

**4<sup>th</sup> World Summit on Arts and Culture  
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***The UNESCO Convention on the Promotion and Protection  
of the Diversity of Cultural Expressions:  
Just another document or effective instrument?***

**“Efficiency is doing things right; effectiveness is doing the right things. There is nothing as useless as doing efficiently that which should not be done at all”.**

**Introduction**

Given the unprecedented rapid entry into force of *The UNESCO Convention on the Promotion and Protection of the Diversity of Cultural Expressions*, it is clear that UNESCO’s Member States perceive it as a strong political instrument enshrined in international law - an efficient road map for doing things right.

As with many such instruments, the challenge is to make sure we do the right things efficiently, to prevent the Convention from being just another collection of good intentions.

The question is: how can we collectively and individually channel our efforts to ensure that the Convention achieves its aims and objectives? Surely, you will all agree with me that it is utterly insane to do the same thing over and over again and expect different results – so we simply need to change our approach and develop more innovative and down-to-earth strategies to produce the Convention’s intended results. There is a space and a need for new thinking and new strategies which should embrace constructive and balanced solutions.

More effort should be deployed at:

- I. Rendering the core messages of the convention operational for the Convention’s beneficiaries.
- II. Working together - exercising political will and harnessing social conscience in joint efforts by state and non-state actors to provide an effective level of resources – human and financial - to render the convention operational and to get the desired results.
- III. Enhancing the role of civil society in the implementation of the Convention.

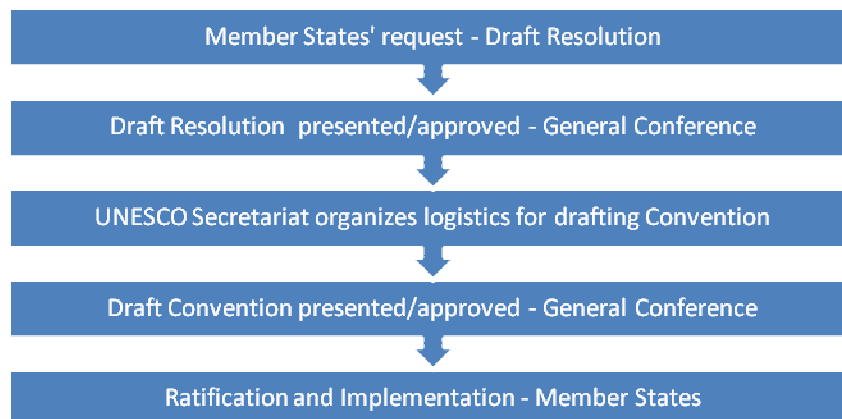
I will start my presentation by rapidly refreshing our minds about what a UNESCO convention is. I will then highlight the main objectives of the 2005 UNESCO Convention. Finally, I will discuss possible ways of making this document effective.

## 1. WHAT IS A UNESCO CONVENTION?

It might seem rather elementary to start with this question. But it is at once a simple and complex one and I do believe that it is essential that we have a shared understanding before going further to discuss the 2005 Convention.

- The word convention is synonymous with treaty. It refers to any agreement concluded by two or more States. Such an accord implies the joint will of the parties upon whom the convention imposes binding legal commitments.

How do UNESCO Conventions come about? Let us all first recall that UNESCO is an intergovernmental organization, directly answerable to its Member States and, as such, the elaboration of any legal instrument has to be requested for by the Organization's Member States. In fact, UNESCO executes the wishes of its Member States, thus fulfilling its role as the Member States' Secretariat.



It is the Member States that request UNESCO to elaborate a legal instrument. A Convention comes into being, usually starting with the preparation of a draft Resolution by Member States. The Draft Resolution then has to be approved by UNESCO's supreme body - the General Conference. Once approved, the Secretariat commissions relevant experts to start preliminary reflections on the content of the Convention. The Secretariat manages all the substantive, consultation and logistical work involved. After the consultative process of drafting the Convention is ended, it is then presented to Member States for adoption by the General Conference. Once approved, UNESCO follows up with Member States for its ratification and implementation.

This now brings me to the Convention on the Protection and Promotion of the Diversity of Cultural Expressions and its objectives.

## 2. THE 2005 CONVENTION

The Convention on the Protection and Promotion of the Diversity of Cultural Expressions was adopted at the 33<sup>rd</sup> session of UNESCO's General Conference in October 2005 and entered into force on 18 March 2007. Such a rapid entry into force is unprecedented for standard-setting instruments in the field of culture. This Convention has enabled culture, for the first time in the history of international law, to

find its rightful place on the political agenda out of concern to humanize globalization. In this proactive context, culture has become a genuine platform for dialogue and development, thereby opening up new areas of solidarity.

Through its main objective – the protection and promotion of the diversity of cultural expressions – the Convention strives to create a conducive environment in which the diversity of cultural expressions may be affirmed and renewed for the benefit of all societies. At the same time, it reaffirms the ties that bind culture, development and dialogue and establishes an innovative platform for international cultural cooperation.

The Convention aims to:

- strengthen the five inseparable links of the same chain; namely, creation, production, distribution/dissemination, access and enjoyment of cultural expressions conveyed by cultural activities, goods and services – particularly in developing countries;
- create conditions for cultures to flourish and to interact freely in a mutually beneficial manner;
- give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;
- identify new modalities of international cooperation, which is the keystone of the Convention;
- reaffirm the sovereign right of States to maintain, adopt and implement policies and measures they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory, while ensuring the free flow of ideas and works

As of September 2009, one hundred Parties have ratified the Convention since its adoption in October 2005 with:

- 40 percent from the Europe/North America region
- 25 percent from the African region
- 17 percent from the Latin America/Caribbean region
- 10 percent from the Asia Pacific region and
- 7 percent from Arab States

One would have expected a more significant ratification rate from developing nations considering the fact that the Convention clearly states - in six of its Articles - that it particularly caters to their needs.

With other normative instruments, the Convention has a relationship of (i) mutual supportiveness; (ii) complementarity; (iii) non-subordination and (iv) international consultation.

### **3. THE CORE MESSAGES**

Rendering the core messages of the convention operational for the beneficiaries

*Who are the beneficiaries?*

The overall provisions of the Convention is for it to benefit individuals and societies as a whole by guaranteeing them the enjoyment of a diversity of cultural expressions in a spirit of openness, balance and freedom, the most direct beneficiaries being:

- Countries lacking the capacities for the production and dissemination of their cultural expressions.
- All those involved in the process of creating, producing and disseminating cultural expressions, whether individually or collectively.
- Institutions and cultural enterprises, both public and private, including those belonging to the informal sector as well as non-profit organizations engaged in the same process

Beneficiaries should:

- Have good knowledge of the convention - it must be advertised and known by the community.
- Accept the convention as being necessary – because it reflects society's values and thus be acceptable.
- Easily understand the Convention – it must be clearly expressed and able to be learnt.
- Be able to adapt it to their present circumstances and anticipated future societal situations and changing values - it must be stable yet flexible and consistent

*What are the core messages?*

Key core messages point out that:

- Through cultural creativity we can and should strengthen human relations in a globalized world.
- We should make cultural goods and services - of as much choice as possible - accessible to as many people as possible – locally and internationally.
- We should promote and protect the diversity of cultural expressions, creative diversity and cultural wealth – from internal and external sources.
- We strongly encourage international cooperation
- We should foster genuine exchanges between the cultural expressions of all peoples nationally and internationally
- We recognize and establish as a right new forms of dialogue resulting from cultural goods and services that disseminate cultural expressions and make them available to all.

The core messages need to be made known to the people. They need to be accepted as being necessary; they must be easily understood and learnt by the people and be adaptable to the people's circumstances.

Dissemination and operational strategies could be developed by including the following actions:

- Dissemination and operational strategies could be developed by including creation of an enabling environment premised on a balanced relationship between states and non-state actors.
- Adoption of a more integrated approach to national development planning with cultural expressions in the endogenous cultural industries being given priority in light of their potential of alleviating poverty.

- Development and rolling out of aggressive educational and public awareness initiatives to encourage and promote the understanding and the importance to protect and promote the diversity of cultural expressions.
- Building of partnerships at local, national and international levels to enhance social and civil society movements across nation states.
- Greater support for the organisation of various platforms and forums for dialogue and development, involving different levels of stakeholders for information sharing networking, partnerships, advocacy, policy formulation, evaluation and critical assessment of creative industry programmes and policies in order to stimulate more action avoid duplication.
- Intensification of civil society's work with national governments, intergovernmental bodies and other actors in planning and implementing the different frameworks based on the Convention's operational guidelines.
- Ensuring complementarity of national and international approaches – developing clear marketing and communication strategies, making good use of media such as the Internet.

It goes without saying that all this requires investment in **time, effort, human and financial resources**.

#### **4. WORKING TOGETHER**

In order to make the Convention an effective instrument, State Parties need to exercise political will, joining hands with none state actors to harness social conscience and commitment to get the desired results. In this way, stakeholders could work together, providing an effective level of resources – both human and financial - to support the implementation of the Convention.

##### **Human resources at the global and local levels**

The Secretariat of the convention at UNESCO Headquarters is skeletal at the moment; although a few appointments are underway. The secondment by Member States of relevant and crucial experts to the Secretariat would appreciably accelerate the implementation of the Convention, making it a globally owned, shared and managed process. Such expertise would not only support and provide advice to Parties, but would also assist in advocacy efforts for a sustained and swift rate of ratifications. Moreover, a vibrant and substantive Secretariat would be effective in working with professionals, at regional and national levels, to develop a clear and understandable message that reflects the intention of the Convention.

#### **FINANCIAL RESOURCES**

International Fund for Cultural Diversity (IFCD)

The Intergovernmental Committee at its next session in December 2009, will establish the calendar for the implementation of the Fund. It is expected that in

June 2010, the initial requests will be submitted by stakeholders so that the first projects may be started by December 2010.

There is need, however, to put in place a fund-raising strategy, given the voluntary nature of contributions to the Fund and the current relatively meagre state of its finances.

The State Parties may make a **political commitment** to provide regular contributions to the IFCD and, to that end, conduct national fund-raising campaigns in support of the emergence of a dynamic cultural sector, notably:

- i. by defining national strategies including innovative and appropriate fund-raising mechanisms;
- ii. make use of every opportunity, particularly festivals, to raise funds;
- iii. by supporting the adoption of legislative and administrative measures such as laws encouraging sponsorship, one or more systems of internal taxation capable of financing funds for the promotion of cultural industries so that cultural policies with substantial resources can be put in place;

## 5. ENHANCING THE ROLE OF CIVIL SOCIETY

Finally, we need to **enhance the role of civil society** in the implementation of the Convention to help in making it more effective.

Civil society has been defined in the operational guidelines as *non-governmental organisations, non-profit organisations, professionals in the culture sector and associated sectors, groups that support the work of artists and cultural communities*.

Over the years, civil society has been actively engaged in raising awareness of the Convention through, for example, the activities of international networks on cultural diversity such as the International Network of Cultural Diversity (INCD). It thus plays an essential role in the implementation of the Convention, bringing citizens', associations' and enterprises' concerns to public authorities, monitoring policies and programme implementation, playing a watchdog role, serving as value guardian and innovator, as well as contributing to the achievement of greater transparency and accountability in governance.

It therefore certainly makes sense for civil society also to be made accountable for the implementation of the Convention and share in its rights and obligations, with the understanding that State Parties would take action to:

- further recognise civil society as an innovator and change-agent in the implementation of the Convention;
- involve civil society so that they play a key role in the design and implementation of the overall visibility strategy.
- involve civil society in the elaboration of the fund-raising strategy;
- involve civil society in cultural policy making and encourage them to bring new ideas and approaches to the formulation of cultural policies including the promotion of cultural expressions;
- support civil society activities in related research and data collection, facilitating their access to information;
- encourage civil society to play a proactive role in the process of ratification - advocate widespread ratification of the Convention and its implementation

- by governments and to assist Parties to promote the objectives and principles of the Convention in other international forum;
- involve civil society in the design and preparation of reports to be submitted by Parties on actions taken to implement the Convention.

## **6. CONCLUSION**

Many countries have bilateral relationships and probably believe that their funds can be more efficiently invested through such bilateral relationships. However, the insignificance of the contributions so far received under the International Fund for Cultural Diversity at the moment calls into question the political commitment and will of the signatories to effectively implement the Convention. It also undermines our capacity of delivery.

Once again, permit me to stress that it would be insanity to do the same thing over and over again and expect different results. We need to be innovative and daring yet very practical in our approach. A convincing manifestation of political will coupled with the channelling of strong social conscience will allow us to make quantum leaps and bounds towards the efficient and effective implementation of the Convention.

We should make use of the lessons of hindsight and take rapid action if we do not wish to doom the 2005 Convention to suffer the toothless fate of many other international instruments that languish on many a dusty shelf.