

**AN IMPORTANT ASPECT OF THE IMPLEMENTAION OF THE CONVENTION  
ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF  
CULTURAL EXPRESSIONS:  
THE INTERNATIONAL FUND FOR CULTURAL DIVERSITY**

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**Introduction:** The role of the Fund in the general scheme of the Convention

The *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, the most recent convention adopted by UNESCO in the area of cultural diversity,<sup>1</sup> stands apart from previous conventions<sup>2</sup> in that it focuses not so much on past manifestations of cultural creativity as on the practice of culture in the present day. The Convention's scope of application, as defined in Article 3, is clear: "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." The term "cultural expressions," as understood in the document, refers to those expressions "that result from the creativity of individuals, groups and societies, and that have cultural content"; they are primarily embodied and conveyed in the production, dissemination, and distribution of cultural goods, services, and activities.<sup>3</sup> It is through constant production of cultural activities, goods, and services that cultures adapt to changes in their internal and external environments and self-perpetuate. Conversely, cultures that cease to produce, disseminate and distribute cultural activities, goods, and services that express their respective identities run the risk of withering away and eventually disappearing.

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<sup>1</sup> UNESCO, *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, 2005: [http://portal.unesco.org/en/ev.php-URL\\_ID=31038&URL\\_DO=DO\\_TOPIC&URL\\_SECTION=201.html](http://portal.unesco.org/en/ev.php-URL_ID=31038&URL_DO=DO_TOPIC&URL_SECTION=201.html)

<sup>2</sup> The other conventions, as identified by the UNESCO Director General at a ceremony held at Palais des Beaux-Arts in Brussels to celebrate the ratification of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions by the European Community and its Member States on December 19, 2006, are the 1972 Convention on the World Heritage Protection and the 2003 Convention for the Safeguarding of the Intangible Cultural Heritage: UNESCO, December 20, 2006, Flash Info No. 209-2006.

<sup>3</sup> Article 4, paragraphs 3 and 4 of the Convention.

As can be seen, cultural policies and measures play a crucial role in the protection and promotion of cultural expressions. The developed countries have understood this, and the vast majority of them have put in place an elaborate array of cultural policies and measures that substantially meet their needs. The developing countries also have cultural policies and measures, but they tend to be much less elaborate and may not be implemented for lack of sufficient funds. In this light, the Fund is seen as a concrete means of helping them. Its inclusion in the Convention serves as a reminder that true diversity of cultural expressions, and true cultural diversity itself, is impossible if certain Parties lack the financial resources to create, within their boundaries, an environment that encourages individuals and groups to create, produce, disseminate, and distribute their own cultural expressions and have access thereto.

## **1 – Convention provisions related to the Fund**

The key provision is Article 18, which deals with the establishment and operation of the Fund and reads as follows:

- 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.*

With the exception of the rules on funding, Article 18 is virtually identical to Article 25 of the 2003 *Convention for the Safeguarding of the Intangible Cultural Heritage* and Article 15 of the 1972 *Convention Concerning the Protection of the World Cultural and Natural Heritage*. It is thus worthwhile to examine the experience acquired in implementing these two provisions in order to determine the best course of action for implementing Article 18. With respect to funding, however, there is a major difference. In the case of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, the parties are under no obligation to contribute to the Fund, whereas the opposite is true for the other two conventions. We will examine the implications of this difference in approach when we look at the issue of Fund financing in detail.

Article 18 is one of several provisions (articles 14 to 18) that deal more particularly with developing countries. In fact, the first mention of the Fund in the Convention is in Article 14, which lists various ways to foster the emergence of a dynamic cultural sector in the developing countries. The specific reference to the Fund as a means of financial support in the last paragraph of the article suggests that it be used in relation to the means of action envisaged in the preceding paragraphs. These deal in general with the strengthening of cultural industries in

the developing countries; capacity-building through the exchange of information, experience and expertise; and the transfer of technology and know-how. Another potential use for the Fund may be supporting the development of the partnerships described in Article 15. However, in such a case, it must be made clear that all decisions to this effect are the exclusive purview of the Intergovernmental Committee. Article 18 of the Convention stipulates in paragraph 4 that the use of Fund resources shall be determined by the Intergovernmental Committee on the basis of guidelines set out by the Conference of Parties. The control exercised by the Conference is important, because the partnerships envisaged in the Convention are required to emphasize the “further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.”

Since the Conference of Parties only meets in ordinary session every two years, it is important that it set guidelines for the Fund as quickly as possible so that the parties have a concrete idea of the role the Fund will play. Failure to clarify the Fund’s role could lead to delays in Party contributions; and the longer contributions are delayed, the harder it will be for the Intergovernmental Committee to allocate resources to meet the most pressing needs. To date, India and Canada are the only countries to have officially announced plans to contribute to the Fund, with India going so far as to set the amount pledged at 1% of its contribution to UNESCO.<sup>4</sup>

Under the terms of Article 18.2, all contributions and other forms of assistance paid into the Fund shall be administered as funds-in-trust in accordance with the Financial Regulations of UNESCO. Article 6.7 of the regulations stipulates the following:

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<sup>4</sup> For India, see Press Trust of India (PTI), October 28, 2006; for Canada, see Presse Canadienne, February 13, 2007: <http://montreal.24heures.ca/Actualite/2007/02/13/pf-3605652.html>

*The purpose and limit of each Trust Fund, Reserve and Special Account shall be clearly defined by the appropriate authority. The Director-General may, when necessary in connection with the purposes of a Trust Fund, Reserve or Special Account, prepare special financial regulations to govern the operations of such funds and accounts, which shall be reported to the Executive Board; the Executive Board may make appropriate recommendations to the Director-General thereon. Unless otherwise provided, such funds and accounts shall be administered in accordance with the present Financial Regulations.*<sup>5</sup>

In the case of the *Convention for Safeguarding the Intangible Cultural Heritage*, the General Assembly of States Parties, in accordance with Article 26.1, adopted a resolution at its first meeting in June 2006 that set States Parties' contributions to the related fund at 1% of their contribution to the ordinary UNESCO budget for the period extending from the effective date of the Convention on April 20, 2006, to December 31, 2007.<sup>6</sup> Most States Parties appear to have contributed to the Fund to date, but the exact amount paid in is unknown. In principle, approximately \$1.3 million should have been collected if all states provided 1% of their contribution to UNESCO. As of March 2007, the Director General had not established any specific financial regulations for the Fund, and the Conference of Parties had yet to discuss guidelines. It will be necessary to wait for the second meeting of the Conference before we can get an idea on guidelines and see how the Intergovernmental Committee plans to use Fund resources. However, States Parties can also make voluntary contributions in addition to their regular amounts; as of December 2006, four states had taken advantage of this option to establish funds-in-trust with UNESCO (Italy, Japan, Norway, and Republic of Korea<sup>7</sup>).

In the case of the *Convention Concerning the Protection of World Cultural and Natural Heritage*, special regulations entitled "Financial Regulations for the World

<sup>5</sup> UNESCO, Basic Texts, 1984, pp. 99–106 : <http://unesdoc.unesco.org/images/0013/001337/133729e.pdf>

<sup>6</sup> UNESCO Doc. ITH/06/1.GA/CONF.201/4 : <http://unesdoc.unesco.org/images/0014/001461/146169e.pdf>

<sup>7</sup> See UNESCO, Convention for the Safeguarding of the Intangible Cultural Heritage, International Assistance and Intangible Cultural Heritage Fund: <http://www.unesco.org/culture/ich/index.php?lg=EN&pg=00039>

Heritage Fund” were adopted.<sup>8</sup> If we leave aside the final provisions of the regulations, which are statutory in nature, and the provisions on Fund resources, which simply echo the terms of the Convention in this regard, the main provision of the regulations deals with resource allocation. This provision, which essentially sets guidelines for the Fund, lists various purposes for which resources can be used in its first paragraph, which reads as follows:

#### 4. Expenditures

4.1 The resources of the Fund may be used only for such purposes as the World Heritage Committee shall define and may take the following form:

1. studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined under the terms of the Convention;
2. provision of experts, technicians and skilled labour to ensure that the approved work is correctly carried out;
3. training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage;
4. supply of equipment which the State concerned does not possess or is not in a position to acquire;
5. low-interest or interest-free loans which might be repayable on a long-term basis;
6. the granting, in exceptional cases and for special reasons, of non-repayable subsidies.

Obviously, such a provision cannot be transposed as is for the purposes of the Fund for Cultural Diversity. But a similar provision could easily be drafted by drawing on the relevant provisions of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. For example, subparagraph (1) of Article 4.1 could, in the case of the Convention, refer to studies on the

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<sup>8</sup> UNESCO, World Heritage, <http://whc.unesco.org/en/financialregulations>

concrete challenges involved with protecting and promoting cultural expressions within the territory of the States Parties, including studies on existing infrastructures, policies, and measures for the creation, production, dissemination, and distribution of cultural activities, goods, and services, as well as studies to identify the most urgent needs in the various domains of cultural expression. As for the other subparagraphs of Article 4.1 referring to the “provision of experts, technicians and skilled labor,” the “training of staff and specialists at all levels,” the “supply of equipment,” and so on, it would be easy to adapt them for the needs of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. The criteria listed in Article 4.1 make it clear that taking action on behalf of developing countries through the World Heritage Fund presupposes a tangible contribution to infrastructure, policy, and human resources development on the part of the countries in question, failing which the Fund is likely to be ineffective. In my view, the same can be said for the International Fund for Cultural Diversity

Article 18.5 stipulates that the Intergovernmental Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that it has given these projects its approval. Grounds for refusing contributions are mentioned in Article 18.6, i.e., that no political, economic, or other conditions incompatible with the objectives of the Convention may be attached to contributions made to the Fund. This provision goes further than the corresponding provision in the *Convention Concerning the Protection of the World Cultural and Natural Heritage*, which simply affirms that contributions must be free of political conditions, but is identical to the corresponding provision of the *Convention for Safeguarding the Intangible Cultural Heritage*. It remains to be seen how these rather general prescriptions will be interpreted in practice by the Intergovernmental Committee, as the case may be. But since Article 18.6 appears mainly intended as a warning, it seems unlikely that the Committee will be required to intervene very often.

## 2 - Sources of funding for the Fund

Six sources of funding for the Fund are explicitly mentioned in Article 18.3. These sources are worth examining one by one to see how they could be made operational in the process of Convention implementation.

- a) Voluntary contributions by the Parties

During Convention negotiations, there was vigorous debate over whether contributions to the Fund should be compulsory or voluntary. The voluntary contribution option finally won out, but with the addition of a provision in Article 18.7 to the effect that “Parties shall endeavor to provide voluntary contributions on a regular basis towards the implementation of this Convention.” The verb “endeavor” is used here in the sense of “strive,” “seek,” or “make every effort.” We can therefore speak of a “best efforts” obligation to be met in good faith rather than in the sense of a strict undertaking. This obligation was further qualified by the expression “on a regular basis,” which implied that it could not be met by means of a definitive, one-time contribution. The exact scope of the obligation is, however, not clear. In fact, the expression “on a regular basis” appears to derive directly from Article 26.4 of the *Convention for Safeguarding the Intangible Cultural Heritage*, itself almost identical to Article 16.4 of the *Convention Concerning the Protection of World Cultural and Natural Heritage*. But to understand the scope of Article 26.4, we need to take a brief look at the other paragraphs, beginning with Article 26 (1), which reads as follows:

*1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay into the Fund, at least every two years, a contribution, the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly. This decision of the General Assembly shall be taken by a majority of the States Parties present and voting which have not made the declaration referred to in paragraph 2 of this*



*Article. In no case shall the contribution of the State Party exceed 1% of its contribution to the regular budget of UNESCO.*

However, paragraphs two to four of Article 26 modify this obligation:

*2. However, each State referred to in Article 32 or in Article 33 of this Convention may declare, at the time of the deposit of its instruments of ratification, acceptance, approval or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.*

*3. A State Party to this Convention which has made the declaration referred to in paragraph 2 of this Article shall endeavour to withdraw the said declaration by notifying the Director-General of UNESCO. However, the withdrawal of the declaration shall not take effect in regard to the contribution due by the State until the date on which the subsequent session of the General Assembly opens.*

*4. In order to enable the Committee to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article shall be paid on a regular basis, at least every two years, and should be as close as possible to the contributions they would have owed if they had been bound by the provisions of paragraph 1 of this Article.*

On reading these paragraphs, it may seem that the solution adopted in the *Convention for Safeguarding the Intangible Cultural Heritage* with respect to Fund contributions is not all that different from the one written into the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. Under the former, the Parties undertake to pay into the Fund, at least once every two years, a contribution, the amount of which, in the form of a uniform percentage applicable to all States, is determined by the General Assembly, unless the Parties declare themselves not bound by this provision at the time they deposit their instruments of ratification. Under the second Convention, they are not formally bound to pay a contribution, but nonetheless undertake to make every possible effort to do so on a regular basis. In reality, however, the two solutions are quite different because virtually none of the States Parties to the 2003 Convention made declarations under the second paragraph.<sup>9</sup>

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<sup>9</sup> In the case of the *Convention for Safeguarding the Intangible Cultural Heritage* for example, a single States Party had invoked Article 26. 2 as of February 2007.

Nonetheless, the language in Article 26.4 indicates that in order to allow the Fund to plan its operations effectively, States Parties opting for voluntary rather than compulsory contributions should be obliged to pay contributions on a regular basis, at least every two years, in amounts as close as possible to the compulsory contributions required. To the extent that Article 18.7 of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* is based upon Article 26.4 of the *Convention for Safeguarding the Intangible Cultural Heritage*, we can therefore assume that “on a regular basis” means something like “at least every two years.”

The decision to make Fund contributions by the Parties voluntary under the 2005 *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* will undoubtedly have disadvantages. One very serious disadvantage is the resulting uncertainty about regular contributions to the Fund, and the subsequent challenges of developing a structured approach to assisting developing countries in the short and medium term. To remedy this situation, an effort will have to be made not only to encourage as many Parties as possible to contribute to the Fund “on a regular basis,” but also to identify alternative funding strategies based on the other funding models mentioned in Article 18. To do so, however, the funding issue will need active, ongoing attention. I believe that the best way to ensure that this happens is to set up a permanent working group on funding as part of the Intergovernmental Committee. Made up of a limited number of states, it would be charged with monitoring the Fund and suggesting appropriate solutions for its growth and development.

A second disadvantage, less apparent on the surface but equally real, is the possibility that Parties agreeing to pay into the Fund take advantage of the voluntary nature of the contribution to make their payments on a bilateral basis—through separate agreements with UNESCO—rather than on a multilateral basis, i.e., by making contributions to the Fund that are not assigned for a specific purpose. Past experience with the World Heritage Fund shows that this

possibility cannot be discounted. In the case of this latter Fund, a net distinction quickly emerged between the general Fund for program activities defined by the World Heritage Committee—which is supported by compulsory contributions from States Parties and voluntary contributions from certain Parties that are not earmarked for a specific objective—and funds-in-trust contributed by certain States Parties for specific objectives. In the World Heritage Fund’s statement of revenues and expenditures for the period from January 1, 2004, to December 31, 2005, for example, \$6,197,943 US in revenue from obligatory contributions (\$3,674,526) and non-assigned voluntary contributions (\$2,523,417) went to program activities determined by the World Heritage Committee, whereas \$1,696,636 US was allocated, in a separate column, to activities determined by donor States.<sup>10</sup> If we consider the relative magnitude of the non-assigned and assigned voluntary contributions, we find that the latter are not all that much lower than the former. In the framework of the Fund, whose first source of funding is obligatory contributions from members, this is not a serious threat to the integrity of the Committee program. But for a fund like the International Fund for Cultural Diversity, which relies solely on the generosity of its members, the situation is more problematic. Were the bilateral approach to win out with respect to the funding of the International Fund for Cultural Diversity, there is a risk of ending up with a multitude of unrelated projects in various countries with no comprehensive strategy in place to meet the needs of the developing countries as a whole. Once again, this provides food for thought for a potential permanent working group on funding.

- b) Funds appropriated by the General Conference of UNESCO

It must be understood that these are not funds that the General Conference can allocate for general implementation of the Convention, but rather a direct contribution from the Conference’s regular program budget to the International Fund for Cultural Diversity. Unfortunately, specific information is unavailable to

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<sup>10</sup> UNESCO, doc. WHC-06/30.COM/15, Paris, June 2006

determine whether the General Conference has ever allocated funds in such a way in the past for either the *Convention Concerning the Protection of the World Cultural and Natural Heritage* or the *Convention for Safeguarding the Intangible Cultural Heritage*. At best, we can only observe, on the basis of notes to the financial statements of the World Heritage Fund for the two years ended December 31, 2005, that free services evaluated at \$5,625,030 US were provided to the Secretariat of the World Heritage Fund as part of UNESCO's regular program. Should these be interpreted as "Funds appropriated by the General Conference?" This seems doubtful to the extent that there was no transfer of funds *per se*. That said, the fact that this specific means of funding is mentioned in Article 18 of the 2005 *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* and Article 25 of the 2003 *Convention for Safeguarding the Intangible Cultural Heritage* suggest that appropriation of funds by the General Conference is a practice that has been used in the past, or can at very least be envisaged. In any case, it would be worthwhile to explore this method of funding further.

- 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

This provision opens the door to a number of highly diverse sources of funding in five distinct categories. The first category is "other States," i.e., those not party to the Convention. The number of States in this category will obviously decrease as the number of States Parties grows. In addition, a small minority of States will systematically refuse to ratify the Convention because they do not agree with it. However, other States yet to ratify the document for reasons having nothing to do with the content of the Convention itself may wish to provide financial support to the Fund.

The second category encompasses the organizations and programs of the United Nations system. A quick look at the UN system index reveals a surprising

number of organizations and programs.<sup>11</sup> Yet apart from UNESCO, none of them are primarily dedicated to culture. Despite this, certain development organizations do take an interest in culture—the World Bank and the United Nations Development Program (UNDP), for example—and could be approached to support the International Fund for Cultural Diversity. An organization such as the United Nations Conference for Trade and Development (UNCTAD) could also be encouraged to do so. In November 2002, UNCTAD organized a meeting of experts in audiovisual services with a view to improving developing country participation in this area<sup>12</sup> and in 2004, it was invited by the UNESCO Director-General to comment on the draft international convention on cultural diversity.<sup>13</sup>

The third category—regional and international organizations—is vast and holds considerable funding potential. The organizations most likely to contribute to the Fund are those active in the cultural field. At the international level, for example, this is the case for the Intergovernmental Organization of the Francophonie, which actively supported the efforts leading to the adoption of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. Other organizations that may be interested in supporting the International Fund for Cultural Diversity include the Council of Europe, the first organization to adopt a declaration on cultural diversity; the European Union, which ratified the Convention after playing an active role in negotiations; and Convenio Andres Bello, which brings together several Latin American states around themes similar to those dealt with by UNESCO. The same goes for regional development banks like the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank, which cannot disregard culture's contribution to economic development.

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<sup>11</sup> Official website locator for the United Nations system of organizations: [www.unsystem.org/en/](http://www.unsystem.org/en/)

<sup>12</sup> UNESCO, [http://www.unesco.org/culture/industries/html\\_eng/geneva1.shtml](http://www.unesco.org/culture/industries/html_eng/geneva1.shtml)

<sup>13</sup> UNESCO, Doc. CLT/CPD/2004/CONF.201/5 :

[http://portal.unesco.org/culture/en/file\\_download.php/568ea7da8634285a5cac71b381c5e0d8Eng-Resolution32C34-conf.201-5.pdf](http://portal.unesco.org/culture/en/file_download.php/568ea7da8634285a5cac71b381c5e0d8Eng-Resolution32C34-conf.201-5.pdf)

The fourth category is that of public and private organizations. Again, it is a category that is very broad and imprecisely defined. With respect to public organizations, there are too many of them at the national and international level to even begin to count, even if we limited ourselves to the fields of culture and development. The very concept of a public organization is open to interpretation. Should it include subnational governments for example? In the absence of a more appropriate concept in Article 18.3, the response appears to be yes, an answer not without importance, given that subnational governments in Québec, Catalonia, the French Community of Belgium, Bavaria, and various other jurisdictions have highly developed cultural policies and could be interested in contributing to the International Fund for Cultural Diversity. As for private organizations, we will limit ourselves here to the large private foundations that are often active in the cultural arena. It should be noted that in the *Convention Concerning the Protection of World Cultural and Natural Heritage*, there is provision in Article 17 stipulating that States Parties to the convention “shall consider or encourage the establishment of national public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage.”

The fifth and final category is that of private individuals. Cultural gifts and bequests from private individuals have a long history and continue to play an important role in many countries. As they are often linked to the obtainment of tax benefits, they are rarely made outside the national framework, but this does not prevent us from exploring possibilities further.

- d) Any interest due on resources of the fund

Under Article 9 of the UNESCO Financial Regulations, funds not required to meet immediate needs are invested in the short or long term by the Director-General, and investment income is allocated according to the regulations for each fund or account. The amount of income generated obviously depends on the amount of unused funds invested. In the World Heritage Fund for the biennial

period of January 1, 2004, to December 31, 2005, interest on investments totaled \$203,474, which is not insignificant for a fund whose total income for the period was \$6,197,943. In the case of the International Fund for Cultural Diversity, however, the absence of regular obligatory contributions could have a negative impact on interest income, unless authorities decide to capitalize a portion of the voluntary contributions, payments, gifts, or bequests made to Fund in order to generate recurring revenue.

- e) Funds raised through collections and receipts from events organized for the benefit of the Fund

Article 18.3 (e) is identical to Article 25.3 (e) of the *Convention on the Safeguarding of the Intangible Cultural Heritage* and to Article 15.3.d of the *Convention Concerning the Protection of World Cultural and Natural Heritage*. However, the latter two conventions contain another provision that is not part of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* and that reads as follows:

The States Parties shall, insofar as is possible, lend their support to international fund-raising campaigns organized for the benefit of the Fund under the auspices of UNESCO.<sup>14</sup>

It is difficult to say to what extent, and how frequently, such campaigns have been organized in the past. However, this could be another funding avenue worth examining more closely for the International Fund for Cultural Diversity.

In the particular context of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*, the specific reference to “receipts from events organized for the benefit of the Fund” suggests cultural events organized in collaboration with cultural creators themselves, both at the national and

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<sup>14</sup> The text cited is from Article 28 of the 2003 Convention. In the 1972 Convention, the corresponding text, Article 18, reads as follows: The States Parties to this Convention shall give their assistance to international fund-raising campaigns organized for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 3 of Article 15 for this purpose.

international levels. Nationally, for example, benefit concerts could be organized, recorded live, and marketed on CD, with proceeds going to the Fund. And as more and more of these events were held, boxed sets of world music could even be produced and sold for the benefit of the Fund. Similar initiatives could also be envisaged in other areas of culture (in DVD format, for example) and in the wake of major events such as festivals. The idea here is that creators themselves, and civil society more generally, play an active role in funding the Fund.

- f) Any other resources authorized by the Fund's regulations

This residual clause opens the door to other funding sources in addition to those mentioned in Article 18.3. These could include low-interest or interest-free loans or the kind of subsidies mentioned in Article 14.1 of the Financial Regulations for the World Heritage Fund. However, Article 18.3 makes approval of these other sources of funding conditional on their compliance with Fund regulations. This final requirement apparently relates to the compliance obligations set forth in paragraph 6 of Article 18 (absence of political, economic, or other conditions).

As can be seen, there are a variety of funding options available for ensuring adequate regular contributions to the Fund. But the task of getting potential donors on board will not be easy, and a special effort will have to be made in that respect to explain the tangible benefits expected to flow from the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*.



## CONCLUSION

The establishment of the International Fund for Cultural Diversity under the terms of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* is the result of an urgent plea from developing countries that didn't want to see the diversity of cultural expressions limited *de facto* to the diversity of developed country cultural expressions. In their eyes, the creation of the Fund has both symbolic and practical value. In this sense, we can affirm that the Convention will only achieve genuine success if the cultural expressions of all Parties are protected and promoted.

However, we must recognize that compared to the World Heritage Fund and the Fund for the Safeguarding of the Intangible Cultural Heritage, the International Fund for Cultural Diversity is handicapped from the outset by the absence of obligatory contributions from the Parties. Instead of viewing this choice by Convention negotiators as a negative, we should understand it as a call to develop new approaches in funding. Consequently, this issue deserves special attention. To ensure that it gets that attention, we feel that it is well worth examining the possibility of creating a permanent working group within the Intergovernmental Committee with the mission of monitoring the evolution of the Fund and suggesting avenues to ensure its growth and development.

Inasmuch as it is clear that Fund resources will never meet all existing needs, it is important to establish transparent criteria for the use of Fund resources. Taking inspiration from the criteria drafted for the World Heritage Fund, we have suggested adapting these criteria to the specific context of the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. We believe that these criteria will foster a structured approach to Fund resource use that encourages developing countries to take responsibility for the protection and promotion of their own cultural expressions.

Lastly, in taking a closer look at the International Fund on Cultural Diversity, it became clear that if cultural creators are intended to be the main beneficiaries of the Convention, it is perfectly logical for them to be among the strongest supporters of the Fund. We therefore have every right to expect artists and creators, whether acting individually or through their professional associations, and the numerous coalitions on cultural diversity that have sprung up worldwide since the decade began, to play an active role in securing funding for the Fund.