Introduction to the UNESCO Convention for the Protection and the Promotion of the Diversity of Cultural Expressions

« Cultural diversity is as necessary for humankind as biodiversity is for nature »
Table of contents

What it is
What it is not
The Convention:
  • Goals
  • Obligations
  • Rights
  • Means
Challenge: arming the Convention with its full legal and political influence
Governments’ commitment
Role of civil society
500 Conventions registered with the UN General Secretary

7 UNESCO Conventions in the field of culture. Mostly heritage-related

1. Universal Copyright Convention (1952, revised in 1971);
4. Convention concerning the Protection of the World Cultural and Natural Heritage (1972);
5. Convention on the Protection of the Underwater Cultural Heritage (2001);
6. Convention for the Safeguarding of the Intangible Cultural Heritage (2003);

2005 Convention stands out: cultural activities, goods and services, the most contemporary transmitters of culture

Cultural expressions that convey identity, values and meaning—whatever the media and technologies used
# The Convention

## What it is

- A normative frame of reference that sets standards in response to shared challenges
- A legally binding international instrument
- First of its kind in international law, out of concern to humanize globalization
- Innovative platform for international cultural cooperation
- Policies to protect and promote the diversity of cultural expressions
- Recognition of the dual nature – economic and cultural – of cultural goods and services
- Counterweight to trade agreements

## What it is not

- A convention on ethnic and linguistic diversity
- A new international obligation that subordinates pre-existing ones
- A barrier to the circulation of foreign cultural goods and services:
  - each individual to access diversity from within or outside his or her country
  - “protection” refers to preservation, safeguarding and enhancement
Shared challenges

- Social inclusion, through inter-cultural dialogue, in large urban areas for instance
- Sustainable development, taking into account culture and creative industries
- Shared cultural experience as a contributing factor to a sense national identity
- The right of each culture to express itself and develop freely
UNESCO Convention: Goals

- Protect and promote the diversity of cultural expressions
- Wider and balanced cultural exchanges
- Promote respect for diversity
- Raise awareness of its value at the local, national and international levels
- Reaffirm the importance of the link between culture and development
- Cooperation and solidarity, in particular, to strengthen capacity of developing countries
- Movement of artists and their works in developed countries
- Complimentarity with other international instruments

The Convention strives to create an enabling environment in which the diversity of cultural expressions may be affirmed and renewed for the benefit of all societies.
UNESCO Convention: Obligations

- Promoting cultural expressions
- Protecting cultural expressions at risk (report back to the Intergovernmental Committee)
- Creating favourable conditions nationally for expression and access to domestic and foreign content
- Taking into account special needs of women, minorities and indigenous peoples
- Raising public awareness through communication and education
- Training for artists to nurture creativity, without harming traditional forms of expression
- Encouraging active participation of civil society
- Taking the Convention into consideration before making new international commitments
- Reporting on implementation every four years after ratification

All measures must be taken “in a manner consistent with the provisions of this Convention”, that is, in respect for human rights, fundamental freedoms and existing international treaties
Respect for human rights and the fundamental freedoms of individuals: no one may invoke this Convention in order to infringe human rights and fundamental freedoms.

- Take measures to protect cultural expressions in need of urgent safeguarding.
- Formulate and implement cultural policies and measures, such as:
  - Providing opportunities for domestic cultural expressions.
  - Providing access to means of production, dissemination and distribution to domestic independent cultural industries and informal sector.
  - Encouraging non-profit organizations and also public and private institutions, artists and other cultural professionals to freely exchange cultural expressions.
  - Promoting diversity of the media, including through public service broadcasting.
  - Providing public financial assistance and support for public service institutions.

Thus, the risk of cultural relativism, which in the name of diversity would recognize cultural practices that infringe the fundamental principles of human rights, has been eliminated.
UNESCO Convention: Means for Implementation

- Information exchange and transparency
- Civil society participation
- International Fund for Cultural Diversity
- Organs of the Convention: Conference of Parties and Intergovernmental Committee
- UNESCO Secretariat of the Convention
- National point of contact
- Dispute resolution through conciliation
- Mutual supportiveness between the Convention and other treaties to which signatories are parties

**Parties shall take into account the relevant provisions of the Convention when interpreting and applying the other treaties to which they are parties.**
The challenge: arming the Convention with its full legal and political influence

- Ratification, both numerically and geographically
- Implementation, while remaining coherent and demonstrating its effectiveness
- Financial resources to reinforce developing countries and their cultural sector
- Proving effective for artists and cultural professionals at the source of cultural expressions
- Favorable public opinion – to remain a political priority
Governments’ commitment

• 115 ratifications – rapid when compared to 90 for Kyoto Protocol after 5 years
• International cooperation and monitoring through organs of the Convention
• Ministers of Culture conferences
  • International Network on Cultural Policy, Ottawa, Canada, 6-7 October, 2010
  • African Union, Abuja, Nigeria, 25-29 October, 2010
  • Euro-Mediterranean Conference of Ministers of Culture
  • MERCOSUR Ministers of Culture
  • XVII Foro de Ministros de Cultura y Encargados de Políticas Culturales de América Latina y el Caribe, Quito, Ecuador, 12-13 April, 2010
  • 4th Asia-Europe Culture Ministers’ Meeting, Poznan, Poland, 8-10 September, 2010
  • ASEAN Ministers Responsible for Culture and Arts
  • 5th Meeting of OAS Ministers of Culture, Rio de Janeiro, March 17-18, 2011
  • IV Ibero-American Congress on Culture, May 2011, Mar del Plata, Argentina
  • United Cities and Local Governments (Agenda 21 for Culture)
  • Francophonie Summit of Heads of State, Montreux, Switzerland, 22-24 October, 2010
• Bilateral cultural cooperation agreements
• EU contribution of 1M euros to UNESCO for technical assistance to developing countries
• UN Conference on Sustainable Development (UNCSD) or ‘Rio+20′, Rio de Janeiro, Brazil
Role of civil society

• Convention = a formidable advocacy instrument
• A tool box, that can be customized to meet national challenges
• To engage a dialogue with governments at all levels, on action plans and deliverables
• Monitoring implementation
• Education and public awareness
• To access International Fund to fully participate in the Convention implementation
• A civil society active in many ways:
  • Observatory of cultural policies and practices (Ericarts, IFACCA, OCPA)
  • Legal and academic researches (RIJDEC)
  • Young professionals U40 (under 40) network
  • International Federation of Coalitions for Cultural Diversity
  • International Network for Cultural Diversity
• Cooperation and solidarity
The International Federation of Coalitions for Cultural Diversity brings together forty-three national coalitions on five continents. It maintains formal relations with UNESCO and serves on the NGO-UNESCO Liaison Committee.

This presentation is available to members of the IFCCD and organizations or individuals interested in presenting the position of civil society on the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.