the diversity of cultural expressions.

III. Definitions

Article 4 – Definitions

For the purposes of this Convention, it is understood that:

1. Cultural diversity

“Cultural diversity” refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are passed on within and among groups and societies. Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed, augmented and transmitted through the variety of cultural expressions, but also through diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used.

2. Cultural content

“Cultural content” refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.

3. Cultural expressions

“Cultural expressions” are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content.

4. Cultural activities, goods and services

“Cultural activities, goods and services” refers to those activities, goods and services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions, irrespective of the commercial value they may have. Cultural activities may be an end in themselves, or they may contribute to the production of cultural goods and services.

5. Cultural industries

“Cultural industries” refers to industries producing and distributing cultural goods or services as defined in paragraph 4 above.

6. Cultural policies and measures

“Cultural policies and measures” refers to those policies and measures relating to culture, whether at the local, national, regional or international level that are either focused on culture as such or are designed to have a direct effect on cultural expressions of individuals, groups or societies, including on the creation, production, dissemination, distribution of and access to cultural activities, goods and services.

7. Protection

“Protection” means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions. “Protect” means to adopt such measures.

8. Interculturality

“Interculturality” refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.

IV. Rights and obligations of Parties

Article 5 – General rule regarding rights and obligations

1. The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

Article 6 – Rights of parties at the national level

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

(a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;

(b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;

(c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;

(d) measures aimed at providing public financial assistance;

(e) measures aimed at encouraging non-profit

organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;

(f) measures aimed at establishing and supporting public institutions, as appropriate;

(g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions;

(h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

Article 7 – Measures to promote cultural expressions

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

(a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

Article 8 – Measures to protect cultural expressions

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 9 – Information sharing and transparency

Parties shall:

(a) provide appropriate information in their reports to

UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level;

(b) designate a point of contact responsible for information sharing in relation to this Convention;

(c) share and exchange information relating to the protection and promotion of the diversity of cultural expressions.

Article 10 – Education and public awareness

Parties shall:

(a) encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions, *inter alia*, through educational and greater public awareness programmes; cooperate with other Parties and international and regional organizations in achieving the purpose of this article;

(b) endeavour to encourage creativity and strengthen production capacities by setting up educational, training and exchange programmes in the field of cultural industries. These measures should be implemented in a manner which does not have a negative impact on traditional forms of production.

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.

Article 12 – Promotion of international cooperation

Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of the situations referred to in Articles 8 and 17, notably in order to:

(a) facilitate dialogue among Parties on cultural policy;

(b) enhance public sector strategic and management capacities in cultural public sector institutions, through professional and international cultural exchanges and sharing of best practices;

(c) reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions;

(d) promote the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions;

(e) encourage the conclusion of co-production and

co-distribution agreements.

Article 13 – Integration of culture in sustainable development

Parties shall endeavour to integrate culture in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions.

Article 14 – Cooperation for development

Parties shall endeavour to support cooperation for sustainable development and poverty reduction, especially in relation to the specific needs of developing countries, in order to foster the emergence of a dynamic cultural sector by, *inter alia*, the following means:

- (a) the strengthening of the cultural industries in developing countries through:
 - (i) creating and strengthening cultural production and distribution capacities in developing countries;
 - (ii) facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;
 - (iii) enabling the emergence of viable local and regional markets;
 - (iv) adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the cultural activities, goods and services of developing countries;
 - (v) providing support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world;
 - (vi) encouraging appropriate collaboration between developed and developing countries in the areas, *inter alia*, of music and film;
- (b) capacity-building through the exchange of information, experience and expertise, as well as the training of human resources in developing countries, in the public and private sector relating to, *inter alia*, strategic and management capacities, policy development and implementation, promotion and distribution of cultural expressions, small-, medium- and micro-enterprise development, the use of technology, and skills development and transfer;
- (c) technology transfer through the introduction of appropriate incentive measures for the transfer of technology and know-how, especially in the areas of cultural industries and enterprises;
- (d) financial support through:
 - (i) the establishment of an International Fund for Cultural Diversity as provided in Article 18;
 - (ii) the provision of official development assistance, as appropriate, including technical assistance, to stimulate and support creativity;
 - (iii) other forms of financial assistance such as low interest loans, grants and other funding mechanisms.

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.

Article 16 – Preferential treatment for developing countries

Developed countries shall facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries.

Article 17 – International cooperation in situations of serious threat to cultural expressions

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

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.

Article 19 – Exchange, analysis and dissemination of information

1. Parties agree to exchange information and share expertise concerning data collection and statistics on the diversity of cultural expressions as well as on best practices for its protection and promotion.

2. UNESCO shall facilitate, through the use of existing mechanisms within the Secretariat, the collection, analysis and dissemination of all relevant information, statistics and best practices.

3. UNESCO shall also establish and update a data bank on different sectors and governmental, private and non-profit organizations involved in the area of cultural expressions.

4. To facilitate the collection of data, UNESCO shall pay particular attention to capacity-building and the strengthening of expertise for Parties that submit a request for such assistance.

5. The collection of information identified in this Article shall complement the information collected under the provisions of Article 9.

V. Relationship to other instruments

Article 20 – Relationship to other treaties: mutual supportiveness, complementarity and non-subordination

1. Parties recognize that they shall perform in good faith their obligations under this Convention and all other treaties to which they are parties. Accordingly, without subordinating this Convention to any other treaty,

(a) they shall foster mutual supportiveness between this Convention and the other treaties to which they are parties; and

(b) when interpreting and applying the other treaties to which they are parties or when entering into other international obligations, Parties shall take into account the relevant provisions of this Convention.

2. Nothing in this Convention shall be interpreted as modifying rights and obligations of the Parties under any other treaties to which they are parties.

Article 21 – International consultation and coordination

Parties undertake to promote the objectives and principles of this Convention in other international forums. For this purpose, Parties shall consult each other, as appropriate, bearing in mind these objectives and principles.

VI. Organs of the Convention

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.

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.

Article 24 – UNESCO Secretariat

1. The organs of the Convention shall be assisted by the UNESCO Secretariat.

2. The Secretariat shall prepare the documentation of the Conference of Parties and the Intergovernmental Committee as well as the agenda of their meetings and shall assist in and report on the implementation of their decisions.

VII. Final clauses

Article 25 – Settlement of disputes

1. In the event of a dispute between Parties to this Convention concerning the interpretation or the application of the Convention, the Parties shall seek a solution by negotiation.

2. If the Parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. If good offices or mediation are not undertaken or if there is no settlement by negotiation, good offices

or mediation, a Party may have recourse to conciliation in accordance with the procedure laid down in the Annex of this Convention. The Parties shall consider in good faith the proposal made by the Conciliation Commission for the resolution of the dispute.

4. Each Party may, at the time of ratification, acceptance, approval or accession, declare that it does not recognize the conciliation procedure provided for above. Any Party having made such a declaration may, at any time, withdraw this declaration by notification to the Director-General of UNESCO.

Article 26 – Ratification, acceptance, approval or accession by Member States

1. This Convention shall be subject to ratification, acceptance, approval or accession by Member States of UNESCO in accordance with their respective constitutional procedures.

2. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.

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;

(d) 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.

Article 28 – Point of contact

Upon becoming Parties to this Convention, each Party shall designate a point of contact as referred to in Article 9.

Article 29 – Entry into force

1. This Convention shall enter into force three months after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession, but only with respect to those States or regional economic integration organizations that have deposited their respective instruments of ratification, acceptance, approval, or accession on or before that date. It shall enter into force with respect to any other Party three months after the deposit of its instrument of ratification, acceptance, approval or accession.

2. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by Member States of the

organization.

Article 30 – Federal or non-unitary constitutional systems

Recognizing that international agreements are equally binding on Parties regardless of their constitutional systems, the following provisions shall apply to Parties which have a federal or non-unitary constitutional system:

(a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those Parties which are not federal States;

(b) with regard to the provisions of the Convention, the implementation of which comes under the jurisdiction of individual constituent units such as States, counties, provinces, or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform, as necessary, the competent authorities of constituent units such as States, counties, provinces or cantons of the said provisions, with its recommendation for their adoption.

Article 31 – Denunciation

1. Any Party to this Convention may denounce this Convention.

2. The denunciation shall be notified by an instrument in writing deposited with the Director-General of UNESCO.

3. The denunciation shall take effect 12 months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the Party denouncing the Convention until the date on which the withdrawal takes effect.

Article 32 – Depositary functions

The Director-General of UNESCO, as the depositary of this Convention, shall inform the Member States of the Organization, the States not members of the Organization and regional economic integration organizations referred to in Article 27, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 26 and 27, and of the denunciations provided for in Article 31.

Article 33 – Amendments

1. A Party to this Convention may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all Parties. If, within six months from the date of dispatch of the communication, no less than one half of the Parties reply favourably to the request, the Director-General shall present such proposal to

the next session of the Conference of Parties for discussion and possible adoption.

2. Amendments shall be adopted by a two-thirds majority of Parties present and voting.

3. Once adopted, amendments to this Convention shall be submitted to the Parties for ratification, acceptance, approval or accession.

4. For Parties which have ratified, accepted, approved or acceded to them, amendments to this Convention shall enter into force three months after the deposit of the instruments referred to in paragraph 3 of this Article by two-thirds of the Parties. Thereafter, for each Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.

5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to Article 23 concerning the number of Members of the Intergovernmental Committee. These amendments shall enter into force at the time they are adopted.

6. A State or a regional economic integration organization referred to in Article 27 which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered to be:

(a) Party to this Convention as so amended; and

(b) a Party to the unamended Convention in relation to any Party not bound by the amendments.

Article 34 – Authoritative texts

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, all six texts being equally authoritative.

Article 35 – Registration

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

ANNEX

Conciliation Procedure

Article 1 – Conciliation Commission

A Conciliation Commission shall be created upon the request of one of the Parties to the dispute. The Commission shall, unless the Parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2 – Members of the Commission

In disputes between more than two Parties, Parties in the same interest shall appoint their members of the Commission jointly by agreement. Where two or more Parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

Article 3 – Appointments

If any appointments by the Parties are not made within two months of the date of the request to create a Conciliation Commission, the Director-General of UNESCO shall, if asked to do so by the Party that made the request, make those appointments within a further two-month period.

Article 4 – President of the Commission

If a President of the Conciliation Commission has not been chosen within two months of the last of the members of the Commission being appointed, the Director-General of UNESCO shall, if asked to do so by a Party, designate a President within a further two month period.

Article 5 – Decisions

The Conciliation Commission shall take its decisions by majority vote of its members. It shall, unless the Parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the Parties shall consider in good faith.

Article 6 – Disagreement

A disagreement as to whether the Conciliation Commission has competence shall be decided by the Commission.

Article 151, Treaty of Maastricht, EU, 1992

TITLE XII. CULTURE

Article 151

1. The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.

2. Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas:

- improvement of the knowledge and dissemination of the culture and history of the European peoples,
- conservation and safeguarding of cultural heritage of European significance,
- non-commercial cultural exchanges,
- artistic and literary creation, including in the audiovisual sector.

3. The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe.

4. The Community shall take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures.

5. In order to contribute to the achievement of the objectives referred to in this Article, the Council:

- acting in accordance with the procedure referred to in Article 251 and after consulting the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States. The Council shall act unanimously throughout the procedure referred to in Article 251,

- acting unanimously on a proposal from the Commission, shall adopt recommendations.

Charter Fundamental rights of the EU, 2000

PREAMBLE

The peoples of Europe, in creating an ever closer union among them, are resolved to share a peaceful future based on common values. Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice. The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels; it seeks to promote balanced and sustainable development and ensures free movement of persons, goods, services and capital, and the freedom of establishment. To this end, it is necessary to strengthen the protection of fundamental rights in the light of changes in society, social progress and scientific and technological developments by making those rights more visible in a Charter. This Charter reaffirms, with due regard for the powers and tasks of the Community and the Union and the principle of subsidiarity, the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union, the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Community and by the Council of Europe and the case law of the Court of Justice of the European Communities and of the European Court of Human Rights. Enjoyment of these rights entails responsibilities and duties with regard to other persons, to the human community and to future generations. The Union therefore recognises the rights, freedoms and principles set out hereafter.

CHAPTER I

DIGNITY

Article 1

Human dignity

Human dignity is inviolable. It must be respected and protected.

Article 2

Right to life

1. Everyone has the right to life.
2. No one shall be condemned to the death penalty, or executed.

Article 3

Right to the integrity of the person

1. Everyone has the right to respect for his or her physical and mental integrity.
2. In the fields of medicine and biology, the following must be respected in particular:
 - the free and informed consent of the person concerned, according to the procedures laid down by law,
 - the prohibition of eugenic practices, in particular those aiming at the selection of persons,
 - the prohibition on making the human body and its parts as such a source of financial gain,
 - the prohibition of the reproductive cloning of human beings.

Article 4

Prohibition of torture and inhuman or degrading treatment or punishment

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 5

Prohibition of slavery and forced labour

1. No one shall be held in slavery or servitude.
2. No one shall be required to perform forced or compulsory labour.
3. Trafficking in human beings is prohibited.

CHAPTER II

FREEDOMS

Article 6

Right to liberty and security

Everyone has the right to liberty and security of person.

Article 7

Respect for private and family life

Everyone has the right to respect for his or her private and family life, home and communications.

Article 8

Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.

2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.

3. Compliance with these rules shall be subject to control by an independent authority.

Article 9

Right to marry and right to found a family

The right to marry and the right to found a family shall be guaranteed in accordance with the national laws governing the exercise of these rights.

Article 10

Freedom of thought, conscience and religion

1. Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observation.

2. The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right.

Article 11

Freedom of expression and information

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

2. The freedom and pluralism of the media shall be respected.

Article 12

Freedom of assembly and of association

1. Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which implies the right of everyone to form and to join trade unions for the protection of his or her interests.

2. Political parties at Union level contribute to expressing the political will of the citizens of the Union.

Article 13

Freedom of the arts and sciences

The arts and scientific research shall be free of constraint. Academic freedom shall be respected.

Article 14

Right to education

1. Everyone has the right to education and to have access to vocational and continuing training.

2. This right includes the possibility to receive free compulsory education.

3. The freedom to found educational establishments with due respect for democratic principles and the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical and pedagogical convictions shall be respected, in accordance with the national laws governing the exercise of such freedom and right.

Article 15

Freedom to choose an occupation and right to engage in work

1. Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.

2. Every citizen of the Union has the freedom to seek employment, to work, to exercise the right of establishment and to provide services in any Member State.

3. Nationals of third countries who are authorised to work in the territories of the Member States are entitled to working conditions equivalent to those of citizens of the Union.

Article 16

Freedom to conduct a business

The freedom to conduct a business in accordance with Community law and national laws and practices is recognised.

Article 17

Right to property

1. Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions. No one may be deprived of his or her possessions, except in the public interest and in the cases and under the conditions provided for by law, subject to fair compensation being paid in good time for their loss. The use of property may be regulated by law in so far as is necessary for the general interest.

2. Intellectual property shall be protected.

Article 18

Right to asylum

The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967

relating to the status of refugees and in accordance with the Treaty establishing the European Community.

Article 19

Protection in the event of removal, expulsion or extradition

1. Collective expulsions are prohibited.
2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

CHAPTER III

EQUALITY

Article 20

Equality before the law

Everyone is equal before the law.

Article 21

Non-discrimination

1. Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.
2. Within the scope of application of the Treaty establishing the European Community and of the Treaty on European Union, and without prejudice to the special provisions of those Treaties, any discrimination on grounds of nationality shall be prohibited.

Article 22

Cultural, religious and linguistic diversity

The Union shall respect cultural, religious and linguistic diversity.

Article 23

Equality between men and women

Equality between men and women must be ensured in all areas, including employment, work and pay. The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.

Article 24

The rights of the child

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters, which concern them in accordance with their age and maturity.

2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

Article 25

The rights of the elderly

The Union recognises and respects the rights of the elderly to lead a life of dignity and independence and to participate in social and cultural life.

Article 26

Integration of persons with disabilities

The Union recognises and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

CHAPTER IV

SOLIDARITY

Article 27

Workers' right to information and consultation within the undertaking

Workers or their representatives must, at the appropriate levels, be guaranteed information and consultation in good time in the cases and under the conditions provided for by Community law and national laws and practices.

Article 28

Right of collective bargaining and action

Workers and employers, or their respective organisations, have, in accordance with Community law and national laws and practices, the right to negotiate and conclude collective agreements at the appropriate levels and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

Article 29

Right of access to placement services

Everyone has the right of access to a free placement service.

Article 30

Protection in the event of unjustified dismissal

Every worker has the right to protection against unjustified dismissal, in accordance with Community law and national laws and practices.

Article 31

Fair and just working conditions

1. Every worker has the right to working conditions which respect his or her health, safety and dignity.

2. Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.

Article 32

Prohibition of child labour and protection of young people at work

The employment of children is prohibited. The minimum age of admission to employment may not be lower than the minimum school leaving age, without prejudice to such rules as may be more favourable to young people and except for limited derogations.

Young people admitted to work must have working conditions appropriate to their age and be protected against economic exploitation and any work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education.

Article 33

Family and professional life

1. The family shall enjoy legal, economic and social protection.

2. To reconcile family and professional life, everyone shall have the right to protection from dismissal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child.

Article 34

Social security and social assistance

1. The Union recognises and respects the entitlement to social security benefits and social services providing protection in cases such as maternity, illness, industrial accidents, dependency or old age, and in the case of loss of employment, in accordance with the rules laid down by Community law and national laws and practices.

2. Everyone residing and moving legally within the European Union is entitled to social security benefits and social advantages in accordance with Community law and national laws and practices.

3. In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the rules laid down by Community law and national laws and practices.

Article 35

Health care

Everyone has the right of access to preventive health care and the right to benefit from medical treatment under the conditions established by national laws and practices. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

Article 36

Access to services of general economic interest

The Union recognises and respects access to services of general economic interest as provided for in national laws and practices, in accordance with the Treaty establishing the European Community, in order to promote the social and territorial cohesion of the Union.

Article 37

Environmental protection

A high level of environmental protection and the improvement of the quality of the environment must be integrated into the policies of the Union and ensured in accordance with the principle of sustainable development.

Article 38

Consumer protection

Union policies shall ensure a high level of consumer protection.

CHAPTER V

CITIZENS' RIGHTS

Article 39

Right to vote and to stand as a candidate at elections to the European Parliament

1. Every citizen of the Union has the right to vote and to stand as a candidate at elections to the European Parliament in the Member State in which he or she resides, under the same conditions as nationals of that State.

2. Members of the European Parliament shall be elected by direct universal suffrage in a free and secret ballot.

Article 40

Right to vote and to stand as a candidate at municipal elections

Every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State.

Article 41

Right to good administration

1. Every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union.

2. This right includes:

the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;

- the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;

- the obligation of the administration to give reasons for its decisions.

3. Every person has the right to have the Community make good any damage caused by its institutions or by its servants in the performance of their duties, in accordance with the general principles common to the laws of the Member States.

4. Every person may write to the institutions of the Union in one of the languages of the Treaties and must have an answer in the same language.

Article 42

Right of access to documents

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, has a right of access to European Parliament, Council and Commission documents.

Article 43

Ombudsman

Any citizen of the Union and any natural or legal person residing or having its registered office in a Member State has the right to refer to the Ombudsman of the Union cases of maladministration in the activities of the Community institutions or bodies, with the exception of the Court of Justice and the Court of First Instance acting in their judicial role.

Article 44

Right to petition

Any citizen of the Union and any natural or legal person residing or having its registered office in a

Member State has the right to petition the European Parliament.

Article 45

Freedom of movement and of residence

1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States.

2. Freedom of movement and residence may be granted, in accordance with the Treaty establishing the European Community, to nationals of third countries legally resident in the territory of a Member State.

Article 46

Diplomatic and consular protection

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he or she is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that Member State.

CHAPTER VI

JUSTICE

Article 47

Right to an effective remedy and to a fair trial

Everyone whose rights and freedoms guaranteed by the law of the Union are violated has the right to an effective remedy before a tribunal in compliance with the conditions laid down in this Article.

Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal previously established by law. Everyone shall have the possibility of being advised, defended and represented.

Legal aid shall be made available to those who lack sufficient resources in so far as such aid is necessary to ensure effective access to justice.

Article 48

Presumption of innocence and right of defence

1. Everyone who has been charged shall be presumed innocent until proved guilty according to law.

2. Respect for the rights of the defence of anyone who has been charged shall be guaranteed.

Article 49

Principles of legality and proportionality of criminal offences and penalties

1. No one shall be held guilty of any criminal offence on account of any act or omission, which did not constitute a criminal offence under national law or international law at the time when it was committed. Nor shall a heavier penalty be imposed than that which was applicable at the time the criminal offence was committed. If, subsequent to the commission of a criminal offence, the law provides for a lighter penalty, that penalty shall be applicable.

2. This Article shall not prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles recognised by the community of nations.

3. The severity of penalties must not be disproportionate to the criminal offence.

Article 50

Right not to be tried or punished twice in criminal proceedings for the same criminal offence

No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or convicted within the Union in accordance with the law.

CHAPTER VII

GENERAL PROVISIONS

Article 51

Scope

1. The provisions of this Charter are addressed to the institutions and bodies of the Union with due regard for the principle of subsidiarity and to the Member States only when they are implementing Union law. They shall therefore respect the rights, observe the principles and promote the application thereof in accordance with their respective powers.

2. This Charter does not establish any new power or task for the Community or the Union, or modify powers and tasks defined by the Treaties.

Article 52

Scope of guaranteed rights

1. Any limitation on the exercise of the rights and freedoms recognised by this Charter must be provided for by law and respect the essence of those rights and freedoms. Subject to the principle of proportionality, limitations may be made only if they are necessary and genuinely meet objectives of general interest recognised by the Union or the need to protect the rights and freedoms of others.

2. Rights recognised by this Charter which are based on the Community Treaties or the Treaty on European Union shall be exercised under the conditions and within the limits defined by those Treaties.

3. In so far as this Charter contains rights, which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection.

Article 53

Level of protection

Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by Union law and international law and by international agreements to which the Union, the Community or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' constitutions.

Article 54

Prohibition of abuse of rights

Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms recognised in this Charter or at their limitation to a greater extent than is provided for herein.

Council Resolution on the role of culture in the development of the EU, 2002

THE COUNCIL OF THE EUROPEAN UNION,

1. WHEREAS the Community contributes to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore, and whereas this imperative respect for cultural diversity underpins and sustains the Europe of culture in accordance with the principle of subsidiarity.

2. RECALLING the need for cultural aspects to be taken into account by the Community in its action under other provisions of the Treaty, for example in the areas of competition policy, the internal market and the common commercial policy.

3. CONSIDERING that it is essential to encourage cooperation and cultural exchanges in order to respect and promote the diversity of cultures in Europe and to improve their knowledge of one another.

4. WHEREAS culture should contribute towards improving the external visibility of the Community by emphasising its cultural diversity and the common dimensions of its cultures.

5. WHEREAS the enlargement of the Union will bring greater richness and cultural diversity.

6. WHEREAS the common dimensions and mutual knowledge of cultures in Europe, in a society based on freedom, democracy, solidarity and respect for diversity, are essential components of citizens' support for, and participation in, European integration.

7. WHEREAS, with this in mind in particular, culture constitutes a very important factor in the

development and consolidation of the process of integration of the Community.

8. WHEREAS cultural development, above and beyond the prospects for individual and collective fulfilment that it can create, also generates employment and economic wealth, thus producing added value and making for growth and prosperity,

IN THE LIGHT OF THE FOREGOING, HEREBY:

A. INVITES the Member States and the Commission, guided as they are by respect for cultural diversity, the principle of subsidiarity and the willingness to place culture at the heart of European integration to:

- develop cultural cooperation, European artistic creativity and cultural exchanges,

- cooperate in order to enable the Commission to update the assessment of the implementation of Article 151(4) of the Treaty and to report back to the Council;

B. CONSIDERS it important to start work, particularly on the basis of that assessment, on improving the implementation of Article 151(2) and (4) of the Treaty, and INVITES future Presidencies to draw up a work programme and a timetable for that purpose;

C. CALLS ON Member States and the Commission to take these considerations into account and to regard culture as an essential component of European integration, particularly from the point of view of the enlargement of the Union.

Communication for a European agenda for Culture in a globalizing world, 2007

"Culture is all the dreams and labour tending towards forging humanity. Culture requests a paradoxical pact: diversity must be the principle of unity, taking stock of differences is necessary not to divide, but to enrich culture even more. Europe is a culture or it is not." Denis de Rougemont

1. INTRODUCTION

Culture lies at the heart of human development and civilisation. Culture is what makes people hope and dream, by stimulating our senses and offering new ways of looking at reality. It is what brings people together, by stirring dialogue and arousing passions, in a way that unites rather than divides. Culture should be regarded as a set of distinctive spiritual and material traits that characterize a society and social group. It embraces literature and arts as well as ways of life, value systems, traditions and beliefs.

As Dario Fo rightly pointed out, *"even before Europe was united in an economic level or was conceived at the level of economic interests and trade, it was culture that united all the countries of Europe. The arts, literature, music are the connecting link of Europe"*. Indeed, Europeans share a common cultural heritage, which is the result of centuries of creativity, migratory flows and exchanges. They also enjoy and value a rich cultural and linguistic diversity, which is inspiring and has inspired many countries across the world.

The originality and success of the European Union is in its ability to respect Member States' varied and intertwined history, languages and cultures, while forging common understanding and rules which have guaranteed peace, stability, prosperity and solidarity - and with them, a huge richness of cultural heritage and creativity to which successive enlargements have added more and more. Through this unity in diversity, respect for cultural and linguistic diversity and promotion of a common cultural heritage lies at the very heart of the European project. This is more than ever indispensable in a globalizing world.

In today's Europe, cultural exchanges are as lively and vibrant as ever. The freedom of movement provided for by the EC Treaty has greatly facilitated cultural exchanges and dialogue across borders. Cultural activities and the demand for cultural goods are spreading, with unprecedented access thanks to new communication tools. At the same time, globalisation has increased the exposure to more diverse cultures from across the world. This has heightened our curiosity and capacity to exchange with and benefit from other cultures, and contributed to the diversity of our societies. However, this has also raised questions about Europe's identity and its ability to ensure intercultural, cohesive societies.

World-wide, cultural diversity and intercultural dialogue have become major challenges for a global order based on peace, mutual understanding and respect for shared values, such as the protection and promotion of human rights and the protection of languages. In this respect, the entry into force of the UNESCO Convention on the protection and promotion of the diversity of cultural expressions on 18 March 2007 is to be seen as a fundamental step, to which the EU has greatly contributed.

Europe's cultural richness and diversity is closely linked to its role and influence in the world. The European Union is not just an economic process or a trading power, it is already widely - and accurately - perceived as an unprecedented and successful social and cultural project. The EU is, and must aspire to become even more, an example of a "soft power" founded on norms and values such as human dignity, solidarity, tolerance, freedom of expression, respect for diversity and intercultural dialogue, values which, provided they are upheld and promoted, can be of inspiration for the world of tomorrow.

Europe's cultural richness based on its diversity is also, and increasingly so, an important asset in an immaterial and knowledge-based world. The European cultural sector is already a very dynamic trigger of economic activities and jobs throughout the EU territory. Cultural activities also help promoting an inclusive society and contribute to preventing and reducing poverty and social exclusion. As was recognised by the conclusions of the 2007 Spring European Council, creative entrepreneurs and a vibrant cultural industry are a unique source of innovation for the future. This potential must be recognised even more and fully tapped.

Purpose of the Communication

Awareness is growing that the EU has a unique role to play in promoting its cultural richness and diversity, both within Europe and world-wide. There is also acknowledgement that culture is an indispensable feature to achieve the EU's strategic objectives of prosperity, solidarity and security, while ensuring a stronger presence on the international scene.

Based on extensive consultations¹, this Communication explores the relationship between culture and Europe in a globalizing world and proposes objectives for a new EU agenda for culture. This agenda is to be shared by all

¹ See
http://ec.europa.eu/culture/eac/communication/consult_en.html and
http://ec.europa.eu/development/body/theme/human_social/pol_culture1_en.html

stakeholders (the Commission, Member States and involving civil society and the European Parliament). The Commission therefore also seeks to establish new partnerships and methods for cooperation between them.

2. THE CONTRIBUTION OF THE EU TO CULTURE

'Culture' is generally recognised as complex to define. It can refer to the fine arts, including a variety of works of art, cultural goods and services. 'Culture' also has an anthropological meaning. It is the basis for a symbolic world of meanings, beliefs, values, traditions which are expressed in language, art, religion and myths. As such, it plays a fundamental role in human development and in the complex fabric of the identities and habits of individuals and communities.

In the context of this Communication, the main focus will be on the importance of the various facets of culture in developing strategies both within the EU and with third countries.

The basis for the action of the EU in the field of culture lies in the Treaty. Article 151 states that:

"The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common heritage to the fore."

"Action by the Community shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action"

"The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe."

"The Community shall take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures."

Culture is and will therefore primarily remain a responsibility of Member States; in some countries it is largely dealt with at the regional or even local level. Article 151 does not provide, for example, for harmonisation of the laws and regulations of the Member States. Action at EU level is to be undertaken in full respect of the principle of subsidiarity, with the role of the EU being to support and complement, rather than to replace, the actions of the Member States, by respecting their diversity and stimulating exchanges, dialogue and mutual understanding.

2.1. The role of the EU's internal policies and programmes

The EU already contributes to promoting cultural activities in Europe through its programmes and policies in many ways:

- The Community's culture programmes have been very productive. The present Culture Programme (2007-2013)² will go further in facilitating mutual understanding, stimulating creativity, and contributing to the mutual enrichment of our cultures. It will help thousands of cultural organisations to create and implement cultural and artistic projects improving the knowledge and dissemination of European cultural heritage, promoting cultural exchanges, artistic and literary creation, and literary translation. It will also support bodies active at European level in the field of culture and give recognition to major European cultural achievements through European prizes in architecture, cultural heritage and music as well as European Capitals of Culture.

- Many other programmes have a huge positive impact on culture either through specific cultural projects, the use of foreign languages which they promote, the close link between learning and culture or the personal cultural experiences they stimulate: among these programmes are "Europe for Citizens" (2007-2013)³, which is also based on the culture article of the Treaty and promotes active European citizenship as well as programmes supporting lifelong learning (including Erasmus and Erasmus Mundus), multilingualism and exchanges of young people.

- In the cinema and audiovisual sector, the MEDIA programme⁴, in place since 1991, promotes the competitiveness of the European audiovisual industry. It is also designed to promote intercultural dialogue, increase mutual awareness amongst European cultures and develop cultural potential. Furthermore, a Recommendation on film heritage and the competitiveness of related industrial activities was adopted on 16 November 2005 setting out concrete actions in the field of film heritage.

- A range of other Community funding programmes make an important contribution to culture. Support offered by the Cohesion policy or rural development policy can be instrumental in promoting, for example, the restoration of cultural heritage and the promotion of creative industries in view of enhancing the attractiveness of regions or supporting the training of cultural professionals. This is also the case for information society development (e.g. the Digital Libraries Initiative which aims at making Europe's diverse cultural and scientific heritage easier to access online) or research (with the Research Framework Programmes).

- A number of Community policies also play an important role in shaping the regulatory framework for the cultural sector. For the Community's action under Article 151(4) of the Treaty, the challenge is often to strike the right balance between different legitimate public policy objectives, including the promotion of cultural diversity.

² Decision No 1855/2006/EC of the European Parliament and of the Council of 12 December 2006 (OJ L 372, 27.12.2006).

³ Decision No 1904/2006/EC of the European Parliament and of the Council of 12 December 2006 (OJ L 378, 27.12.2006).

⁴ Decision No 1718/2006/EC of the European Parliament and of the Council of 15 November 2006 (OJ L 327, 24.11.2006).

- There is a strong link between the promotion of culture and creativity and EU copyright and related rights legislation. This legislation protects the rights of authors, producers and artists to ensure they receive adequate revenue for their works while allowing a wide dissemination of protected works or phonograms, thereby promoting citizens' access to Europe's rich and diverse cultural heritage.

- The "Television without Frontiers" Directive, adopted in 1989, by setting the conditions for the transmission across borders of TV broadcasts within the European internal market, has created a legal framework for the free circulation of European audiovisual content within the EU. This has contributed significantly to the strengthening of media pluralism and cultural diversity. In this context, cultural diversity is also fostered through promotion measures for European and independent productions.

- In state aid, following the introduction of Article 87(3)(d)⁵ by the Maastricht Treaty, cultural considerations play a role. Under this provision the Commission has in the past approved a wide range of national measures which have benefited such diverse areas as museums, national heritage, theatre and music productions, printed cultural media, and the cinematographic and audiovisual sector.

- The EU has designated 2008 the European Year of Intercultural Dialogue⁶ to give expression and a high profile to best practices and processes of intercultural dialogue aiming at establishing a sustainable strategy beyond 2008. Particular attention will be paid to the multilingual dimension of this dialogue.

- Finally, on the basis of existing Community funding programmes, the Commission wishes to make 2009 a European Year of Creativity and Innovation through education and culture in order to raise public awareness, promote policy debate within Member States, and contribute to fostering creativity, innovation and intercultural competences.

In recent years, Member States have explored new forms of flexible cooperation in order to work together more closely in the pursuit of shared objectives. The Council has agreed on a multi-annual work plan for the period 2005-2007⁷ and flexible forms of cooperation on specific topics, such as the mobility of museum collections, have developed. Regular ministerial conferences have also contributed to exchanges of best practices and dialogue on policies.

The European Parliament has regularly called for strengthened cooperation in its reports and

⁵ 'Aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Community to an extent that is contrary to the common interest, may be considered to be compatible with the common market'.

⁶ Decision No 1983/2006/EC of the European Parliament and of the Council of 18 December 2006 (OJ L 412, 30.12.2006).

⁷ Conclusions of the 2616th Council meeting Education, Youth and Culture, 15-16 November 2004.

recommendations⁸. Furthermore, the European Economic and Social Committee and the Committee of the Regions have underlined the role of organised civil society and of local and regional authorities.

These experiences, combined with the results of the broad consultation processes undertaken in preparing this Communication, have led the Commission to the conclusion that the time is now ripe to develop a common cultural agenda and new partnerships and methods for cooperation with Member States, civil society and third countries.

2.2. EU's external relations

Culture is recognized as an important part of the EU's main cooperation programmes and instruments⁹, and in the Union's bilateral agreements with third countries. It is also a key element of the co-operation developed with the Council of Europe, which has allowed the joint implementation of the European Heritage Days as well as some actions in the Western Balkans. A wide variety of cultural projects and programmes have been implemented for many years as part of the Union's financial and technical assistance across all developing regions of the world. These cultural actions target the preservation and restoration of heritage sites, the production and circulation of works of art, the creation or restoration of museums, the local capacity-building of cultural operators and artists and the organisation of major cultural events. The Commission also runs funds and actions to support the emergence and strengthening of cultural industries, in particular the cinema and audiovisual sector, in partner countries, as well as promote local access to culture and cultural diversity in third countries.

In close connection with this, the Union has increasingly focused on promoting support for human rights, including the protection and promotion of cultural rights, the rights of indigenous peoples as well as the rights of persons belonging to minorities and socially marginalized people.

Intercultural dialogue as one of the main instruments of peace and conflict prevention is obviously among the basic objectives of such actions. Priority actions in that direction were launched under the impetus of a consultative group set up by the Commission's President, which also led *inter alia* to the setting-up, in Alexandria, of the Anna Lindh Euro-Mediterranean Foundation for the Dialogue between Cultures, and the creation of specific debate on culture within the political dialogues with many third countries.

The Commission has also recently begun to reinforce its public diplomacy, including cultural events, often involving cooperation with and among

⁸ Ref. Report on cultural cooperation in the European Union – Giorgio Ruffolo - A5-0281/2001.

⁹ Such as the Cotonou Agreement with the African, Caribbean and Pacific States, the Neighbourhood and Partnership Programme with neighbouring countries and Russia, and the Development and Cooperation instrument concerning Asia and Central and Latin America.

Member States' cultural institutions to convey important messages in third countries about Europe, its identity and its experience of building bridges between different cultures.

On a more general level, the Commission has tabled multi-annual thematic programmes under the financial perspectives 2007-2013 in order to finance Community interventions in developing countries and regions, on the one hand, and at international level, on the other hand. The thematic programmes "Investing in People" and "Non-state Actors and Local Authorities in Development" are available to complement geographical cooperation through the country strategy papers in the field of culture. Recent opinion polls clearly show that, under the pressure of globalization, the great majority of Europe's citizens – led by the Heads of State and Government in June 2006¹⁰ – want Europe to be more present in the world, with an external policy which well reflects its values. Culture is of course central to this multilateral, consensus-building approach.

The rapid entry into force of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions illustrates the new role of cultural diversity at international level: as parties, the Community and its Member States have committed themselves to strengthen a new cultural pillar of global governance and sustainable development, notably through enhancing international cooperation.

3. OBJECTIVES FOR A EUROPEAN AGENDA FOR CULTURE

The extensive consultation process carried out in 2006 has enabled the Commission to identify a strong consensus for a new EU agenda for culture, so as to build on past achievements and reinforce on-going activities. This would be built on three interrelated sets of objectives:

- promotion of cultural diversity and intercultural dialogue;
- promotion of culture as a catalyst for creativity in the framework of the Lisbon Strategy for growth and jobs;
- promotion of culture as a vital element in the Union's international relations.

These objectives would guide EU action in the future. Each actor would be called upon to contribute, in full respect of the principle of subsidiarity:

- for the Member States and their regions, this would mean further developing their policies in these areas with reference to common objectives and an endeavour to steer joint activities *inter alia* through an open method of coordination and exploring opportunities offered by EU funding;

¹⁰When the European Council approved the Commission's proposal 'Europe in the World – Some Practical Proposals for Greater Coherence, Effectiveness and Visibility' – COM(2006) 278.

- for stakeholders in the field of culture, such as professional organisations, cultural institutions, non-governmental organisations, European networks, foundations, etc., this would mean a close engagement in dialogue with EU institutions and support for the development of new EU policies and actions, as well as developing dialogue among themselves;

- for the Commission, this would mean mobilising its internal and external policies, Community funding programmes, as well as a renewed role of animation, exchange of good practice and dialogue with the full range of actors;

- for all actors, this would mean a renewed sense of partnership and ownership of EU action to achieve these objectives.

The following section explains each of these broad objectives in greater detail.

3.1. Cultural diversity and intercultural dialogue

"It is art that can structure the personalities of young people with a view to open their minds, to instil the respect of others and the desire of peace." Yehudi Menuhin

The flowering of the cultures of the Member States in respect of their national and regional diversity is an important EU objective assigned by the EC Treaty. In order to simultaneously bring our common heritage to the fore and recognise the contribution of all cultures present in our societies, cultural diversity needs to be nurtured in a context of openness and exchanges between different cultures. As we live in increasingly multicultural societies, we need therefore to promote intercultural dialogue and intercultural competences. These are also essential in the context of a global economy with regard to enhancing the employability, adaptability and mobility of artists and workers in the cultural sector as well as the mobility of works of art. As citizens are among the main beneficiaries of developing cultural diversity, we need to facilitate their access to culture and cultural works.

The following specific objectives should be addressed:

- Promote the mobility of artists and professionals in the cultural field and the circulation of all artistic expressions beyond national borders:

- mobilise public and private resources in favour of the mobility of artists and workers in the cultural sector within the EU;
- promote the mobility of works of art and other artistic expressions;
- improve European coordination for aspects affecting mobility of cultural workers within the EU in order to take into account the needs resulting from short term and frequent mobility between Member States.

- Promote and strengthen intercultural competences and intercultural dialogue, in particular by developing 'cultural awareness and expression', 'social and civic competences' and 'communication in foreign languages', which are part of the key competences for lifelong learning identified by the European Parliament and Council in 2006¹¹.

3.2. Culture as a catalyst for creativity in the framework of the Lisbon Strategy for growth and jobs

"Intelligence is programmed for the creation of differences." Francesco Alberoni

Cultural industries and the creative sector are substantially contributing to European GDP, growth and employment. As an illustration, a recent independent study carried out for the Commission estimated that more than 5 million people worked in 2004 for the cultural sector, equivalent to 3.1% of total employed population in EU-25. The cultural sector contributed around 2.6% to the EU GDP in 2003, with growth significantly higher than that of the economy in general between 1999 and 2003¹². These industries and the creativity which they generate are an essential asset for Europe's economy and competitiveness in a context of globalisation.

The role of culture in supporting and fostering creativity and innovation must be explored and promoted. Creativity is the basis for social and technological innovation, and therefore an important driver of growth, competitiveness and jobs in the EU.

The following specific objectives should be addressed:

- Promote creativity in education by involving the cultural sector in building on the potential of culture as a concrete input/tool for life-long learning and promoting culture and arts in informal and formal education (including language learning).
- Promote capacity building in the cultural sector by supporting the training of the cultural sector in managerial competences, entrepreneurship, knowledge of the European dimension/market activities and developing innovative sources of funding, including sponsorship, and improved access to them.
- Develop creative partnerships between the cultural sector and other sectors (ICTs, research, tourism, social partners, etc) to reinforce the social and economic impact of investments in culture and creativity, in particular with regard to the promotion of growth and jobs and the development and attractiveness of regions and cities.

¹¹ Recommendation 2006/962/EC of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

¹² See study on the Economy of Culture in Europe, conducted by KEA for the European Commission, 2006, at http://ec.europa.eu/culture/eac/sources_info/studies/studies_en.html.

3.3. Culture as a vital element in international relations

"Any culture is born in mixing, in interaction, in confrontation. Conversely, it is in isolation that civilization dies." Octavio Paz

As parties to the UNESCO Convention on the Protection and the Promotion of the Diversity of Cultural Expressions, the Community and the Member States have reaffirmed their commitment to developing a new and more pro-active cultural role for Europe in the context of Europe's international relations and to integrating the cultural dimension as a vital element in Europe's dealings with partner countries and regions. This should help promoting knowledge of and understanding for Europe's cultures throughout the world.

To achieve this integration it is crucial to develop active inter-cultural dialogue with all countries and all regions, taking advantage for example of Europe's language links with many countries. In this context, it is also important to promote the richness of cultural diversity of our partners, to serve local identities, to promote access to culture of local populations and develop an economic resource which can have a direct impact on socio-economic development.

Bearing that in mind, the EU will follow a 'twin-track' approach, consisting of:

- the systematic integration of the cultural dimension and different components of culture in all external and development policies, projects and programmes
- as a means of strengthening the quality of its diplomatic efforts, and the viability and sustainability of all EU cooperation activities; and
- support for specific cultural actions and events – Culture is a resource in its own right, and access to culture should be considered as a priority in development policies.

The following specific objectives should be addressed:

- to further develop political dialogue with all countries and regions in the field of culture and promote cultural exchanges between the EU and third countries and regions;
- to promote market access, both to European and other markets, for cultural goods and services from developing countries through targeted actions as well as through agreements that grant preferential treatment or trade-related assistance measures;
- to use its external and development policies to protect and promote cultural diversity through financial and technical support for, on the one hand, the preservation of and access to cultural heritage and, on the other, the active encouragement and promotion of cultural activities across the world;

- to ensure that all its cooperation programmes and projects take full account, in their design and their implementation, of local culture and contribute to increase people's access to culture and to the means of cultural expression, including people-to-people contacts. Especially important is education, including advocacy for the integration of culture in education curricula at all levels in developing countries

- to promote the active involvement of the EU in the work of international organisations dealing with culture, and in the United Nations 'Alliance of Civilisations' process.

4. NEW PARTNERSHIPS AND WORKING METHODS

In order to deliver its agenda for culture, Europe must rely on a solid partnership between all actors, which has four essential dimensions.

4.1. Further developing dialogue with the cultural sector

The Commission is committed to pursuing a structured dialogue with the sector, which would provide a framework for the regular exchange of views and best practices, input into the policy-making process, follow-up and evaluation.

For reasons of legitimacy, the cultural sector should continue organising itself as far as possible in order to permit the identification of representative interlocutors. The Commission welcomes the progressive structuring already taking place with the emergence of some representative organisations as well as some cooperation structures such as a civil society platform on intercultural dialogue.

The Commission recognises, however, the special characteristics of the sector, notably its heterogeneity (professional organisations, cultural institutions with different degrees of independence, non-governmental organisations, European and non EU networks, foundations, etc), as well as the lack of communication in the past between the cultural industries and other cultural actors, and the challenges which this poses with regard to greater structuring of the sector. The effect of this has been to diminish the voice of the cultural sector at the European level.

With a view to developing a better dialogue between the Commission and these different actors, the Commission proposes the following steps:

- to undertake a mapping of the sector in order to identify and better understand the full range of its stakeholders;

- to set up a "Cultural Forum" for consulting stakeholders and to foster the emergence of a self-structuring platform or a set of stakeholder platforms;

- to encourage the expression of representative views by individual artists and intellectuals at the European level ("cultural ambassadors"), including exploring the opportunity and feasibility of an on-line virtual European forum allowing for the exchange of views, artistic expression and reaching out to citizens;

- to encourage social partners in the cultural sectors to further develop their autonomous social dialogue under Articles 138 and 139 of the Treaty. On this basis, sectoral social dialogue committees already exist for the live performing arts and the audiovisual sector;

- to bring a cultural dimension to European public debates by using the representations of the Commission. Putting culture at the centre stage will enhance dialogue and reach out to new audiences.

4.2. Setting up an open method of coordination

As mentioned earlier, the Member States adopted a joint work plan in the Council for 2005-2007. The work plan now needs to be renewed and the Commission believes that the time is ripe for Member States to take their cooperation one step further, by using the open method of coordination (OMC) as a mechanism to do so, in a spirit of partnership.

The OMC offers an appropriate framework for cooperation in the field of culture between the Member States. It is a non-binding, intergovernmental framework for policy exchange and concerted action suitable for a field such as this, where competence remains very much at Member State level. It consists of agreeing common objectives, regularly following up progress towards them and exchanging best practice and relevant data in order to foster mutual learning.

European Council conclusions on the culture work plan 2008 – 2010

NOTICES FROM EUROPEAN UNION INSTITUTIONS AND BODIES COUNCIL

Conclusions of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on the Work Plan for Culture 2008-2010 (2008/C 143/06)

THE COUNCIL OF THE EUROPEAN UNION AND THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES, MEETING WITHIN THE COUNCIL,

1. Recalling the objectives assigned to the European Community in the field of culture by Article 151 of the Treaty establishing the European Community.
2. Acknowledging that the first Council Work Plan for Culture 2002-2004 was an important step towards more structured working procedures, and that the second Work Plan for Culture 2005-2006, which was extended until the end of 2007, has further strengthened the aspiration towards a practical, focused and result-oriented approach.
3. Having regard to the Commission's Communication of 10 May 2007 on a European Agenda for Culture in a Globalizing World that represents an important step towards further developing cooperation in the cultural field and increasing the coherence and visibility of European action in this field.
4. Having regard to the Council Resolution of 16 November 2007 on a European Agenda for Culture endorsing priority areas of action for the period 2008-2010 in the context of the strategic objectives of the European Agenda for Culture.
5. Having regard to the introduction of the open method of coordination by the Council Resolution of 16 November 2007 as an overall new way of cooperation in the field of culture that provides a flexible and non-binding framework and fosters exchanges of best practices.
6. Having regard to the five priority areas of action as defined in the above Council Resolution, which should guide the setting of policy priorities for the period of 2008-2010, while fully respecting the prerogatives of the European Commission.

AGREE:

- to pursue under each priority area the activities listed in Annex I, which can be reviewed in order to better focus on concrete results,

— to establish working groups composed of experts from Member States on the basis of the principles and mandates defined in Annex I and II and to follow their work,

— to invite each Presidency to build on the achievements of the Work Plan as well as to report on the implementation of the latter,

— to invite the Member States and the Commission to regularly consult the stakeholders regarding the implementation of the Work Plan to ensure the relevance and visibility of the activities,

— to invite the Commission, in consultation with and on the basis of voluntary contributions from Member States, to report on developments both at mid-term and at the end of the period covered by the Work Plan.

WELCOME:

The intention of the Commission to support Member States' actions in implementing the Work Plan as set out in Annex I. The Commission therefore also seeks to establish new partnerships and methods for cooperation between them.

ANNEX I

WORK PLAN FOR CULTURE 2008-2010

Priority 1: Improving the conditions for the mobility of artists and other professionals in the cultural field

Initiatives

Member States:

Setting up a working group on the mobility of artists and other professionals in the cultural field comprising MS' experts¹³

Time frame

March 2008 to end 2010 (about 3 meetings a year)

Objectives

Focussing particularly on the mobility of artists and other cultural professionals, *inter alia* in the field of performing arts, this working group will consider, report and make recommendations (including in the form of validating best practices, making proposals for cooperation initiatives between Member States or at EC level and for elements of methodology to

¹³The principles relating to the setting up and functioning of the working groups can be found in Annex II.

evaluate progress), as appropriate, on the following areas:

- mapping the existing practices in each Member State in order to make it possible to suggest ways of improving the regulatory conditions and related administrative processes for mobility,
- suggesting solutions at the national and Community levels regarding the inclusion of mobility (in and outside Europe) in the professional training curricula of artists and culture professionals,
- ensuring the collection of and access to the relevant information on the conditions for mobility in Europe (tax, social, entry and residence conditions in different Member States),
- reinforcing regional, national and Community level support mechanisms for mobility and ensuring their complementarity

Initiatives:

Commission:

Study on the mobility of cultural workers in Europe

Time frame

October 2008

Objectives:

Provide overview and typology of existing mobility schemes for cultural workers at national/regional and local level in the EU Member States, analyse their impact and efficiency and potential gaps, and make recommendations on ways to enhance support to mobility at EU level.

Initiatives

Commission:

Feasibility study for a comprehensive scheme designed to provide a European wide system of information on mobility in the cultural sector

Time frame

Phase I (Interim report: mapping of existing schemes),

Phase II (Final report: recommendations), end 2008

Objectives:

Provide overview of existing information schemes on legal, regulatory, procedural and financial aspects to mobility at national level, analyse potential gaps, and make recommendations for a comprehensive information system at European level

Priority 2: Promoting access to culture, in particular through the promotion of cultural heritage, multilingualism, digitisation, cultural tourism, synergies with education, especially art education, and greater mobility of collections

Initiatives

Mobility of collections

Member States:

Setting up a working group for the mobility of collections and activities of museums comprising MS' experts¹⁴

Time frame

June 2008 to end 2010 (2 to 3 meetings a year)

Objectives

Building on the work of the six groups established in the framework of the Action Plan for the EU Promotion of Museum Collections' Mobility and Loan Standards¹⁵, this working group will consider, report and make recommendations (including in the form of validating best practices, making proposals for cooperation initiatives between Member States or at EC level and for elements of methodology to evaluate progress), as appropriate, on the following areas:

- proposing incentive mechanisms for the mobility of collections, including long-term loans (e.g. indemnity, digitisation, non-insurance, expert meetings, comparison of valuation systems for collections, building up trust),
- studying possibilities of eliminating barriers to the mobility of collections that still persist in relevant legal and administrative frameworks at national level (e.g. insurance matters, lack of immunity from seizure),
- comparing national laws on museums or equivalent in order to promote access to culture,
- exchanging best practices in the prevention of theft, return of stolen goods, trafficking of collections and examining ways of improvement, including by applying the relevant Community law¹⁶, etc.,
- exchanging best practices on promoting access to museums

¹⁴The principles relating to the setting up and functioning of the working groups can be found in Annex II.

¹⁵See doc. 14721/06.

¹⁶In particular, Council Directive 93/7/EEC of 15 March 1993 on the return of cultural objects unlawfully removed from the territory of a Member State (OJ L 74, 27.3.1993) and Council Regulation (EEC) No 3911/92 of 9 December 1992 on the export of cultural goods (OJ L 395, 31.12.1992).

Initiatives:

Synergies with education, especially art education

Member States:

Pursuing stronger synergies between culture and education in the framework of a working group to be convened as soon as possible¹⁷

Time frame

June 2008 to end 2010 (2 to 3 meetings a year)

Objectives

Building on the work of the network of civil servants on arts and cultural education, the working group will consider, report and make recommendations (including in the form of validating best practices, making proposals for cooperation initiatives between Member States or EC level and for elements of methodology to evaluate progress), as appropriate, on the following areas:

-policies aimed at promoting synergies between culture and education, including arts in education, and the development of projects, in order to implement the key competence "Cultural awareness and expression"¹⁸,

-exchange of best practices on activities and structures at regional, national, and local level to promote arts and cultural education, either formal (as an integrated part of school curricula), non-formal or informal

Initiatives

Digitisation

Member States/Commission:

Continuation of the ongoing work in the field of digitisation and online accessibility of cultural material, and digital preservation, including audiovisual aspects¹⁹

Time frame

2008 onwards (launch of a prototype library, end 2008)

Objectives

Setting up of a common European digital library, i.e. a common multilingual access point to the different collections in Europe's libraries, archives and museums

¹⁷The principles relating to the setting up and functioning of the working groups can be found in Annex II.

¹⁸In line inter alia with the objectives of the proposed European Year of Creativity and Innovation 2009.

¹⁹ See Council Conclusions of 15 November 2006 (OJ C 297, 7.12.2006, p. 1).

Initiatives

Multilingualism

Commission/Member States

Communication on multilingualism

Timeframe

September 2008

Objectives

European strategy for multilingualism (to be developed, with the inclusion of cultural aspects, in conjunction with other relevant sectors, in particular education).

Initiatives

Multilingualism

Commission/Member States

Study on the contribution of multilingualism to creativity

Time frame

First half of 2009

Objectives

Demonstrate the contribution of multilingualism to creativity and provide input to the debate on the European Year of Creativity 2009

Initiatives

Intercultural Dialogue

Member States/Commission:

Implementation of the European Year of Intercultural Dialogue

Time frame

2008

Objectives

In close cooperation with the relevant national coordination bodies, implementation of the objectives of the Year and a follow-up as a contribution to a sustainable strategy, including development of a cross-sectoral approach to intercultural competences

Initiatives

Follow-up to the Year

Time frame

2009-2010

Initiatives

Cultural tourism/cultural heritage

Member States:

Promoting cultural heritage through new synergies with cultural tourism-related multilateral projects

Objectives

Contributing to the Agenda for a sustainable and competitive European tourism²⁰ focusing in particular on cultural tourism and the promotion of cultural heritage, including intangible heritage

Initiatives

Access of young people to culture

Commission:

Study on access of young people to culture

Time frame

Second half of 2009

Objectives

Identify obstacles to the access of young people to culture as well as good practices in making this access easier

Priority 3: Developing data, statistics and methodologies in the cultural sector and improve their comparability

Initiatives

Commission/Member States:

Eurostat [will]²¹ re-launch the activities of the statistical working group on culture. It [will] work closely with a small group of interested Member States on extending methodologies and pilot surveys, for the benefit of all the Member States

Time frame

Before end 2008

Objectives

Developing data production on the basis of a coordinated statistical system on culture and studying the possibility of adapting or developing existing methods to cover new needs and fields

Priority 4: Maximising the potential of cultural and creative industries, in particular that of SMEs

²⁰ Endorsed by the European Council on 14 December 2007, doc. 16616/07.

²¹ In brackets as the final decision has not yet been taken by Eurostat.

Initiatives

Member States

Setting up a working group on cultural and creative industries comprising MS' experts²²

Time frame

April 2008 to end 2010 (about 3 meetings a year)

Objectives

This working group is invited to consider, report and make recommendations (including in the form of validating and disseminating best practices, taking into account new technologies, making proposals for cooperation initiatives between Member States or at EC level and for elements of methodology to evaluate progress), as appropriate, on the following areas:

- identification of national strategies and producing an inventory of the existing national measures aiming to create an environment conducive to the establishment and development of creative and cultural industries (e.g. access to investment, access of SMEs to finance and bank guarantees, networking, strengthening the position of SMEs within hubs of competitiveness, fiscal aspects, promotion of exports, intellectual property issues, in particular in the context of the development of new technologies),

- training of professionals of the culture sector (managerial competences, entrepreneurship, knowledge of the European dimension/market activities),

- the impact of cultural and creative industries, including cultural tourism, in local and regional development,

- the impact of, amongst others, European Regional Policy measures and financial instruments on capacity building and entrepreneurship in the fields of cultural and creative industries,

- proposing possible new ways and means to promote cultural and creative industries at the Community level

Initiatives

Commission

Study on the contribution of culture to creativity

Time frame

February 2009

Objectives

²² The principles relating to the setting up and functioning of the working groups can be found in Annex II.

Further explore the notion of creativity and have a better understanding of the effective and concrete contribution of culture to creativity and innovation as well as of the ways to measure the links between them.

Initiatives

Commission

Study on the entrepreneurial dimension of cultural and creative industries

Time frame

September 2009

Objectives

Better understand the functioning and specific needs of cultural and creative industries, in particular SMEs, as well as the environmental factors that have an impact on their development.

Initiatives

Commission

Study on the contribution of culture to local and regional economic development

Time frame

Second half 2009

Objectives

Analyse the socio-economic impact of investment in culture at the sub-national levels.

Initiatives

Commission

Green Paper on cultural and creative industries

Time frame

December 2009

Objectives

Kick off a debate on the best ways to unlock the potential of cultural and creative industries in Europe

Priority 5: Promoting and implementing the Unesco Convention on the Protection and Promotion of the Diversity of Cultural Expressions

Initiatives

Implementation

Member States/Commission:

Coordination of EU positions in meetings regarding the implementation of the Convention on the basis of the code of conduct

Time frame

Ongoing

Objectives

Protection and promotion of EU positions and interests within the governing bodies of the Convention, as well as other international frameworks.

Initiatvies

Implementatiion

Member States:

Implementation of the Convention and inclusion of its objectives in relevant national policies

Time frame

Ongoing

Objectives

Implementation of the Convention at national and Community level leading to better integration of its objectives in relevant policies

Initiatives

Implementation

Commission:

Time frame

Ongoing

Objectives

Inter-service group on Culture to ensure implementation of the Convention and the mainstreaming of its objectives in Community policies

Initiatives

Promotion

Member States:

Promotion of the ratification of the Convention and of the objectives of the Convention in relations with third countries. Exchange of experiences on cultural cooperation with third countries

Time frame

Ongoing

Objectives

Promotion of the Convention at the international level

Initiatives

Meetings of senior government officials in the field of culture, including the meetings of Directors General of Culture in the Ministries of Foreign Affairs

Time frame

Agenda driven

Objectives

Exchange of views and possible recommendations on the promotion of culture inside the EU and in its external relations, and cooperation between EU Member States' cultural institutions and with their counterparts in third countries

Initiatives

Commission:

Systematic promotion of the Convention in dialogue with third countries

ANNEX II

Working groups to be set up in implementation of the Council Work Plan for Culture 2008-2010

Principles relating to the setting up and functioning of the working groups

- The participation of Member States in the work of the groups is voluntary and Member States can join them at any moment.

- Each Member State interested in participating in the work of the working groups will nominate an expert as a member of a working group. The expert should ideally have a mix of operational and policy experience in the relevant field at a national level. Member States can invite other experts or officials to attend the meetings of the working groups as observers.

- Each working group can decide to invite experts from other fields to contribute to the work of the group as deemed necessary.

- The working groups will be responsible for deciding which Member State or Member States, among those who have expressed their wish to do so, will be chairing the groups.

- The functioning of these groups will be entirely transparent so that all Member States are kept duly informed of the work of the groups, irrespective of their degree of participation in a given area. The chairs of the working groups will regularly (once per Presidency) report to the Cultural Affairs Committee on the progress of work in the respective working groups. The Cultural Affairs Committee will be given an opportunity to give guidance to the working groups in order to guarantee the desired outcome and the coordination of the groups' work.

- The working groups will submit a mid-term report by July 2009 on the work carried out thus far, which will feed into the final report on the implementation of the Council Work Plan for Culture 2008-2010.

- The Commission will support the work of the working groups by launching studies relevant to their field of work and it will provide logistical and secretarial support to the work of the groups.