



Revitalising the Global Cultural Diversity Movement

How the UNESCO Convention Can Promote Cultural Diversity: A Guide for Civil Society and Governments

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Defining Culture and Diversity

- Northrop Frye's three aspects of culture
 - 1) lifestyle, food, clothing, daily social rituals
 - 2) shared historical experiences, common language
 - 3) intellectual output: arts, television, music, films, writing, publishing, architecture, scholarship
- International Network for Cultural Diversity – 400 NGOs, 77 countries – artists, producers, academics, heritage
 - 1) working for flourishing of local artists, cultural producers and for more balanced exchanges between cultures
 - 2) working against homogenisation of Frye's 3rd aspect



Protecting and promoting musical diversity



- Ensuring musical diversity (as well as diversity in other arts and culture sectors) requires:
 - 1) Proactive and supportive national public policies. Market forces alone cannot sustain a rich diversity of choices.
 - 2) New forms of international cooperation. While culture is ubiquitous, artists and cultural producers in developing countries need support to bring their stories and music to local and global audiences in the commonly-used formats.



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



- 1999 – Concept emerges in Canada (in Canada Periodicals case, WTO had struck down Canadian magazine policies)
- 2000-2002 – Advocated by INCED, International Network for Cultural Policy (culture ministers), key states and others
- 2003-2005 – UNESCO negotiates text – approved October
- March 2007 – Convention enters into force
- 2007-2009 – IC develops operational guidelines
- June 2009 – 2nd Conference of Parties – approves guidelines, elects IC and establishes agenda for 2010-2011
- 100 States + European Community have joined



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



- Standard structure for UNESCO legal text
- Preamble/objectives build on UNESCO and other UN precedents, Declaration on Cultural Diversity
- Establishes supremacy of human rights instruments
- Accent is on rights, not obligations
- Dispute settlement system (which is irrelevant)
- Key Articles: Rights at National Level, International Cooperation, Role of Civil Society and Relationship with other Instruments



Rights At National Level



- Confirms right of states to implement cultural policies
- Recognition of dual nature of cultural goods and services
- Limited obligations - Language generally discretionary (“may” rather than “shall”)
- Broad scope – applies to policies/measures “related to ... the diversity of cultural expressions”
- Measures parties “may” use: regulations; quotas; subsidies; public institutions; support for artists; measures to enhance media diversity, including public service broadcasting; measures to ensure access for domestic cultural industries
- Art. 11 – recognize role of civil society – “shall encourage”



International Cooperation



- Modest commitments – “parties shall endeavour to ...”
- Integrate culture in sustainable development
- Cooperate for development – technology transfers, capacity building, financial support
- Cooperate to protect vulnerable forms of cultural expression
- International Fund for Cultural Diversity – voluntary
- “Shall facilitate cultural exchanges” through preferential treatment for developing countries (Article 16)



Relationship with other Treaties



- Statement that the rights and obligations in this Convention are equivalent to others
- Obligation to respect Convention objectives and principles when interpreting or applying other international instruments (interpretive tool)
- Parties agree to work together in other fora to promote the principles and objectives
- BUT, nothing in this Convention shall modify rights and obligations in other treaties

Convention is NOT a Shield

- Proponents had seen it as a way to halt erosion of cultural sovereignty, but trade agreements remain superior
- January 2006, to obtain an FTA, Korea succumbed to U.S. pressure and slashed its screen quota – the quota was responsible for developing Korean movie industry – market share increased from 15.9% to 45.2%
- August 2009 – WTO strikes down China's cultural products importation rules
- Canadian Periodicals Case re-argued (even if U.S. joins)



Convention is a Powerful Tool



- Powerful political tool developed remarkably quickly for such a controversial proposition
- Focus and forum for parties to work together to roll back the influence of trade agreements
- Provides model cultural policies
- Benchmarks for international cooperation
- Art. 11 “acknowledge role...shall encourage” civil society in promoting cultural diversity



Future of Cultural Diversity Movement



- Strong alliance between civil society and states was responsible for rapid development of Convention
- INCED, CCD, INCP, key governments, UNCTAD, UNESCO – 1999-2005, organising, meetings, seminars, studies, advocacy – building awareness of threats to diversity and Convention as a response
- Since 2005, leadership has shifted: political change in Canada, France; INCED loses capacity; INCP loses way; UNESCO Convention meetings



Future of Cultural Diversity Movement



- The focus of the movement has shifted and objectives are now to: 1) increase Convention ratifications 2) implement Convention as a standard UNESCO instrument
- The Convention is becoming an end in itself, rather than a means to achieve the goal of ensuring a rich diversity of arts and culture, and more balanced global cultural exchanges



INCD Call to Action



- Invigorate arts/cultural production in every society
- Permit artists, cultural producers and our works to flow freely around the world
- Ensure the voice of arts and culture is present and strong in every forum
- Wield the UNESCO Convention as a tool, but go beyond it



What is needed?



- Advocacy at national level for policies and resources
- A seat at the UNESCO Convention table for civil society
- Advocacy for new ways to interact internationally:
 - 1) Funding, capacity building, training, technology transfers, micro credit
 - 2) Preferential treatment of exports and free movement of people artists and cultural practitioners – Article 16
 - 3) Integrate culture into sustainable development strategies and PRSPs
 - 4) Significant funding for the IFCD.



What is needed?



- Global dialogue on culture and the human security agenda
- As trade negotiations are renewed in the coming months, ensure agreements respect the principles of the Convention.
- Public and private development agencies to allocate resources for cultural development/cultural impact assessment of all development projects
- Work to preserve threatened languages and cultures, including those of indigenous peoples.
- Implement Fair Trade campaign for cultural goods.



Who will lead?



- Civil society needs a group that brings together all of the arts and cultural sector and has a broad agenda – INCD, IFCCD?
- A revitalised INCP, led by the south, with an agenda to expand global cultural rights and be a forum for culture ministers to participate in the emerging global debates.
- IFACCA, UNESCO, UNCTAD need to embrace and encourage this movement as essential to achieving their objectives