



Fostering Cultural Diversity

**The UNESCO convention on cultural diversity and its possible impact on European Cultural and Trade Policy.
A position lecture from the point of view of the INCD**

Garry Neil & Rik Vanmolkot



International Network for Cultural Diversity

- INCD believes that diverse cultures and artistic expressions can and must thrive in a world of global marketplaces, economic integration and rapidly changing technologies
- More than 400 cultural NGOs and individual artists, academics and activists from 76 countries working to counter the adverse affects of economic globalization on world cultures.

Defining Culture and Diversity

- Northrop Frye's three aspects of culture:
 - 1) lifestyle, food, clothing, daily social rituals
 - 2) shared experiences, common language
 - 3) intellectual output: arts, television, music, films, writing, publishing, architecture, scholarship
- International Network for Cultural Diversity – 400 NGOs, 76 countries – artists, producers, academics, heritage
 - 1) working for flourishing of local artists, cultural producers and for more balanced exchanges between cultures
 - 2) working against homogenization of Frye's 3rd aspect



Factors leading to homogenization The case of music

- Rising costs of producing/distributing/touring – big business needs to promote global tastes – “world music”
- Convergence of telecom, information technology, media – concentration of ownership and cross-ownership
- 70% of global music sales controlled by four companies: Universal, Sony BMG, EMI, Warner
- 90% of world’s languages not represented on Internet – only 15% of music tracks are available on-line
- Big screen is now the home theatre/small screen is mobile phone – almost 2/3 of Japanese cell time is entertainment



Factors leading to diversity The case of music

- Music is fundamental to all cultures
- Artists are resilient and adaptable – always lead us into each new media
- Technology reduces costs of producing and distributing digital music – disintermediation
- New distribution channels – Internet – Mobile phone
- Collapse of traditional markets creates new opportunities:
CD sales decline since 2000, digital sales rise
Mobile telephone memory card is the new CD
- World music attracts new audiences



Homogenization or diversity?

Ensuring cultural diversity requires:

- 1) Proactive and supportive national public policies
- and
- 2) New forms of international cooperation



National Cultural Policies



- Financial subsidies of artists, cultural producers, exhibitors
- Content regulations to guarantee domestic shelf space
- Preferential treatment of domestic culture – e.g. copyright
- Controls/limits on ownership of cultural industry firms – cross-media, market share, foreign
- Government agencies, public service broadcasters, education
- Regulations that obligate commercial interests to direct resources to domestic works, emerging artists
- Special taxes that support production, tax incentives



International Cooperation



- Funding, capacity building, training, technology transfers, micro credit
- Preferential treatment of exports
- INCD advocacy to promote cultural development:
Integrate culture into PRSP (poverty reduction strategy papers);
Public and private development agencies to allocate resources for cultural development;
Cultural impact assessment of all development projects (CIA).



Pressure on Cultural Policies



- Multilateral trade agreements: U.S. and others seek inclusion of music and other cultural industries
- GATS has no cultural exemption; New Zealand broadcasting services; Canadian Periodicals Case
- Bilateral agreements: U.S. agreements prevent partners, such as Chile, Morocco, Central America and Singapore from regulating products “stored or transmitted digitally”
- Cultural policies are constrained by trade agreements
- Direct pressure from multinational companies



UNESCO

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



Key Players



- INCD – Principles 2001 – Draft Convention 2002 (tradable but not comparable, need to address structural imbalance)
- INCP – 68 culture ministers – Draft Conv. 2002/03

UNESCO

- 2001 Declaration on Cultural Diversity
- October 2003 General Conference agrees to develop legally binding Convention
- Convention adopted in October 2005 by a vote of 148 in favour (U.S. and Israel), two opposed, five abstentions
- Came into force in 2007 – now 79 ratifications-EU together



Rights and Obligations

RIGHTS AT NATIONAL LEVEL

- Accent on rights – few obligations – language generally discretionary (“may” rather than “shall”)
- Broad scope – applies to policies/measures “related to ... the diversity of cultural expressions” – recognition of dual nature of cultural goods and services
- Measures parties “may” use: regulations; quotas; subsidies; public institutions; support for artists; measures to enhance media diversity, including public service broadcasting; ensuring access for domestic cultural industries



Rights and Obligations



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 objectives and principles of Convention when interpreting or applying other international instruments
- Parties will work together in other fora to promote the principles and objectives
- BUT, nothing in this Convention shall modify rights and obligations in other treaties



Is the Convention a Shield?

- In short term, Convention cannot halt erosion of cultural sovereignty
- Trade agreements essentially remain superior
- January 2006, Korea succumbed to U.S. pressure, slashed screen quota responsible for increasing domestic share from 15.9% to 45.2% and for emergence of Korean movies
- Canadian Periodicals Case – outcome identical



Is the Convention a Tool to Promote Cultural Diversity?



- 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 – advocacy
- Benchmarks for international cooperation
- Parties “acknowledge role” and “shall encourage” civil society in promoting cultural diversity
- Limits – e.g. Belarus, Tibetan culture



Convention Implementation

- Provide formal place for civil society reps in all Convention processes – f.e. European Commission
- To be effective, Intergovernmental Committee (first meeting in December in Ottawa) decided:
 - 1) Operational guidelines (separate section on relation to other instruments)
 - 2) International cooperation: “will” consider practical measures, “will make efforts to integrate culture in sust. dev’t, engages 6 experts ref. Access for artists and cultural goods from dev. Countries
 - 3) International Fund : nothing, no pledges so far, dec 2008



Convention Implementation



- Implement substantive programs, such as Cultural Passport, Fair Trade cultural products, preferential access for developing countries
- Make connections to ensure threatened languages and cultures, including those of indigenous peoples, receive special attention
- State Parties to reinforce provisions in bilateral relationships
- Pressure on other multilateral institutions



EU protocols

- ◆ Model text on cultural cooperation in future trade agreements
- ◆ To implement the Unesco Convention (cultural goods are tradable, but not comparable), focus on dev. Countries
- ◆ To promote cult. industries & facilitate exchange/entry, int'l & European standards



EU protocols

- ◆ One so far: Cariforum (27+ 15): techn. assistance, a/v coproductions, pref.treatment
- ◆ Korea/India: being negotiated (reciprocity needed!)
- ◆ Will follow: Euromed, Andean, c America, c Africa
- ◆ Not intended: china (!)



Legal aspects of convention

- ◆ Commitment ‘to make efforts’, not imposing obligations
- ◆ Approved by EU Council, thus binding
- ◆ Below treaty, but above secondary EU law (directives etc.)
- ◆ No rights to individuals, but to states (challenge secondary law)



Golden Age or Era of Mass Extinctions?

- Critical crossroads: down one path lies diversity, a flourishing of cultures and music, respect and celebration of differences; down the other path lies fewer choices and homogenization
- Which path we take depends on decisions, often irreversible, being made today
- Those favouring diversity must work for ratification and effective implementation of Convention
- Convention is only one tool to promote diversity and cultural development



CODA

- ◆ Moral obligation of the EU:
 - Largest donor of development funds
 - Postcolonial trauma
 - Especially so since the US didn't approve the Convention
 - Danger: Eastern European countries not so hot on this, mainly for themselves (competition)
 - More than EU



(Civil society and) EC

- ◆ European agenda for culture
 - Civil soc. Platform Interc. Dialogue
 - Acces to culture
 - Cultural industries
- ◆ ‘Hollow meetings’ (?) Progress meetings
- ◆ ‘Art festivals’: best way to promote dialogue?



EC internal

- ◆ Experts for working groups
- ◆ EuropAid, DG Trade, ext. Rel, dev, cult/ed..
- ◆ Year of Intercult Dialogue (small amounts, govt's to decide)
- ◆ Mainly cultural industries, not artists
- ◆ Focus: economic growth



Moral obligation of INCD Europe



- Focus on capacity building in Africa?
- Raising of awareness in civil society
- Projects?
- EC in a way more progressive than some of the members (UK - Holland)