

The UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions:
Challenges and opportunities for Commonwealth civil society organisations

On 18 March 2007, the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions entered into force - three months after it surpassed the minimum threshold of 30 ratifications required for this to happen.

The UNESCO Convention represents a historic achievement: it recognises the distinctive nature of cultural goods and services, and affirms in international law the right of countries to apply policies to support their domestic cultural industries. It presents an opportunity for cultural organisations to initiate a dialogue with their governments regarding how cultural policies can be employed to ensure a genuine diversity of cultural expressions within their borders.

Adopted by an overwhelming vote in October 2005 at UNESCO's 33rd General Conference, the Convention on the Protection and Promotion of the Diversity of Cultural Expressions required only 17 months to enter into force - a timeline that constitutes a record for an international standard-setting instrument on culture.

The rapid progress of this campaign - discussions of the need for an international instrument that would affirm the right of countries to apply cultural policies only began in the late 1990s - is remarkable, and speaks to the widespread recognition among governments and cultural organisations of the need for an international legal framework that would help states meet the challenge of remaining open to a balanced range of culture coming from beyond their borders, while ensuring that their citizens have access to books, films, television programmes, music, live performance and other cultural content created, produced and distributed within the borders of their own country. Healthy levels of domestic cultural production are an essential precondition for being able to participate in a more balanced exchange of cultural content internationally.

The UNESCO Convention is also important because its affirmation of the right of countries to apply such cultural policies has the potential to serve as an effective counterweight to pressure on countries to give up this right in bilateral, regional and World Trade Organisation (WTO) trade negotiations.

For countries of the developed world, the challenge has been to ensure they retain the latitude to maintaining existing cultural policies, while being able to adjust or replace these in response to changing circumstances.

For developing countries, the challenge has been fundamentally about the future, about preserving the capability to identify, develop and apply policies where these previously have not been in place.

The UNESCO Convention clearly places strong emphasis on international co-operation among countries in order to support nations of the developing world in nurturing the emergence of their own cultural industries. Articles 12 to 18 of the Convention speak directly to this theme, including the provision for an International Fund for Cultural Diversity to help fund initiatives along these lines. But for this Fund to fulfil its potential,

countries - in particular those from the developed world - must commit to contribute to it on a significant and recurring basis.

The Convention also places strong emphasis on the engagement of civil society in the process for bringing the convention to life. It is unique among international agreements in including a specific article - Article 11 - dedicated to emphasising the importance of civil society playing a role in its implementation.

The rapid adoption and entry into effect of the Convention represents encouraging progress. But there remains a challenge to ensure that more Commonwealth countries ratify the Convention on a priority basis. Ratification is the essential first step for engaging in the process for translating the principles, objectives and provisions of the convention into concrete action at UNESCO, in other multi-lateral fora such as the Commonwealth and at the national level. Broader ratification of the Convention is also crucial to ensuring that its full legal and political potential as an instrument for upholding the right of countries to apply cultural policies is realised.

In addition, the process for translating the convention into Concrete action at UNESCO, and into practical implementation steps at the national level, has only begun. This process began in June 2007, with the first Conference of Parties to the Convention which took place at UNESCO headquarters in Paris. At that Conference, the 56 countries which had ratified the convention as of 18 March 2007 elected a 24-member Intergovernmental Committee that has been mandated to develop the operational mechanisms for bringing the Convention to life. This includes developing the operational structure and project approval criteria for the International Fund for Cultural Diversity.

The Intergovernmental Committee holds its first meeting in Ottawa, Canada, in December 2007. The Ottawa meeting will launch a series of four such meetings that will take place leading up to the second Conference of Parties in June 2009, where the Committee's recommendations will be presented for formal approval before they can become operational.

The Intergovernmental Committee will also explore the challenge of identifying practical channels for involving civil society in the implementation process. Civil society has been instrumental in building support for the Convention from the very beginning of the campaign. In particular, national coalitions for cultural diversity, bringing together key organisations from across a country's cultural sectors to speak with one voice, have proven particularly effective advocates for making the UNESCO Convention a priority.

In the very young history of the coalitions movement, a major milestone was reached in September 2007 in Seville, Spain, where delegates from some 47 countries took part in a Founding Congress culminating in the decision to formally constitute the movement as the International Federation of Coalitions for Cultural Diversity. At the time of writing IFCCD brings together national coalitions from 42 countries representing more than 600 cultural organisations.

Recognising that the next two years will be crucial to an effective launch of the process for implementing the Convention, there is now a need to develop specific proposals for involving civil society in this process - both at UNESCO and at the individual country level.

In a Commonwealth context, a first step was undertaken in Johannesburg, South Africa, where delegates of national coalitions for cultural diversity and cultural professional organisations from 11 Commonwealth member countries in Africa came together and committed to campaigning for further ratification, forming national coalitions and working regionally, in the Johannesburg Declaration.

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