



United Nations  
Educational, Scientific and  
Cultural Organization



Diversity of  
Cultural Expressions

2005 Convention  
Global Report



# RE | SHAPING CULTURAL POLICIES

Advancing creativity  
for development



2018

2018

2005 Convention  
Global Report



Monitoring  
the 2005 Convention  
on the Protection and  
Promotion of the Diversity  
of Cultural Expressions





United Nations  
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# Foreword

This new UNESCO Global Report "*Re]shaping Cultural Policies*" is an invaluable tool for the implementation of the *2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions*.

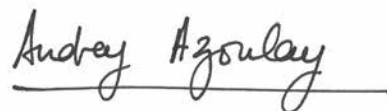
This Convention, now ratified by 146 Parties, including the European Union, is leading UNESCO's efforts to strengthen capacities for the creation, production and dissemination of cultural goods, services and activities. States are supported in their sovereign right to implement public policies for the development of strong and dynamic cultural and creative industry sectors. UNESCO is committed to developing more effective and sustainable public policies in these areas.

Our roadmap is clear and requires the cooperation of governments and non-governmental actors in four key areas: strengthening governance for culture, improving the conditions for the mobility of artists, integrating culture in sustainable development strategies, and promoting human rights and fundamental freedoms. These four goals are closely linked to the 2030 Agenda for Sustainable Development.

Since it was first published in 2015, this Report has significantly improved the evaluation and monitoring of cultural policies around the world. By analyzing progress, new approaches to strategic issues have emerged, such as on artistic freedom, the mobility of artists, gender, public service media and digital creativity.

This Report demonstrates that innovative cultural policies implemented at regional and local levels have a positive impact on the whole of cultural governance. It highlights the strategic frameworks best adapted to the digital environment, the emergence of exchange platforms and the dynamism of artistic incubators in the global South. It also points to the persistent inequalities and under-representation of women in the culture sector, trade barriers on cultural goods and services from the global South and the vulnerability of artists at risk. By providing yet unpublished statistics and data in these areas, this Report is essential for developing and implementing public policies that are adapted to the evolving needs of the culture sector.

I wish to thank the Swedish Government and the Swedish International Development Agency for their unwavering support and call on all Member States to take ownership of the results of this pioneering Report and to invest in the potential of cultural activities and the creative industries as engines of economic development, social cohesion and human dignity.



Audrey Azoulay  
Director-General of UNESCO

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This second edition of the Global Report on the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) would not have been possible without the contribution of many people.

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The Editorial Team was led by Danielle Cliche (Secretary of the 2005 Convention) and included Anthony Krause (Global Report Coordinator), Melika Medici Caucino (Data) and Lindsay Cotton (Production). Yudhishthir Raj Isar (Professor of Cultural Policy Studies at The American University of Paris and Education Director, Aga Khan Trust for Culture) served as the Principal Editor.

The following independent authors contributed chapters to the Report and also constituted its Editorial Board: Lydia Deloumeaux, Khadija El Bennaoui, Andrew Firmin, Véronique Guèvremont, Avril Joffe, Ammu Joseph, Octavio Kulesz, Christine M. Merkel, Jordi Baltà Portolés, Milena Dragičević Šešić and Sara Whyatt. We also warmly thank Mikael Schultz (Counsellor Culture, Audiovisual and Sport, Permanent Representation of Sweden to the European Union) for his continued participation in the Editorial Board.

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We are particularly honoured to include special messages in the Report from: Chimamanda Ngozi Adichie (Novelist), Mariana Garcés Córdoba (Minister for Culture, Colombia), Mamou Daffé (Chairperson, Arterial Network), Muhadjir Effendy (Minister of Culture and Education, Indonesia), Jodie Ginsberg (CEO, Index on Censorship), Monika Grütters (Minister of State for Culture and the Media, Germany), Naomi Kawase (Film Director), Deeyah Khan (UNESCO Goodwill Ambassador, Film Director), Felipe Cesar Londoño (Director, International Festival Imagen), Javad Mottaghi (Secretary-General, Asia-Pacific Broadcasting Union), Tibor Navracsics (European Commissioner for Education, Culture, Youth and Sport), Rémy Rioux (Director-General, French Agency for Development), Nadia Samdani (Director, Dhaka Art Summit), Abderrahmane Sissako (Film Director), Alexander Walter (Director, World Music Expo) and Jia Zhang-ke (Film Director and Vice President, CISAC).

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# Executive summary

The 2018 Global Report analyses further progress achieved in implementing the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) since the first such report was published in 2015. It is the work of ten independent experts, who have worked together with the Secretary of the Convention and her colleagues, as well as BOP Consulting and the Principal Editor.

Each of the Global Reports have been grounded in analysis of the Quadrennial Periodic Reports (QPRs) submitted by Parties (a procedure approved by the Convention's Conference of Parties in 2011). For the purposes of the present Global Report, the authors have consulted the 62 QPRs submitted by Parties since 2015, but have also derived relevant new findings from other, types of sources. They have also drawn upon their own expert experience.

The Introduction by the Secretary of the Convention and the Principal Editor explains the long-term objectives of the Global Report, presenting the guiding principles and values that underpin the Convention as well as the main lines of the methodological framework to monitor the impact of its implementation, which was put in place in 2015. This framework consists of the following four goals:



**Goal 1** SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE



**Goal 2** ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS



**Goal 3** INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS



**Goal 4** PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The Introduction also links the pursuit of these objectives to the 2030 Sustainable Development Goals (SDGs) and sets out the main elements of a road map for the coming years that will enable the Global Report to become, over the long term, an effective tool to forge new spaces for policy dialogue and transformation.

The first and leading goal is to **support sustainable systems of governance for culture** that contribute to the implementation of SDGs 8, 16 and 17. This challenge is addressed in the four chapters that make up the first section of the Global Report. The first of these chapters analyses **policies and measures** to promote the diversity of cultural expressions and shares a series of key findings with the reader. The author has found that the Convention clearly provides increased legitimacy and indeed inspiration for the adoption of cultural policies and their adaptation in changing times. Its implementation is beginning to have a positive impact on collaborative governance and multistakeholder policy making, notably in some developing countries and in the domains of the creative economy and cultural education. Significant cultural policy innovations are being implemented by local and regional authorities in the domains in which they have competencies. In developing countries in particular, there is a correlation between the implementation of policies and funding across the cultural value chain and the ability of audiences to access locally-produced content. The monitoring and evaluation of results remain rare, however, resulting in a paucity of data, which makes it difficult to assess the effectiveness of cultural policies in contributing to the diversity of cultural expressions.

The second chapter in this section is devoted to the **public service media** as producers, commissioners, distributors, disseminators and mediators of high-quality cultural content. The author has been able to identify many substantial improvements in the legislative base for media freedom and diversity, as governments update their public service media goals and systems. She notes that creativity and diversity in both the public service and private media are being enhanced through quota regulations, currently applied by 90 countries around the world. New policy frameworks adapted to the digital context are beginning to respond to the challenges of horizontal and vertical media convergence. Yet gaps remain. Notably, there is an overriding need for a forward-looking public service media policy model that serves the needs of all individuals and groups and responds to changes in public thinking as well as processes of convergence.

Indeed, the technological revolution has had profound impacts on the governance of the media as well as all aspects of the cultural value chain. The third chapter explores the implications of the rapidly evolving **digital environment**. The cultural value chain is being transformed from a pipeline-like configuration to a network model – and few countries have a strategy in place to deal with these changes. Very few Parties have designed and implemented digital culture policies that go beyond initiatives undertaken to digitize or strengthen specific nodes of the value chain. In the global South, despite the advantages resulting from mass adoption of mobile broadband, many countries lack infrastructure and are unable to consolidate a market for digitally produced and distributed cultural goods and services. The rise of large platforms has also created market concentration, a lack of public statistics and a monopoly on artificial intelligence. Without a targeted approach to countering these risks, the public sector may entirely lose its agency on the creative scene. Hence, the author argues, an entirely new type of relationship between the public sector, private companies and civil society is urgently needed, one that is based upon interactivity, collaboration and the co-construction of policy frameworks.

In this context, the Convention remains a pioneer treaty for the importance it attaches to the contribution of **civil society** actors to policy implementation in such complex areas as the production and distribution of cultural goods and services. The fourth chapter analyses this dimension, arguing that the Convention's goal of supporting sustainable systems of governance for culture can be achieved only through strong civil society participation. However, many actors in civil society believe that policy-making processes lack transparency and that laws and regulations do not sufficiently enable such participation. Despite these challenges, a strong core of civil society organizations is committed to playing a role in improving cultural governance and developing cultural policy. Civil society actors have responded to the Convention by convening their peers, engaging in advocacy, generating and sharing knowledge, and creating new networks. In order to make possible the necessary degree of joined-up policy making, however, civil society needs capacity development support and resources, focusing on policy participation, communication and networking.

The second section of the report relates to the goal of **achieving a balanced flow of cultural goods and services and the mobility of artists and cultural professionals worldwide** that contributes to the implementation of SDGs 8 and 10.

As already argued in 2015, the **mobility of artists and other cultural professionals** is crucial to maintaining a heterogeneous world of ideas, values and worldviews, as well as to the promotion of vibrant cultural and creative industries. The fifth chapter analyses the world picture in this regard. While the global North still provides the main market destinations for artists and cultural practitioners from the global South, access to these destinations is becoming increasingly difficult in the current security climate. Visa regulations continue to jeopardize the efforts of cultural institutions and civil society to address the persistent inequalities in mobility between the global North and the global South. Restrictions on freedom of movement and mobility of artists are used as tools of repression and censorship. The number of mobility opportunities provided through market access and transnational cultural collaboration has increased, with a renewed interest in South-South mobility. Despite inadequate institutional frameworks and funding structures, new regional networks, exchange platforms and creative hubs have emerged in the global South, thanks to a vibrant and resilient independent arts sector.

The sixth chapter analyses recent trends with regard to **flows of cultural goods and services**. The author has found that all developing countries taken together (including China and India) represented an increasing portion of the flow of cultural goods, and accounted for 45% of global trade of cultural goods in 2014 compared to 25% in 2005. Progress has been achieved. Nevertheless, trade barriers, scarcity of preferential treatment measures and limited human and financial capacities continue to hamper developing countries' penetration of cultural goods markets in the global North. Digital distribution platforms, exchange networks and export strategies, mostly in the audiovisual sector, are helping global South countries enter the international market of cultural goods and services. Domestic quotas are an effective measure of increasing national audiovisual production, eventually leading to an increase in exports. The chapter also confirms the finding of Chapter 3 that the new digital environment urgently requires improved data collection on cultural trade services in order to support evidence-based policies and trade negotiations.

Protecting and promoting the diversity of cultural expressions must also rely on the influence of the Convention on other international legal **treaties and agreements**, notably in the trade arena. This dimension is analysed in the seventh chapter. The principal finding is that while megaregional partnership agreements have left little room for the promotion of the Convention, in eight bilateral and regional free trade agreements that were concluded between 2015 and 2017, Parties have introduced cultural clauses or lists of commitments that do so. While no new Protocols on cultural cooperation have been signed between 2015 and 2017, other free trade agreements have introduced provisions to enhance preferential treatment for the broadcasting and audiovisual sectors. Parties to the Convention have generally expressed reservations over the inclusion of the audiovisual sector or other cultural services in their trade commitments. The European Union and other regional organizations have taken significant steps to address Convention-related questions, in particular those focusing on digital issues, sustainable development and the integration of culture into national trade frameworks.

The third implementation goal of the Convention set out in 2015 was to advance the long-standing cause of **integrating a cultural dimension in sustainable development frameworks** that contributes to the implementation of SDGs 4, 8 and 17.

The eighth chapter analyses how implementation of the Convention has had a positive impact on policies, plans and programmes in the domain of **sustainable development**. Principally, there has been increased recognition of the role of culture in sustainable development, notably in the 2030 Sustainable Development Agenda. Yet, paradoxically, although several international sustainable development programmes include cultural affairs as a major area of intervention, the proportion of development aid spent on culture and recreation today is the lowest it has been for over ten years! Of the 111 Parties that have adopted a national development plan or strategy, some 96 have included references to the cultural dimension. Over two-thirds of these are from the global South. Yet, these same countries acknowledge the cultural dimension primarily as an instrumentality, as a driver of economic or social outputs; only 40% of national development planning documents contain outcomes or actions specific to the goals of the Convention. Another issue is that across the board, the environmental impact of cultural production and artistic practice itself is not yet taken sufficiently into account. It is important to note, however, that municipal authorities are striking out in new directions in this regard: cities all around the world are exploring innovative ways of fostering sustainable development through the cultural and creative industries.

The final section of the report is devoted to a key principle of the Convention that has come to the fore in recent years, namely the **promotion of human rights and fundamental freedoms** of expression, information and communication that contribute to the implementation of SDGs 5 and 16.

**Gender equality** is a key dimension here, for the Convention is unambiguous in calling for policies and measures that promote gender equality and that recognize and support women as artists and producers of cultural goods and services. The ninth chapter, which amplifies the message delivered already in the 2015 Global Report, hones in on the multifaceted gender gap that persists in almost all cultural fields and in most parts of the world.

Women are not only severely under-represented in the workforce, particularly in key creative roles and decision-making positions, but they also have less access to resources and are generally paid much less than men. The disparity is not widely recognized but needs to be acknowledged and tackled if true diversity of cultural expressions is to be achieved. The author of this chapter argues forcefully that the Convention cannot be properly implemented without actively promoting gender equality among creators and producers of cultural expressions, as well as among citizens, in terms of access to and participation in cultural life. It goes without saying that this calls for both specific measures and, equally importantly, the integration of a gender perspective into all cultural policies and measures. Systematically collected, sex-disaggregated national and global data are still sorely lacking, however, and are urgently required in order to clarify the situation, increase awareness and understanding, inform policies and plans, and enable monitoring of progress in this domain. Diversity of cultural expressions will remain elusive if women are not able to participate in all areas of cultural life as creators and producers, and as citizens and consumers.

The final chapter is devoted to *artistic freedom*, which is germane not only to the being and creative practice of artists themselves but also to the rights of all cultural producers and audiences. But today, this freedom is increasingly under attack by a range of factors and forces, both governmental and non-governmental. The chapter reports that attacks on artistic freedom in 2016 perpetrated by both State and non-State actors, mostly against musicians, showed a significant rise compared with 2014 and 2015. Yet, progress has been made in understanding the importance of artistic freedom for the successful protection and promotion of artistic expression itself. Some States have made commitments and put in place legislative changes to respect this fundamental freedom. The chapter finds that measures to support the economic and social rights of artists are appearing increasingly in national legislation, especially in Africa; yet at the same time laws dealing with terrorism and state security, defamation, religion and 'traditional values' have been used to curb artistic and other forms of free expression. Monitoring and advocacy for arts freedom have grown, as has the number and capacity of organizations who are engaged, including within the United Nations. In this domain as well, cities are taking valuable initiatives by providing safe havens for artists at risk; in fact, the number of such facilities has grown to over 80 across the world.

Reporting by Parties, together with the analyses brought together in this Global Report, continue to demonstrate that the Convention has enriched the panoply of policy making for the benefit of the diversity of cultural expressions. It also continues to demonstrate the clear need for Parties to put in place monitoring and evaluation mechanisms that will enable them to contribute more fully to the information sharing and transparency provisions of the Convention. The advances and innovations reported on are promising, especially as they contribute to a first evidence base for implementing the Convention, which can simultaneously inform the implementation of the SDGs. However, they are far from sufficient. Together the Convention's core indicators and the SDGs' list of targets can produce evidence to inform global commitments and a shared understanding of how promoting the diversity of cultural expressions and investing in creativity can generate sustainable development outcomes.

If in the coming years Parties are able to meet the requirements set out in this Global Report, if not wholly then at least in ample measure, then a process is bound to emerge that will fulfil the long-term promise of the 2005 Convention, which is truly to 'reshape' cultural policy making across the world.



*Introduction*

*Advancing  
creativity  
for development*

*Danielle Cliche and Yudhishtir Raj Isar*



The *Global Report (GR)* series, of which the present volume is the second, has been designed to monitor the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). The purpose of the series is also to provide evidence of how this implementation process contributes to attaining the United Nations' 2030 Sustainable Development Goals (SDGs) and targets adopted in 2015.

In 2015, given the transformative influence the Convention had already exerted on cultural policy making across the world, the series was deliberately entitled 'Re]Shaping Cultural Policies'. Understandably, therefore, it was designed to produce new knowledge that can help answer questions such as: Has implementation of the Convention inspired positive *policy change* at the country level and at the

international level? How *effectively are these changed policies and measures being implemented? Have they led to improvements in policy making* for the protection and promotion of the diversity of cultural expressions? Have these policies and measures created better outcomes in terms of *human development*?<sup>1</sup>

Given the range of issues addressed by the Convention, it was necessary to provide a methodological context in which to locate these diverse questions. Accordingly, in 2015 the Secretariat of the Convention elaborated a monitoring framework based on four implementation Goals derived from four core guiding principles and values that underpin the Convention:

- The sovereign right of States to adopt and implement policies to promote the diversity of cultural expressions that are based on informed, transparent and participatory processes and systems of governance.
- Equitable access, openness and balance in the flow of cultural goods and services as well as the free movement of artists and cultural professionals.
- Recognition of the complementary economic and cultural aspects of sustainable development.
- Respect for human rights and fundamental freedoms of expression, information and communication as a pre-requisite for the creation, distribution and enjoyment of diverse cultural expressions.

1. Available at <http://unesdoc.unesco.org/images/0024/002428/242866e.pdf>

In the 2015 Global Report, the analytical chapters on different domains of implementation were organized into four distinct yet interconnected sections, each of which was devoted to policy areas corresponding to one of the four Goals. In each such policy domain, the monitoring framework identified expected results, key areas for monitoring, core indicators and means of verification.<sup>2</sup> The same schema, endorsed in 2015 by the Intergovernmental Committee that governs the implementation process, has guided the preparation of the present report.

The schema is not fixed, however, for it is designed to evolve and be adapted to realities on the ground. Thus, in this second edition, several of the indicators adopted in 2015 have been improved upon.

Evidence collected on the impact of the 2015 Global Report shows that the monitoring framework is already being used effectively as a cultural policy-making tool. For example, it has been taken as a basis for revising South Africa's *White Paper on Arts, Culture and Heritage* and for the drafting of Tanzania's new National Arts Policy. In Mexico, it was used by experts to prepare the General Law on Cultural Rights. In Germany, it has inspired cross-sectoral approaches to the formulation of policies for culture by creating connections between issues of artistic freedom, mobility, gender equality and trade that had not been made before. It has been replicated at the local level by the City of Santos (Brazil), a UNESCO Creative City, to collect evidence on the creative economy. The 2015 Global Report is also required reading in several universities around the world, notably in Argentina, Australia, Morocco and Spain; it is thus also contributing to educating a new generation of cultural policy makers and researchers.

Work on the second edition began barely one year after the first edition was published in December 2015 and this has clearly been too short a period for significant change to occur.

2. See pages 36-41 of the 2015 Global Report.

Hence, the Global Reports will be produced every four years, in line with the Parties' quadrennial periodic reporting (QPR) cycle. The first cycle spanned the years 2012–2015 and the second runs from 2016 to 2019. Therefore, the third edition of the Global Report will be published in December 2020.

Yet already, new data and insights gathered during 2016–2017 have broadened the Global Report's reach and scope, notably because of the increase in the number of QPRs submitted by Parties in the Africa and Asia Pacific regions (58% of reports submitted in 2016–2017 were from the global South in comparison to 48% in 2012–2015). The diversity of the authors' own experience and the data they have obtained from other sources have made a significant difference as well. The authors were also asked to innovate, if possible, when assessing areas of change and progress, as well as identify recent and emerging trends in the cultural field that should be considered for implementation.

## DATA GATHERING AND ITS USES

For this second edition, authors were also asked to test the viability of the indicators identified in 2015. This has not proved to be easy, given the chronic lack of data already underlined in the first Global Report. It goes without saying that the data gap will take far more than two years to fill. Yet it is a horizon of expectation that cannot be foresworn. Without such data, it would be impossible to devise the needed indicators. An important step in this direction is the global cultural employment survey conducted by the UNESCO Institute for Statistics that, for the first time, produced gender-disaggregated statistics.

For more data of this kind to become available, Parties must put in place mechanisms to systematically collect information and data, statistics and best practices. They also need to ensure the full participation of both governmental and civil society actors in this process.

In the absence of such an evidence base, for the purposes of the present report, a team of experts from the British firm BOP Consulting, specialized in data collection and analysis, was engaged to work alongside the authors of each chapter, using as their starting point the core indicators and means of verification outlined in the monitoring framework. Baselines were established for the years 2005, 2010 and 2015 (to be used to the extent possible) in order to determine policy changes, impact and trends. Some of the indicators used in the first Global Report have remained relevant and the related statistics have been updated for this second edition. These include indicators related to supporting the film industry at different stages of the value chain, the flow of cultural goods and revenues generated from the digital distribution of recorded music, freedom of movement, mobility funding and residency opportunities, violations against artistic freedom as well as levels of development aid for culture.

When deployed together, the two editions of the Report are beginning to produce new and valuable evidence to inform cultural policy making. Table A provides some examples of how the process functions.

As regards other indicators, new data sources needed to be identified in order to align with the monitoring framework and establish a first baseline. This was particularly the case for the chapter on civil society, for which a special survey was designed, distributed and analysed in 2016–2017.

In order to be able to assess areas of change and progress, as well as to identify recent and emerging trends, *qualitative* indicators for each policy field were formulated to provide information on the legislative base upon which specific policies and measures were adopted and implemented by Parties.

## TOWARDS THE CONVENTION'S GOALS: A FIRST ASSESSMENT

The chapters of this report that follow will all explore the strength of the evidence base in each policy domain, identify emerging trends, analyse progress made in attaining the Convention's goals, set out key challenges and put forward a set of policy recommendations accordingly. It would be useful at this juncture to examine some of the global findings of these chapters and the extent to which they comment on the progress made in achieving the Convention's goals against the original intentions as well as to link them to SDGs.



### GOAL 1

#### SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE

The guiding principles of the Convention reaffirm the sovereign right of States to formulate and implement cultural policies and measures to promote the diversity of cultural expressions at each of the stages of the cultural value chain: creation, production, distribution, dissemination, participation and enjoyment. Some may wonder why such a principle was necessary in the first place. Why restate the obvious? The principle was explicitly added to the Convention text precisely because the sovereign right it covers was *threatened* by international free trade provisions. As observed by Liedes and Aulake (2012),

'The Convention was born as a restriction to the international trade regime of the WTO. Production and distribution of cultural goods and services had been brought under the coverage of the trade rules. This caused friction because it was considered that the rules are not sensitive enough concerning the need to promote culture and inter alia to introduce necessary support mechanisms to maintain cultural diversity. The objective of the Convention was to secure the necessary policy space for cultural policies. In the legal architecture of the Convention, Article 5 became the most important tool to achieve this objective.'

It was not just the right to formulate and implement policies that was reaffirmed but also the capacity to adopt new tools in light of rapid technological change and shifts in the international trade environment. Policies for the future would have to address not only the convergence of technologies but also the impact of new players distributing cultural goods and services, such as telecommunication companies. It is to their credit that the authors of the Convention had the foresight to make the text 'technologically neutral', so as to ensure its continuing relevance in significantly changed technological conditions.

These concerns were fully shared by civil society. Civil society movements, organized around the cultural challenges of economic globalization, were equally engaged in advocating for an international legal instrument to promote diversity and secure space for distinctive cultural goods and services. They were closely involved in drafting the Convention, whose Article 11 appropriately acknowledges their fundamental role and encourages their active participation in achieving the objectives of the treaty. This innovation opened up the space for a diversity of actors to be involved in systems of governance for culture, which also need to be transparent and informed by an evidence base robust enough to make the case for adapting key policies to changing circumstances.

On this basis, progress towards this goal may be measured in four interrelated monitoring areas:

- **cultural policies**, in order to determine the extent to which they are implemented, address all stages of the value chain and are informed by evidence that is both quantitative and qualitative;
- **public service media and the digital environment**, in order to determine the extent to which policies are being adopted for or adapted to today's realities and radically transformed circumstances;
- and last but not least, **civil society**, in order to determine the extent to which civil society actors participate in the design and implementation of cultural policies and in promoting the objectives of the Convention.

The evidence presented in this second Global Report demonstrates the following successes achieved by Parties in this regard:

- The Convention has provided inspiration and legitimacy for the formulation of cultural policies and their adaptation to changing circumstances and needs. Parties have made considerable progress

in implementing policies and measures across the entire value chain, notably by fostering digital arts creation, creative entrepreneurship, accelerating the modernization of cultural sectors, promoting distribution and updating copyright legislation.

- Collaborative governance and multistakeholder policy making have progressed, notably in some developing countries and in the domains of the creative economy and cultural education.
- Substantial improvements have been made to the legislative base for media freedom and diversity, as governments update their public service media goals and systems. Quota regulations, currently applied by 90 countries around the world to both public service and private media operators, have helped to promote diversity, in particular linguistic diversity.
- A strong core of civil society actors is committed to playing its role in improving cultural governance by convening peers, engaging in advocacy, generating and sharing knowledge, and creating new networks.

Despite these advances, serious obstacles have also been identified in the four chapters concerned:

- Mechanisms for monitoring and evaluating impact are rare. This makes it difficult to adequately assess the effectiveness of cultural policies in promoting the creation, production, distribution and access to diverse cultural goods and services.
- Forward-looking public service media policy models that would serve the needs of all individuals and groups, in particular women, and respond to changes in public thinking, as well as processes of horizontal and vertical media convergence, have been implemented in only a few countries.
- Equally, few countries have been able to design comprehensive agendas or provide adequate infrastructure to deal

with the transformation in the digital domain from a linear or pipeline model to a network configuration. There is a danger that the public sector will lose its agency on the creative scene if it remains unable to address challenges such as the rise and market concentration of large platforms, the unfair remuneration of artists or the monopoly on artificial intelligence.

- Consultation structures and practices are insufficiently open, enabling or far-reaching, which inhibits the range of activities civil society organizations (CSOs) can undertake. The resources and capacities available to CSOs in order to engage in the full range of policy action is also insufficient.

The main recommendations for achieving more sustainable systems of governance for culture that emerge from these chapters are the following:

- Strengthen the technical and financial capacities of government departments in charge of cultural policy to engage in interministerial collaboration.
- Decentralize competences and resources to support multilevel governance, including a clear demarcation of responsibilities and adequate coordination mechanisms to empower local and regional authorities to implement the Convention.
- National policies, strategies and action plans need to be complemented with coherent budget provisions that make concrete implementation possible, notably in developing countries.
- A generic prototype of public service media policies should be elaborated that covers a range of areas, notably media freedom and independent bodies; investments sustaining quality content creation; a balanced provision of quality content from around the world; a focus on gender equality; linguistic diversity; and securing a level playing field in the digital context.
- The principles and objectives of the Convention need to be applied to

infrastructure plans, comprehensive digital agendas and major international trade agreements. Attempts should be made to adopt methods similar to those used by start-ups and other digital players, namely interactivity, iteration and co-construction.

- Cooperation plans for developing countries should be based on a bottom-up approach that ensures not only access and digital skills, but also the distribution of locally-relevant content and the construction of a viable digital cultural market.
- Cultural CSOs' capacity to partner should be promoted, especially as regards their ability to participate in policy processes, develop resourcing strategies and network with CSOs beyond the cultural sector, notably in the field of human rights.

## INFORMING SDG TARGETS

**As Parties to the Convention go forward to implement the core indicators and recommendations under Goal 1, they contribute to the implementation of SDG 8, SDG 16 and SDG 17, by ensuring responsive, inclusive, participatory and representative decision making at all levels.**

More specifically, they are to:

- devise and implement policies to promote local cultural products and production (Target 8.9)
- ensure representative decision-making in public institutions (Target 16.6)
- create continuous, regular and structured participatory processes that involve civil society in policy design and implementation (Target 16.7)
- enhance capacity-building support to developing countries, including for least developed countries and small island developing States, to increase significantly the availability of high-quality, timely and reliable data (Target 17.18)



## GOAL 2

### ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS

In order to attain this goal, the Convention introduced provisions to ensure that cultural policies go beyond providing support to domestic artists and cultural productions and provide market access to diverse cultural expressions from around the world. This requires institutional and legal frameworks as well as international cooperation mechanisms to facilitate the mobility of all persons engaged in cultural activities. Enabling the balanced flow of goods is also necessary, which requires measures to be taken in policy sectors other than the cultural, in particular trade and investment. Consequently, the authors of the Convention borrowed concepts directly from international trade rules and introduced a specific article that obliges developed countries to provide preferential treatment to cultural goods and services from developing countries. The introduction of this trade-based concept was a significant innovation in international cultural cooperation. It was embodied in Article 16 of the Convention, which is in fact the Article that imposes the strongest specific and legally binding obligations on Parties, in particular those from developed countries. The negotiations on this point also revealed its potential reach into policy domains beyond trade, such as immigration and the issuance of visas.

The expectations that emerged are twofold. While developed countries' Parties to the Convention are expected to put in place the policies and mechanisms to afford developing countries preferential treatment, the latter themselves also need to build strong cultural industries and put in place support mechanisms that make it possible for cultural professionals

and enterprises to take advantage of preferential treatment measures. As Troussard, Panis-Cendrowicz and Guerrier (2012) characterize this dual requirement:

*'It is important to also consider preferential treatment as part of the overall strategy for integrating culture in development, to be paired with development instruments which stimulate developing countries' capacity-building in the cultural sector, notably the development of local and regional markets for their cultural goods and services and the training of culture professionals as well as with trade instruments which are relevant for these developing countries.'*

Today, over ten years after its adoption, experts are still discussing the legal impact of this provision in the context of global trade negotiations and contemporary developments in the field of development cooperation, most recently in connection with the SDGs and its targets regarding trade-related support for developing countries. Two SDGs are highly relevant in the context of the Convention and its preferential treatment provisions, namely: SDG 10, which addresses sustainable economic growth and the reduction of inequalities in trade through special or differential treatment for developing countries; and SDG 8, which calls for increased 'Aid for Trade' support, in particular for Least Developed Countries (LDC).

The way in which cultural goods, services and professionals will be addressed in (or excluded from) future trade-related measures with a view to achieving the SDGs could be a new opportunity for Parties to meet their obligations in pursuit of the Convention's Goals. Progress may be measured through three areas of monitoring:

- **Flows of cultural goods and services**, in order to determine the extent to which there is equitable access, openness and balance in the distribution of cultural goods and services around the world; and
  - **Treaties and agreements**, in order to determine the extent to which they recognize the specificity of cultural goods and services so as to enable an open and balanced exchange, and facilitate mobility.
- The evidence presented in the three chapters on the different aspects of preferential treatment (mobility, flows and treaties) reveals the following advances:
- Transnational collaboration and mobility in the global South has increased, in particular through new regional integration agreements that promote mobility, particularly in Latin America, East and West Africa and Asia.
  - New regional networks, exchange platforms and creative hubs have emerged in the global South, thanks to a vibrant and resilient independent arts sector.
  - Developing countries almost tripled their dollar value of exports of visual arts goods with US\$11.5 billion in 2014, compared with US\$4 billion in 2005.
  - There has been an increase in the number of digital platforms, networks and export strategies opening up global audiovisual markets for cultural goods from the global South.
  - the use of cultural clauses in bilateral and regional trade agreements to promote the objectives and principles of the Convention is increasing, in particular through provisions to enhance preferential treatment for the broadcasting and audiovisual sectors.
- Yet, here, too many barriers remain. These include the following:
- Travel restrictions for artists and cultural professionals from the global South have increased significantly.

Many new security approaches restrict the granting of visas to nationals from regions affected by conflict, political instability and poverty. Longstanding challenges that persist include complicated procedures and high fees while restrictions on the freedom of movement are increasingly used as tools of repression and censorship.

- The dominance of the global North as a source of funding perpetuates inequalities of access to opportunities between artists from the global North and global South.
- The growth in e-commerce and the ability of streaming platforms and multinational companies to circumvent national boundaries make it difficult for national governments to apply policies to promote the diversity of cultural expression within their borders, as well as to prevent tax evasion.
- The specificity of cultural goods and services is not taken into account in the e-commerce provisions of trade agreements, to the detriment of the cultural sector.
- Pressures for trade liberalization have increased with the emergence of megaregional trade partnerships and agreements that do not recognize the specificity of cultural goods and services.
- Finally, preferential treatment tends to be given to neighbouring countries and/or those with which there already exist linkages based on culture, language and/or the colonial past. Parties are slow to turn their attention to countries with which they have not had a history of cooperation or cultural exchange.

The key recommendations put forward for achieving equitable access, openness and balance are the following:

- Simplify visa procedures and reduce fees, taking into account the working conditions of artists and cultural professionals in the global South. Such activities need to be accompanied by training for border officials and administrative officers issuing visas on the specificities of mobility in the creative sector. Coordination between

the various stakeholders from the public and civil society sectors is crucial for structural change to occur.

- Build capacities and improve infrastructure in developing countries in order to develop trade strategies for cultural goods and services, and to negotiate trade agreements more effectively and in line with the Convention's Goals.
- Increase Official Development Assistance (ODA) for programmes and projects in the cultural and creative industries so as to enable the diversification of exports in cultural goods from developing countries and build on comparative advantages.
- Include explicit references to the principles and objectives of the Convention in all trade agreements and partnerships, and in specific provisions granting preferential treatment to artists and other cultural professionals, as well as to cultural goods and services.
- Make commitments to liberalize electronic commerce compatible with policies that support the diversity of cultural expressions in the digital environment, irrespective of the technology or distribution platform used both online and offline.

The effective implementation of the provisions on preferential treatment requires adjustments to national immigration rules including, in particular, visa regimes (i.e. in order to reduce obstacles to mobility), changes in customs or tax rules (i.e. in order to assure preferential treatment for import and/or export of cultural goods and services) and the inclusion of special treatment for cultural goods and services in bilateral and regional trade agreements. For the majority of Parties, these are all challenges that will require a commitment to major structural change and a high level of coordination between all stakeholders. However, such efforts will continue to be hampered by the huge data gap that makes it difficult to track, for example, the mobility of artists and cultural professionals as well as the flows of cultural services.

## INFORMING SDG TARGETS

**As Parties to the Convention go forward to implement the core indicators and recommendations under Goal 2, they contribute to the implementation of SDG 8 and SDG 10, by adopting and implementing policies to ensure that preferential treatment is granted to developing countries, in particular LDCs, in order to reduce inequality within and among countries.**

More specifically, they are to:

- increase Aid for Trade support for developing countries, in particular LDCs, in order to improve their technical, financial and administrative capacity to export goods (Target 8.a)
- facilitate orderly, safe, regular and responsible migration and mobility of people, including through planned and well-managed migration policies (Target 10.7)
- grant preferential tariffs to imports from developing countries in order to reduce their trade costs, allowing products from developing countries to enter the territory at competitive costs (Target 10.a and 10.a.1)



## GOAL 3

## INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS

Sustainable development is a key leitmotiv of the Convention. Adopted while the Millennium Development Goals (2000–2015) were being pursued, the Convention set out a new objective in international law, calling upon Parties to integrate culture as a *strategic element*, not only in international development cooperation programmes but also in national development policies. After decades of work to raise awareness of culture *and* development, *for* development or *in* development, this was a significant achievement. But why so? At least four reasons can be put forward.

Firstly, the Convention provided a modern understanding of contemporary development policies. No longer were such policies to be limited to 'classical support measures, such as, for example, relief shipments, credits or technology transfer, but...would have to take into account a broader range of diverse forms of development instruments and strategies' (Stoll, Missling and Scherer, 2012).

Secondly, the Convention put a development focus on the cultural and creative industries as a means of not only generating economic growth and contributing to poverty eradication, but also as a source of creativity and innovation that can empower individuals and social groups, and provide them with a platform for the expression of their human rights and fundamental freedoms. Thus, David Throsby (2012) has argued that this focus on 'both the economic importance of the cultural industries and the specific cultural value inherent in and produced by these industries ... was the best hope for ensuring that culture would become an integral and strategic element on the sustainable development policy agenda'.

Thirdly, the Convention called for new directions in the flow of international development assistance beyond the North-South axis, by promoting multi-directional cooperation flows within a shared North-South-South space. This means that development assistance investments to strengthen the cultural and creative industries in developing countries are to be made by all Parties. Even developing countries are expected to make regular financial contributions to the International Fund for Cultural Diversity (IFCD) from which they themselves benefit and so make it a platform for real North-South-South cooperation.<sup>3</sup> Such investments should not be merely financial, however, but should be conceived as investments in the human and institutional capacities needed to set up informed, transparent and participatory systems of governance for culture. They should also include investments in physical infrastructure to support cultural production and distribution, as well as financial infrastructure to provide support for small- and medium-sized enterprises.

Fourthly, the Convention established the notion that sustainable development should become a priority for all countries, not just developing countries, and this approach is now at the heart of the 2030 Agenda for Sustainable Development. This means that 'developed' countries also ought to pay attention to sustainable development concerns within their own national development plans and not just as part of their foreign policy objectives. Recognizing that the public sector could not do this alone, it was expected that, through the implementation of the Convention at the country level, Parties would invest in new partnerships with the private sector and civil society. This means that all stakeholders would work together to achieve economic, social, cultural and environmental development outcomes and ensure regional equity in

3. The total number of countries that have contributed to the IFCD between 2007 and 2017 is 69, for a total cumulative amount of just over US\$9 million. Of these 69 countries, 41 are developing countries (59%). While in the majority in terms of the number of contributing countries, developing countries total financial contribution in US\$ represents only 16%.

the distribution of cultural resources as well as equity in access to such resources. By promoting sustainable development as the responsibility of all Parties, both within their own territories as well as through international assistance, the Convention changes the way sustainable development is understood and operationalized.

On the basis of these expectations, progress towards the implementation of the Convention's sustainable development goal can be measured through two areas of monitoring:

- **National sustainable development policies and plans**, in order to determine the extent to which culture is integrated and whether there is regional equity in the distribution of cultural resources and equity in access to cultural resources by vulnerable groups;
- **International sustainable development programmes**, in order to determine the extent to which these programmes integrate culture and provide financial assistance for creativity in developing countries, as well as technical assistance to strengthen the human and institutional capacities in the cultural and creative industries.

The evidence presented in the chapter on culture and development demonstrates that certain successes have been achieved by Parties as they implement the Convention. These include the following:

- The engagement of Parties to renew their commitment to international cooperation for sustainable development and the attainment of the SDGs. While culture and creativity feature among the targets of various SDGs, others are formulated in such a way that they can cover all sectors, including the domain of culture. Take SDG 5 on gender equality and the targets to adopt legislation to empower women and girls, for example. This is easily aligned with the Convention and its articles to introduce legislation, policies and measures to support women and girls as creators and



producers of diverse cultural expressions. Implementing the Convention means implementing the SDGs and vice-versa.

- Even though there has been a decrease in total financial contributions to the IFCD, there has been an increase in the number of developing countries contributing (from 0 in 2007 to 21 in 2017).<sup>4</sup>
- Progress has been made in integrating culture into national sustainable development policies and plans that interconnect economic, social, environmental and cultural outcomes, particularly in the global South. There has also been an increase in innovative policies and plans at the city level aimed at investing in cultural industries for development.

Despite these advances, significant challenges remain. These include the following:

- There is still insufficient political will to see culture as a fully-fledged strategic dimension of international development assistance. Concomitantly, financial investments in the cultural sector remain inadequate. The share of ODA funds donated by countries to support 'creativity' in developing countries and the share of ODA being spent by countries on culture have declined since 2005 and are at their lowest in over ten years.
- While most national development plans contain cultural outcomes, they are not necessarily specific to creativity as understood in the Convention. Budgets and infrastructure have also not yet been allocated to support the aims and objectives of such plans. Furthermore, there is a poor record of civil society participation and partnership in the implementation of such plans.
- Even though regional development plans that also address culture have emerged in recent years, deep inequalities persist in the distribution of and access to cultural resources. The same holds true for policies and measures to support

equity in access to cultural resources by vulnerable groups. While some development plans are beginning to target women, young people and children, and more recently, immigrants and refugees, very few countries have developed specific measures for people living with disability.

- As regards environmental outcomes, national plans continue to give priority to heritage conservation or the protection of indigenous cultures. Reflection and initiatives to address environmental degradation and climate change, as well as the environment impact of cultural production and artistic practice, are limited.

The main recommendations that are put forward in this domain are the following:

- Increase contributions for culture and creativity in ODA and make regular financial contributions to the IFCD. In addition, reinforce and further develop international sustainable development programmes that include culture and creativity as a major area of intervention.
- Include investments in the cultural and creative industries aimed at development outcomes in national plans to implement the SDGs.
- Provide institutional support and dedicated budgets to implement national, regional and local development plans that include culture and creativity development outcomes.
- Establish coordination mechanisms with relevant public authorities (including ministries responsible for culture) and levels of government, the private sector operating within the cultural industries, civil society actors and cultural operators, to involve them all in the implementation, monitoring and evaluation of development policies and plans.
- Pursue networking, participation, awareness-raising and coordination activities within and between cities and rural areas with a view to proposing innovative development pathways through the cultural and creative industries.

## INFORMING SDG TARGETS

**As Parties to the Convention go forward to implement core indicators and recommendations under Goal 3, they contribute to the implementation of SDG 4, SDG 8 and SDG 17, by adopting and implementing policies to support quality education and lifelong learning opportunities, sustainable economic growth, full and productive employment and decent work for all.**

More specifically, they are to:

- increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship (Target 4.4)
- adopt development-oriented policies that invest in decent job creation, entrepreneurship, creativity and innovation and encourage the formalization and growth of micro-, small- and medium-sized enterprises, including through access to financial services (Target 8.3)
- in the case of developed countries, implement fully their official development assistance commitments (Target 17.2)
- provide support for implementing effective and targeted capacity-building in developing countries to support national plans and North-South, South-South and triangular cooperation (Target 17.9)

4. Comparative data for developed countries during the same time period is 1 in 2007 and 17 in 2017.



## GOAL 4

### PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Promoting respect for human rights and the fundamental freedoms of expression, information and communication is a precondition for the creation, distribution and enjoyment of diverse cultural expressions. Indeed, it features as the first of the Convention's guiding principles. Threats to this guiding principle put the implementation of the Convention at risk, as well as its provisions to promote gender equality as a basic human right and artistic freedom as a fundamental freedom of expression.

The implementation of the Convention in the perspective of this particular guiding principle gained new momentum in 2013 with the publication of the report *The Right to Freedom of Artistic Expression and Creativity* by the UN Special Rapporteur in the field of cultural rights, Farida Shaheed. This report mapped the legislative framework at the international and national levels that addressed this right. It recognized both the Convention and the 1980 UNESCO Recommendation on the Status of the Artist, alongside the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). For the first time, artistic freedom was put forward as a basic human right that went beyond the 'right to create' or the 'right to participate in cultural life' to include the range of fundamental freedoms indispensable for artistic expression and creativity, e.g. the freedoms of movement and association.

The association of the Convention with legal instruments such as the ICESCR and the CEDAW reinforced the expansion of the scope of its guiding principle to include the social and economic rights of artists and, in particular, those of women as creators and members of audiences.

The latter is an important provision of the Convention, indicating, for the first time in international law, that cultural policies and measures aiming to promote diversity in cultural expressions must foster the full participation and engagement of all members of society, including women.

Since the publication of the Special Rapporteur's report and inspired by lobbying from arts and human rights NGOs, efforts to promote artistic freedom and gender equality have multiplied across the entire United Nations system. SDG 5 on gender equality and SDG 16 on protecting fundamental freedoms give Parties new impetus to implement the guiding principles of the Convention. The UN Universal Periodic Review provides an opportunity for NGOs, among others, to make submissions on States' failures to meet human rights standards, including artistic freedom. New calls for a UN Action Plan on the Safety of Artists and Audiences (similar to the one for journalists) have been put forward.

The Rapporteur's recommendation to 'critically review legislation and practices imposing restrictions on the right to freedom of artistic expression and creativity' is germane to the Convention's provisions that call upon Parties to design and implement cultural policies and measures in conformity with universally recognized human rights instruments. On the basis of this expectation, progress towards the implementation of the Convention and its goal to promote human rights and fundamental freedoms can be monitored through the following two areas:

- The extent to which **gender equality** is integrated into legislative frameworks for culture, so that women are supported as creators and producers of cultural goods and services, and that they have access to diverse cultural expressions;
- The extent to which there is a legislative base to promote and protect **artistic freedom** in ways that respect the rights of artists to practise their art, as well as their social and economic rights.

The evidence presented in the chapters on gender equality and on artistic freedom indicate the following advances:

- A growing awareness of the importance of promoting gender equality in the cultural sector, even though a gender perspective has yet to be integrated across cultural policy as a whole.
- Progress has been made in understanding the importance of protecting and promoting artistic expressions and some States have made commitments and put in place legislative changes to respect this fundamental freedom.
- The number of measures to support the economic and social rights of artists has greatly increased in the past few years, especially in Africa.
- The number of cities providing safe havens for artists at risk has increased, thanks to the work of international and local NGOs.

Despite these advances, progress towards the implementation of Goal 4 is challenged by the following:

- Women are severely under-represented in key creative roles and decision-making positions which is bound to have an impact on the content of artistic expressions and cultural productions
- Women have less access to funding, which has a direct impact on their capacity to produce artistic works or creative productions. They also face substantial pay gaps in comparison to men that have an impact on their economic stability and career progression.
- There has been a rise in reported attacks against artists and audiences perpetrated by both State and non-State actors, mostly against musicians. These threats can be physical or come through social media platforms in the form of online 'trolling', where other users can intimidate artists into withdrawing their work. Female artists and cultural professionals are particularly vulnerable.

- Laws dealing with terrorism, defamation and blasphemy are used as a lever for human rights abuse, deliberately curbing commentary and creativity that challenge power structures, touch on 'taboo' issues or explore conflict or social injustice. This threatens legitimate protest and freedom of expression, including artistic freedom.

The main recommendations put forward with a view to promoting human rights and fundamental freedoms are the following:

- Integrate a gender perspective in cultural policies and introduce measures that make it possible for a wide range of women to enter and thrive in creative fields, beyond activities that are traditionally associated with women, such as crafts, food, textiles and clothing.
- Support women's access to decision-making positions in the cultural and creative industries, including the film and public service media sectors, which can have an influence on perceptions about gender identity and gender relations and therefore, directly or indirectly impact upon gender equality.
- Establish systems to monitor violations of artistic freedom and develop expertise in documenting, monitoring and advocating for freedom of artistic expression, drawing upon the expertise of organizations working to defend human rights.
- Make the right to freedom of artistic expression a specific legal right and repeal defamation, insult and blasphemy laws.

## INFORMING SDG TARGETS

**As Parties to the Convention go forward to implement the core indicators under Goal 4, they contribute to the implementation of SDG 5 and SDG 16, by adopting and implementing policies to promote gender equality and protect fundamental freedoms, in accordance with national legislation and international agreements.**

More specifically, they are to:

- adopt and strengthen sound policies and enforceable legislation to promote gender equality and empower all women and girls at all levels (Target 5.c)
- ensure women's full and effective participation and equal opportunities for leadership at all levels of decision making (Target 5.5)
- put in place mechanisms to monitor violations to fundamental freedoms of journalists, media personnel, trade unionists and human rights advocates over the past 12 months (Target 16.7)

## HOW FAR HAVE WE COME?

In summary, the evidence provided in this second edition of the Global Report clearly shows that Parties are making concerted efforts to support sustainable systems of governance for culture as well as to integrate culture in their national development plans. While there is a strong core of civil society actors who are committed to playing a role in improving cultural governance and developing cultural policy, the Convention's intent of actively enabling their participation in such processes is not being fulfilled as strongly as it could be.

Persistent challenges remain to the adaptation of cultural policies to rapid change in the digital arena and to the adoption of forward-looking policy models, including for public service media. There is uneven progress in achieving a balanced flow of cultural goods and services and in promoting the mobility of artists (especially artists and cultural professionals from the global South). While respect for human rights is gaining legislative ground, especially as regards the social and economic status of artists, and fundamental freedoms are becoming a more visible issue among Convention stakeholders, Parties are far from fully attaining this core goal. Few outcomes have been achieved to bolster the equality of women as creators and producers of cultural goods and services and more focus is required on upholding artistic freedom against an increasing number of threats from both State and non-State actors, as well as a growing climate of self-censorship.

Finally, reporting by Parties, together with the analyses brought together in this Global Report, continue to demonstrate that the Convention has enriched the panoply of policy making for the benefit of the diversity of cultural expressions. It also continues to reveal the imperative for Parties to put in place monitoring and evaluation mechanisms that will enable them to contribute more fully to the information sharing and transparency provisions of the Convention.

The advances and innovations reported on are promising, especially as they contribute to a first evidence base for implementing the Convention, which can simultaneously inform the implementation of the SDGs. However, they are far from sufficient. Together the Convention's core indicators and the SDGs' list of targets can produce evidence to inform global commitments and a shared understanding of how promoting the diversity of cultural expressions and investing in creativity can generate sustainable development outcomes.

## LOOKING TOWARDS THE FUTURE













The core expectation of the entire reporting exercise is that governments and civil society actors will integrate findings and recommendations from the Global Reports into their national cultural policy and development strategies and frameworks. Each Report is not an end-result, but a tool to be used in a long-term process that includes the forging of spaces for policy dialogue, reinforcing stakeholders' capacities to work together to generate data and information, and advocate for policy innovation both nationally and globally. It is this process that is both the challenge and the opportunity of the years to come. Its realization would depend on a road map based on the following agenda:

- **Streamline and harmonize data and information required for national and global monitoring purposes.** This will be achieved through the alignment of the QPR framework and its statistical annex with the Global Report monitoring framework, its goals and core areas of monitoring. This revision and convergence process will start in December 2017 during the 11th session of the Intergovernmental Committee and continue until June 2019, with the approval by the Conference of Parties of revised operational guidelines on periodic reporting.
- **Mobilize research networks and statistical offices around the world.** In the coming years, it will be crucial to work with global, regional and national networks and institutions that can start collecting data and information and establish statistical baselines, using as a basis the Global Report monitoring framework, its core indicators and means of verification. This will help to test the indicators at national levels and strengthen the next generation of QPRs on the implementation of the Convention.
- **Fill the data gaps.** A number of data gaps have been identified in the two Global Reports. These concern, for example, trade in cultural services, mobility flows, culture in the digital environment, or sex-disaggregated data. Investments will need to be made to support the collection of data in these key areas. The main cultural surveys undertaken by the UNESCO Institute of Statistics (UIS), such as those on cinema, trade flows and cultural employment, will also need to be continued on a regular basis, to enlarge time series and sample of countries surveyed, as well as to increase the diversity of data.
- **Raise awareness of policy decision makers around cultural policy reform.** Bringing cultural policy reform to the heart of the sustainable development agenda will be a key element of success, so as to ensure ownership and the sustainability of results. This could be achieved through the revival of the international network of culture ministers (the former International Network on Cultural Policy, INCP), working as an active platform of exchange and cooperation to share expertise, explore and exchange views on new and emerging cultural policy issues, develop strategies and advance dialogue on the implementation of the Convention and related SDGs. In this context, a follow-up to the landmark 1998 Stockholm Conference on Cultural Policies for Development could also be organized.
- **Build capacities on policy monitoring.** Supporting countries in their efforts to monitor the implementation of cultural policies and their impact, leading to informed decision making and innovative policy design, will continue to structure UNESCO's technical assistance efforts. This will be achieved, whenever resources can be mobilized, through activities at national level that support the establishment of transparent and participatory monitoring platforms and processes, bringing together government and civil society actors.
- **Sensitize the development community.** The Global Report series has provided new evidence that the cultural and creative industries not only contribute to the creation of jobs and income, but also have the potential to catalyse innovation, permeating traditional development areas such as education and gender equality, and bring about change. Despite increasing interest in the cultural sector as an engine for development, finding a systematic way to operationalize this recognition still proves challenging. Exploring opportunities for collaboration with the development community, especially regional development banks and national development agencies, on issues such as those of ODA for culture or Aid for Trade, loans and insurance programmes, will be required.

If Parties succeed in meeting the requirements that have been presented in this Introduction and that will be argued in depth in the chapters that follow, if not wholly then at least in ample measure, then the long-term promise of the Convention, which is truly to 'reshape' cultural policy making across the world, will be fulfilled.

Table A

Implementing the monitoring framework as a tool to inform policy making

Goal	Core indicator	SDG Target	Means of verification (MoV) and monitoring data	Informing policy
 1	National policies and measures are implemented to promote creation, production, distribution and access to diverse cultural goods and services	 <i>Target 8.9</i> Support local cultural production	<b>Convention MoV: Data evaluating sectoral policies across the value chain</b> Between 2005 and 2015, the average number of newly released films produced and exhibited in developed countries increased by 19%, whereas in developing countries it remained relatively stable. During the same period, the average share of box office earnings generated through domestically produced films grew in developed countries from 14% to 18%, and even more in developing countries, from 10% to over 25%.	Policies and programmes investing in local cultural content production can be reinforced, notably in developing countries with the support of international cooperation, as they are having a positive effect not only on the supply side but also on the demand side.
 2	Policies and measures support international flows of cultural goods	 <i>Target 10.a</i> Support imports from developing countries at competitive costs	<b>Convention MoV: Data on flows of international trade of cultural goods</b> Between 2005 and 2014, developing countries (excluding China and India) share of total global exports of cultural goods increased from 15% in 2005 to 26.5% in 2014. However, the share from LDCs did not improve. Both in 2005 and in 2014, they only accounted for a 0.5% share of total global exports of cultural goods.	With the increased recognition of the specificity of cultural goods and services in trade agreements, investments in preferential treatment measures to increase imports and exports of cultural goods need reinforcement. Targeted measures are required for LDCs.
 2	Policies and measures support mobility from the global South	 <i>Target 10.7</i> Facilitate mobility of people	<b>Convention MoV: Data on visa procedures that determine support for the mobility of artists from the global South</b> The average number of countries accessible visa-free to passport-holders from the global South was 64 in 2010, 70 in 2015 and 75 in 2017. This is about half that for passport-holders from the global North.	Mobility funders need to engage in the larger issues of restrictions to freedom of movement between the global North and the global South if equitable access to global markets is to be achieved.
 3	Financial assistance supports creativity in developing countries	 <i>Target 17.2</i> Fulfil ODA commitments	<b>Convention MoV: Data on the share of Official Development Assistance (ODA) for culture</b> In 2005, ODA for culture accounted for US\$465.9 million. In 2010, this figure was US\$354.3 million and has continued to fall in 2015 to reach an all-time low of US\$257 million, representing an overall decrease of 45% in 10 years.	Financial investments for culture in the form of development aid need to align with increased political will.
 4	Policies and measures support women as creators and producers of cultural goods and services	 <i>Target 5.5</i> Equal opportunities at all levels of decision making	<b>Convention MoV: Data on the representation of women in decision-making positions in ministries</b> While the share of women working in cultural occupations is estimated at 44.5%, in 2005, women accounted for only 24% of the Ministers of Culture around the world. This share increased to 36% in 2015 and slightly dropped to 34% in 2017.	Vigilance is required to maintain and augment the share of women in decision-making positions in public institutions for culture.
 4	Policies and measures promote and protect artistic freedom	 <i>Target 16.7</i> Monitor violations to fundamental freedoms	<b>Convention MoV: Evidence of violations of freedom of expressions</b> 430 attacks on artistic freedom were reported globally in 2016. This represents a significant rise from the 340 reported in 2015, and is more than four times the 90 cases reported in 2014.	Further develop mechanisms to monitor violations to fundamental freedoms of artists and cultural professionals, in order to have more complete information to inform policy making.

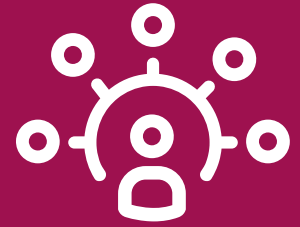


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*By combining forces with public authorities and through investment in youth and culture, the qualitative leap towards the emergence of a new governance in Africa is becoming a reality*

**Mamou Daffé**

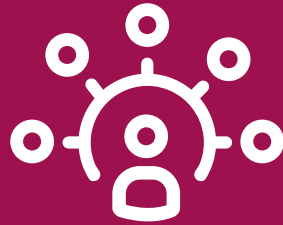
Chairperson, Arterial Network



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Goal 1

# SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE



Goal 1

# SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE



Sovereign right of States to adopt and implement policies to promote the diversity of cultural expressions, based on informed, transparent and participatory processes and systems of governance is ensured



# 2018 REPORT CARD

National policies and measures are implemented to promote creation, production, distribution and access with regard to diverse cultural goods and services and contribute to informed, transparent and participatory systems of governance for culture

**Cultural policies**

**Public service media**

**Digital environment**

**Partnering with civil society**



## SUCCESSSES

- Legislative base for cultural industries, access to internet and media freedom and diversity established
- Interministerial collaboration for the creative economy expanded
- Rising investments in digital creativity and entrepreneurship
- Civil society organizations engaging in cultural policy issues



## CHALLENGES

- Insufficient budgets to fully implement cultural policies
- Civil society organizations lack capacities to fully impact policy action
- Not all groups in society are served by public service media policies
- Unfair remuneration of creators in the digital environment



## RECOMMENDATIONS

- Develop structured platforms for policy dialogue
- Adopt comprehensive digital agendas and infrastructure plans
- Provide adequate resources and skills for civil society organizations
- Invest in local quality content production

## DATA REQUIREMENTS



- Revenues generated by digital distribution platforms and by artists
- Number of women in gatekeeping positions in public service media
- Number of civil society organizations participating in policy making for culture



# Towards more collaborative cultural governance

Jordi Baltà Portolés<sup>1</sup>

### KEY FINDINGS

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- »» *The Convention provides inspiration and legitimacy to inform cultural policies and legislation and adapt it to changing times.*

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- »» *Implementation of the Convention is beginning to have an impact on collaborative governance and multistakeholder policy making, notably in some developing countries and in the fields of the creative economy and cultural education.*

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- »» *Significant cultural policy innovations are being implemented by local and regional authorities, while their capacity to implement the Convention in domains such as education, trade and economic development is often limited.*

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- »» *There is a correlation between the adoption and implementation of policies backed by direct financial investments across the cultural value chain and the ability of audiences to have greater access to locally-produced content, which is particularly visible in developing countries.*

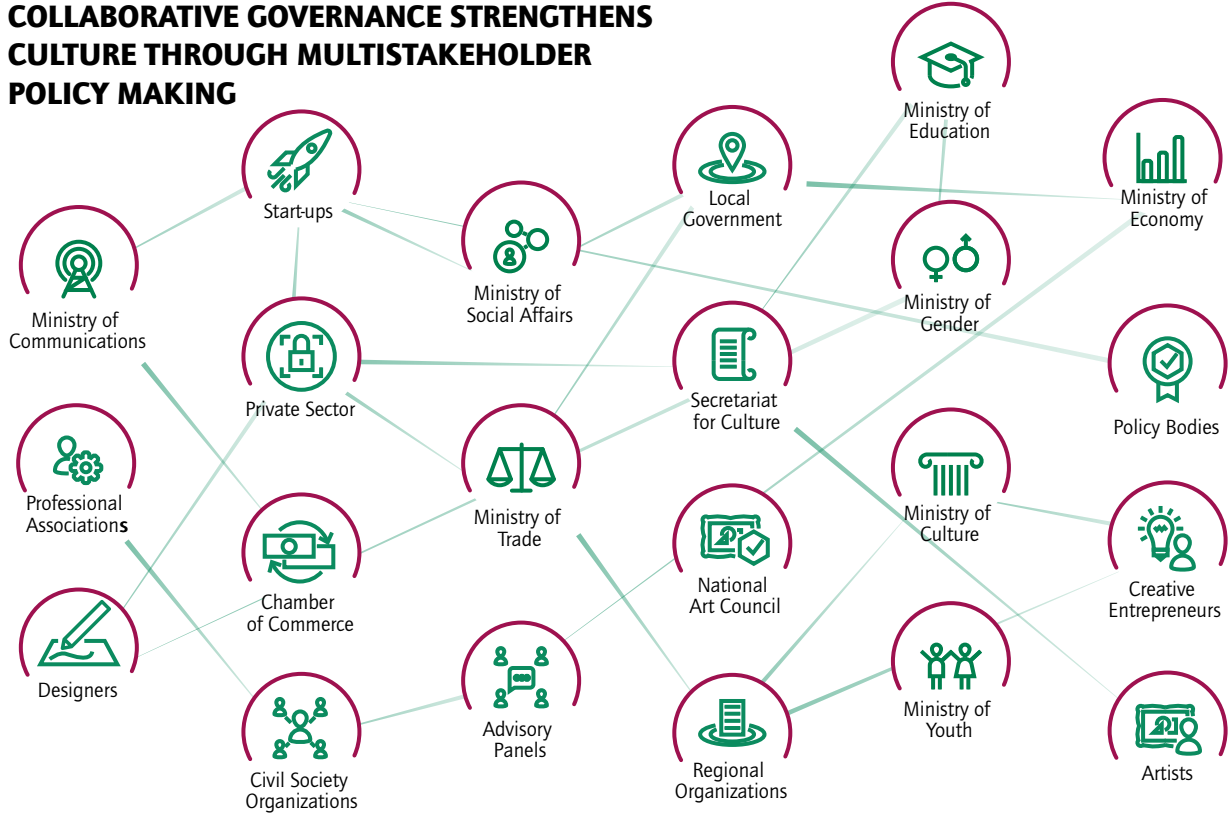
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- »» *The monitoring and evaluation of results remains rare. The paucity of data makes it difficult to assess the effectiveness of cultural policies in contributing to the diversity of cultural expressions.*

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1. With contributions from Milena Dragičević Šešić.

### COLLABORATIVE GOVERNANCE STRENGTHENS CULTURE THROUGH MULTISTAKEHOLDER POLICY MAKING



### LEADING TO INTEGRATED POLICIES



**Creation**  
Art schools provide students with creative competencies and skills.



**Production**  
Direct financial investment increases the production of domestic cultural content



**Distribution**  
Cultural infrastructure facilitates the distribution of cultural expressions



**Access**  
Participation strategies overcome access barriers created by pricing, distance, language, etc.

### WHICH SUPPORT DYNAMIC CULTURAL INDUSTRIES



worth  
**\$2,250 bil**

employing  
**30 mil**  
people worldwide



## CORE INDICATORS

National cultural policies support creation, production, distribution and access to diverse cultural goods and services

Multiple government agencies participate in policy making

Parties actively support informed policy-making processes

### INTRODUCTION

In June 2017, a new General Act on Culture and Cultural Rights (*Ley General de Cultura y Derechos Culturales*) came into force in Mexico. The Act was the outcome of a long process, which had seen the establishment of a new Secretariat for Culture in 2015 as well as a series of working groups and public debates involving public authorities and civil society. The Act recognizes that international standards inform national cultural policy making, it acknowledges the need for plural governance of culture (involving several levels of government and civil society) and stresses the link between culture, human rights and sustainable development (Villaseñor, 2017). The Act is emblematic of the way in which cultural policy is increasingly influenced by instruments such as the 2005 Convention.

This chapter focuses on the cultural policies and measures Parties have adopted with a view to implementing the Convention's goal of reaffirming the sovereign right of States to adopt and implement policies for the protection and promotion of the diversity of cultural expressions (Articles 1(h) and 2.2), based on informed, transparent and participatory processes and systems of governance. It will also explore various connections between cultural policies inspired by the Convention and targets included in the UN 2030 Agenda for Sustainable Development.

Because of these interconnections, cultural policies must necessarily embrace a wide range of areas, which are explored in other chapters of this report. The scope here is determined by 'cultural policies and measures', which the Convention

defines as those that either focus on the domain of 'cultural affairs as such', i.e. relating to the conditions in which cultural expressions can develop, and the policy frameworks that may contribute to this, or are designed to have a specific impact on 'cultural expressions', in other words the entire value chain as regards the cultural and creative industries (see Convention Articles 4.6, 5, 6, 7).



*The last decade has witnessed a steady broadening of the scope of cultural policy, together with clearer understandings of how different components of the cultural ecosystem relate to one another, to society and to the economy*

More than ten years after the adoption of the Convention, the question facing us today is to what extent has it informed the design of governance frameworks and cultural legislation and policy? How has it had an impact on the availability of more diverse cultural expressions? What progress has been made towards the establishment of informed, transparent and participatory sustainable systems of governance for culture called for by Goal 1 of the Convention? To address these questions, the three core indicators identified by the 2015 Global Report have been taken into account:

- National cultural policies to support creation, production, distribution and access to diverse cultural goods and services are a) established,

b) evaluated and c) functioning – as a way to measure the extent to which the Convention has informed policies and measures that aim to strengthen the cultural and creative industries value chain;

- Multiple government agencies participate in policy-making to promote the creation, production, distribution and access to diverse cultural goods and services – in order to measure to what extent the Convention has led to collaboration among the range of ministries and public bodies that are relevant to support the diversity of cultural expressions;
- Parties actively support informed policy making processes – so as to assess whether the Convention has led to the establishment or improvement of cultural information systems and data to inform cultural policy making.

### CULTURAL POLICIES – THE INFLUENCE OF THE CONVENTION

#### BROADER POLICY SCOPE

The last decade has witnessed a steady broadening of the scope of cultural policy, together with clearer understandings of how different components of the cultural ecosystem relate to one another, to society and to the economy. In parallel, a gradual transformation of the instruments of policy making has taken place. As the Quadrennial Periodic Reports (QPRs) submitted by Parties to the Convention and evidence collected elsewhere attest, changes are occurring in the following areas:

- There is an increased understanding of the holistic framework in which cultural expressions operate, which has led to more sophisticated planning processes involving interministerial coordination and is connecting different areas of policy and practice.
- There has been a renewed recognition of the role of cultural policies to promote democracy, human rights and fundamental freedoms in the cultural arena, including the need to mainstream gender aspects and pay attention to the needs of vulnerable groups.
- In some countries, there has been a transition from heritage-oriented cultural policies to new policy frameworks giving priority to the cultural and creative industries (e.g. Indonesia), which some authors have traced back to the impact of the Convention (De Beukelaer, 2015). UNESCO support has helped additional countries move in this direction (e.g. Cambodia, Mauritius and Niger). Cambodia's QPR, for example, indicates that 'we have passed the road from heritage-oriented policy to a much broader vision for arts and culture'. As governments pay increasing attention to the cultural and creative industries, some authors have warned that this should not lead to an overreliance on market-oriented cultural expressions, which obscures the interdependence between all the elements of the cultural ecosystem, including those that are not commercially viable (Vellani, 2014; De Beukelaer, 2015).
- Participative policy making and consultative procedures involving civil society, as well as local and other subnational governments, have become more frequent.

## THE CONVENTION INFORMS CHANGE IN POLICY DISCOURSE

Although such trends are often reported in the QPRs, the Convention is rarely the only factor driving them. Other factors are also in play: technological transformations, demands from civil

society for participation, the recognition that a significant part of cultural life operates nowadays outside institutional spaces (Holden, 2015; ITD, 2015), and the acknowledgement in some countries of diversity as 'a new normal' in society (as described in Finland's QPR).



*The Convention provides inspiration and legitimacy for the adaptation of cultural policies to changing times*

In this context, the Convention has played different roles. It has helped some countries to recognize that their policies had become outdated, leading to the adoption of broader frameworks (e.g. Ethiopia, Zimbabwe). Several countries have adopted new legislation or established new bodies (e.g. national councils on the arts and culture involving participation from professionals, public funds to support cultural activities, etc.). Examples include Burkina Faso, Estonia, Georgia, Kenya, Palestine, Senegal, Slovakia, Togo (Box 1.1) and Tunisia. In other cases, the Convention has inspired debates that have informed policy changes: Austria's QPR indicates that the Convention 'nurtures the overall cultural policy discussion'; Latvia and Canada make similar statements. Finland, Norway and Switzerland see the Convention as a general inspiration, which reinforces pre-existing policy principles and approaches, while stressing that this has not explicitly led to new policies, as noted earlier (Obuljen Koržinek, 2015).

Overall, the Convention provides inspiration and legitimacy for the adaptation of cultural policies to changing times. This applies to areas such as support for the cultural and creative industries, connections with other areas of sustainable development, such as human rights and gender equality, civil society participation and decentralization of responsibility for culture to the regions.

### Box 1.1 • *Cultural policy development in Togo*

*Over the past decade, Togo has implemented policy interventions inspired by the 2005 Convention that illustrate the progressive establishment of a sustainable system of governance for culture, grounded in participative processes and covering broader policy areas so as to contribute to sustainable development. In 2011, the country's first National Cultural Policy was adopted, the Ministry of Arts and Culture was reinforced and a fund to support cultural activities (Fonds d'aide à la culture) was established. The National Cultural Policy aims to promote creativity and the economic dimension of culture, decentralization and access to culture for everyone. Support from the IFCD enabled the elaboration of a 10-year action plan (2014–2024) and six regional cultural strategies, through a consultation process involving national and local governments, civil society, the private sector and academia. This framework informed the elaboration of a book policy, a National Sustainable Development Strategy, and a law on the status of the artist (2016), which recognizes the contribution of culture to the achievement of national growth, employment and sustainable development objectives.*

Source: Togo QPR (2016).

However, the impact on specific sectoral policies (film strategies, book policies, etc.) is less known, which of course may be partly due to the Convention's general, rather than sectoral, approach. Overall, since specific policies and measures are the result of a multitude of factors that are difficult to isolate from one another, assessing the impact of the Convention in policy making is often difficult.

In parallel, new legislation and policies are also being adopted in other fields that can create enabling environments for the diversity of cultural expressions, such as education, economy, trade, taxation or social affairs.

In this context, cultural aspects have been integrated into policy documents covering related domains (e.g. reform of the formal education system in Tunisia and the non-formal education system in Lithuania; adoption of gender strategies that pay attention to the cultural realm in Quebec, Canada and Chile, etc.). This is particularly the case where Ministries of Culture (or equivalent bodies) have strengthened their transversal role in interministerial cooperation.

## RIGHTS-BASED CULTURAL POLICIES

We also observe an incipient discourse on the human rights dimension of cultural policies. This is in line with Goal 4 of the Convention, which stresses that the respect for human rights and fundamental freedoms is a prerequisite for the creation, distribution and enjoyment of cultural expressions (Cliche, 2015). As Donders (2015) has indicated, whereas the Convention includes references to human rights and fundamental freedoms in general (e.g. in Article 2.1), the QPRs often include more specific, explicit references to the right to take part in cultural life, freedom of artistic and creative expression, and the rights of specific groups or communities: women, children, minorities, indigenous peoples, persons with disabilities. Recent cultural policy frameworks, particularly in Latin America, see cultural rights as a source of legitimacy, connecting the 2005 Convention with different human rights standards, including the International Covenant on Economic, Social and Cultural Rights. Costa Rica's National Policy on Cultural Rights 2014–2023 connects diversity, the effective exercise of cultural rights, and the exploration of the economic dimension of culture, among others. Cultural rights have also informed recent legislation and policy in Chile, Mexico and Uruguay, and references to them can be found in policies and measures adopted by countries in Europe, for example Finland, France, Norway, Slovakia, Spain and Sweden. Efforts in this area, however, remain unequal, which suggests that further effort is needed.

## CULTURAL GOVERNANCE FRAMEWORKS

Frameworks for the governance of culture have evolved in recent years, primarily through the establishment or strengthening of bodies in charge of cultural policy. New public bodies have been established in some countries, raising the profile of cultural policy. Argentina and Mexico, where cultural affairs were included previously in the remit of ministries covering other policy areas, report on the establishment of distinct ministries or secretariats of culture. In other cases, policy bodies addressing issues relevant to the Convention have been established, including the Creative Economy Agency in Indonesia, a Unit of Culture and Economics in Costa Rica, a new Creative Arts Council in Ghana and a Cultural Policy Unit within the Ministry of Culture in Georgia. Participatory councils and bodies involving consultation with or the active involvement of civil society representatives in decision-making have been established in some countries, including Costa Rica, Lithuania and Tunisia. Furthermore, as the scope of cultural policy has broadened, more complex governance frameworks, including more stakeholders, have also become visible.

Drawing on the model suggested by Miralles (2014), it is useful to identify three dimensions or layers of cultural governance: transversal or interministerial governance; multistakeholder governance; and multilevel governance.

## INTERMINISTERIAL GOVERNANCE

As already noted, interministerial collaboration is taking place in several countries. In some cases, bodies with a remit directly related to the Convention have been established, including Oman's national working team to address issues such as awareness-raising and reporting on the Convention, as well as the preparation of applications for the International Fund for Cultural Diversity, Austria's Working Group and Advisory Panel on Cultural Diversity (Obuljen Koržinek, 2015), and a similar working group in Palestine.

Permanent interministerial bodies have been established in policy areas such as the creative economy (Chile, Sweden) and international cultural relations (Denmark, Sweden). An Interdepartmental Group for Culture inspired by the Convention, but addressing other cultural policy aspects, has been established in the Republika Srpska, one of the entities that make up Bosnia and Herzegovina: it involves 11 ministries and several other public bodies, with the dual aim of integrating cultural aspects in other public policies (including recently-adopted strategies in tourism, youth, education and local self-government) and including the priorities of other ministries in cultural policies. In Albania, a Memorandum of Understanding signed by the ministries of Culture and Education has led to the establishment of a programme on 'Education through Culture'. Subsequent evaluation has shown a significant increase in the number of cultural projects for children, as well as the establishment of new educational programmes in public cultural institutions. In Burkina Faso, a coordination unit has been created within the Ministry of Culture, to ensure that cultural perspectives are considered in relevant policies, measures and regulatory frameworks backed by other ministries, such as the Ministry of Communication.



*As the scope of cultural policy has broadened, more complex governance frameworks, including more stakeholders, have also become visible*

Temporary forms of interministerial collaboration have also been established for the preparation of major policy initiatives, such as programmes on cultural education (e.g. Lithuania, Madagascar, Tunisia (Box 1.2)), strategies for the cultural and creative industries (e.g. Estonia, Georgia, Senegal, Slovakia), and the preparation of QPRs.

Through institutional dialogue, cultural aspects have been included in policies adopted by other ministries, generating an enabling environment for the diversity of cultural expressions, such as the following:

- The facilitation of the import of materials and equipment for the local production of cultural goods and services in Cuba.
- The updating of educational curricula to include artistic education in schools in Burkina Faso.
- The revision of visa regimes to facilitate the arrival of foreign artists in New Zealand (see Chapter 5).
- The inclusion of cultural aspects in Norway's international development policies, increasing attention to cultural rights and cultural industries, and granting priority to artists from developing countries in the allocation of travel grants.

The 2015 Global Report identified the participation of multiple government agencies in policy making related to the diversity of cultural expressions as one core indicator, suggesting four means of verification. Progress has been made regarding at least three of these, namely the existence of a Ministry of Culture or a similar body (which appears to be an increasingly universal trend), the existence of some interministerial cooperation (although this is not universal and does not cover all relevant policy areas), and the adoption of policies in other fields which have an impact on the cultural value chain (this is visible in a few countries and for some policy areas only). The fourth means of verification (the existence of a culture committee in the national parliament or equivalent) is difficult to assess, since Parties rarely report on parliamentary activities, except when legislation is adopted. Overall, interministerial collaboration is progressing, particularly with regard to the creative economy and cultural education.

The creation of interministerial bodies with a remit related to the Convention in some countries shows that the latter has contributed to raising awareness of the importance of collaboration, but this remains a partial trend, observed only in some countries and not across all relevant policy areas.

## MULTISTAKEHOLDER GOVERNANCE

The important role of civil society and partnership building in the design, implementation or evaluation of cultural policies is dealt with in detail in Chapter 4, the findings of which complement and lend nuance to those presented here. From the perspective of cultural policy, evidence from the QPRs reveals a range of roles fulfilled by civil society actors:

- In several countries, the design of cultural policies has involved consultation, participatory exercises and the establishment of consultative frameworks. In countries with decentralized competences in the field of culture (e.g. Canada, Germany), local and regional levels are particularly well suited to this (e.g. the design of regional cultural strategies in several German *Länder*).
- The preparation of QPRs has provided many countries with an opportunity to foster consultation and dialogue with civil society organizations. Capacity-building provided by UNESCO experts with support from the Swedish government has significantly contributed to establishing multistakeholder consultation exercises and enriching the QPRs.
- Civil society organizations are involved in policy innovation, design and implementation of programmes that serve the public interest, heretofore entrusted to public authorities alone. Whereas many such developments may not be presented in the QPRs, some Parties have reported on innovative, civil society-led initiatives (the role of the Madagascar Publishers' Association in fostering reading habits; the A.M. Qattan Foundation's Palestinian Audiovisual Project supporting film education, training, production and distribution;

### Box 1.2 • *Development of cultural policies and interministerial collaboration in Tunisia*

*Following the revolts that led to a change of regime in Tunisia in 2011, several initiatives in cultural legislation and policy were launched and new bodies established. All have contributed significantly to strengthening the place of cultural affairs in public life. Drawing inspiration from the Convention and other international standards, the goals of the Ministry of Cultural Affairs include updating the country's cultural regulations (legislation on cultural sponsorship, the status of the artist, etc. have been adopted or are being prepared), strengthening interministerial collaboration (signed agreements with the ministries of education, youth, higher education, defence and the environment), strengthening international cooperation, fostering decentralization of culture and supporting the cultural industries – to this end, new financial mechanisms have been established (including a new Fund for Literary and Artistic Creation, as well as tax incentives and the promotion of public-private partnerships). Interministerial dialogue has led to the integration of cultural aspects in the 2016 White Paper on Educational Reform (including an action plan to increase the availability of cultural education in all levels of formal education). Recent research indicates a slow increase in the percentage of the national budget allocated to culture, which is approaching 1% (Kessab and Benslimane, 2013; Hariri and Kassis, 2016). Developments in this area have benefited from various international cooperation programmes and partnerships, including with UNESCO (which supported the participatory process leading to the elaboration of the 2016 QPR), the European Commission (via the MedCulture programme and the Support Programme for the Cultural Sector in Tunisia – PACT), the French Ministry of Culture and Communication, the German Commission for UNESCO (CONNEXIONS programme), the European Union National Institutes for Culture (EUNIC) and Al Mawred Al Thaqafy, among others.*

Source: Tunisia QPR (2016).





the ADDICT creative industry platform in Portugal, which advocates, fosters exchanges and promotes innovation and internationalization). Innovation led by civil society organizations may tend to focus on areas where significant private interests exist, and should thus be balanced with public policies.



*Overall, interministerial collaboration is progressing, particularly with regard to the creative economy and cultural education*

- Public-private partnerships provide a significant space for balancing policy innovation, access and diversity (the partnership between Austria's public broadcaster ORF and video-on-demand platform Flimmit to diversify legally-available online contents and develop new audiences; Switzerland's 'Audiovisual Pact'; and the Canada Media Fund). There is less evidence, however, of innovative public-civil society partnerships.
- Civil society initiatives have played a significant role in raising awareness and building capacities. Relevant examples include the 'Adapting the Wheel: Cultural Policies for Africa' toolkit developed by the Arterial Network, used in workshops and training activities across the continent (Forbes, 2010); and the 'National Cultural Policy Groups' established in 11 countries of the Middle East and North Africa under the aegis of *Al Mawred Al Thaqafy*, which have contributed to developing policy-making skills among national and local public officials and civil society organizations, generating public debates on cultural policy and formulating policy recommendations (Dragičević Šešić, 2015).

Overall, however, this remains an underexplored area (see Chapter 4). The fact that systematic QPRs have been elaborated without consultation also leads to an underrepresentation of civil society measures.



*It is with great pleasure that I contribute to the second UNESCO Global Report on the implementation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions, as I firmly believe in the development of platforms for debates on creativity and development.*

*Indonesia has taken many steps to promote the 2005 Convention, both through the organization of the World Culture Forum in 2013 and in 2016, and more recently in April 2017, through the adoption by Parliament of the landmark Law No.5 on the Advancement of Culture.*

*This new law, directly inspired by the principles and guidelines of the 2005 Convention, provides an innovative framework to address critical issues of sustainable development, human rights, the status of artists, funding for culture and cultural infrastructures, and support to cultural and creative industries. We will regularly assess the impact of this law to ensure impact and effectiveness.*

*One of the largest, and perhaps most persistent, challenges of reshaping cultural policies is the integration of culture into sustainable development frameworks. In line with the attainment of the 2030 Sustainable Development Goals, our policies need to balance social equity and inclusion, economic growth and employment, creativity and artistic innovation.*

*Indonesia's motto, Unity in Diversity, serves to support this objective. We will continue to work closely with a vibrant civil society, organized around very different groups and professional organizations, and advance a global agenda that can help to bring together all communities around principles of cooperation, solidarity, openness and equitable access to cultures.*

**Muhadjir Effendy**

*Minister for Education and Culture, Indonesia*

## MULTILEVEL GOVERNANCE

Article 4.6 of the Convention indicates that policy measures may be adopted 'at the local, national, regional or international level'. Similar references can be found in the Operational Guidelines and in the QPR framework. This is particularly relevant because in many parts of the world subnational governments hold a significant share of competences in the field of cultural policy. Of course, levels of decentralization range widely (UCLG, 2008). There is evidence that efforts are underway to align the policies of local and other subnational governments with Convention objectives. In Serbia, the Convention has informed the development by the Creative Economy Group Foundation, in cooperation with the national conference of municipalities, of guidelines for local cultural policies supporting the cultural industries, inspired by the Convention and supported by the IFCD (Mikić, 2015). The recent initiative, by the City of Santos, Brazil, of assessing its own policies and cultural development on the basis of the indicator matrix proposed by the 2015 Global Report, also illustrates how a city's government can contribute to achieving the Convention's goals (Forte dos Santos, 2017). More broadly, global initiatives, including the 'Agenda 21 for Culture', have made the role of local governments more visible and have raised awareness, fostered knowledge transfer and encouraged policy innovation (UCLG, 2004; UCLG, 2015).

While subnational governments may have agency in some policy areas, their capacity to influence policy in domains such as education, trade and economic development is often limited. An ideal framework for multilevel governance requires a clear demarcation of responsibilities between different levels of government, as well as adequate negotiation and coordination mechanisms. But these are still few in number. Furthermore, while a majority of countries have national forums bringing together local governments to discuss cultural policies, these tend to be initiated by local government associations, rather than by central governments (Baltà Portolés and Laaksonen, 2017).



*An ideal framework for multilevel governance requires a clear demarcation of responsibilities between different levels of government, as well as adequate negotiation and coordination mechanisms*

Among the good examples of collaboration between different levels of government and innovative measures adopted at local and subnational level, the following may be cited:

- In Sweden, a 'Collaborative Cultural Model' between the central authorities and the counties was established in 2011, which devolved responsibilities and built dialogue with local governments and civil society; similar models exist in Australia, Brazil, Canada, Colombia and Switzerland. In Germany, a Standing Conference of the Ministers of Education and Cultural Affairs of the *Länder* (Federal States) has existed for several decades and is involved in the steering committee for the preparation of Germany's QPR. In Burkina Faso, the International Fund for Cultural Diversity (IFCD) has supported a project to design local cultural development strategies in 13 regional capitals and promote capacity-building and a new distribution of competences and resources between subnational and national authorities.
- Local and regional governments have also been consulted in the preparation of new national legislation and policies, leading to policy frameworks that set priorities for local cultural policy development (e.g. Kenya, Togo and several of the countries mentioned above).
- Programmes contributing to creation, production, distribution and access with a multilevel structure have also been established. Examples include: Uruguay's MEC centres for access to education and culture, the resourcing of which is shared by the Ministry of

Education and Culture, municipalities and the state telecommunications company; the Creative Brazil Incubators Network, a federal measure established in partnership with state authorities; and Cuba's Municipal Local Development Initiatives, which include 19 culture projects.

- In many countries, local and subnational innovative policies and measures address the cultural value chain, with goals that are often linked to broader urban and regional development. Examples include the City of Buenos Aires' Design District and its adoption of a tax incentive scheme for private sponsorship of cultural projects; the Service Agency Creative Spaces in Vienna, which facilitates the temporary rental of vacant urban spaces by artists, creative entrepreneurs and start-ups, combining the objectives of urban revitalization and support to the creative industries; and Dakar's financial support to artistic projects involving local partnerships and taking into account local development challenges, involving cultural professionals in selection panels. Several examples can also be found in Canadian provinces and territories (Box 1.3).

Multilevel governance may also apply beyond the national context, as in the context of globalization, the diversity of cultural expressions operates across borders, in complex territorial flows. Regional and subregional organizations with competences in the field of culture (e.g. the African Union, the Community of Latin American and Caribbean States (CELAC), the European Union, the Iberoamerican Conference on Culture, the West African Economic and Monetary Union (UEMOA), etc.) also play a key role in adopting declarations, legislation and programmes that directly or indirectly contribute to the implementation of the Convention. Details presented in the QPRs and anecdotal evidence point to the role of these regional organizations in raising awareness about the importance of cultural policies and cultural industries, frequently drawing on the Convention.

### Box 1.3 • Cultural industry support provided by Canadian provinces

The federal government of Canada and the governments of its provinces and territories have adopted various measures to ensure sound planning and accountability in the cultural field. Each level of government is also equipped with institutions such as funding agencies, arts councils and public broadcasters. The latest QPR from Canada demonstrates how provinces and territories engage in support for the cultural industries and access to culture. Examples include: the Ontario Music Fund, which supports development in all stages of the music value chain and broadens opportunities for aboriginal and Franco-Ontarian communities; the establishment of the Creative Saskatchewan agency to support the creative industries in the province, involving partnerships with Saskatchewan's creative business associations and the provision of a range of services; the adoption of Status of the Artist Acts in several provinces, including Quebec (Neil, 2015) and Nova Scotia, following consultation with the arts and culture sector; and the adoption of Quebec's 2014 Digital Cultural Plan, also resulting from extensive consultation. Multilevel governance is ensured in the context of Canada's intergovernmental relations, a Federal-Provincial/Territorial Table on Culture and Heritage meets regularly, and a specific agreement between the federal government and the Government of Quebec concerning relations with UNESCO was established in 2006.

Source: Canada QPR (2016).

UNESCO's field offices, its capacity building, technical assistance and information-sharing programmes have often operated in partnership with or reinforced regional initiatives. There are also several regional funding programmes that promote the diversity of cultural expressions at national and regional levels, including: measures funded by the European Regional Development

Fund (ERDF) that are supporting creative industry development in Estonia, Greece, Italy, Latvia and Slovakia; a range of cultural cooperation programmes in the Iberoamerican space; the *Organisation Internationale de la Francophonie (OIF)* programmes to support the cultural industries and policies; and MERCOSUR's biennial *Micsur* cultural industry market. Often, these programmes do not explicitly refer to the Convention, but they have been informed by legislation, policies and declarations inspired by it. In this respect, the potential role of regional organizations as partners or catalysts of practice and of cultural policy innovation at national level should be further explored, particularly in the regions where such developments have not been identified so far.

### MONITORING IMPACT

The need for data collection and information sharing for monitoring purposes has been frequently highlighted (Cliche, 2006; Merkel and Obuljen, 2010; Merkel 2012a and 2012b; Obuljen Koržinek, 2015). Good information systems enable impact evaluation, better policy decisions, and the exchange of information among Parties, international organizations and researchers. They can also enhance public education and awareness-raising. Where well-established research systems enabling longitudinal monitoring of cultural policy impacts exist, positive trends in cultural participation may be observed: for instance, in France, 3 out of 10 people have an artistic activity today, compared to 1.5 in the 1970s; this includes very substantial increases in amateur drama (100%) and dance (300%) (Perrin et al., 2017). No doubt the establishment of public cultural facilities at local and regional level, access to culture in formal and non-formal education, support for the touring of cultural professionals, and the dissemination of cultural expressions in public media, have been important contributing factors.

However, the most recent batch of QPRs presents only limited evidence of national cultural information systems

or knowledge management plans under preparation. In some cases, this may be due to the fact that statistical systems are already in place and have not been updated recently. The following initiatives may be cited:

- The use of satellite accounts for culture to measure the economic dimension of culture in Canada, Colombia, Costa Rica and several other Latin American countries (Rey Vásquez, 2015). In Costa Rica, evidence gathered has informed the drafting of sectoral strategies on music and the audiovisual sector, based on partnerships between public authorities, civil society and academia (Rey Vásquez, 2015; Murillo Pérez and Murillo Pérez, 2015).



*Good information systems enable impact evaluation, better policy decisions, and the exchange of information among Parties, international organizations and researchers*

- The development of information systems intended to measure the contribution of culture to the achievement of social outcomes, including: new surveys on cultural participation, illustrated by Switzerland's efforts to improve the availability of cultural statistics, with particular attention to the non-participation of disadvantaged groups in cultural life, which is one of the priorities of the federal cultural policy 2016–2020; and the publication of the Chilean 2015 Annual report of Cultural Statistics, whose main objective is to provide reliable information on the different dimensions of cultural participation in Chile.
- Steady progress in monitoring the impact of sectoral cultural policies and measures for the audiovisual and film sectors in countries such as Colombia, France, Slovakia and Viet Nam.

In France, for the first time in 2014, audiences of national fiction works on TV exceeded those of foreign fiction, while the export of TV programmes also reached record figures; in Viet Nam, measures such as the Strategy to Develop the Vietnamese Film Industry to 2020 (Vision 2030) have increased the number of films produced and distributed, as well as revenues and audiences.

- The development of research programmes and initiatives intended to inform cultural policy making and monitoring. Cultural statistical reports have been elaborated in cities such as Guerrero (Mexico) and countries such as Armenia, Georgia, Montenegro and Burkina Faso, based on the cultural statistical framework of the UNESCO Institute for Statistics and the implementation of the UNESCO Culture for Development Indicators. In Lithuania, a cultural research programme, which stimulates statistical, policy and innovative research, with the main aims of analysing the conditions in which artists, cultural organizations and citizens operate and exploring policy solutions, has been launched. Themes addressed include access to culture among disadvantaged groups, the legal framework in the cultural field, collaboration between culture and education, and creative cities and regions.
- The emergence of new initiatives intended to assess gender equality in the cultural sector to inform public action (e.g. Canada, New Zealand, Norway, Sweden) as well as efforts to strengthen gender-disaggregated data collection and monitoring (UNESCO, 2014a).

Generally, the QPRs show that the evaluation of policy results and impacts is rare; most information concerns the existence of policies and measures, rather than their effects. While some progress has been made in areas that are relevant to the Convention, clearly more efforts are necessary in terms of monitoring and evaluation to achieve the first goal of the Convention, namely, to support sustainable systems of governance for culture as well as SDG 16.7 on responsive, inclusive, participatory and representative decision-making at all levels.

## POLICIES AND MEASURES STRENGTHENING THE FILM SECTOR VALUE CHAIN

In order to achieve a sustainable system of governance for culture, Parties are called upon to introduce national policies and measures to promote creation, production, distribution and access with regard to diverse cultural goods and services. Indeed, the 2015 Global Report already examined several ways in which '[cultural] policies and measures increasingly aim at strengthening the value chain' (Obuljen Koržinek, 2015). That analysis remains valid, as confirmed by the recent round of QPRs. We can now take a step further to combine quantitative and qualitative information on policies and measures adopted in the film sector as an example of the value chain approach and how it contributes to promoting the diversity of cultural expressions.<sup>2</sup>

### INVESTING IN CREATIVITY THROUGH TRAINING OF NEW TALENTS

Policies and measures investing in creativity – the first stage of the value chain – start with education and training of new talents. For the purpose of this analysis, we have examined whether the relevant infrastructure exists, such as public schools and non-profit centres receiving public support and offering specialist training above graduate level to film students, in order to equip students with the skills needed to produce good-quality films and/or develop viable careers in the film industry. This is of course only one possible measure to support the 'creation' link in the value chain, but one that offers insight.

2. For the preparation of this chapter, BOP Consulting gathered and analysed international data on the different stages of the value chain in the film sector. The analysis covers both Parties and non-Parties to the Convention, thus enabling some comparisons. It pertains to public policies and measures (particularly in the stages of creation and production), to private distribution outlets and, where applicable, to public ones, as well as to audience figures (access).

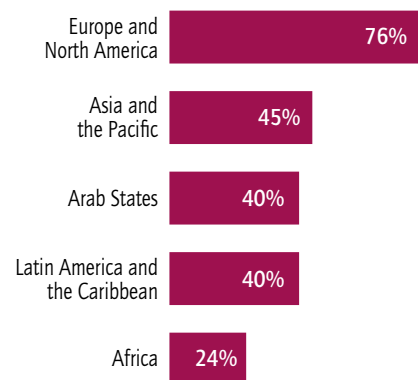
Training institutions are also important gatekeepers, providing future filmmakers and technicians not only with the skills they require but also with connections to networks and future funding opportunities.

The data collected indicate that 47% of the 199 countries analysed have at least one film school that provides key infrastructure to build creative skills. As Figure 1.1 shows, there is wide regional variation in the percentage of countries that have at least one film school: from 24% in Africa to 76% in Europe and North America. The data also show that 51% of the countries that ratified the Convention have at least one dedicated film school, as opposed to 28% in countries that have not ratified it. From this data, we can also see that 81% of developed countries, in comparison to only 37% of developing countries, have at least one dedicated film school, begging the question about adequate infrastructure for nurturing new talents in the global South.

The QPRs provide useful evidence of other measures that could be considered helpful in overcoming the challenges faced by emerging film-makers in the global South, for example, Mexico's Fund for Quality Film Production (FOPROCINE), which supports the debut feature films of public film school graduates.

Figure 1.1

#### Proportion of countries with at least one film school, by region, 2017



Source: International Association of Film and Television Schools (CILECT)/ BOP Consulting (2017).

In the field of international cooperation, the 'Berlinale Talents' scheme established by the Berlin International Film Festival provides training and support to 300 film talents per year, mainly from countries in the global South, in areas including directing, production, acting, screenwriting, etc.

## PUBLIC FINANCIAL INVESTMENTS IN PRODUCTION

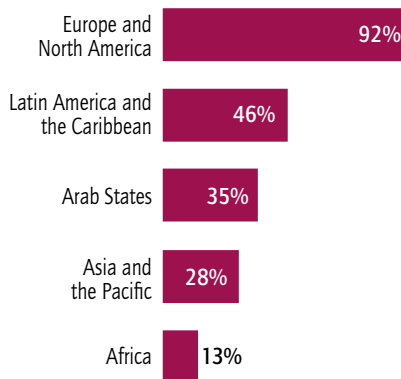
Data collection efforts focused on the availability of government-backed production funds or other types of direct financial investment in domestic film production. This is only one of a range of mechanisms that governments may adopt to support film production. The data again indicate significant differences between 93% of developed countries with regular direct expenditures in domestic film production,<sup>3</sup> compared to only 31% of developing countries (Figure 1.2). Broken down by region, the figures show a wide range – from 92% of European and North American countries with a film production fund to 28% in Asia and the Pacific, and 13% in Africa. There is also a significant gap between Parties and non-Parties to the Convention (87% and 13% respectively). As explained later, there is a direct correlation between the provision of public funds for film production and the number of domestic films produced.

Developed countries are more likely to have public film production funds at both national and subnational levels, although this may partly be due to varying degrees of decentralization. Evidence presented in Figure 1.3 shows that 23% of the developed countries make regular direct expenditure in domestic film production through both national and regional funding, again illustrating the importance of subnational governments in cultural policy, whereas this is only the case for 6% of the developing countries.

3. For the purpose of the calculations presented in this chapter, 'regular direct expenditures in domestic film production' includes three types of annual cash expenditures: i) production grants, ii) funds for production with a remit to invest in domestic films, and iii) competitions whereby the award is a cash contribution to the production budget.

Figure 1.2

### Proportion of countries that make regular direct expenditures in domestic film production, by region, 2017



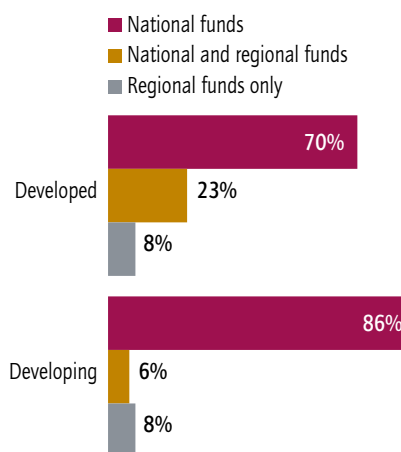
Source: Screenbase, European Film Promotion, Olffi, BOP Consulting (2017).



*There is a direct correlation between the provision of public funds for film production and the number of domestic films produced*

Figure 1.3

### Proportion of countries that make regular direct expenditures in domestic film production, by funding source, 2017



Source: Screenbase, European Film Promotion, Olffi, BOP Consulting (2017).

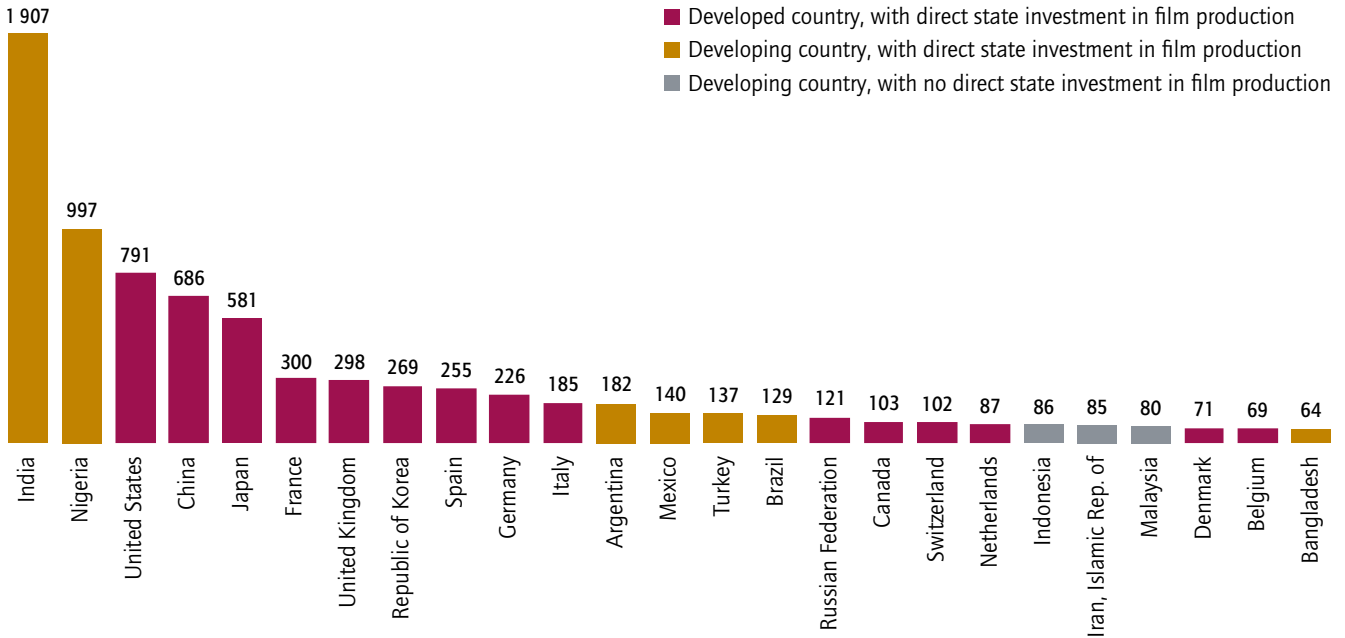
Many of the policies and measures adopted by Parties in the film sector address this stage of the film value chain, including both domestic production and international coproduction. Examples include the 'Brazil of All Screens' programme, which supports independent audiovisual production, promotes public-private partnerships, and aims to enhance innovation and international competitiveness; it also aims to increase the availability of content on cable TV and on-demand video platforms. In 2013, the Canada Media Fund and several independent media funds signed a Framework for International Digital Media Coproduction. New coproduction incentive schemes were established thereafter with partners in New Zealand and Wallonia (Belgium), which have led to five projects since 2014. Additional projects with co-producers from the United Kingdom, France, Colombia and Denmark have been funded as well. On the other hand, several countries, including Cambodia, Georgia and Mexico, have introduced tax incentive schemes for national and international film co-productions. In Cambodia, the inclusion of the film industry in the National Strategic Development Plan 2014–2018 has led to an increase in film production, with 75 projects recorded in 2014 and 2015.

The second indicator in the field of production concerns the actual number of feature films produced as a result of direct government investments, drawing on the biennial UIS Film Survey covering 121 countries<sup>4</sup> (Figure 1.4). Although three developing countries – China (686 feature films in 2015), India (1,907 in 2015 figures) and Nigeria (997 in 2011 figures) – are among the global top five feature film-producing countries, the top ten feature film-producing countries were mainly countries in the global North: United States of America (791), Japan (581), France (300), United Kingdom (298), Republic of Korea (269), Spain (255) and Germany (226).

4. While the majority of the 121-country sample relates to 2015, some countries did not participate in the 2015 UIS survey, thus the data may span from 2009 to 2015.

Figure 1.4

**Number of feature films produced, per annum, in top 25 producing countries, by existence of direct investment in film production, 2015**



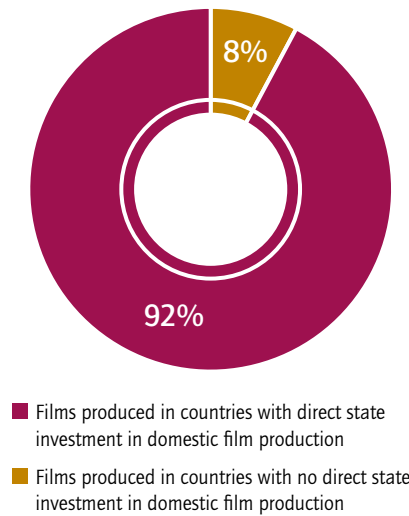
Source: UNESCO Institute for Statistics, Screenbase, European Film Promotion, Olffi, BOP Consulting (2017).

The data show that all the top film-producing countries have a public funding system investing in the domestic film sector. This is valid in countries of all sizes and is supported by qualitative evidence presented in the QPRs. For example, in Slovakia, public support via the Audiovisual Fund has contributed to a 125% increase in the number of films produced per capita (2010–2014), diversifying the genres available in the country and contributing to a more robust film sector. The country that produces the highest number of films without direct government investment, Indonesia, is ranked only 20th among the top film producing countries.

In aggregate terms, 92% (9,086) of the films identified in 2015 were produced in the 84 countries where direct state investment in domestic film production exists. No such support exists in 37 countries; these produced only 8% of the films that year (768) (Figure 1.5).

Figure 1.5

**Number of feature films produced, per annum, by existence of direct government investment in film production, 2015**



Source: UNESCO Institute for Statistics, Screenbase, European Film Promotion, Olffi, BOP Consulting (2017).

**SUPPORT FOR DISTRIBUTION**

The UIS statistics show that the worldwide production of feature films has grown by 64% since 2005, when the Convention was adopted. This increase in ‘supply’ does not necessarily mean that there will automatically be a better and larger distribution of films. Therefore, public investment in production needs to be complemented by measures to ensure the required infrastructure to distribute films, whether in traditional cinema theatres (large or small); through digital platforms; or other venues that screen films on a regular basis, whose initial purpose may not be as a ‘cinema’ but whose reach extends beyond urban centres to reach audiences in smaller cities and rural areas.



**T**he Ministry of Culture is an entity that facilitates and coordinates, respects and recognizes the cultural expressions and processes of communities, which have their own logic and dynamics. Nationality in Colombia is built on diversity. In this context, ensuring continuous communication with artists, researchers, managers and entrepreneurs in all regions has been essential for the Ministry to advance its work and achieve its mission.

*The State should provide favourable conditions for communities and artists to strengthen and increase the visibility of their cultural activities, through spaces and programmes that allow them to develop their creativity. Providing access to training opportunities in artistic fields, as well as to reading and writing, are a means to reduce inequity and social injustice.*

*On this basis, this government has given priority to the strengthening of reading and writing skills and public libraries, the social appropriation of cultural heritage, building and improving spaces for the sector, the development of cultural entrepreneurship, generating better conditions for early childhood, developing and strengthening artistic training and elaborating long-term plans in the field of performing and visual arts.*

*Culture is key to building a new country. A community that reads, knows its origins, has cultural spaces to enjoy and support artists, is a society that is proud of its cultural diversity and is equipped with more tools to build peace.*

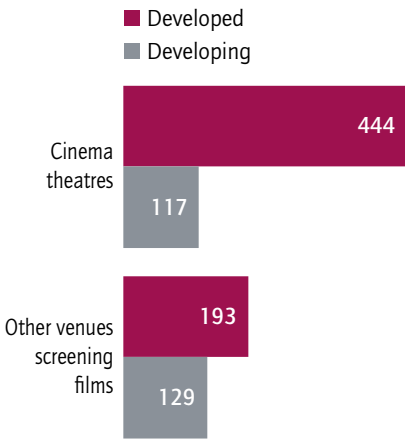
**Mariana Garcés Córdoba**

*Minister for Culture, Colombia*

As Figure 1.6 shows, a significant difference exists between developed and developing countries in the average number of cinema theatres<sup>5</sup> available (79% located in developed countries and 21% in developing countries). The gap is less marked in the case of 'other' types of venues screening films<sup>6</sup> (60% developed countries and 40% developing countries). This trend is observed in countries like Nigeria, where there is an increasing diversity in the types of cinemas and screens (Jedlowski, 2012).

**Figure 1.6**

**Average number of cinemas per country, by developed and developing countries, 2015**



Source: UNESCO Institute for Statistics (2017).

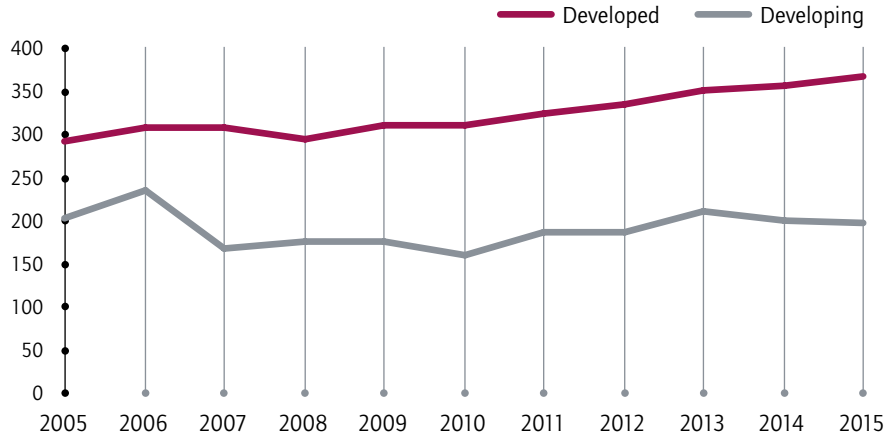
Several policy measures to support the distribution of films can be found in the Parties' QPRs and other sources. For example in 2013, the Croatian government supported the digitization of independent cinema distribution platforms, which led to the digitization of 28 cinema halls and 6 film festivals in 27 cities. This resulted in the broadening of film audiences in smaller towns that did not even have cinemas (IRMO, 2015).

5. 'Cinema theatres' refers to permanent/ fixed commercial business installations primarily engaged in the commercial projection of cinematographic audiovisual works in 35 mm and digital format using a minimum of 1.3 K resolution.

6. 'Other venues screening films' refers to other commercial installations using video projection equipment or 16 mm projection equipment or below. It also covers art cinemas, mobile unit cinemas and outdoor cinemas.

**Figure 1.7**

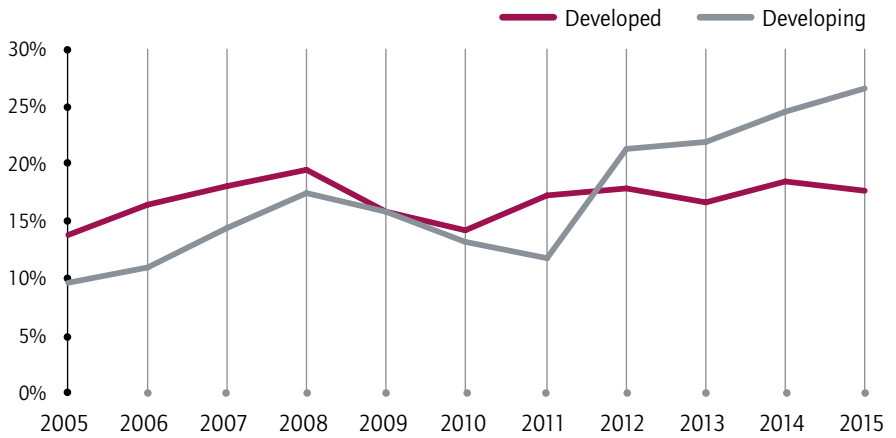
**Average number of newly released films exhibited in developed and developing countries, 2005–2015**



Source: UNESCO Institute for Statistics (2017).

**Figure 1.8**

**Average domestic share of cinema box office, by developed and developing countries, 2005–2015**



Source: UNESCO Institute for Statistics (2017).

The Lithuanian Film Centre has established a Cinema Education Resources Database, which provides schools with online access to films and accompanying educational materials, linking culture and education. Online initiatives include the *Retina Latina* VoD platform established by Bolivia, Colombia, Ecuador, Mexico, Peru and Uruguay, with support from the InterAmerican Development Bank, which provides free access to Latin American films.

Taking into account the increasingly complex landscape of film distribution channels, new indicators are needed to cover the existence of both screens and online platforms, as well as to monitor the impact of policies and support programmes in these two areas.



## ACCESS TO A DIVERSITY OF CULTURAL EXPRESSIONS

Article 2.7 of the Convention calls upon Parties to introduce policies along the value chain, including measures that provide equitable access to a rich and diversified range of cultural expressions from all over the world, and which provide cultures with access to the means of expressions and dissemination.

Here we can examine data on the 'supply' of new or local film productions to which audiences would theoretically have access. A more in-depth analysis to measure access in terms of the diversity of such content in terms of genre, for example, is more complex and has yet to be the subject of systematic data collection. Figure 1.7 shows that between 2005 and 2015, the average number of newly released films produced each year that were exhibited in developed countries increased by 19%, whereas in developing countries it remained relatively stable.

Equally important is to understand audience patterns. In the case of film, data illustrated in Figure 1.8 on the domestic share of box office demonstrates that, between 2005 and 2015, the average share of box office earnings generated through domestically-produced films grew in developed countries from 14% to 18%, and even more in developing countries (from just under 10% to over 25%). The data suggest that audiences are increasingly seeking domestic productions and that audiences, particularly in developing countries, now have greater access to locally-produced content than 10 years ago. This may be the result of newly introduced laws and support mechanisms in developing countries that did not exist earlier.

Parties are also investing in specialized distribution channels/spaces to increase access to diverse film content. For example, the Danish Film Institute's Cinematheque offers audiences access to feature films that have not yet obtained commercial distribution.

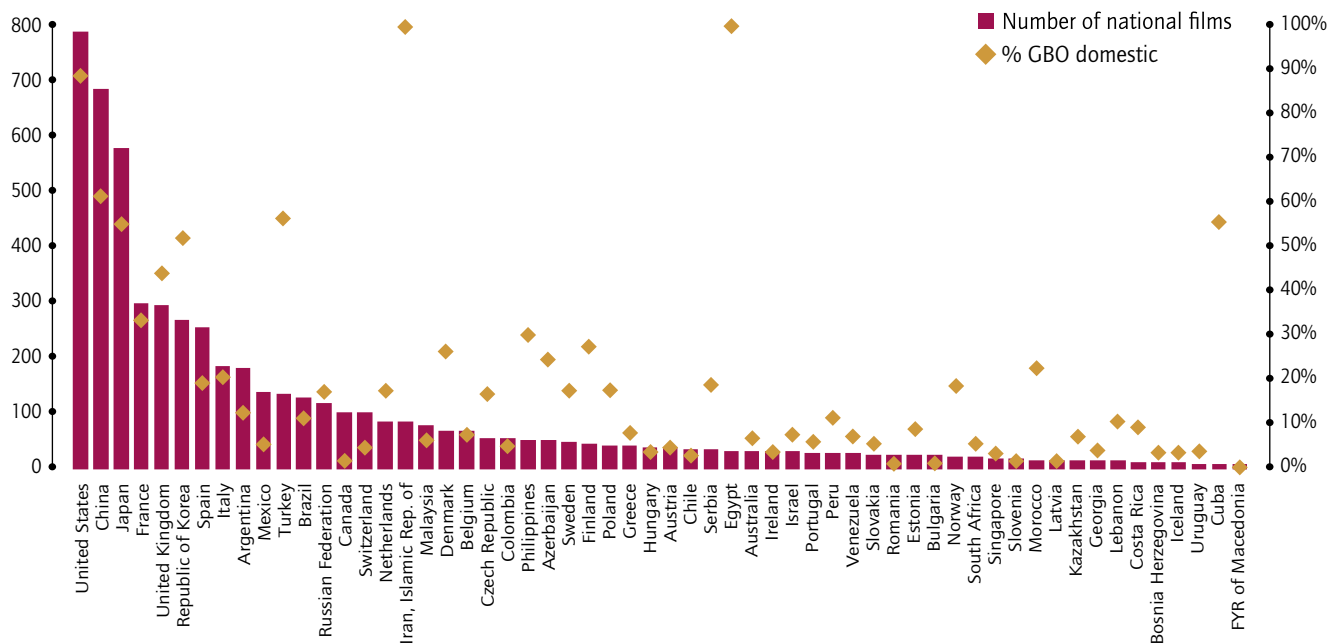
Publicly subsidized film theatres, as well as film festivals, can also provide a space for the presentation of diverse film content. For example, in Germany, the International Women's Dortmund-Cologne Film Festival gives visibility to female film-makers from the global South.

Broader participation measures facilitate access to culture, such as Italy's *Bonus Cultura* scheme, which provides a €500 voucher for 18-year-olds to spend on cultural activities, including visiting cinemas. It is clear that effective access requires a broad set of measures that address several obstacles (price, distance, language, fear, etc.) and guarantee the availability of a diverse range of cultural expressions.

Figure 1.9 presents information regarding the number of nationally-produced films and the percentage share of gross box office earnings accounted for by domestic films. The high percentage of domestic films at the box office in some countries (Islamic Republic of Iran, Egypt, Cuba) may be due to official regulations which limit the screening of foreign films in cinemas.

Figure 1.9

Number of nationally-produced films and percentage share of gross box office (GBO) earnings accounted for by domestic films, 2015



Source: UNESCO Institute for Statistics (2017).

Note: To avoid outliers, this chart does not feature India, due to the high number of films nationally produced in 2015 (1,907).

**Box 1.4 • Assessment of the impact of Colombia's film policy**

Since the adoption of Colombia's National Culture Act (Ley Nacional de Cultura) in 1997, which established the Ministry of Culture, several pieces of legislation and policy have been adopted. The 2003 Film Act established tax incentives for film production and the Film Development Fund, targeting training, production, research and national and international distribution. Thereafter, the number of feature films produced in Colombia increased from 5 (2003) to 41 (2016), and the number of admissions multiplied more than tenfold (from 351,000 to 4.79 million). This progress has resulted in an increase in the number of film production companies, in employment in the sector and in international visibility. Furthermore, the 2012 Location Colombia Act (Ley Filmación Colombia) provides tax incentives for investment in audiovisual and other services in the context of film projects located in Colombia (22 film projects have benefited). Measures have also been adopted in training, including through an annual programme that provides capacity-building in rural areas. Data from the country's Culture Satellite Account indicate that in 2013 the film and audiovisual sector was the largest cultural industry sector, accounting for 32.5% of the total value added in the cultural industries, which all together represent more than 1.7% of Colombia's GDP. Colombia's experience illustrates how informed policies and measures can impact on the development and stimulation of the creative economy and cultural participation, if they are supported by statistical research, accompanied by monitoring systems, address the interlinks between the different parts of the value chain, and involve interministerial collaboration.

Source: [www.mincultura.gov.co/en-us](http://www.mincultura.gov.co/en-us)

Elsewhere, there is a clear correlation between the countries that produce more films and those where the domestic share of the box office is higher. Further research would be required to determine whether this is a short-term effect due to individual films/authors or a long-term trend, and what the role of public policy is in this area.

Overall, the evidence presented points to a correlation between the adoption and implementation of policies and measures and results in terms of creation, production, distribution and access to diverse content. In other words, public policies backed by investments in the film industry, including nurturing new creative talents, have resulted in audiences having greater access to locally produced content than 10 years ago, particularly in developing countries. An exemplary case is found in Colombia (Box 1.4) demonstrating that, while specific measures are necessary for each stage of the value chain, attaining diversity requires integrated policies, which address all stages simultaneously and acknowledge how they relate to one another.



*While specific measures are necessary for each stage of the value chain, attaining diversity requires integrated policies, which address all stages simultaneously and acknowledge how they relate to one another*

The 2015 Global Report suggested that the indicator on the existence and effective functioning of national cultural policies for the cultural value chain should be measured on the basis of five means of verification. On the one hand, there is indeed increasing evidence of the existence of a national policy, strategic framework or action plan in most countries, although this is not always adequately funded. There is also an increasing number of national policies or sectoral policies addressing the value chain.

On the other hand, evidence of policies or strategies that have been modified or adopted to implement the Convention is more limited. Finally, evaluation reports on the impact of particular policies and measures are only occasionally to be found.

## CHALLENGES TO IMPLEMENTING THE CONVENTION

Several challenges that slow down the implementation of the Convention have been identified in the QPRs or can be inferred from other sources. Some relate to the Convention's goals, whereas others refer to the tools and internal procedures required to make its implementation effective. The following are particularly worth noting:

- The risk of policies related to the diversity of cultural expressions being superseded by agreements in trade law, in areas such as electronic commerce.
- The challenge of combining support for domestic cultural expressions while providing space to international products, which has different implications in the global North and the global South.
- Challenges generated by the digital shift and other technological changes, which require policy makers to acquire new knowledge and new skills to address, for example, the increasing cross-border flows of cultural contents.
- Mismatch between policy planning and implementation levels – policies cannot be effectively implemented owing to the lack of capacity and resources, such as limited budgets due to financial crises or the concentration of expenditure on fixed costs.
- Limited degree and quality of collaborative governance platforms, including interministerial cooperation mechanisms and multistakeholder participation in policy making.

Overcoming this deficit can lead to more integrated policy-making processes addressing the entire cultural industries value chain as a means to support sustainable and dynamic creative sectors.

## CONCLUSIONS AND RECOMMENDATIONS

With regard to the UN 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), evidence presented in this chapter, together with other ongoing initiatives in the context of the Convention, suggests that cultural policies can contribute to the attainment of several targets. Notable among them is Target 16.7 on responsive, inclusive, participatory and representative decision making, by innovating governance frameworks, through participation, partnerships, shared stewardship and the recognition of the many stakeholders contributing to the diversity of cultural expressions.

Several additional SDG targets can be reinforced through cultural policies aligned with the principles of the Convention. These include:

- Target 4.4. on the increase of young people and adults who have relevant skills for employment, decent jobs and entrepreneurship, by developing creative industry strategies and policies, and training and business development programmes in this area;
- Target 4.7 on educational programmes fostering appreciation of cultural diversity, by promoting collaboration between ministries in charge of education and culture and strengthening the inclusion of cultural content in educational programmes;
- Target 8.3 on development-oriented policies supporting creativity, by fostering an appreciation of creativity and developing policies supporting the creative industries and their synergies with other areas of the economy, at both national and international cooperation level;
- Target 17.19 on the development of measurements of progress on sustainable development that complement GDP, and support statistical capacity building in developing countries.



*Permanent and holistic collaborative frameworks for the governance of culture that involve multiple government ministries, multiple levels of government and multiple non-governmental stakeholder groups should become customary*

However, the lack of more explicit references to culture in the 2030 Agenda can be a hindrance: when international agencies and donors must concentrate on the achievement of internationally-agreed goals, there is bound to be less scope for cultural policies and projects unless clear evidence is provided of their links with the SDGs. In this respect, improving the availability of evaluation data, awareness raising and advocacy, enhancing the visibility of good practices, and building partnerships with regional organizations, development agencies, national and local governments, and civil society organizations and networks, will all be essential (see Chapter 8).

The one overarching recommendation that emerges from the analysis presented in this chapter is that permanent and holistic collaborative frameworks for the governance of culture that involve multiple government ministries, multiple levels of government and multiple non-governmental stakeholder groups should become customary.

Several specific recommendations can be made:

- In the field of interministerial collaboration, progress is still needed. To achieve this, the technical and financial capacities of government departments in charge of cultural policy should be strengthened, enabling them to identify potential synergies with other ministries and public bodies.
- With regard to multilevel governance, the fundamental role of local and regional governments should be recognized more explicitly, through appropriate decentralization of competences and resources, a clear demarcation of responsibilities and adequate negotiation and coordination mechanisms.
- Strategies and policies must integrate the entire cultural value chain. National and international awareness-raising in domains of key relevance to the Convention should be intensified.
- Parties should pay particular attention to improving data availability, through cultural information systems and serious evaluation. These efforts should be reinforced through UNESCO's capacity-building programme.
- Parties to the Convention should be especially careful to include cultural aspects in national strategies, in order to implement the 2030 Sustainable Development Agenda.



# *Enlarging choices: cultural content and public service media*

Christine M. Merkel

### KEY FINDINGS

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- »» *Policies to support a diversity of high-quality media content remain highly relevant to the objectives of the Convention, as watching television and listening to radio remain central forms of cultural activity for most people around the world.*

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- »» *There have been many substantial improvements in the legislative base for media freedom and diversity, as governments update their public service media goals and systems.*

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- »» *Creativity and diversity in both the public service and private media are being enhanced through quota regulations, currently applied by 90 countries around the world.*

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- »» *New policy frameworks adapted to the digital context are beginning to respond to the challenges of horizontal and vertical media convergence.*

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- »» *Forward-looking public service media policy models that would serve the needs of all individuals and groups and respond to changes in public thinking, as well as processes of convergence, have yet to be implemented.*

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**IN THE ERA OF**

**Media convergence**



**Media stacking**



**Media meshing**



**MEDIA FREEDOM AND DIVERSITY REQUIRES  
POLICIES TO STRENGTHEN DOMESTIC PRODUCTION  
AND ACHIEVE BALANCE BETWEEN**



local  
content

**and**

regional and  
international  
content



**THAT IS WHY QUOTA REGULATIONS HAVE BEEN PUT IN PLACE IN 90 COUNTRIES**



On average

**25.8%**

of annual  
broadcasting time  
on free-to-air public  
television is domestic



**54**

countries have  
binding quotas  
on national  
content

**FREEDOM OF INFORMATION LAWS MUST ALSO BE UPHELD**

In 2016, there were



**115**

Freedom of information  
laws in place worldwide



However, the state  
of media freedom  
worsened in

**66%**

of countries

**AS DOES GENDER EQUALITY**



Only

**19%**

of countries have developed specific  
gender awareness programmes for  
publicly-owned media organizations

**FOR PUBLIC SERVICE MEDIA TO FULLY ENABLE DIVERSE CULTURAL EXPRESSIONS,  
EFFORTS ARE NEEDED TO:**



Support quality content  
creation



Develop co-production  
schemes



Intensify capacity  
building and technical  
assistance



Encourage financial  
incentives and easier  
licensing

## CORE INDICATORS

Legislative base supports media freedom and diversity

Goals of public service media are legally defined and guaranteed

Public service media policies and measures serve the needs of all groups in society

### INTRODUCTION

Recent evidence from Morocco indicates that 79.2% of the country's population consider watching television and/or listening to radio to be their principal and often sole cultural activity and practice (*États Généraux de la Culture II*, 2016). This information was gathered by clusters of local NGOs, who mapped citizens' cultural needs and practices through interviews conducted across the country. These efforts were part of a knowledge exchange project initiated by the NGO *Racines* as part of its *Arts.Map. Morocco* interactive website, created with the support of UNESCO's International Fund for Cultural Diversity.

If watching television and listening to radio are indeed such widespread cultural activities – or even the principal ones – whether it is for lack of alternatives or for other reasons, then media diversity is indispensable. It is indispensable not only to inform people about diverse cultural expressions but as one of the principal avenues for the enlargement of their cultural choices and to ensure their human right to cultural participation. In this sense, media diversity and the diversity of cultural expressions are interdependent: attaining high-quality cultural media content should be considered a core policy requirement if the 2005 Convention is to be effectively implemented.

In fact, the impressive expansion of audiovisual (AV) media that has occurred in recent years and continues to grow across the world is itself beginning to contribute significantly to meeting this goal.

Also required are an expansion of the civil society base of professional actors

working together with Parties to the Convention and more energetic and proactive outreach to international media professionals, public broadcasting initiatives and gender monitoring alliances.

This chapter will therefore explore two issues:

- Current trends in public service media (PSM) use in the broadband age that are relevant to policies for the protection and promotion of the diversity of cultural expressions;
- The policy options and responses that can promote the production and availability of (local) quality cultural content in PSM.

The variety of possible measures will be re-examined with a special emphasis on content quotas and their current horizons in the digital context. Building on the Convention's monitoring and indicator framework developed in the 2015 Global Report, the chapter will summarize the media diversity and PSM policy initiatives and measures reported by Parties in the 2016/2017 quadrennial periodic reporting cycle. These relate to the legislative base for supporting media freedom (indicator 2.1.) and to the formulation of PSM remit and goals (indicator 2.2.), as well as to PSM policies and measures to serve the needs of all groups in society (indicator 2.3.). Information from UNESCO's Culture and Development Indicator Suite (CDIS) pilot project (2011–2015) will also be deployed. Implementing the 2005 Convention contributes substantially to the 2030 UN Agenda for Sustainable Development, which has been subscribed to by all 145 Parties to the Convention.



*If watching television and listening to radio are indeed such widespread cultural activities, then media diversity is indispensable*

Further detail will also be given on specific targets directly related to the PSM and media diversity dimension of the governance of culture.

Integrated national policies are needed for PSM to fully enable diverse cultural expressions to flourish over the long term and for citizens of all ages to enjoy a greater choice of cultural content, whatever the technological means used. A comprehensive map of the media ecology for cultural diversity needs to be constructed as an integral dimension of the search for sustainable systems of governance for culture. The chapter will therefore put forward recommendations to this end.

### WATCHING TELEVISION – A 'HISTORIC' CULTURAL PRACTICE RE-EXAMINED

Prompted by the 2016 grassroots enquiry in Morocco regarding access to and enjoyment of cultural content through television and radio, this contextual variable was examined in order to grasp how important television and radio remain in the era of vertical and horizontal media convergence. Policies and measures by Parties for enhancing media diversity, for promoting the development of the domestic and independent AV industry,

and for harnessing the important role of PSM for the flourishing of local cultural expressions and creative products, need to be informed by these trends in people’s cultural practices. Also, without the audience access dimension, policy monitoring of the diversity of cultural expressions along the entire value chain would be incomplete.

The Global Web Index provides useful survey data of AV/digital consumption habits in the wider sense. The survey, which covers 34 countries that are almost equally split between developed and developing countries, helps build an understanding of how watching television remains a central cultural activity in the lives of most people around the world. In addition, the data show some interesting trends and differences between cultural habits in the global North and the global South. The number of countries surveyed, however, is insufficient to provide a more nuanced regional analysis and to yield more detailed profiles regarding the types of content watched.

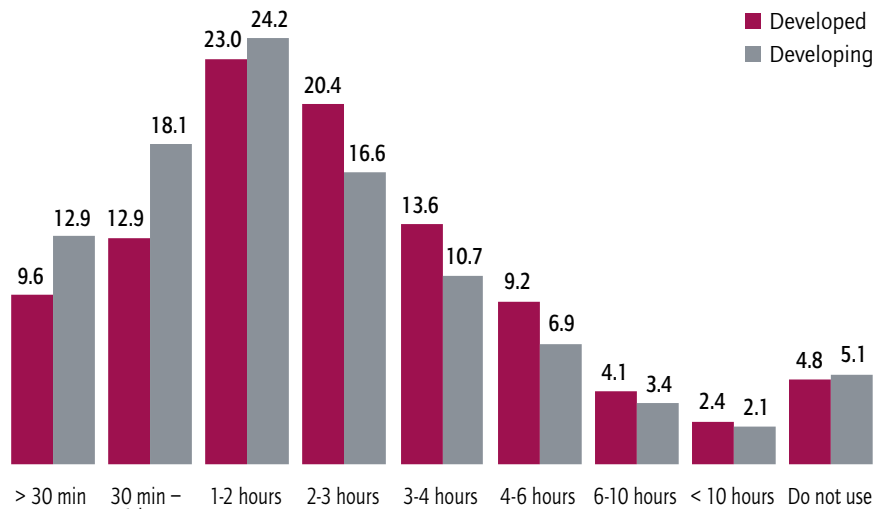
The first and surprisingly clear result is that watching TV, and – while not specified, but very probably connected – listening to radio, are the two leading forms of cultural consumption across the world. Contrary to the prevailing perception that most AV users have migrated or are in the process of migrating to digital, traditional television broadcasting is still the preferred vehicle for consumption. Far more people watch AV and also, where available, internet content, on a television set, and for longer than they do online. And this despite the fact that media convergence has become such a prevalent feature of our daily lives. These data resonate with two of the key observations of the 2015 Global Report. Firstly, that professional media institutions and professional media remain the main agenda-setters for public communication in most regions. Secondly, that radio remains a very important channel for transmitting diverse – including cultural – content with considerable reach, in particular when this is amplified by social media.

Hence, content is king, regardless of the transmission channels used. These trends and findings need to be cross-examined and reconsidered when designing policy options for PSM and media diversity, especially in countries where such policies do not yet exist. High levels of sustained investment in original (local) content remain a key policy priority for Parties in this converging media environment.

*Professional media institutions and professional media remain the main agenda-setters for public communication in most regions*

**Figure 2.1**

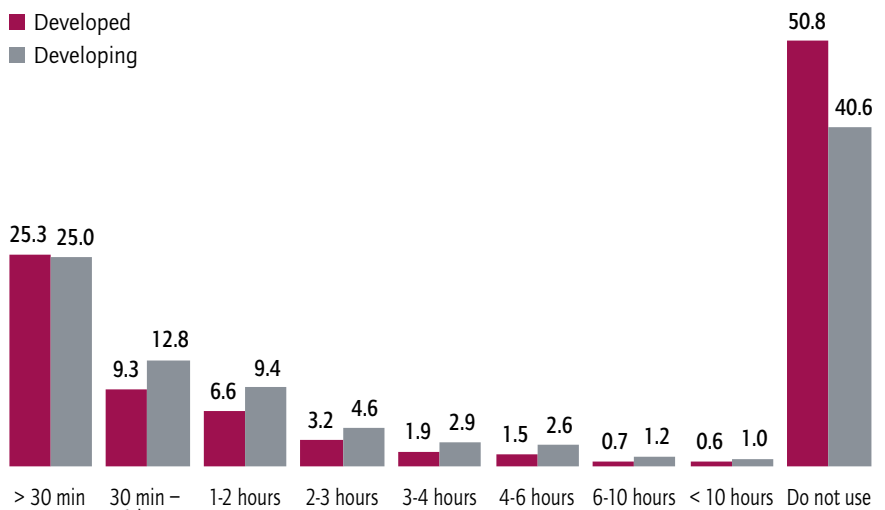
**Hours spent watching television per day/person, 2014–2016**



Source: Global Web Index (2014–2016).

**Figure 2.2**

**Hours spent watching online forms of television per day/person, 2014–2016**



Source: Global Web Index (2014–2016).



## CHANGING VIEWING HABITS

As viewing possibilities extend from television sets to AV media services provided via computers, tablets and other mobile devices (compare with 2015 Global Report, Figures 2.3 and 2.2), the combination of the use of first and second screens need to be explored more deeply. France's 2016 Quadrennial Periodic report (QPR) offers interesting data in this respect. On average, people watch television for 3.41 hours per day, and listen to radio for 2.55 hours; 51% of this time is spent when not at home, for example during a car ride, or at work, with the exception of weekends, where 63.1% of AV use is spent at home, and 70% of all internet users have recourse to time-lagged consumption. Obviously, this new flexibility in use allows for more – and potentially also more diverse – content to be seen: France reports 4.68 billion units of content seen in this time-lagged mode between September 2014 and August 2015, which represents an increase of 50% compared to the previous year. Determining which policies and regulations govern such practices, including the length of time publicly-funded content remains available online (days? weeks? months?), is clearly very important. Indeed, internet intermediaries and content producers tend to challenge PSM on these grounds. Also relevant here are regulations that oblige navigation aid providers to make this content available.

The Global Web Index survey also indicates marked differences in AV audience habits in developing countries: users in the global South are much more likely to combine media (where available) than their peers in the global North. Obviously, media 'stacking' and 'meshing' are equally popular. Media 'meshers' use multiple devices simultaneously, for example, by communicating on a smartphone about TV content being viewed with friends as well as by checking additional information about the content being watched. Media 'stackers', in contrast, conduct unrelated tasks such as checking e-mails or searching for products to buy while consuming media content.

This is interesting information for content producers and innovators from all regions of the world. The reasons for which AV use habits are so different in the global South would need to be researched further. Gathering meaningful data from a larger set of countries would allow for a more nuanced understanding of all categories of cultural content consumption, as well as of content origins, be it domestic, regional or international. As can be seen below, integrated policies and measures ideally combine to successfully support independent local AV production while also ensuring the availability of diverse AV content from several regions or continents (see Articles 6 and 7 of the Convention). Support for creativity and the diversity of cultural expressions in PSM must be supported by public policies that encourage new voices, new ideas and new approaches in a fully convergent media ecosystem, even if 'classic' patterns of media use seem to prevail for the time being. The next generation of policy designers might want to test the possible effects of media meshing and media stacking so as to achieve those aims.



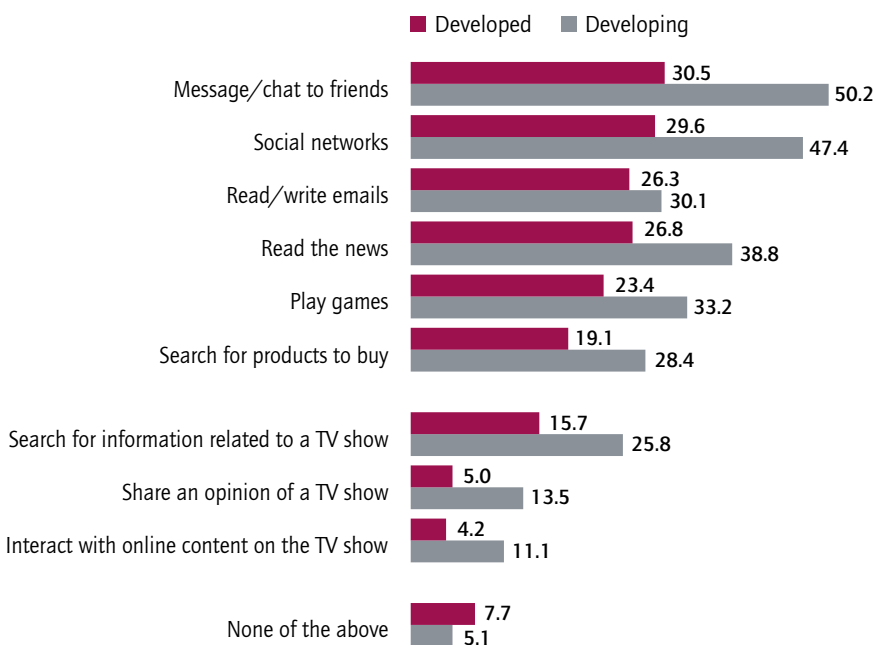
*High levels of sustained investment in original (local) content remain a key policy priority for Parties in this converging media environment*

### POLICIES MATTER: DIVERSITY OF CONTENT IN PUBLIC SERVICE BROADCASTING

High levels of sustained investment in original local and independently produced cultural content ought to be a key policy priority for Parties, in view of the Convention's opening affirmation that 'freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies'. To achieve this, a variety of quota regulations have been put in place by 90 countries, of which 70 are Parties to the Convention. Some of these regulations are being adjusted to the digital context.

Figure 2.3

### Media stacking and media meshing, 2014–2016



Source: Global Web Index (2014–2016).

In addition to the trends and policy measures shared through periodic reporting, the UNESCO-CDIS data digest of the domestic TV fiction programmes in 11<sup>1</sup> middle-income developing countries makes it possible to assess the extent to which positive interaction between the culture and communication sectors is promoted so as to 'offer a diversity of content in public broadcasting systems, which favours choice-based cultural participation as well as access to distributed products from different origins, and in particular local productions and content' (UNESCO, 2014b).

The ratio of annual broadcasting time for domestic television fiction programmes, out of the total annual broadcasting time for television fiction programmes on public free-to-air national television channels, was used as an indicator. For the 11 countries sampled by UNESCO-CDIS (2011–2014), the average is 25.8%. This is a good starting point. In addition to fiction programmes, music and production, documentaries and cartoons can be considered too.

A more detailed review of the UNESCO-CDIS digest figures is of interest here: for example, in Burkina Faso, in 2013, 27.3% of broadcasted fiction was domestic, while 12.7% of all fiction content was produced in other African countries such as Benin, Cameroon, Côte d'Ivoire and South Africa. The remaining 60% of fiction programmes were from foreign countries, the largest percentages coming from Brazil, Mexico, the United Kingdom and the United States of America. Burkina Faso has further enhanced its policy support for endogenous music production by introducing a 40% quota for private commercial radio services, while there is a 60% quota for non-profit media services.

1. The countries concerned are Burkina Faso, Cambodia, Colombia, Ecuador, Ghana, Montenegro, Namibia, Peru, Swaziland, Uruguay and Viet Nam. In order to assess the multidimensional role of culture in development, CDIS offers indicators in seven dimensions: economy, education, governance, social participation, gender equality, communication and heritage.

Cambodia's UNESCO-CDIS result is consistent with the overall average of 25.8% of domestic content. This rises to 31% when Khmer musical productions made for television are included. Foreign fiction content accounted for 70–75% of all broadcasting time for fiction, dominated by Chinese serials and films, with some Korean and Japanese content, as well as foreign-produced children's serials. This may be partly due to the lack of regulatory frameworks for the TV sector, scarce opportunities to study film and image-making professions and very marginal levels of formal employment. Accordingly, the 2014–2018 National Strategic Development Plan suggests combined policy measures to remedy the situation, including a quota of two hours of prime time on national television networks reserved for locally produced Khmer films.

The 3.4% of domestic content reported for Viet Nam's internal audience in 2013 suggests the combination of a healthy local production economy with a structured approach to controlled content. Viet Nam reports new measures to provide quality radio and TV and expand media systems for disadvantaged rural, mountain and island areas (Viet Nam QPR, 2016).

In Colombia, the public educational and cultural broadcaster *Señal* dedicates 80% of all broadcasting time to fiction, 33.5% of which is Colombian content, giving the country an above-average rating within the UNESCO-CDIS pilot group. Policy-wise, the government extends support to independent local cultural and AV industries not only through public television, but also through quota regulations for private free-to-air channels, including the broadcasting of national productions. As a result, in 2011, 59% of all new fiction releases on private free-to-air channels were of Colombian origin. This type of content accounted for eight of the ten most viewed prime-time programmes in 2013. These policy decisions have been reinforced by a national stimulus programme to promote cultural content for the ten public media channels. Five regional production centres have been set up, combined with funding schemes fostering AV coproductions, a

new digital circulation platform called 'the borders count', a community radio initiative for peace and coexistence, as well as coproduction agreements with Canada and Japan. Contrasting examples include Ecuador, where in 2011, 94% of broadcasting time was dedicated to foreign fiction programmes, Peru with 75% in 2013 and Uruguay with 82% in 2011. Among the UNESCO-CDIS pilot countries, Uruguay was the only one with 14.8% co-productions among the total broadcasting time of domestic fiction films, no doubt because of the limited size of its domestic market. In December 2014, a new media law was adopted in order to regulate radio, television and other AV communication services. The Media Law is thought to be a model for the whole region, given its multistakeholder drafting and consultation process and its human rights framework. Although the law envisages a quota for domestic AV content programming, it has been applied only partially so far, as some private Uruguayan and multinational companies have challenged certain articles. As of August 2017, the matter is still pending before the Supreme Court.



*Policy prototypes are of particular interest, as their purpose is to attain a good balance between enabling the production of local and independent content and making diverse content from elsewhere available*

Policies in almost all of these countries aim to initially develop and strengthen the domestic production base, mostly using quotas, sometimes combined with professional capacity-building measures, making licensing easier and by offering financial incentives. It is remarkable, however, that the co-production rate of fiction content is zero in almost all of the middle-income countries from the global South that were reviewed.

This lacuna is beginning to be addressed, as can be seen from the 2016/2017 QPRs submitted by Cambodia, Colombia and Uruguay, as well as through the IBERMEDIA co-production support available since 2015. An interesting case is reported by the Swaziland Television Authority: in 2013, 32.4% of broadcasting time is dedicated to domestic fiction. Diverse foreign programmes are promoted on Swazi television, coming from no fewer than four continents, while no single country dominated more than a third of this air time. For the future implementation of the Convention, these policy prototypes are of particular interest, as their purpose is to attain a good balance between enabling the production of local and independent content and making diverse content from elsewhere available.

## THE UNDERPINNING RATIONALE

UNESCO's work in this field over the last decades has led to the understanding that public service broadcasting (PSB) is made, financed and controlled by the public and for the public; that it is neither commercial nor state-owned, hence free from both political interference and pressure from commercial forces; that it informs, educates, entertains citizens and serves as a cornerstone of democracy and cultural diversity, when its promotion is based upon pluralism and editorial independence, with adequate funding and made both accountable and transparent. In essence, PSB is expected to deliver public values to viewers and listeners. Yet, the importance of PSB is far from self-evident. It took several decades to find its place alongside both commercial and state-controlled media. While the best known example is the British Broadcasting Corporation (BBC) in the United Kingdom, PSB systems have been introduced in specific historic constellations, for example in Germany and Japan after the Second World War, in post-1989 Central and Eastern Europe, during the post-apartheid period in South Africa from 1994 onwards, as well as most recently in Colombia as part of a national strategy to overcome large-scale internal violence through a negotiated peace settlement, where public television and community radio are seen as building blocks for peace.



*Radio and TV are now moving from passive, top-down broadcasting to effective inter-activity delivered through PSM*

Over the last decade, these media systems have been moving from simply broadcasting into the interactive world of broadcasting-led PSM, to embracing the new opportunities offered by the digital switchover. Where broadcasting used to be about transmission outwards, radio and TV are now moving from passive, top-down broadcasting to effective interactivity delivered through PSM. The audience is now increasingly a user, a player and a publisher (Smith, 2012). Three types of regulatory PSM systems

exist: the mixed public/private system (e.g. Germany, South Africa, Republic of Korea, Spain, United Kingdom); sharing among several not-for-profit organizations (Mexico, Netherlands) and the placing of all delivery requirements in a single non-private sector organization (e.g. Bangladesh, Namibia, United States of America).

The current trend towards PSM as well as the migration towards digital have put the 'why' and 'how' of PSM at the top of the agenda. According to UNESCO data, almost half of the world's population has hitherto had no or only limited direct experience with PSM systems (UNESCO, 2017a). This is why the recent Nordicom research on prototypes of PSM initiatives in the global South is an important signpost (Box 2.1).

### Box 2.1 • *Public service media initiatives in the global South*

*What transformational PSM initiatives can be identified in countries, in particular in the global South, with limited or no tradition of public service broadcasting? How to further assess their policy potential, their prospects and limits? A Nordicom connected global network at Tampere University, with a focus on PSM initiatives in the global South, is searching for alternative avenues that can facilitate building PSM in broadcasting and online.*

*This network connects scholars and emerging researchers with media professionals. If PSM were to make sense on a global scale, for all parties to the 2005 Convention, and for all UNESCO Member States, it is of no use to aspire to 'BBC' excellence or to similar Scandinavian PSMs. The starting point should rather be the other way around: 'Start with yourself', map available pathways for media ecosystems from within global South countries and societies.*

*Five of the six case studies presented by Rahman and Lowe (2016) examine the PSM of Parties to the Convention who presented their QPRs in 2016/2017. In many parts of the global South, especially in South Asia and Southern Africa, the colonial public media became state-administered after independence. For Morocco, the case study argues that the regulatory body (HACA) enabled an apparent transformation of the state-owned broadcaster. While there is room for a more genuine public media initiative, Mexico is designing a viable PSM system in an aspiring cultural environment. The comparison of PSM practices in Malaysia and neighbouring Indonesia concludes that newsroom decision-making would gain from the establishment of regulatory bodies setting rules and enforcing legislation. Last but not least, the political, regulatory and technological implications of the digitization of PSB in South Africa poses great challenges. There is reason to be hopeful about the South African Broadcasting Corporation's role, given its core strengths in popular programming content, producing locally and delivering to a multitude of linguistic and ethnic audiences, while defending its editorial independence.*

Source: Rahman and Lowe (2016)

The Nordicom research results presented in Box 2.1 reveal growing efforts to develop PSM provisions in Asia, Africa and Latin America, and identify seven key lessons:

- Public service and state-administered broadcasters are remarkably resilient;
- Political interference is the biggest obstacle;
- Existing PSMs are in a poor financial state and the new initiatives seem better off when self-funded;
- PSB and PSM policy reforms are needed, as are related political and structured reforms;
- The impact of the digital switchover on PSM varies but generally threatens its universal access characteristics, especially in low-income countries;
- State-administered broadcasters are not lost causes; and
- Non-governmental and community initiatives – often web-based – are the future of PSM in supporting democratic development in the global South, while state-administered and public broadcasters alike seem able to support domestic cultural life and interests. In light of these changes in the media ecology, the notion of PSM will need to be redefined.

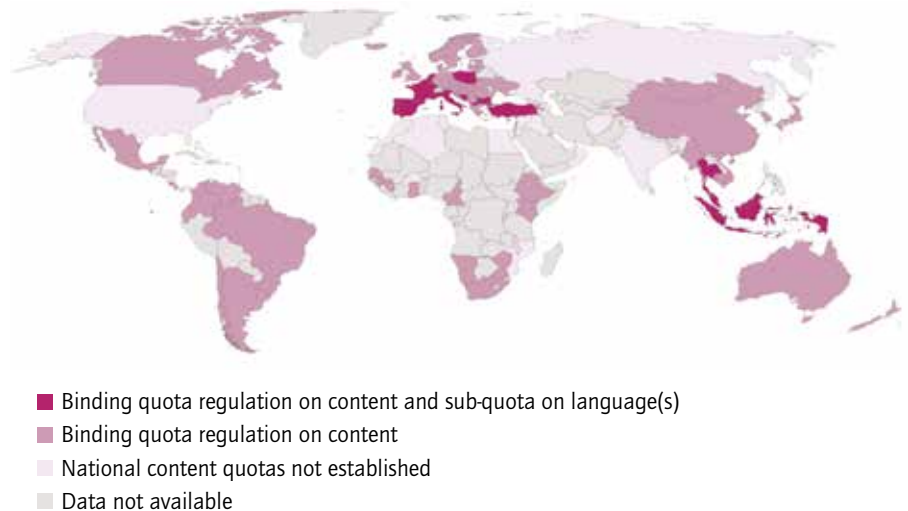
## POLICY RESPONSES – QUOTAS REVISITED

Local content and independent domestic production quotas for non-linear radio and television media services are currently being applied in many countries around the world.

On the whole, these prescriptive *quid pro quo* measures apply to public and private broadcasters alike, with PSM in general having to meet more and higher demands regarding the percentages and specificities of locally-produced material, including from independent producers. In some cases, quota provisions relate to broadcasting specific cultural content during prime time. These provisions might become rapidly obsolete in countries where ample on-demand and time-lagged television viewing will become

Figure 2.4

### Countries with binding and non-binding quota regulations on content and language use, 2017



Source: BOP Consulting (2017).

available (see Canada and France QPRs, 2016). Several countries apply additional subquotas on languages used.<sup>2</sup>

This emphasis on language is a general trend, as also pointed out in the 2015 Global Report. Measures taken by Parties range from financial and tax incentives (e.g. reduced Value Added Tax (VAT) rates for cultural goods and services), to specifying minimum or maximum language quotas for national productions, to investment obligations for producers, including public broadcasts in a specific language (national/linguistic-ethnic minority), mandatory dubbing or subtitling of international productions as well as reaching out to diaspora groups and speakers.

By and large, these schemes were designed to value the dual nature of cultural expressions, serving both public cultural and economic purposes. They were put into place during the age of terrestrial broadcasting when national policy makers were in a position to control the availability of content.

2. Belgium, Bosnia Herzegovina, Bulgaria, France, Indonesia, Italy, Macedonia, Malaysia, Netherlands, Poland, Portugal, Spain, Thailand and Turkey. Source: BOP Consulting (2017).

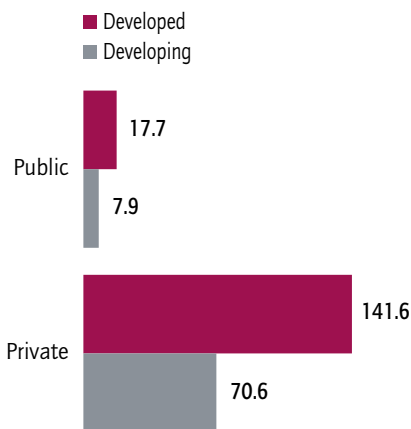
In the era of satellite and broadband telecommunications as well as web-based media services, revisiting these policies has become a matter of urgency. Also, as regards the gender dimension of media diversity, it is still true that society cannot get the full story with only half of the world's voices. The Global Media Monitoring Project is the longest-running longitudinal and global study of gender and news media. It provides a snapshot of how women and men feature in, make and report the news on one day every five years.

It shows that despite women's considerable advancement over the two past decades in the real world, as government leaders, senior figures in commerce and in the law, female appearances in television, radio and print rose by a mere 7% between 1995 (17%) and 2015 (24%). Policy provisions are required to level this part of the playing field, too (Box 2.2).

The size and the diversity of the media ecosystems concerned by those policies vary: the average number of channels differs substantially between the global North and the global South, with a ratio of approximately 2:1.

Figure 2.5

Average number of channels, 2016



Source: MAVISE (2016).

The quota measures used by UNESCO Member States and by Parties to the Convention alike seek to ensure that mass broadcast media devote substantial airtime to domestic content.

Larger media systems will require more complex and comprehensive monitoring of compliance with these criteria, as a larger number of channels does not automatically imply more diverse content from within the country or from elsewhere. The Western dominance of content is diminishing due to the rise of large national and regional players over the last decade. CDIS data show that middle-income countries buy content from the United States of America, the United Kingdom, Brazil, China, Japan, Mexico and South Africa. UIS data on feature film production – though not identical with AV offers in PSM – have shown constantly over the last decade that the largest producers have become India, Nigeria and the United States of America.

In countries with an advanced cultural governance system, there exists political will to offer citizens uncensored choices in cultural content and a mix of local and international productions.

The quantum leap in access to media outlets and multiplatforms over the last decade does not imply that the available content is necessarily freer or more diverse. The profit goals of the content industry – including the development of original programming on some of the platforms – and the aim of maximizing cultural benefit for the public at large do not converge. However, as can be seen from a nuanced study of the 48 member States of the Council of Europe, more channels contribute to greater linguistic diversity, as citizens can choose among programmes from a broader range of languages.



*Very few Parties to the Convention have innovative policy provisions in place to promote locally produced content, while ensuring the availability of content from elsewhere*

Box 2.2 • Listen to women for a change

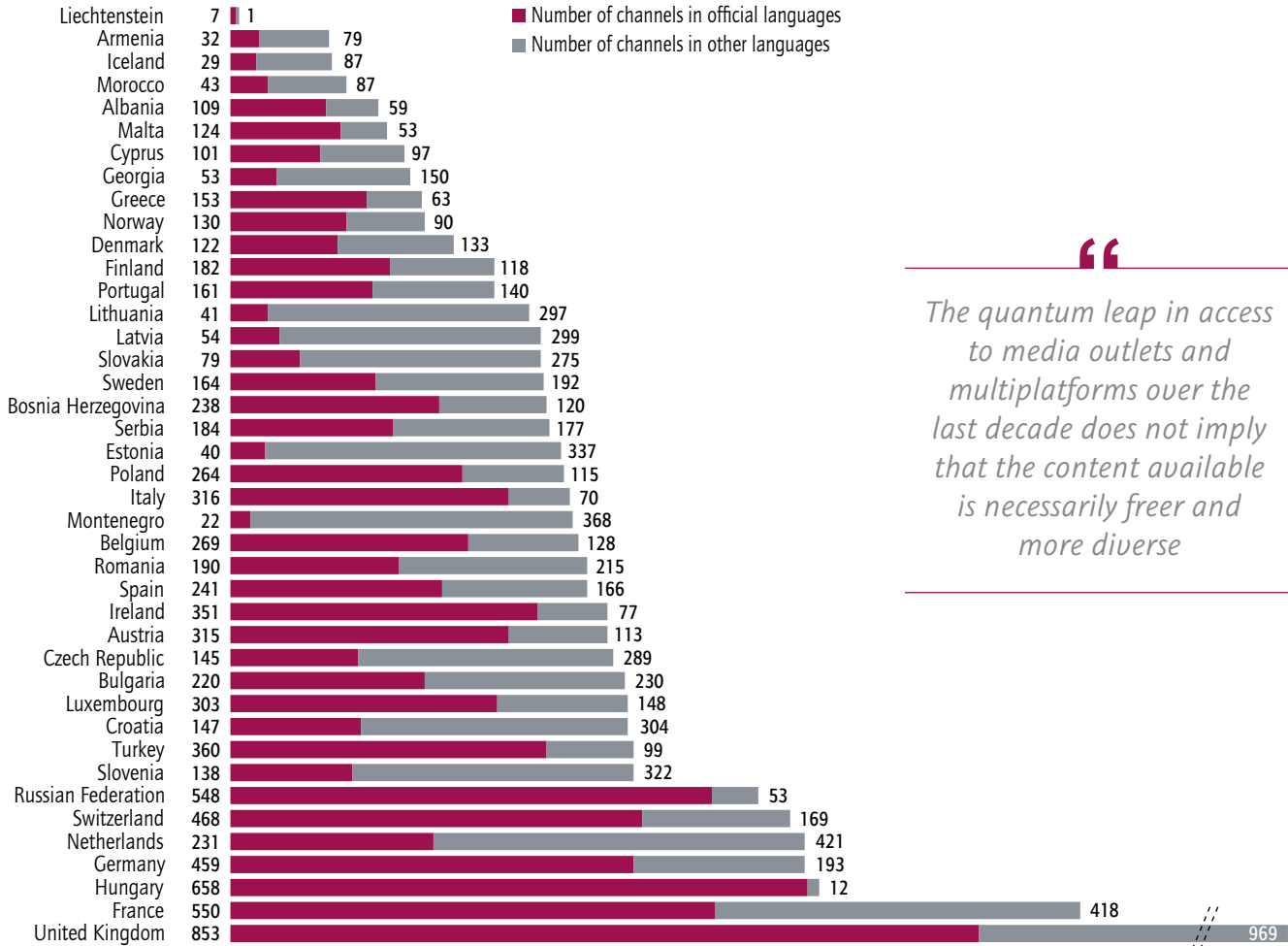
The Global Alliance on Media and Gender (GAMAG) is a pioneering multistakeholder network of over 800 media organizations, created in 2014 and revitalized in 2017. GAMAG works to promote a balanced and non-stereotypical portrayal of women in the media and to increase the participation and access of women to expression and decision-making in and through the media and new technologies of communication – two strategic objectives of the 1995 Beijing Platform for Action. In 2015, women made up only 24% of the persons heard, read or seen in newspaper, television and radio news, exactly as they did in 2010, according to the Global Media Monitoring project. As the media play a powerful role, the Global Alliance lobbies to ensure that media shape a new narrative of dignity and equality for women and girls. The 2015 UNESCO Global Survey on Gender and Media notes that only 14% of governments have budgets to promote gender equality in media staffing and 29% of governments in media content. Of the surveyed countries, 19% say publicly owned media have developed specific gender awareness programmes. According to the Broadband Commission (November 2016), there were 3.5 billion internet users worldwide, most of them from China. India came second, followed by the United States of America. More than half of the world's population – some 3.9 billion people – were still offline at the end of 2016, and more than 50% of which lived in Bangladesh, China, Indonesia, Nigeria or Pakistan, often in rural zones, and among them many women and girls. Targeted measures in those countries could make a big difference. In 2013, the Broadband Commission already estimated that there are currently 200 million fewer women online than men, expecting that this gap could grow further within the next years. In 2018, the focus of the Commission on the Status of Women is on participation in and access to the media.

Source: [www.broadbandcommission.org/Documents/reports/bb-annualreport2016.pdf](http://www.broadbandcommission.org/Documents/reports/bb-annualreport2016.pdf)

Very few Parties to the Convention, however, have innovative policy provisions in place to promote locally produced content, while ensuring the availability of content from elsewhere, as stipulated by Article 7 of the Convention and the related Operational Guidelines. In this context, the dissemination of cultural expressions via the media, especially by television, radio and digital, play an important role at a time when the boundaries of markets and nations are increasingly blurred. Public policies everywhere are in transition, as territoriality continues to be relevant, and while methods for the protection and promotion of cultural expressions in a multichannel media environment, whatever the means and technologies used, are in the process of being invented.

Figure 2.6

Channels by language, 2016



Source: MAVISE (2016).

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The quantum leap in access  
to media outlets and  
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that the content available  
is necessarily freer and  
more diverse

QUOTAS IN THE ERA OF  
CONVERGENCE – QUO VADIS?

A highly instructive study on domestic content policies in the broadband age compares Australia, Canada, Ireland and Republic of Korea (Park et al., 2015) in terms of their domestic programming trends, their policy responses and how changes in the digital environment are addressed. The four countries, all Parties to the Convention and with relatively small national markets, have domestic quota regulations as well as policies to favour domestic content production. The Republic of Korea has the highest level of domestic programming, with an average of 90% across all platforms, including a strong specialization in drama production,

thus exceeding the quota requirements. There has been heavy investment in TV programmes, which are also linguistically shielded from larger anglophone markets. In the current convergence and trade environment, policies are shifting towards the protection of content industries for supplying both domestic platforms and for export to other Asian countries, for example, Japan.

In Australia, with more than a 50% quota for domestic content, both public and commercial broadcasters meet the overall content quota without difficulty. It is their compliance with some genre-specific quotas, such as the domestic first-release drama, that appears to be more burdensome.

Canadian households, since 2013, have been rapidly shifting content consumption from on-air television to speciality channels, the internet and wireless. Audiences strongly prefer Canadian news and sports content, the weakest link in domestic content being drama and comedy. Recent rapid uptake of over-the-top (OTT) services by Canadian audiences has prompted a variety of responses from Canadian broadcasters. For example, the Canadian Broadcasting Corporation (CBC)/Radio Canada’s 2020 strategy beyond traditional broadcasting, ‘A Space for Us All’, was launched in June 2014 (Canada QPR, 2016). Novel and reinforced investments in distinctive original content for all AV media platforms through the Canadian Media Fund (since 2010)

support the creation of innovative, convergent television and digital media content as well as interactive applications.

Ireland's national media system is anchored by RTÉ, the public service broadcaster, which accounts for 70% of the terrestrial broadcasting audience share, with 51% of content originating from outside Ireland (the United Kingdom's broadcast channels alone accounted for 25% in 2010). Hence the country's cultural and linguistic heritage remains under pressure, even with domestic content policies in place.

This comparative analysis has uncovered three major shared issues. Firstly, in smaller English-speaking markets, investments in expensive culture-cum-entertainment products are difficult to recover. Hence, the development of national or local content industries might not necessarily imply the promotion or protection of national culture. Secondly, investments in creativity and talent reside with the producers. The production companies and the broadcasters – the latter being subject to national content regulations – do not have identical interests. A national content policy addressing both actors might be more sensitive to economic incentives than to cultural factors. Thirdly, there is no independent assessment of the relevance and quality of broadcast content with regard to domestic cultural programming. As media research has shown, this needs to be done through the conventional avenues of critical acclaim and audience share (Park et al., 2015).

## PATHWAYS TO QUOTA 4.0

The European Union has regulated AV media services since 1989. The 2010 EU-Audiovisual Media Services Directive (AVMSD), which upholds the principles of the Convention, is at present the cornerstone of EU-media regulation. The directive covers all public and private services with AV content, be it TV, internet, cable or a mobile device ('technological neutrality'). Its 2016 ex-post evaluation found it to be an effective regulatory framework for most stakeholders. The average share of European works broadcast in the EU was 64.1% in 2011

and 2012, thus meeting the target requiring that broadcasters reserve a majority share of their transmission time for such works. With 34.1% in 2012, the share of European independent works was well above the 10% target. While the directive has enhanced cultural diversity by effectively supporting the promotion, visibility and distribution of European works in the EU, there is scope for enhancing cultural diversity in on-demand services. TV broadcasting, video on demand (VOD) and user-generated content (UGC) are currently subject to different rules and varying levels of consumer protection. Data for EU countries show that video viewing is one of the earliest internet activities favoured by young children (Box 2.3)

The 2017 AVMSD update seeks to create a media framework for the 21st century. Major decisions were taken by the European Council in May 2017, following the amendment vote by the European Parliament's Committee on Culture and Education in April 2017. For the first time, TV broadcasting and on-demand services would have

to apply the same rules. Promotion of European works will in the future also apply to non-linear on-demand service providers, through a requirement for a minimum 30% quota – instead of 20%, as originally proposed by the European Commission after consultations with several producers, including Netflix. This should include works in the languages of the countries where they will be distributed. Also, EU countries can require a financial contribution from public and private media service providers, including those established in another EU country. While this certainly gives a strong policy push to cultural diversity-friendly regulations in the digital context, it should be noted that recent data from the European Audiovisual Observatory show that VOD catalogues, including large American private producers, already contain an average of 27% of European works. Hence, a pragmatic and reasonable approach has been chosen to balance interests in these different playing fields. Tripartite inter-institutional negotiations are under way.

### Box 2.3 • *Children's content at the core of public service media in a multiplatform era*

*Developing and improving the quality of media for children off- and online is the baseline for pathways to cultural diversity. Countries as diverse as Australia, Italy, the United States of America and Zimbabwe use quota systems to ensure quality children's programmes. Concerned about the lack of domestic content available to its children and youth, Argentinian legislation requires television to broadcast three hours of content for children a day, of which 50% must be domestically produced. In addition, the government aims to bridge the digital divide between children from different economic backgrounds, as children both in Argentina and around the world are increasingly watching content on mobile platforms. Recent data for the EU show that video viewing is one of the earliest internet activities favoured by young children.*

*This shift in TV and video consumption presents regulators with complex dilemmas, such as protecting minors from harmful content and banning incitement to hatred, while still ensuring freedom of speech. Quality television and media content for the young worldwide is also promoted in practical peer-to-peer ways: initiatives include the World Summit on Media for Children movement, also fostering regional summits and forums, or the biannual Prix Jeunesse festival held in Munich, Germany, which awards inter alia a Gender Equity Prize. These professional initiatives celebrate the best content, combining education, protection and empowerment. Last but not least, permanent, independently governed private funding for independent producers to champion Canadian children's programming in Canada and around the world, is certainly an inspiring practice to be replicated.*

Source: UNESCO, 2017b; BOP Consulting (2017).

## MEASURING PLURALISM IN PSM AND DIVERSITY OF CULTURAL EXPRESSIONS

Three indicators were proposed in the 2015 Global Report to help track the multi-faceted nature of media diversity in the Convention context and its goal of supporting sustainable systems of governance for culture. These indicators build on earlier UNESCO public media development indicators.

The first indicator was whether a legislative base to support media freedom and diversity is a) established, b) evaluated and c) functioning.

In 2013, according to [freedominfo.org](http://freedominfo.org), 100 countries had adopted freedom of information (FOI) laws and many other were in the process of doing so. UNESCO data indicates that this trend persists, with a total of 115 FOI laws in place in 2016 (UNESCO, 2017b). The strongest increases were in Africa and the Asia-Pacific region. The report states that their implementation and effectiveness varies considerably across the world. Younger laws tend to be better implemented. Also, journalists often do not make effective use of FOI laws, for a multitude of reasons.

Regular evaluation by NGOs, such as Human Rights Watch or Reporters Without Borders, in cooperation with UNESCO and the IFEX-monitoring platform, shows that the media freedom situation in 66% of the countries examined worsened in 2016. This may be attributed to several factors: a combination of laws which strengthen the surveillance rights of secret service agencies; unprecedented verbal attacks against media professionals in Western countries that hamper the functioning of existing legislative bases; the number of countries experiencing protracted massive violence and conflict. Also, the level of impunity in the case of crimes against media professionals continues to be too high.

On a more positive note, some Parties reported substantial improvements in their legislative base to support media freedom in the PSM environment.

For example, the 2014 Tunisian Constitution ensures fundamental rights and freedom of opinion and information, to be overseen by an Independent High Body of Communication and the creation of an independent AV regulatory body. The aforementioned 2015 law in Uruguay strengthens the legislative base regarding human rights instruments and thus could be a model for the region. However, as some private Uruguayan and multinational companies challenged certain articles and brought a total of 28 complaints before the Supreme Court, the new law has been applied only partially so far (Uruguay QPR, 2016). The new media and freedom of expression law in Cambodia encourages the use of press freedom (Cambodia QPR, 2016). Burkina Faso has updated its press, radio and TV legislation in light of technological changes, with a view to ensuring the promotion of cultural diversity and copyright and related rights in the PSM.



*The Convention goals and principles can be applied in the AV environment, regardless of the technologies used*

Across the world, civil society organizations are also fighting for media freedom, diversity and human rights in the new PSM environment. Civil society's contribution to Zimbabwe's QPR (2016) observed that a PSM system under the sole aegis of a ruling State Party hampers the diversity of cultural expressions, while 36 civil society organizations in Uruguay have called for the prompt and fully comprehensive implementation of the new media law adopted in 2014 (Uruguay QPR, 2016). In June 2017, a Declaration on Media Freedom in the Arab World was signed in Morocco at a meeting of the Independent Federation of Journalists, making a clear commitment to the principles of media freedom, independent journalism and the right to information.

A second indicator is whether the goals of PSM are a) legally defined and b) guaranteed. Parties from around the world have reported that their governments recognized PSM as an enabler of diverse cultural expressions (e.g. Swaziland QPR, 2016) and that significant updates to their PSM goals and systems have recently taken place or are taking place. For example, in Europe, the remit of the revised European Union Audiovisual Media Services Directive will ensure an update of PSM goals across EU countries. This is already the case, notably in France where the *France numérique* programme (2012–2020) contains an updated public service remit for the digital context of convergence.

Other countries have launched consultations and produced reports on the future of PSB that will have an impact on how PSM goals are legally defined and enforced. For example, in Norway, a 2015 Government White Paper on the future of PSB showed strong support for the national broadcaster (NRK) to become a well-funded PSM institution with a broadly defined remit, which includes online media. Subsequently, Norway appointed a Commission on Media Diversity that has published wide-ranging proposals in April 2017 on how to safeguard access to quality journalism at a time of significant turbulence and change.

What we learn is that the Convention goals and principles can be applied in the AV environment, regardless of the technologies used. This is especially evident in the Canadian QPR, which provides information on how CBC/Radio Canada is investing in the creation and discovery of Canadian content and works irrespective of the transmission channels used; it invests a greater percentage of its budget in content creation compared to the largest private-sector Canadian broadcaster.

A third indicator is whether PSM policies and measures to serve the needs of all groups in society are a) established, b) evaluated and c) functioning.





Here, the Convention specifies that policies and measures are to pay due attention to the special circumstances of women as well as various social groups, including persons belonging to minorities and indigenous peoples (Article 7). The QPRs present a wealth of information on established policies, while little information has been reported on how or whether they have been evaluated and/or functioning.



*Innovative measures level the playing field to ensure that TV broadcasting and on-demand services apply the same type of rules*

A review of the QPRs shows that Parties have placed an emphasis on language diversity in AV content and productions. This trend was already highlighted in the 2015 Global Report. Measures reported on by Parties range from financial and tax incentives, to specifying minimum or maximum language quotas for national productions, to investment obligations for producers, including public broadcasts in a specific language (national/linguistic – ethnic minority), the strengthening of linguistic and regional diversity (Switzerland QPR, 2016), the use of media as a tool to support indigenous people (Spain, *Indígena* programme) as well as the creation of an ethnic TV project and a community radio initiative for peace and co-existence (Colombia QPR, 2017). Mandatory dubbing or subtitling of international productions, in addition to reaching out to diaspora groups and speakers of the language around the world, are also measures implemented by several Parties.

Achieving gender balance is an important issue that needs to be tackled by Parties in their efforts to implement the Convention. Data provided through the 2015 UNESCO Global Survey on Gender and Media show that much work remains to be done.



*The Asia-Pacific Broadcasting Union (ABU) has many different responsibilities in serving its 270 members, but one of our major tasks is encouraging media diversity in order to serve the whole of society, while maintaining high-quality production. The ABU actively encourages regional and international cooperation between broadcasters and promotes collaborations with regional broadcast unions in other parts of the world.*

*The very Act of promoting the diversity of cultural expressions, as called for by the UNESCO 2005 Convention, involves investing in resources for public service broadcasters, while responding to the demands of diverse audiences in the age of globalization. There is no end to the possibility of diversification given the sheer number of different cultures in the Asia-Pacific region.*

*Ensuring high-quality programming is key. That is why educational development is another focus of ABU's work. We undertake activities to improve the skills and technologies of our members and encourage the harmonization of operating and technical broadcasting standards and systems in the region, to ensure the diversification of quality content.*

*It is a chance for everyone involved in public service broadcasting to re-examine how we help to build stronger communities and ensure that no one is left behind in the digital century. This is why ABU also provides rights-free content acquisition for developing countries.*

*Collaborative content is essential. Partnerships with audiences will help broadcasters succeed and enhance public trust. It is not just about the content we create, but about the way that we share it that will drive us forward.*

**Javad Mottaghi**

Secretary-General, Asia-Pacific Broadcasting Union (ABU)

The Global Survey notes that only 14% of governments have budgets to promote gender equality in media staffing and 29% of governments in media content. Only 19% of the surveyed countries say their publicly owned media have developed specific gender awareness programmes. While some Parties indicated that they collect data on the representation of women in broadcasting (for example, the largest German public broadcaster (ARD) has a ratio of 20% women among broadcasting staff) or have set up specific media outlets (for example, a women's radio launched in Tunisia), much more needs to be done to secure gender equality in decision-making positions, important gate-keeping functions, as producers of AV productions as well as to tackle gender discrimination within broadcasting content (both fiction and non-fiction, see Chapter 9).

Several Parties have adopted media policies or taken measures aimed at the social integration of individuals and social groups; Latvia's 2016–2020 Media Policy Guidelines being a good example. Other measures are quite diverse and range from the establishment of media systems of quality radio and TV for disadvantaged and remote border or island areas (Viet Nam), or the creation of community-multimedia rooms to establish more balanced media ecosystems (Senegal). Enhanced media literacy and critical understanding of media content as part of civic education is seen as a service to the needs of all citizens in the light of political aggression (Lithuania), while Mongolia's 'Art See Talk' media project seeks to enhance people's awareness of the need to transform stereotypes. Parties report a new appraisal of disability rights in media, for example the Zimbabwe Deaf Media Trust, Portugal's Media and Disability Reflection group, increasing media accessibility and developing media content to also include actors with disabilities and characters with special needs, as reaffirmed by almost all EU member States in the 2016 ex post AVMSD evaluation.



*Forward-looking media policies, enhancing in particular the public value of PSM in the digital context, are a strong and positive catalyst for cultural governance*

The diversity of reported measures demonstrates the need for a forward-looking and sustainable media policy model that would serve the needs of all individuals and groups in society and also respond to changes in public thinking as well as processes of technological convergence. In summary, some significant trends are discernible in the way that many Parties contribute to the Convention's goal of supporting sustainable systems of governance for culture through new legislation, policies and measures that enhance media diversity to promote the diversity of cultural expressions.

With regard to the legal base to support media freedom and diversity, freedom of opinion and information have both been enhanced and strengthened, in particular in some global South countries, as well as weakened, in light of security concerns and persisting large-scale violence. Some sector-specific laws have been put in place and could become effective if they were implemented and assessed by independent and professional monitoring bodies. In the most successful cases, multiple government agencies cooperate and stakeholders from the professional field as well as civil society actors participate on an ongoing basis. Legislation and policy design for PSM 4.0. envisage high levels of investment in quality cultural content production while seeking to avoid one-sided dominance of content providers in the digital context.

The goals of PSM have been enhanced in several cases, reaffirming both their public value and their financial base in the digital context. Innovative measures level the playing field to ensure that TV broadcasting and on-demand services apply the same type of rules, while new public non-state based media channels strengthen regional and diversified content offers.

Progress may also be observed in the ways PSM serve diverse needs. Linguistic diversity continues to be a very high priority. It is being promoted by specific quota systems and other incentives, addressing majority and minority languages as well as connecting mother tongue speakers across various diasporas. Gender equality remains a field in which improvement is most urgently needed. New stakeholder alliances, such as the Global Alliance on Media and Gender (GAMAG) and the UN 2018 agenda-setting, provide particularly good opportunities in this respect. The needs of children and young people continue to be addressed in policies and measures both on- and offline. Also, in conjunction with the 2005 Convention, the UN Convention on the Rights of Persons with Disabilities has triggered new thinking and practice on both culture and media policies. In sum, forward-looking and 'smart' media policies, enhancing in particular the public value of PSM in the digital context, are a strong and positive catalyst for cultural governance.

**TOWARDS SUSTAINABLE  
DEVELOPMENT: CONVERGING  
AGENDAS**

All 145 Parties to the Convention have subscribed to the 2030 UN Agenda for Sustainable Development, of which several subtargets relate to cultural policies. In the 2016/2017 quadrennial periodic reporting cycle, innovative policies enhancing the media diversity dimension of cultural governance have been designed through responsive, inclusive, participatory and representative decision-making at all levels (SDG 16.7.) Examples include the revision of the European Audiovisual Media Services directive 2015–2017, the Norwegian Media Diversity Commission (2015) and the resulting Green Paper in 2017, as well as the adoption of a new media law in Uruguay. Ensuring public access to information and protecting fundamental freedoms, in accordance with national legislation and international agreements (SDG 16.10.) is another key area.

Freedom of information laws and their effective implementation on- and offline are monitored in UNESCO's *World Trends in Freedom of Expression and Media Development* reports (UNESCO, 2015b; see above).

Since 2010, the International Telecommunication Union and UNESCO joint Broadband Commission provides annual data on public online access to information. According to 2016 data, there were 3.5 billion internet users worldwide, most of them from China. India came second, followed by the United States of America. However – and in contrast to general perceptions – more than half of the world's population, some 3.9 billion people, were still offline at the end of 2016. More than 50% of them live in Bangladesh, China, Indonesia, Nigeria or Pakistan, often in rural zones, and many of them are women and girls. Targeted measures in those five countries could make a big difference and contribute to achieving the Convention's goal on governance for culture as well as the SDG Goal 16.10 more rapidly.



*Media diversity also contributes substantially to gender equality and the empowerment of women and girls*

Media diversity also contributes substantially to gender equality and the empowerment of women and girls, especially the leadership dimension articulated in SDG 5.5. The Global Media and Gender Alliance is an important initiative in this regard (Box 2.2). Given the important role of cultural AV content for learning and for shaping worldviews at all ages, there is a clear and pertinent convergence with the quality education Goal (SDG 4), in particular with the target of ensuring that by 2030 'all learners acquire knowledge and skills to appreciate cultural diversity and culture's contribution to sustainable development' (SDG 4.7).

## CONCLUSIONS AND RECOMMENDATIONS

In a nutshell, the evidence demonstrates that media policies and cultural policies must become truly intertwined, in order to meet the objectives of the 2005 Convention. Promoting and protecting the diversity of cultural expressions through PSM needs policies and measures that achieve a dynamic balance between locally produced content, including music production, and regional and international offers. As 90 countries are using quota mechanisms to achieve these goals, in particular regarding the production of domestic content, this policy component has been highlighted in this edition of the Global Report. The most recent innovations in quota design aim to level the AV playing field in the digital context. In global South settings, even where appropriate legislation for media diversity has been adopted, major challenges to independent AV production persist at the technical and professional levels, in particular the lack of image and sound professionals. This calls for intensified capacity building and technical assistance. In middle-income global South countries with good PSM policies, there is a striking lack of co-production strategies, be they regional or interregional. Clearly, steps should be taken to remedy the situation.

The gender inequality challenge remains high. Promising initiatives like the Global Alliance on Gender and Media give hope for progress here. Awareness of the gender dimension is relevant from an early age onwards. This underlines the significance of the gender goals in the 2030 Sustainable Development Agenda.

In light of the above, the following recommendations can be made:

- A generic prototype of PSM policies should be elaborated, covering the following:
  - a legislative base to ensure media freedom, articulating a clear public value remit of PSM 4.0. and establishing independent overseeing bodies;
  - an investment strategy that sustains a high level of quality content creation, including the technical and professional skills required, as well as regional and interregional coproduction schemes;
  - measures to ensure a balanced provision of quality content from all parts of the world;
  - a focus on gender equality;
  - measures to support linguistic diversity; and
  - measures to ensure a level playing field in the digital context.
- Policies to develop co-production schemes and strategies for boosting high quality cultural content should be designed, with an emphasis on middle-income countries within and across regions.
- High-level peer-to-peer consultations of like-minded Ministries of Culture, Media and Communication should be organized to inspire policy innovation.
- Effective professional PSM platforms should be invited to connect with the Convention periodic reporting process as well as with its civil society forum initiative launched in 2017.
- Research programmes on PSM initiatives in the global South should be expanded as well as comparative analysis of policy measures that foster diverse domestic high-quality content,
- Finally, the Convention's quadrennial reporting grid should be revised to explicitly include PSM and media ecosystems issues and measures, making use of the three indicators adopted in 2015.



# Cultural policies in the age of platforms

Octavio Kulesz

### KEY FINDINGS

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- »» *The cultural value chain is rapidly being transformed from a pipeline-like configuration to a network model – and few countries have a strategy in place to deal with these changes.*

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- »» *Very few Parties have designed and implemented digital culture policies that go beyond initiatives undertaken to digitize or strengthen specific nodes of the value chain.*

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- »» *In the global South, despite the advantages resulting from mass adoption of mobile broadband, many countries lack infrastructure and are unable to consolidate a market for cultural goods and services in the digital environment.*

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- »» *The volume of data circulating on the internet is growing exponentially and revenues are also increasing. In 2016, digital music revenues in the music market grew by 17.7%, driven by a sharp 60.4% increase in the share of streaming revenues. This was the first time that digital revenues made up 50% of the recorded music market.*

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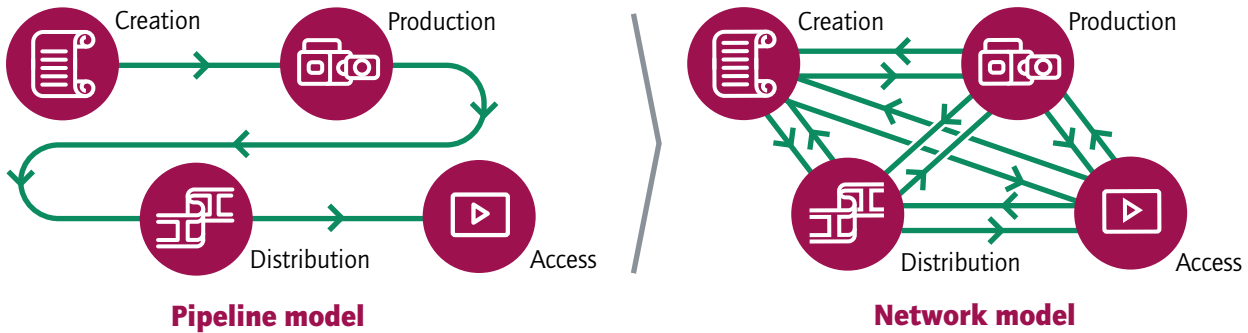
- »» *The public sector may entirely lose its agency on the creative scene if a targeted approach to address the rise and market concentration of large platforms or the monopoly on artificial intelligence is not adopted.*

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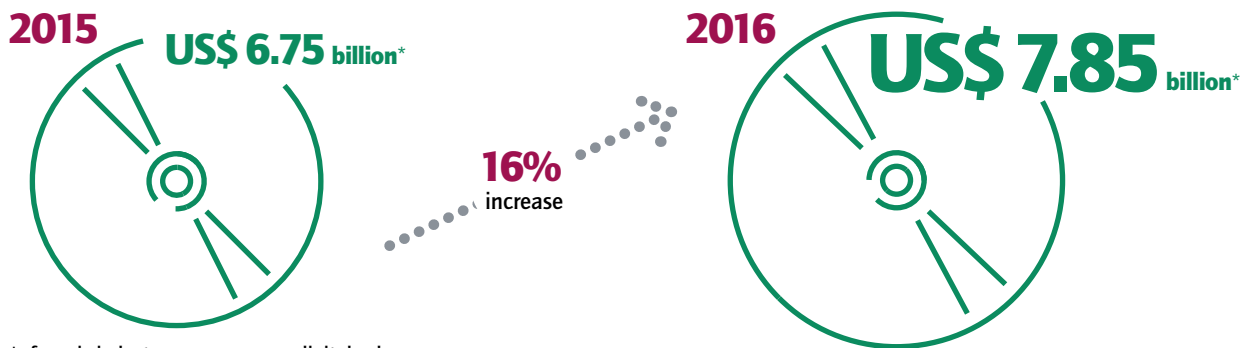
- »» *A new type of relationship between the public sector, the private sector and civil society based upon interactivity, collaboration and the co-construction of policy frameworks has not yet emerged.*

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**DIGITAL TECHNOLOGIES HAVE TRANSFORMED THE CULTURAL VALUE CHAIN**



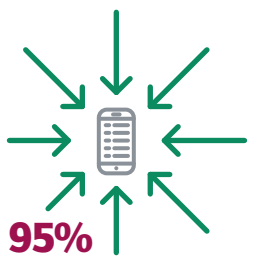
**AND THE CULTURAL ECONOMY IS BECOMING INCREASINGLY DIGITIZED**



\*of music industry revenues were digital sales

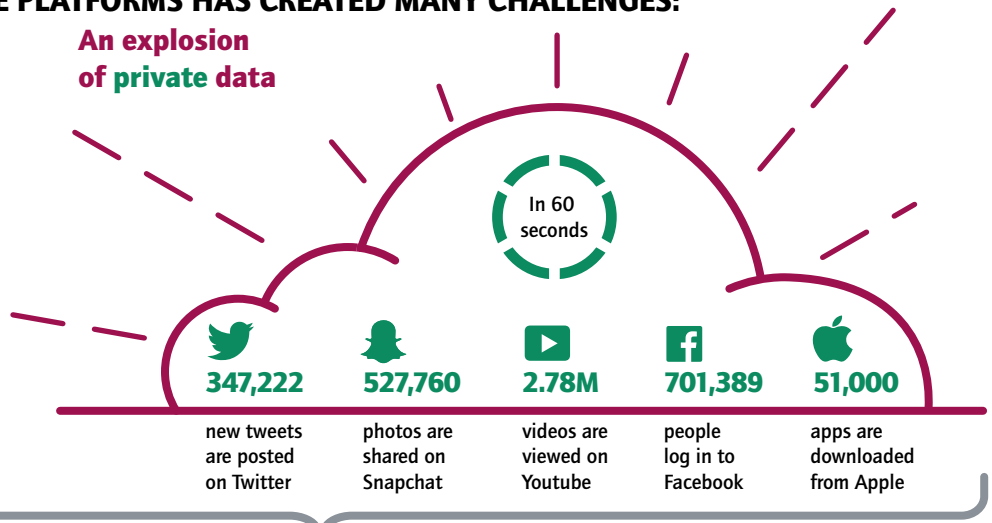
**BUT, THE RISE OF LARGE PLATFORMS HAS CREATED MANY CHALLENGES:**

**Market concentration**



**95%** of the value of the app economy is concentrated in 10 countries

**An explosion of private data**



**TO ADDRESS THESE CHALLENGES, STATES MUST**



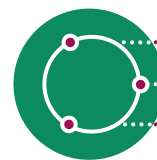
Adopt digital plans and strategies to invest in local cultural production



Support creative hubs, incubators and clusters



Improve digital literacy to ensure access to diverse digital content



Develop new collaborative partnerships

..... Public sector  
..... Private sector  
..... Civil society

## CORE INDICATORS

Legislative base supports universal access to culture in the digital environment

Policies and measures encourage digital creativity and promote civil society participation in the digital environment

Policies and measures support dynamic and diverse digital cultural industry markets

### INTRODUCTION

'Beautiful. Beautiful. Beautiful.' That is how Fan Hui – the three-time European Go champion – described a key move made by Google's AlphaGo computer against Go Grandmaster Lee Sedol. In March 2016, the machine won 4 out of 5 games against its human rival, leaving no doubt about the enormous power of artificial intelligence. Machines are no longer used just to simplify or accelerate processes, but are now able to create. If recent years have seemed dizzying in terms of innovation, the coming ones will be even more so, and in the cultural sector the transformations will be deep and far-reaching.

Parties to the 2005 Convention have made considerable efforts to strengthen the creative ecosystem in this changing technological environment. The 2015 Global Report detailed the many policies implemented by the Parties to promote and protect the diversity of cultural expressions in the digital age. It also pointed to areas for improvement and proposed a system of indicators to measure any advances, structured around the links in the value chain: measures to foster access to culture (indicator 3.1), creation and participation (indicator 3.2) and the cultural market – i.e. production and distribution – (indicator 3.3).<sup>1</sup>

1. The indicators proposed in 2015 to measure progress in the digital environment could be slightly adjusted with regard to the means of verification for indicator 3.1. In order to evaluate advances in terms of access to culture, it will be necessary to take into account not only the variable of internet connectivity, but also activities carried out to modernize libraries, museums and other cultural institutions, as well as to encourage greater digital literacy among citizens in general.

The logic behind that framework is that digital technologies have a transversal impact on the four goals of the 2005 Convention, but on the first in particular – to support sustainable systems of governance for culture. In fact, without a dynamic and consolidated value chain, the other goals are difficult to achieve. Something similar occurs in terms of the SDGs; new technologies also affect multiple areas,<sup>2</sup> but it is perhaps target 16.7 – to ensure responsive, inclusive, participatory and representative decision-making at all levels – that holds the key to understanding the digital phenomenon in relation to sustainable development. Indeed, if digital policies do not systematically integrate different types of actors – the public and private sectors as well as civil society – no lasting progress will be made.



*Parties to the 2005 Convention have made considerable efforts to strengthen the creative ecosystem in this changing technological environment*

In recent years, new initiatives have come to light, many of which explore areas or incorporate actors that were formerly absent – such as digital art or creative startups – which in terms of the monitoring framework, as well as the SDGs, is a real step forward. In June 2017, the Parties adopted the Operational

2. Especially in the field of education: target 4.4 – gender equality; target 5.c – job and enterprise creation; target 8.3 – technical assistance; targets 8.a and 10.a – infrastructure; targets 9.c, 17.6, 17.7 and 17.8; and access to information – targets 16.10 and 17.19.

Guidelines on the implementation of the Convention in the digital environment, which offer a guide for public policy development in all of these fields.<sup>3</sup>

However, challenges still remain. While all Parties appear to have carried out a wide variety of measures, each of them individually faces serious problems when it comes to drawing up a comprehensive strategy. Indeed, other than digitization initiatives and assistance for specific creative links, few countries have implemented cross-cutting digital plans for the cultural sector designed with the long term in mind. In this context of accelerated change, it will be essential to innovate with good practice as well as elaborate a methodology that is flexible enough to develop a programme adjusted to the specific needs of each country. Another obvious difficulty is the lack of policies to deal with the big platforms: without a strategy of this kind, the public sector may rapidly find itself devoid of cultural statistics and hence of any capacity for action in the local creative ecosystem.

Within this framework, we shall first present an analysis of recent policies and measures in order to locate common trends and highlight success stories. The raw material used for this purpose will be the 62 quadrennial periodic reports (QPRs) – and annexes – that have been submitted since 2014. Included here are not only projects related to digital content production but any initiative, in general, that impacts a link in the cultural value chain through new technologies – for instance, online trade in analogue goods.

3. [en.unesco.org/creativity/sites/creativity/files/sessions/digital\\_operational\\_guidelines\\_en.pdf](http://en.unesco.org/creativity/sites/creativity/files/sessions/digital_operational_guidelines_en.pdf).

Given the large number of references available, the list of examples may not be exhaustive but will no doubt serve to identify key policies in the areas of creation, production, distribution, access and participation, as well as to inform two transversal areas: cross-cutting plans and the compilation of statistics. We shall then proceed to examine two issues that may prove to be of considerable importance in the future: (i) the structural transformation of the creative chain, in both the global North and global South, which is shifting from a pipeline-like configuration to a network model; (ii) the new risks resulting from the rise of large platforms: market concentration, a lack of public statistics and a monopoly on artificial intelligence.

In order to design a comprehensive policy that can address these challenges and meet concrete local needs, it will be crucial to jettison the idea that the world of culture needs to be modernized. In reality, incorporating specific tools or digitizing analogue materials is just part of the task. The digital era is already here – as shown by new types of creators, creative start-ups, online platforms, technological infrastructure plans,

### Box 3.1 • *Digital Cultural Centre (Mexico)*

*Opened in 2012, the Digital Culture Centre, an initiative by the Mexican Ministry of Culture, focuses on researching the cultural, social and economic implications of using digital technology. The Centre – a pioneering initiative in Latin America – seeks to promote the conscious adoption of digital information and knowledge exchange, critical reading, self-management and the production of quality content, in a context in which users also become creators. Since its foundation, the centre has organized hundreds of activities – conferences, workshops, courses, exhibitions – and attracted hundreds of thousands of visitors, thanks to a collaborative strategy with other institutions.*

Source: Mexico QPR (2016)

and so on – and it is now a question of taking the diversity of cultural expressions to the new value chain, using a methodology which involves interactivity, collaboration and the co-construction of public policies.

### POLICIES AND MEASURES TO STRENGTHEN THE VALUE CHAIN

Since the publication of the first Global Report in 2015, Parties have taken many initiatives to strengthen the value chain in the digital context. This section describes the main policies and measures adopted in recent years, at both the level of specific links as well as the chain as a whole. Many of these initiatives, which are characteristic of the new technological context, might serve as a source of inspiration for future policies.

### ARTISTIC CREATION: DIGITAL ART PLACED CENTRE STAGE

Although the 2015 Global Report noted that much remained to be done in terms of integrating digital art into public policies, there has already been a marked increase in the number of festivals, spaces for experimentation and residencies linked to these innovative cultural expressions. This is evident in the many initiatives that have emerged in Austria, where the Ars Electronica Centre coordinates the European Digital Art and Science Network – an alliance of various European research institutes that have been working since late 2014 to encourage new forms of creation; Italy, which boasts the multimedia arts and language festival In/Visible Cities – launched in 2015 with support from Creative Europe to revitalize urban spaces; and Mexico, which is now equipped with a highly active Digital Cultural Centre (Box 3.1). There have also been numerous exchange experiences, such as the Digital Culture Visit programme, implemented by The British Council in 2016 to foster networking and exchanges between digital artists in the United Kingdom and Indonesia. All of these endeavours highlight the importance of new forms of

creation and offer excellent opportunities for artists who are experimenting with the use of digital tools.

Nowadays, new technologies are being used extensively to increase the visibility of artists in general, which also has a positive effect on the field of creation. In Québec, Canada, for example, the platform *La Fabrique Culturelle* – founded by *Télé-Québec* in 2014 – enables local artists to promote their activities through online videos.

### PRODUCTION: FROM THE MODERNIZATION OF CULTURAL INDUSTRIES TO THE BOOM IN CREATIVE ENTREPRENEURSHIP

At the production stage, the bulk of policies in recent years have focused on accelerating the modernization of specific sectors, such as books, music, film and video games. Broadly speaking, these measures have promoted the digitization of analogue industries, while encouraging the production of digital content and the consolidation of new enterprises through financial assistance and training.

With regard to book publishing, in 2014, Canada revamped its Book Fund in order to encourage innovation in the publishing industry; among other changes, digital-only publishers and digital-only titles are now eligible for funding, and priority is given to projects with an international focus, particularly those that focus on digital exports. In the field of music, we can single out the experience of France, which in 2016 set up the Fund to Support the Digital Transition of Recorded Music, with the aim of promoting the modernization of companies in the sector – independent phonographic production structures and music publishing services, among others. As far as the film and audiovisual sector is concerned, new policies have been introduced since 2013 in Slovakia to digitize dozens of single-screen cinemas, while in 2012, Tunisia founded the National Centre for Film and Image – CNCI – also with a focus on modernizing film theatres.



In recent years, public policies have been particularly dynamic in the realm of video games and interactive content. In addition to policies that have long been applied in countries such as Canada, where the experimental stream of the Canada Media Fund – CMF – offers financial assistance for interactive productions, or France, whose National Centre for Cinema and the Moving Image – CNC – has a support fund for the video games sector, it is also important to mention programmes such as *Crea Digital*, which, since 2012, has financed around 100 projects involving digital and interactive content with a cultural impact in Colombia, within the framework of the *Vive Digital* plan (Box 3.5).



*Measures have promoted the digitization of analogue industries, while encouraging the production of digital content and the consolidation of new enterprises through financial assistance and training*

Policies to support entrepreneurship and start-ups have been given a significant boost in the last few years. Measures to support these key players in the digital economy are at the heart of Estonia's Entrepreneurship Growth Strategy 2014–2020, Mexico's National Institute of the Entrepreneur – INADEM – created in 2013, and the Start-up Portugal programme, launched in 2016. In the same vein, stimulus measures for hubs, incubators and clusters have increased in Austria – the Creatives Spaces Agency, founded in 2016, helps find offices for entrepreneurs and artists; in Brazil – the Network of Creative Incubators was established in 2015 at the national level; and in the EU – the 2016–2018 European Network of Creative Hubs project contributes towards strengthening transnational and cross-sectoral cooperation within the cultural and creative industries via digital means.

A new trend is the proliferation of initiatives in the area of crowdfunding. The EU has created the online portal [www.crowdfunding4culture.eu](http://www.crowdfunding4culture.eu), a pilot project aimed at collecting data on the crowdfunding market for the cultural and creative industries and reinforcing connections among crowdfunding communities; since 2015, Spain has introduced tax deductions and incentives for micropatronage in culture and the arts; while in 2012, the Swiss canton of Basel-Stadt established a public-private partnership with the crowdfunding platform 'Wemakeit' to ensure funding for local cultural projects (Box 3.2).

### **DISTRIBUTION: NEW REGULATORY ENVIRONMENT, EXPANSION OF VIDEO ON DEMAND (VOD) AND MEDIA DIGITIZATION**

Within the area of distribution, several Parties have updated their copyright legislation to adapt it to the digital era. For example, in 2016 the European Commission presented a draft reform of EU copyright rules, in order to foster a better balance in the remuneration of different actors in the chain, as well as greater transparency in contractual arrangements between creators and online platforms, and broader availability of copyright-protected content in the EU and across borders. In addition, collaboration has intensified between the public sector and collective management societies. For instance, this is evidenced in the Copyright Act adopted by Indonesia in 2014, which aims (among other objectives) to provide greater transparency in the royalty collection system and regulate the commercial use of music in the online distribution structure. Meanwhile, various measures have been taken to reduce internet piracy, as is the case of the *Cultura en Positivo* initiative introduced by Spain's Ministry of Education, Culture and Sport, which since 2011 has encouraged the enforcement of intellectual property rights through a quality web seal.

Specific measures and policies are also being adopted to impact the distribution of digital content as well as online trade in cultural goods and services, while

### **Box 3.2 • Crowdfunding platform in the canton of Basel-Stadt (Switzerland)**

*In 2012, the Cultural Service Department in the canton of Basel-Stadt developed a regional crowdfunding portal in partnership with the Swiss platform, for the purpose of encouraging creative production, cultural diffusion and participation. The initiative has proved to be extremely successful in supplementing public support, in particular for niche projects or others that do not meet the usual criteria for subsidies – for example, a trumpet with two bells and an album of experimental sounds, among many others. In just three years, it was able to raise over US\$ 1 million, which contributed to the visibility and viability of more than 250 local creative projects.*

Source: Switzerland QPR (2016)

addressing the specificities of each sector. For example, in 2014 Austria adapted its Law on Fixed Book Prices to apply it not only to printed books but also to e-books, in addition to putting local and international e-tailers on an equal footing.

With regard to the dissemination of film and audiovisual content, measures are generally associated with distribution via VoD. In Austria, the public service broadcaster, ORF, established a public-private partnership with the company Flimmit in 2014 to consolidate the local audiovisual market (Box 3.3). Meanwhile, in 2013, the National Film Board of Canada partnered with Phoenix New Media Ltd to create the NFB Zone, the first Canadian-branded online channel in China. In addition, in 2016 six Latin American film institutes – from Bolivia, Colombia, Ecuador, Peru, Mexico and Uruguay – backed by the Inter-American Development Bank (IDB) and the Conference of Ibero-American Cinematographic Authorities (CACI), set up the Retina Latina platform ([www.retinalatina.org](http://www.retinalatina.org)) to distribute local films throughout the region.

### Box 3.3 • *Public-private partnership between the VoD-platform FLIMMIT and ORF (Austria)*

*In 2014, the Austrian public service broadcaster ORF entered into a public-private partnership with Flimmit, a local VoD platform. The aim of the project was to strengthen the diversity of the domestic audiovisual sector, through initiatives that included: presenting weekly collections that mix well-known with less well-known audiovisual titles on a thematic basis; cooperating with other national VoD platforms; and collaborating with the Austrian Film Academy and Austrian film festivals, such as Diagonale, in order to promote domestic film-making. The portal has received support from the Creative Europe/MEDIA programme as well as a number of national bodies – including the Ministry of Transport, Innovation and Technology, and the Austrian Agency for Research Promotion – and has won multiple awards for its innovative business model. Currently, the platform brings together more than 6,000 films, children’s materials, documentaries and opera productions of mostly Austrian and European origin.*

Source: Austria QPR (2016)

Parties to the Convention have also made progress on programmes to modernize the media, particularly those that are public service in nature (see Chapter 2). One noteworthy example is the 2020 strategy ‘A Space for Us All’, designed by CBC/Radio-Canada in 2014 to provide the national public broadcaster with the responsiveness and stability needed to navigate a rapidly evolving media environment – the programme has placed particular emphasis on the distribution of local content via mobile and web platforms.

#### ACCESS: INFRASTRUCTURE FOR LIBRARIES AND MUSEUMS AND BUILDING DIGITAL LITERACY

When it comes to expanding access to culture, many measures have been implemented by Parties to shore up their libraries. Thus, we find national projects geared towards the digitization and aggregation of multimedia content, particularly in Europe, where numerous institutions serve as hubs for the Europeana platform ([www.europeana.eu](http://www.europeana.eu)). Many countries have developed search engines designed to facilitate the consultation of online materials, such as the Trove system in Australia ([www.trove.nla.gov.au](http://www.trove.nla.gov.au)), Finna in Finland (<https://tamk.finna.fi>) and One Search in Indonesia ([www.onesearch.id](http://www.onesearch.id)).

At the same time, e-book and audio-book lending services have gained prominence: the Noe-Book initiative, introduced in 2013, enables users to borrow such materials from around 190 participating public libraries in Lower Austria via the central online portal [www.noie-book.at](http://www.noie-book.at). There has been a similar increase in technological projects with an international impact: also in 2013, the *Institut Français* launched the *Culturethèque* ([www.culturetheque.com](http://www.culturetheque.com)), a digital platform offering e-resources that can be consulted from 105 countries.

The use of new technologies for the museum sector has been another key area. The initiatives carried out have focused primarily on the digitization and organization of online collections. In 2013, for example, Estonia passed a Museums Act, which included an objective to digitize all public museum collections by 2018. Meanwhile, since 2011, the General Directorate of Fine Arts and Cultural Objects in Spain’s Ministry of Education, Culture and Sports has been holding the virtual exhibition *Patrimonio en femenino*, which analyses the active presence and participation of women throughout history, in both the public and private sphere, by offering a tour through the collections of 30 Spanish museums belonging to the Digital Network of Museum Collections.



### *E-book and audio-book lending services have gained prominence*

In addition, several other countries have extended efforts to improve citizens’ skills when it comes to accessing and analysing the digital content available to them. An example of this would be the digital literacy campaign launched in 2014 by the Lithuanian Council for Culture, to promote critical thinking in new media.

#### PARTICIPATION: DIGITAL TECHNOLOGIES AT THE HEART OF CULTURAL ENGAGEMENT

New technologies have proved essential in achieving greater social engagement and raising awareness about the diversity of cultural expressions. These tools have served to consult civil society on new cultural policy legislation, particularly in Belarus, whose draft Code of Culture of 2015 was uploaded online and sent to the creative unions for discussion; the EU, where the portal ‘Your Voice in Europe’ has hosted numerous public consultations, for example on the Creative Europe programme in 2017; Georgia, where the site [www.culturepolicy.gov.ge](http://www.culturepolicy.gov.ge), created in 2014, has helped to strengthen public involvement on issues related to cultural policy; and Slovakia, whose Ministry of Culture set up a website in 2013 where artists, professionals and the general public could follow the preparation of the draft texts of the Cultural Development Strategy 2014–2020 and comment on them. Similarly, in Germany, civil society was invited to comment on a draft of the 2016 QPR published on the web.

Civil society organizations (CSOs) have also shown themselves to be very active in their use of electronic tools. In addition to the websites and mass distribution newsletters developed by cultural diversity coalitions and observatories, it is worth highlighting the interactive platform Niger Cultures, launched in 2014 by the NGO *Culture Art Humanité* (Box 3.4).

Moreover, the issue of digital culture and, more specifically, of cultural diversity in the digital age has gained salience in public debate – and these discussions have often had a strong media impact. For example: Argentina's Digital Culture Forums, organized since 2013 to promote greater awareness of the opportunities and challenges that exist in the new era; the Manufacturing Curiosity conference held in France in 2015 to discuss the impact of big platforms on cultural trends; and the seminar 'Diversity in the Audiovisual Industry in the Digital Age', held since 2014 at the Carlos III University in Madrid, which also encourages reflection on the influence of global platforms on the creative sector.



*Civil society organizations have also shown themselves to be very active in their use of electronic tools*

### Box 3.4 • Niger Cultures portal

*In Niger, the NGO Culture Art Humanité and other associations brought online the portal, a participatory tool that enables users to note down events as well as contact artists or cultural operators and view their productions. So far, more than 400 artists have registered. The platform, which received EU funding, contributes to the visibility of creators in Niger and the collection of cultural data – indeed, it has been key in drafting Niger's QPR, insofar as it has provided up-to-date information on trends and figures related to cultural professionals, events, organizations, films, book releases, music albums and theatre shows. A civil society-based digital initiative can thus prove fundamental when it comes to promoting the diversity of cultural expressions and producing data on the local creative ecosystem.*

Source: [www.nigercultures.net/en](http://www.nigercultures.net/en)

### CROSS-CUTTING PLANS: DIGITAL CULTURE PROGRAMMES AND DIGITAL AGENDAS

Some Parties have launched transversal programmes explicitly designed to support digital culture. These are of the utmost importance, because not only do they adopt measures designed to strengthen particular links in the creative chain, but also seek to address the relationship between the cultural ecosystem and new technologies in a comprehensive manner. One of the most notable examples is the Digital Cultural Plan implemented in Québec, Canada in 2014, which emphasizes the consolidation of digital competences in the cultural sector, the appropriation of new technological practices and the creation and dissemination of digital content. In 2014, the Ibero-American countries announced a Digital Cultural Agenda that will promote creative industries, the generation of local content and greater participation by society in digital culture, while in 2012 the culture ministers of the Nordic countries drew up a cooperation strategy (2013–2020), which among other issues focuses on the topic of a 'Digital Nordic Region'.

We could also mention digital infrastructure plans and agendas that have a direct or indirect impact on the whole cultural ecosystem. This is particularly clear in the case of Colombia, where the successful *Vive Digital* plan for 2014–2018 has already connected hundreds of localities, while encouraging the production of digital content (Box 3.5), and the European Union, whose Digital Single Market strategy – announced by the European Commission in 2015 – seeks to facilitate access to online products and services, improve connectivity and stimulate the digital economy.

### STATISTICS: COLLECTING CULTURAL DATA IN THE DIGITAL AGE

In the area of statistics, we must highlight efforts to measure the impact of the digital variable on culture: Argentina, for example, has included the category

'Digital Content' in its cultural satellite account, while the Brazilian Ministry of Culture's Creative Economy Observatories have incorporated the variable 'Digital Culture and Software' into their surveys on the country's creative economy. In addition, new technologies have been used to collect and disseminate cultural data. In 2016, the Tunisian Ministry of Cultural Affairs brought online the OpenCulture portal offering a wide variety of information on the creative sector, in line with the national policy on Open Data. Meanwhile, in late 2013, Uruguay's National Directorate of Culture set up the Cultural Map ([www.mec.gub.uy/mapacultural](http://www.mec.gub.uy/mapacultural)), a tool that enables artists, agents and the general public to access key information on the cultural sector in a geo-referenced and interactive format.

### Box 3.5 • *Vive Digital* plan

*The Vive Digital plan for 2014–2018 is integral to Colombia's technological modernization and builds on the foundations laid down by the first edition of the programme (2010–2014). Among other objectives, it aims to significantly improve internet access – particularly in rural areas – to strengthen the technological skills of the population and to position the country as a global reference in the development of digital content and applications aimed at the poorest communities. Among the plan's many achievements, it is worth highlighting that by 2017 more than 1,000 municipalities have been connected to optical fibre, while 6,885 Vive Digital kiosks have been set up to improve access and the circulation of digital content. The plan is supported by the Ministry of Information Technology and Communications, but in many key areas the participation of the Ministry of Culture has proved vital. Indeed, thanks to interministerial collaboration, since 2012 the Crea Digital programme has provided more than US\$4 million for the creation and production of e-books, animated films and videogames, among other digital content – a project of unrivalled scale in Latin America.*

Source: Colombia QPR (2017).

**EMERGING CHALLENGES**

As revealed in the previous section, measures taken by the Parties to the Convention vary greatly and impact different links in the creative value chain. However, it is important to note that digital technologies are changing the very structure of this value chain. In order to come up with a comprehensive national strategy, it will be necessary in the future to apply a new type of methodology for policy creation.

**CO-CONSTRUCTION OF CULTURAL POLICIES AT THE HEART OF THE NETWORKED VALUE CHAIN**

The policies and measures implemented by the Parties as a whole show a dual orientation. A first set of activities is aimed at supporting the digitization of specific links in the chain, in particular production and distribution (the cultural industries) and access (with libraries and museums), which are usually the areas that face the most obstacles when it comes to incorporating new technologies into their workflow. However – and this marks a new development with regard to the policies and measures outlined in the 2015 Global Report – in recent years there have emerged several ‘native’ digital initiatives, which are not so much geared towards encouraging digitization – in other words, the migration or modernization of traditional actors and analogical infrastructure – as fostering the performance of actors characteristic of the new era. The expansion in the use of mobile phones and other affordable devices has enabled a drastic reduction in both costs and working times across all the links in the value chain, which has been especially beneficial for new entrants – digital artists, self-distributing creators, electronic publishing houses, creative start-ups, online platforms, etc. All these are ‘born digital’, as it were, and hence are able to scale up much faster than conventional players. The challenge encountered by these actors is not related to the need to migrate a traditional infrastructure and business model, but rather due to the fact that regulations are not always adapted to their way of working, and artistic

recognition still tends to be overly tied to more traditional circuits.

It is important to note that the arrival of these new actors and ways of working goes hand in hand with a profound reconfiguration of the value chain. In the earlier analogue model, each actor tends to embody a particular stage – creation, production, distribution, access, participation – where they add value to a product or service and then pass it on to the next stage in an arrangement akin to a pipeline. In the digital model, the situation is quite different, since all these processes are carried out almost simultaneously – for example, an author can write their text online at the same time that the designer/publisher works on the web template and readers comment on the draft version of the work, in order to suggest improvements. It may even be the case that the same actor takes charge of several links at the same time. So instead of being viewed as a pipeline, the new creative chain should be regarded as a network – in which links such as creation, production, distribution, access and participation are not stages but nodes that interact in real time (Figure 3.1).

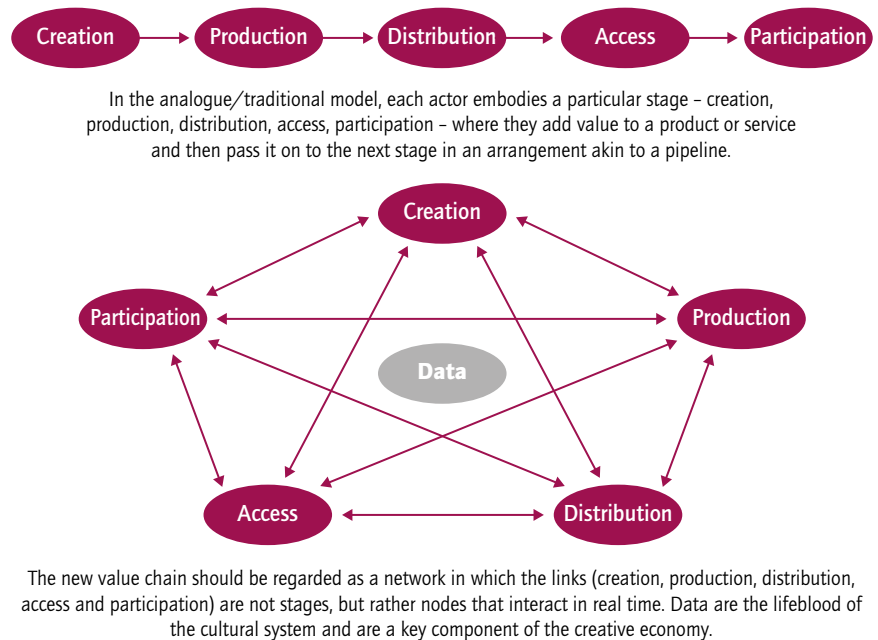


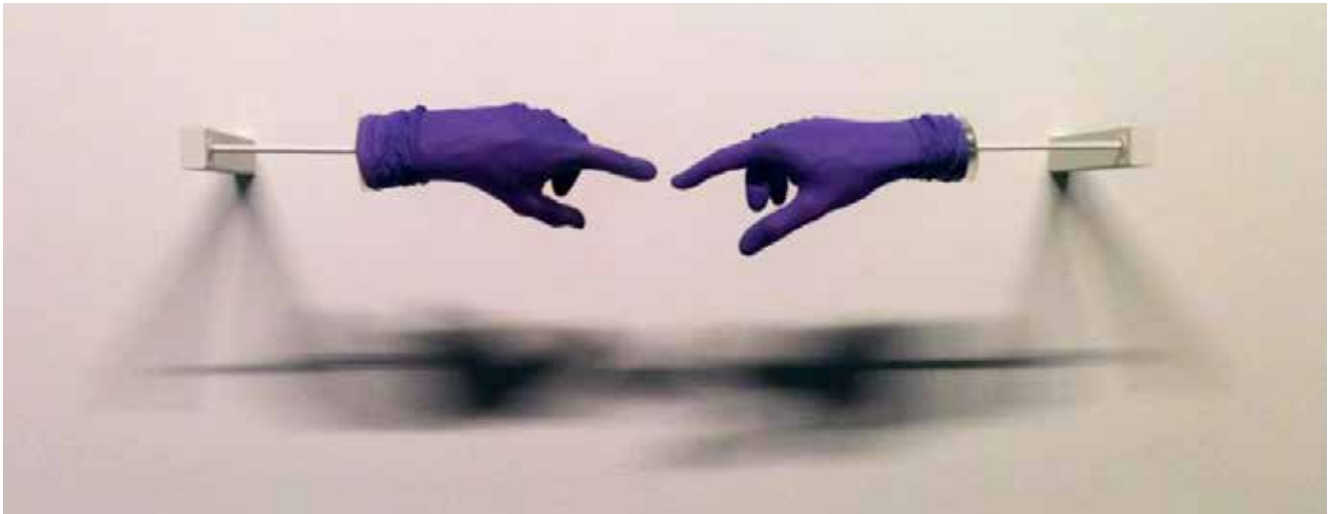
*Instead of being viewed as a pipeline, the new creative chain should be regarded as a network*

In this context, the digital chain is not merely a modernized or updated version of the traditional one, but is *qualitatively different*. This needs to be reflected in public policies. It would be important, therefore, for each country to advance on both fronts – to continue with policies to digitize the traditional sector and design a comprehensive strategy for the new networked creative chain – while remaining fully aware that at some point the former will reach a limit, as occurs for example with the conversion of cinemas to digital standards, which in several countries has already been completed. Other than Quebec, Canada, very few Parties have designed and implemented a concrete digital culture plan that goes beyond initiatives undertaken to digitize or strengthen certain nodes.

**Figure 3.1**

**The cultural value chain in the digital environment: from a ‘pipeline’ configuration to a network model**





*It is fundamental to review the concept of culture in light of today's social and technological transformations. Digital networks and collaborative platforms have created a new way of understanding the processes of creation that empower communities, enable the expansion of new participatory models and promote the intersection of art, design, software, science and technology.*

*In Latin America, recent experiences by artists, designers, software developers and engineers have shown the extent to which digital creativity can be reinterpreted.*

*In this vein, the International Image Festival - held in Manizales, Colombia since 1997 - creates spaces for dialogue and projects that reinterpret this complex reality, in order to find new ways of understanding culture in the digital era.*

*Organized by the University of Caldas, the festival has focused on transversal research, experimentation and creation processes that have led to the creation of new programmes, such as the Doctorate in Design and Creation and the Master in Design and Interactive Creation.*

*The Festival promotes creation processes through calls that invite artistic groups from Latin America to present proposals of a collaborative nature. The activities aim to stimulate reflection and experimentation in open laboratories through post-digital practices: bottom-up and low-tech visions, conceptual hybridization and transparent technologies.*

*These reflections and initiatives allow for the construction of a common vision, which takes into account the creative potential of the region, and which acknowledges the relationship between global and local opportunities in an interconnected world.*

### **Felipe Cesar Londoño**

*Rector Universidad de Caldas, Director Festival Internacional de la Imagen*

It is perhaps the success stories described in the previous section that point the way toward designing such a strategy. The most effective digital policies - that have achieved the greatest impact over the long term and with the lowest investment - have been those that have actively involved private companies and CSOs working with digital tools in their conception and implementation. Indeed, when Mexico's Digital Culture Centre offers itself as a space for other entities dedicated to electronic art to carry out activities *in situ*, when the Cultural Service Department of the canton of Basel-Stadt partners with a local portal to promote crowdfunding, when the Austrian

broadcaster ORF teams up with a VoD platform to encourage the distribution of domestic films or when Niger obtains key cultural data through an interactive website developed by an NGO, it involves much more than top-down aid or circumstantial agreements: in all these cases, public and private actors operate as a network to co-construct solutions to specific local problems.

The advantages of this strategy are manifold: (i) in an age of dizzying technological change, it is usually companies and CSOs that are most familiar with the latest developments in a particular area, so their contribution

can save the state considerable time in research and development; (ii) given the variable nature of many areas of the public sector due to changes in government, the reorganization of ministries, the arrival of new public officials, etc., companies and civil society can also ensure the sustainability of policies in the long term - in fact, even if the state withdraws from a collaborative initiative with a local platform, the latter can continue the project directly with the users; (iii) the public sector has a unique capability to generate visibility and critical mass, so by allying with private actors it can significantly invigorate the creative economy.

In cases where it decides to build its own platforms and work directly with end-users, the public sector can learn a lot from the lean startup methodology, based on active feedback from customers/users and constant iteration (Ries, 2011). The first step will be to identify the shortcomings, frictions and needs faced by certain creative sectors. The next will be to launch what in the world of start-ups is known as a Minimum Viable Product (MVP), which is a relatively simple initial solution – policy or measure – that satisfies the basic needs identified by users. Successive tests and iterations will allow new features to be added to the initial framework. In 2015, France's General Secretariat for the Modernization of Public Action launched the Digital Services Incubator (<https://beta.gouv.fr/en>), dedicated to applying a start-up approach in various areas of public policy. Instead of regarding technology as a closed tool to be implemented from the top down, this unit prioritizes building autonomous and flexible teams that focus on solving the concrete problems encountered by users (Pezziardi and Verdier, 2017). The experience it has acquired may prove extremely useful for areas of government that are seeking to innovate in the cultural sphere.

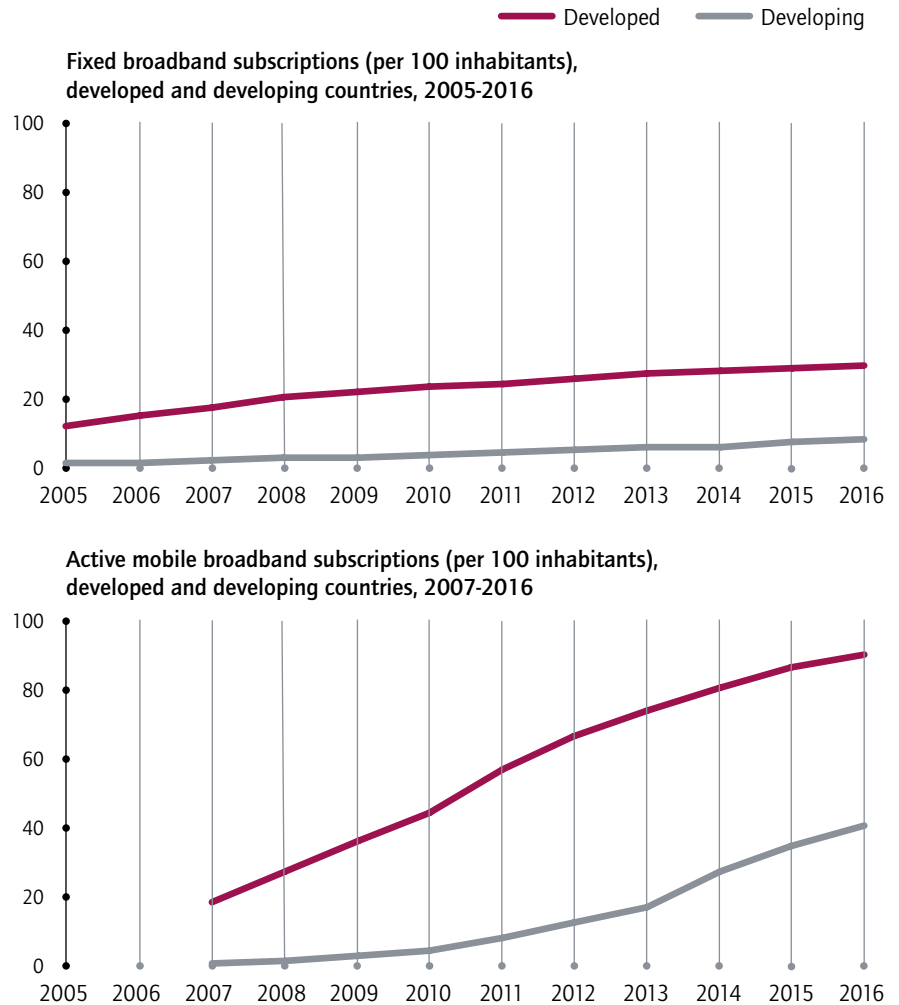


*Mobile is now firmly established as the dominant form of broadband internet access in both developed and developing countries*

The need to implement bottom-up strategies – whether through the co-construction of solutions in collaboration with domestic digital actors or the creation of state-owned platforms and start-ups – applies not only to the developed countries, but also to the global South. Indeed, it should be noted that the social, economic and technological conditions prevailing in these regions do not always mirror trends in the North, but rather tend to obey their own dynamic, which justifies a localized approach.

Figure 3.2

Broadband subscriptions in developed and developing countries, 2005–2016



Sources: ITU World Telecommunication (2016), ICT indicators database, BOP Consulting (2017).

This is clear, for example, in the area of infrastructure: in developing countries, mobile phones are the main means of accessing the internet, which necessarily gives rise to a unique cultural and digital ecosystem

Figure 3.2 shows that, while in developed countries the number of fixed broadband subscriptions per 100 inhabitants had risen to almost 1 in 3 by 2016, it remains below 10 in developing countries. When looking at mobile access technologies, in 2016 there were an estimated 90 active broadband subscriptions per 100 inhabitants in developed countries,

compared to 41 in developing countries, thus reflecting a less marked imbalance. Also, for the same period, the uptake of mobile broadband grew much faster in developing countries (411%) than in developed countries (388%), and from a larger base. Mobile is now firmly established as the dominant form of broadband internet access in both developed and developing countries, but the trend is even more pronounced in this latter group, since in regions of the South there are more than five times as many mobile broadband subscriptions per inhabitants compared with fixed line subscriptions.

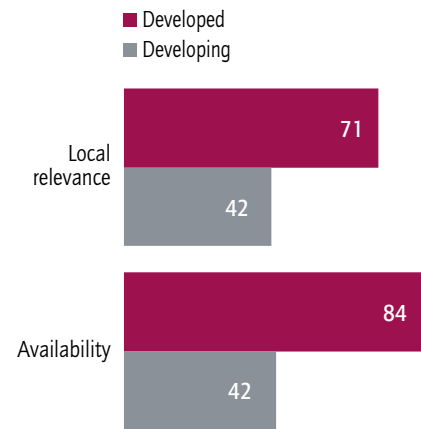
In this context, instead of implementing projects copied from other regions, it will be more sustainable to partner with actors who are already working with new technologies in the South. In the case of Africa, for instance, there are highly dynamic projects operating throughout the creative chain, by which we mean events like the African Web Festival, hubs such as Afrobytes or iHub, organizations like Akirachix or Kër Thioissane, and portals such as Badilisha Poetry X-Change or African Digital Art. This last initiative, undertaken by the Kenyan artist Jepchumba, has helped enormously to increase the visibility of African digital creators and foster greater participation by women in this field (Box 3.6; see Chapter 9). The collaboration of the public sector with these types of actors may help to disseminate the right digital skills, as well as to foster the production and distribution of relevant content for local audiences, in addition to encouraging the emergence of a viable digital market – areas in which these countries face major problems.

Data presented in Figure 3.3 demonstrates that there is a persistent

gap in the provision of digital content and services between developed and developing countries. The average 'local relevance' of digital content in developed countries was 71 out of 100; whereas in developing countries, the average was 29 points lower (42). These findings suggest that in developed countries there is a higher probability that citizens are participating in the creation, distribution and consumption of a wide range of digital content. Similarly, while developed countries scored on average 84 out of 100 for 'availability' of digital content, the developing countries' average was half this figure, at only 42. This means that in developed countries there is a much higher availability of content produced in their respective languages. Taken together, the differences in the two average scores for developed versus developing countries suggest that digital content and services are much more likely to come from elsewhere in developing countries, as compared with developed countries. Developing countries also display less engagement with a variety of digital content and services.

Figure 3.3

Provision of digital content and services, 2016



Source: GSMA (2016).

For least developed countries, it may prove useful to set up a special support unit that can assist them in incorporating digital tools, along similar lines to those followed by the UN Technology Bank – an institution designed to help least developed countries strengthen their science and technology capabilities, as well as produce home-grown research and innovation and take them to market (see SDG target 17.8).

Box 3.6 • *Women in African digital art*

While the digital revolution has driven a generation of Africans to explore new ways of expressing themselves and harnessed great potential for creative and cultural industries, the participation of women in digital arts remains a tremendous challenge. Today, African women in the digital arts face several constraints, including lack of funding and access to resources; lack of visibility and representation; lack of infrastructure; challenges around mobility; lack of statistical data or tools to measure the creative economy; gender discrimination and gender restrictions within the industry. There is a call for 'female mentors to look up to for inspiration'; 'more safe, free and accessible spaces, resources, software and equipment to link up with other creatives in order to create and collaborate'; and 'an up-to-date list of funding or women-focused bursaries/programmes'. In order to unlock the potential of talented women in Africa and ensure that their presence is visible, strategies and priorities for policy makers are to:

- create communities and environments where female creatives feel safe and understood;
- provide adequate education for young girls and provide opportunities for liberal arts education;
- organize female-led creative mentorship programmes; and
- give visibility to women creatives in the industry.

Source: Jepchumba (2017).

“  
Instead of implementing projects copied from other regions, it will be more sustainable to partner with actors who are already working with new technologies in the South

The case study in Box 3.5 demonstrates the potential of the co-construction methodology from an interministerial perspective. It is essential that the Ministry of Culture becomes more involved in infrastructure plans and digital agendas to ensure that the principles of the Convention are taken into account during implementation.

It is worth noting that the ministries that usually deal with these initiatives – technology and finance – tend to have considerable funds at their disposal, which means that if the Ministry of Culture succeeds in working with them, it will be able to access far more resources than those normally available to it. It has been precisely thanks to an alliance with the Ministry of Information Technology and Communications (MINTIC) – which is carrying out the ambitious *Vive Digital* plan – that the Colombian Ministry of Culture has managed to launch the *Crea Digital* programme, which encourages the production of digital content in a way that respects the priorities of national cultural policy, including fostering the local creative ecosystem and promoting peace and diversity.



*The network structure typical of today's creative scene has enabled the emergence of a particular type of actor every bit as powerful as controversial, namely big online platforms*

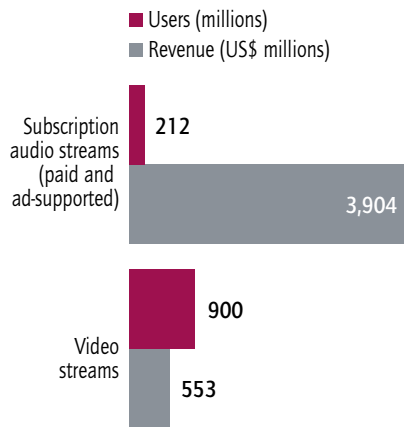
### THE RISE OF GLOBAL PLATFORMS, BIG DATA AND ARTIFICIAL INTELLIGENCE

The network structure typical of today's creative scene has enabled the emergence of a particular type of actor every bit as powerful as controversial, namely big online platforms. By definition, a platform facilitates interaction between users – buyers and sellers, creators and consumers, etc. – in a highly efficient way, and in this regard adds great dynamism to the cultural fabric. However, as a platform grows, there is a risk that it will weaken or directly eliminate the other links, in a process known as 'disintermediation', which in the medium and long term may lead to over-concentration. For example, the strength of a global platform like YouTube is so considerable that other actors face problems when negotiating a

fair deal, as in the phenomenon known as the 'value gap': this company, owned by Google, with 800 million users, paid the industry just over \$1 per user, compared to the \$18 paid by Spotify, which has a much smaller customer base (Sweney, 2017). Moreover, user upload video streaming services like YouTube enjoy a huge user base but generate much less revenue for the music industry than subscription services (both paid and ad-supported), such as Spotify. Figure 3.4 shows that the revenue returning to rights holders through user upload video streaming services in 2016 amounted to US\$553 million. By contrast, a much smaller base of 212 million users of audio subscription services (both paid and ad-supported) contributed over US\$3.9 billion.

Figure 3.4

#### The streaming value gap

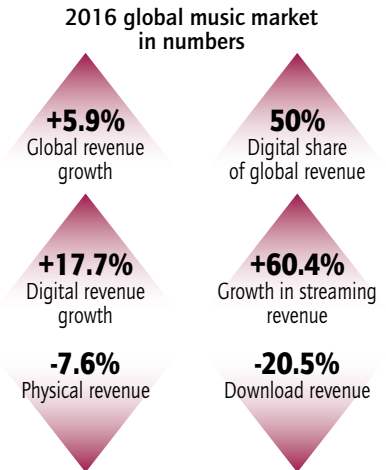


Source: IFPI (2017).

In a context where streaming, whether on subscription or ad-supported, is becoming mainstream, the tension between different representatives of the creative ecosystem – artists, record labels, film production companies, etc. – and the big platforms will probably continue to increase. Figure 3.5 shows that digital revenues overall grew by 17.7%, driven by a sharp 60.4% increase in the share corresponding to streaming. This trend more than compensated for the 20.5% drop in income from digital downloads. For the first time, digital revenues make up 50% of the recorded music market.

Figure 3.5

#### Streaming and digital share of global revenues in the music market, 2016



Source: Global Music Report (2017).

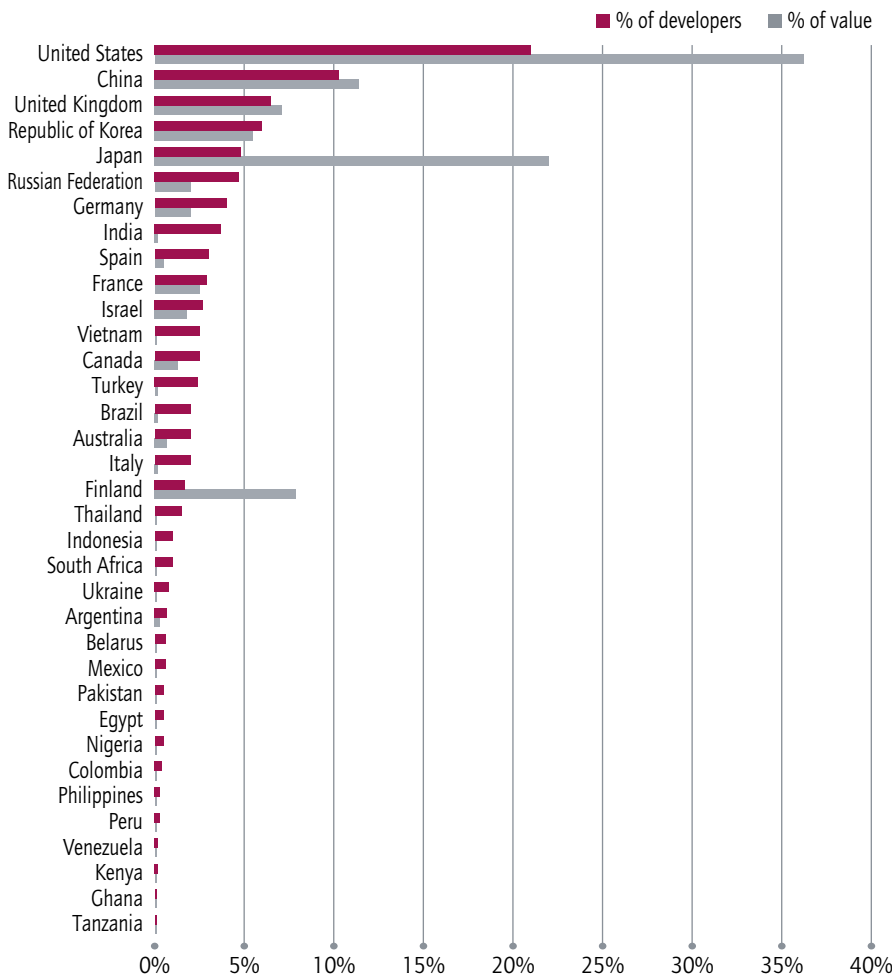
In the global South, problems arise firstly at the level of infrastructure, as large platforms very often provide not only content but also connectivity – as occurs with the Facebook Free Basics program, which was banned in India over net neutrality concerns (Hempel, 2016). Secondly, the digital markets built by large platforms usually run smoothly for companies and programmers from the North, but not for those from the South, which often do not have the opportunity to sell and charge for their apps (Pon, 2016). Figure 3.6 makes clear that the digital app economy is geographically concentrated in the wealthiest countries and its economic value is unequally distributed. App developers in the United States of America, Japan and Finland capture a much higher share of value than their share of developers, as do China and the United Kingdom (albeit to a much lesser extent). For all the other countries, the relationship is reversed – that is, their share of value is lower than their share of developers.

The rise of global platforms also poses problems in the field of statistics. The 2015 Global Report suggested that data are the lifeblood of the cultural system and must therefore be regarded as a key component of the creative economy.



Figure 3.6

Share of app developers and app revenue across the top 500 grossing apps and top 100 downloaded apps, by country, 2016



Source: Caribou Digital (2016).

This applies not only to strictly digital content – a YouTube video, for example – but to all goods, including analogue ones, such as a book in paper format or a vinyl record, since their commercialization always involves the use of metadata – data on the product – that are communicated electronically throughout the entire value chain. Through data and metadata, digital logic conquers all industries, regardless of the format of the goods involved. And one of the keys to the success of large platforms is understanding that data/metadata are not mere by-products, but instead represent a new type of commodity of extraordinary value, which can be resold

or reused – for example, to optimize recommendation algorithms and to sell advertising. Google, Facebook, Amazon and other large platforms are not simply ‘online intermediaries’, they are data companies and, as such, make every possible effort to safeguard and fully exploit their primary input.

The very nature of the business in which these large platforms engage can help us understand how it is that, while at the global level we are seeing an explosion of data, the statistics actually available to countries appear to be evaporating into thin air, as illustrated in Figure 3.7. In fact, as revealed by the most recent QPRs,

cultural statistics remain exceedingly scarce. Indeed, very few countries have data on the music industry and, with very few exceptions, there is almost no information on the specific segment of digital music. International professional organizations, such as The International Federation of the Phonographic Industry (IFPI), produce statistics in this field, but Parties do not mention them in their reports. The section on participation also tends to be incomplete. In some cases, statistics are attached in annexed files, but since these employ heterogeneous classification criteria, it is not easy to make comparisons among them. In any case, it is clear that public institutions face serious difficulties when it comes to collecting information. Portugal’s QPR describes this in dramatic terms:

*‘Financing is clearly and unfortunately a major issue. Organizing conferences, promoting meetings, commissioning studies and research, editing reports or comprehensive studies cost money! And studies and research are needed since policies must be based on accurate data, reliable information. And where can the money come from when the public debt is huge, financial cuts are enormous and most institutions barely have the resources to keep their doors open and pay vital expenses?’*

It should be noted that in the digital environment, the lack of comparable cultural statistics can have serious consequences. Without data on *inter alia* how many and which cultural goods and services are being sold, at what price, in what format, by whom they are created – broken down by region, gender, age etc. – and on how much is earned in each category, on who the buyers are, on how much wealth is digitally generated, distributed and consumed, an increasingly large proportion of the creative economy will remain obscure (see Chapter 6). If a country does not have this data available, it will prove much more difficult to detect problems or imbalances at the national level, and all stakeholders – public, private and civil society – will run the risk of erring in their analysis and implementing very limited or, worse still, counter-productive initiatives.

The lack of information also presents obstacles in terms of transparency and accountability, while at the same time hindering the evaluation of progress and setbacks. Indeed, in the monitoring framework proposed in the 2015 Global Report, the quantitative data currently available enables us to partially measure the evolution of access (indicator 3.1), but does not provide a firm basis for detecting changes that have occurred at the level of creativity and participation (indicator 3.2) or the cultural market (indicator 3.3). The information available for these two indicators is predominantly qualitative.

A new gap is thus being created, between the information-rich – large platforms – and the information-poor – public sector and small actors from the creative ecosystem. In developing

countries, this division may become extremely pronounced. Nowadays, without cultural data, it is impossible to implement informed, transparent and participatory processes and systems of governance; in such conditions, the first goal of the 2005 Convention will prove difficult to achieve.

However, there is an additional challenge, which is perhaps even more serious. With the advent of artificial intelligence, data has become nothing less than food for machines, which now can learn and perform operations that until recently were unique to humans. These tools lie at the foundation of a myriad of applications, such as personal assistants – Amazon Alexa, Microsoft Cortana and Apple Siri, among others – or computer programmes that, as in the case of AlphaGo, can beat Go champions

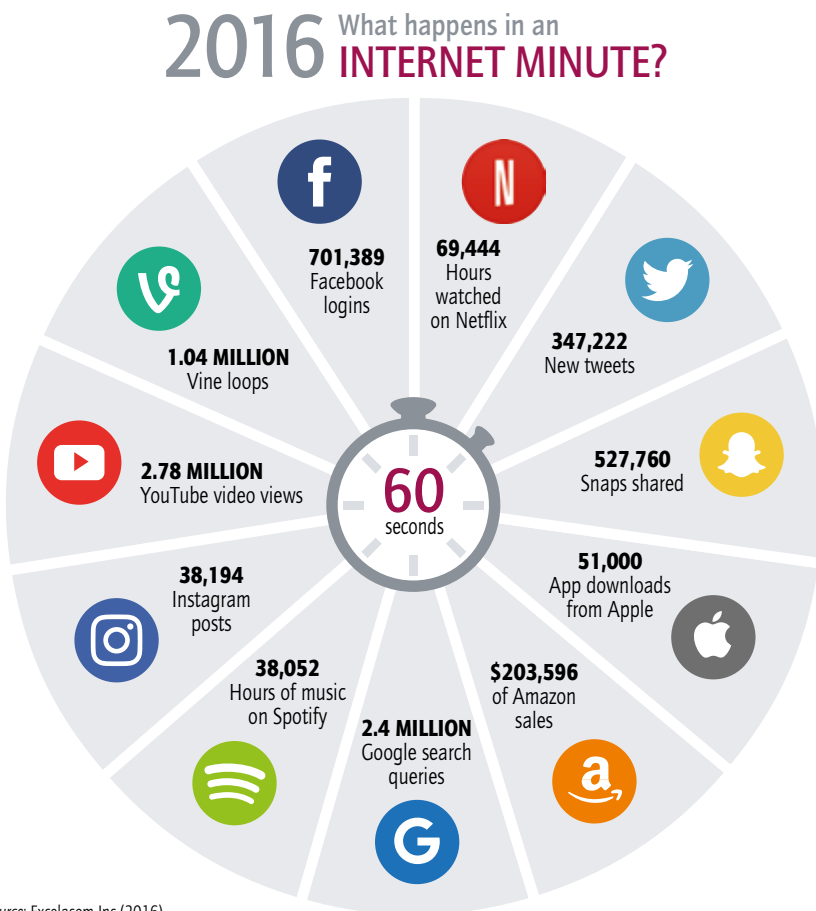
and chess grandmasters alike. Thanks to artificial intelligence, machines are already capable of creating. Start-ups like Jukedeck or Amper, for example, employ algorithms to generate music that can be reused as a soundtrack for short films. In 2016, Google introduced its Magenta project (<https://magenta.tensorflow.org>), dependent on its Google Brain unit and dedicated to the creation of art and music through artificial neural networks.

It is true that such tools can greatly help artists who need to be inspired by or delegate part of their creative work to an automatic application. However, it should be noted that artificial intelligence can produce dramatic changes in the value chain and that, in terms of the diversity of cultural expressions, the situation is not devoid of risk. Firstly, while this technology clearly saves time and money, it also raises questions with regard to sustainability, since a considerable portion of the creative chain could eventually be replaced by machines – and there is a good chance that, in a not-too-distant future, many professions may cease to exist as we know them. In addition, in order to get good results with artificial intelligence, it is usually necessary to feed and train machines with a considerable volume of data, which may exacerbate the problem of concentration, since few companies at the global level have such large quantities of information available to them. Furthermore, although the software used is in many cases open source, the data collected and reused by the platforms are copyright-protected, so the danger arises that the best artistic creations of the future may end up being owned by a handful of platforms.

For all these reasons, the relationship between large platforms, Big Data, artificial intelligence and the diversity of cultural expressions has to be closely monitored. The strategy of co-construction/collaboration with domestic digital actors and, in some cases, the implementation of public start-ups can help mitigate excessive market concentration in the hands of global platforms that are generally more reluctant to adapt their systems to projects with a local scope.

Figure 3.7

Volume of data circulating on the internet



Source: Exelacom Inc (2016).

At the same time, the involvement of the Ministry of Culture in cross-cutting digital plans can help ensure that national investments not only serve to attract these large platforms, but also to build a sufficiently diverse and sustainable ecosystem over time.

It will also be crucial to thoroughly rethink strategies for obtaining statistics and to implement a means of active collection, by carrying out ad hoc measures – surveys, mappings, etc. – in collaboration with international organizations, such as the Web Foundation (<http://webfoundation.org>), which already work in the field. It would be helpful to offer concrete incentives that enable platforms – both local and global – to share at least part of their data and even establish a national policy that recognizes the public nature of key data sets. In the specific area of artificial intelligence, a debate urgently needs to take place on the opportunities and threats that this powerful tool might pose for culture and diversity.

## CONCLUSIONS AND RECOMMENDATIONS

Since the publication of the 2015 Global Report, Parties have made considerable progress in applying policies to promote and protect the diversity of cultural expressions in the digital environment. There is now a much greater awareness of the opportunities, challenges and threats involved, in both the global North and the global South. The policies and measures implemented are wide-ranging and many of them could serve as success stories for other countries. Areas that were relatively unexplored – such as the encouragement of digital arts and tech entrepreneurship – have gained undeniable importance for policy makers.

However, a number of major challenges remain. Firstly, the value chain is rapidly being transformed and most countries do not have a strategy in place to deal with these changes. In developing countries, the task is even more complex. Secondly, the rise of big platforms may represent a risk for diversity, while also causing a growing drought of data in the creative ecosystem,

which may seriously affect decision making on public policies and leave local creative actors defenceless – due to, among other things, the advance of artificial intelligence, a tool that is beyond their reach.

In order to guarantee the sustainability of the cultural ecosystem in a way that fully meets the first goal of the 2005 Convention, as well as the need for participatory and representative decision making recognized in the SDGs, a new type of relationship between the public sector, private companies and civil society will have to be established, incorporating the logic of the new environment. It is a question of empowering local actors from both the global North and global South and of intensifying partnerships between the public and private sectors, between different creative links, between different ministries – culture, trade, industry, telecommunications, education – and, we might add, between different countries. In this regard, it would be advisable to:

- apply to cultural public policies a methodology of work similar to that used by start-ups and other digital players: interactivity, iteration, co-construction;
- collaborate with local web platforms on projects that contribute to the sustainability of the cultural ecosystem;
- use social networks and other digital tools to give civil society a voice in the validation of policies;
- rethink cooperation plans for developing countries, based on a bottom-up approach that ensures not only access and digital skills, but also the distribution of locally relevant content and the construction of a viable cultural market in the long term;
- evaluate the possibility of creating a digital support unit – for example, through the International Fund for Cultural Diversity (IFCD) – to work directly with the least developed countries, following the Technology Bank model described in SDG target 17.8;
- update the methodology for measuring cultural trends in the digital environment, in collaboration with local and international organizations such as UNESCO Institute for Statistics (UIS),

International Telecommunication Union (ITU), W3C and the Web Foundation;

- establish incentives for global platforms operating at the national level to contribute useful cultural data for decision making and draw up a national policy on data;
- share information and good practices among the different Parties on a regular basis;
- apply the principles and objectives of the 2005 Convention to infrastructure plans, digital agendas and major international trade agreements;
- encourage the use of the Operational Guidelines on the implementation of the Convention in the digital environment as a tool for policy action;
- implement strategies to ensure that the principles and objectives of the 2005 Convention, as well as human rights and gender equality, are taken into account by global platforms;
- design a policy for artificial intelligence that guarantees diversity of cultural expressions and sustainable development.

Greater commitment in the aforementioned areas could result in a more diverse, vibrant and prosperous creative ecosystem. However, neglecting these pressing issues will undoubtedly lead to increasing concentration and the loss of the basic benchmarks needed to develop policies. The fact is that technologies themselves are inert; neither artificial intelligence, nor virtual reality, nor Big Data, nor the internet nor any other tool will by itself succeed in diversifying the creative scene or democratizing society. We are the ones who can create these technologies, adapt them and use them to address concrete problems, based on our principles and aims. If we do not do so, others surely will, to attain their own different ends. Culture and technology are human creations and, as such, share a common DNA. In this sense, the cultural sector must be fully involved in the digital environment. Not as visitors to a foreign land, but as social actors laying claim to what is theirs by right.



# Engaging civil society in cultural governance

Andrew Firmin

## KEY FINDINGS

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- »» *The Convention's goal of supporting sustainable systems of governance for culture can only be achieved through strong civil society participation.*

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- »» *Many in civil society believe that policy-making processes lack transparency and that laws and regulations do not sufficiently enable civil society participation.*

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- »» *A strong core of civil society is committed to playing its role in improving cultural governance and developing cultural policy.*

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- »» *Civil society actors have responded to the Convention by convening their peers, engaging in advocacy, generating and sharing knowledge, and creating new networks.*

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- »» *To achieve more, this civil society core needs capacity development support and resources, focusing on policy participation, communication and networking.*

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**Strong civil society participation** is crucial for national policies and measures to contribute to



- informed
  - transparent
  - participatory
- systems of governance for culture



**A strong core of CSOs** is already improving cultural policy through more formalized policy spaces



**63%** of CSOs have contributed to national cultural policy or consultations



**70%** of CSOs feel that their organization can make a difference to the policy environment

**HOWEVER, THERE ARE SEVERAL BARRIERS TO OVERCOME:**



Current laws do not sufficiently enable their participation



**30%** of CSOs do not believe that laws enable them to partner with state actors



Government consultation structures are not sufficiently open, enabling or far-reaching



**40%** of CSOs do not believe that the way cultural policy is made is transparent



Resources, capacities and networks remain suboptimal



**23%** of CSOs do not regularly collaborate with other CSOs



**FOR BETTER SYSTEMS OF GOVERNANCE FOR CULTURE, GREATER EFFORT IS NEEDED TO:**



Develop continuous, regular and structured participatory processes



Raise awareness among CSOs



Strengthen and develop capacities



Encourage cross-sectoral partnerships, with cultural and non-cultural CSOs

## CORE INDICATORS

Enabling legislative and regulatory framework for civil society

Civil society has the capacity to participate in the design and implementation of policies

Civil society is actively involved in governance of the Convention at the national and global level

### INTRODUCTION

Peruvian civil society is working to make participatory cultural governance a reality. Between 2011 and 2014, civil society convened the annual 'National Encounters of Culture' (ENCs) to develop, exchange and promote ideas on the governance of culture. After 2014, the lead organization, Culturaperu.org (now Solar), decided to go beyond exchanging ideas, offering a decentralized programme of 'Pre/Encuentros', local and thematic meetings to propose cultural policy changes. In 2016, 77 organizations combined to hold 25 encounters in 15 regions of Peru, leading to the agreement of an 'Agenda of Shared Advocacy', validated at the fifth ENC in August 2017, and the formation of the Peruvian Alliance of Cultural Organizations to drive its implementation. The shared agenda aims to foster collaboration between government and civil society, in order to design more democratic and sustainable cultural policies, making the point that there cannot be cultural democracy without civic participation.<sup>1</sup>

This is just one example of how civil society can take the lead in pushing for the governance of culture to be made more open to people's participation, in order to better reflect the needs and realities of citizens. The question for this chapter is: which factors can help encourage and sustain such civil society-led initiatives, and make them a success? Hence, it will explore the extent to which implementation of the Convention has fostered partnerships between civil society and its Parties.

1. With thanks to Mauricio Delfin, Director, Solar.

It will examine the engagement of civil society organizations (CSOs) with Parties in the design and implementation of domestic-level policies, and in the promotion and international governance of the Convention.

Goal 1 of the Convention, as set out in the 2015 Global Report, is to support sustainable systems of governance for culture. This means that national policies and measures should contribute to informed, transparent and participatory systems of governance of culture. The goal can only be achieved if civil society is able to play a strong role, because civil society offers a key vehicle for people's participation and can be pivotal in asserting accountability and demanding transparency, which together make it more likely that cultural policies and measures reflect and serve the needs of citizens. Goal 1 accordingly recognizes partnerships between civil society and Parties as an essential aspect of cultural governance, building on the Convention's strong recognition of the role of civil society, notably in Articles 11 and 12.<sup>2</sup> The Convention's Operational Guidelines elaborate that Parties should strengthen civil society capacities and encourage civil society to participate in

2. Article 11 States that: 'Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention'. Article 12, on the promotion of international cooperation, States that Parties shall 'reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions'. Further, Article 2 affirms that cultural diversity can only be protected and promoted if human rights, including those established in the Universal Declaration of Human Rights, are guaranteed. Among the rights set out in the Declaration are civil society's fundamental rights of association, peaceful assembly and expression.

the implementation of the Convention. It should therefore be clear that Parties have an active duty to enable civil society participation; the quality and effectiveness of civil society partnerships are a key test of the Convention's success.



*The quality and effectiveness of civil society partnerships are a key test of the Convention's success*

The Convention's robust recognition of civil society makes it a potential model of good practice in other arenas of international norm-setting (Box 4.1). In particular, this could be the case in relation to the Sustainable Development Goals (SDGs): SDG 16's targets promise 'effective, accountable and transparent institutions at all levels' and 'responsive, inclusive, participatory and representative decision making at all levels', while SDG 17 makes the commitment to 'encourage and promote effective public, public-private and civil society partnerships'. These targets apply directly to cultural governance. So how well are civil society partnerships working in practice and what more could be done to intensify them?

### FOCUS, SCOPE AND DEFINITIONS

The focus here is on civil society actions and partnerships that seek to achieve policy influence. While this is not to deny the value of the many other civil society initiatives taken to promote the diversity of cultural expressions, policy influence is the true test of whether cultural governance is open to civil society.

#### Box 4.1 • *The history of civil society engagement in the Convention*

*The importance that the Convention accords to civil society is no accident, reflecting civil society's strong history of involvement in the Convention's development. Learning from examples of successful civil society engagement in treaty-making, such as the 1997 Anti-Landmines Convention, civil society activists engaged with the process of the Convention's development at an early stage. This included developing and submitting drafts between 2001 and 2003, dialoguing with national ministries, recruiting wider civil society support, winning space to speak during the drafting process and defending the Convention, including its text on civil society, when necessary. Civil society's advocacy style was cooperative; it worked closely with supportive governments. Once the Convention was adopted, civil society groups encouraged swift ratification. As discussed further below, civil society bodies were also quick to participate in meetings of the Convention's governing bodies.*

*Civil society developed a new institutional base to enable engagement. The International Network for Cultural Diversity, formed in 1998, played an essential role in early advocacy, preparing drafts, making submissions and participating in key meetings. In a parallel move, the first national-level coalitions for cultural diversity were formed in France in 1997, Canada in 1998 and Chile in 2001, and the movement quickly grew. Founded in 2003, the International Federation of Coalitions for Cultural Diversity (IFCCD) is still in operation today.\* In 2015, the European Coalition for Cultural Diversity established itself as a permanent organization.*

\* Formerly the International Liaison Committee of Coalition for Cultural Diversity (ILC).

As for definitions, the Operational Guidelines describe civil society as: 'non-governmental organizations, non-profit organizations, professionals in the culture sector and associated sectors, groups that support the work of artists and cultural communities.' This definition is followed, while noting that it covers a small subset of the much broader civil society universe.

The 2015 Global Report proposed three key indicators for civil society partnerships: i) a legislative and financial base to support civil society; ii) civil society participates in the design and implementation of policies; iii) civil society is actively involved in the ratification and promotion of the Convention. It also suggested many means of verification, including that: Parties provide financial support to CSOs; diverse mechanisms exist for civil society to participate in policy design and implementation; CSOs collect, analyse and publish data and information; and civil society is consulted in Convention processes, including reporting processes. We have looked

for new evidence on the indicators and means of verification, and also suggest and explore additional indicators that could help to assess civil society's ability to engage in partnerships.

Firstly, there is a need to articulate why civil society may enter into partnerships. The Operational Guidelines indicate some roles that civil society can play: articulating citizens' concerns, bringing in excluded voices, promoting values, exercising accountability, advocating for Convention ratification and implementation, innovating, developing cultural capacity, fostering cooperation, inputting into reports and helping to collect data. But while useful, these suggested roles are essentially instrumental, indicating a top-down reading of how civil society adds value to state-led processes. From a civil society perspective, the key motivation to partner is, we suggest, to achieve influence. Influence helps advance a CSO's mission. There are also secondary objectives, such as securing resources.

Our analysis therefore considers both the demand and supply side of partnerships. The supply side refers to the spaces and opportunities provided by governments and intergovernmental organizations that enable civil society actors to add value to official efforts. These include what can be characterized as 'invited spaces', in which civil society participates at the behest of organizers. The demand side consists of the means by which civil society organizes itself to seek influence, including by taking advantage of spaces and expanding these where possible, and also by creating its own spaces and initiating partnerships. Understanding the demand side entails not only examining the existence of partnership spaces and opportunities, but also the extent to which civil society can take advantage of them and its capacities to partner to its satisfaction. The current indicator framework's focus on the legislative and financial support base of civil society is therefore insufficient: even with enabling laws and financial resources, civil society may lack the capacity to partner fully. This suggests a need to revise indicators to reflect demand side factors, discussed in this chapter's conclusion.



*Policy influence is the true test of whether cultural governance is open to civil society*

The capacity to partner is determined by many different factors. Research (CIVICUS, 2011) suggests positive correlations between the existence of civil society networks and the involvement of CSOs in advocacy, and between the stability of a CSO's human resources and its impact. This suggests a need to explore two further aspects of the capacity to partner, which can contribute to the stability of human resources and staff commitment, and which seem amenable to intervention: i) levels of networking and civil society connections and ii) the skills and capacities of civil society personnel.



## METHODOLOGY

Because it is important to recognize and uphold civil society's autonomy, we have sought direct civil society input, unmediated by Parties. It was also necessary to supplement the limited information in the Quadrennial Periodic Reports (QPRs), which are patchy in their coverage of civil society and its impact. Other issues relate to the timeframe (it is not always clear how recent reported activities are) and attribution (it often cannot be said to what extent activities are framed in relation to the Convention). Hence the search for direct civil society inputs included:

- a survey carried out between February and March 2017, with 166 respondents, mostly from different organizations;
- email and phone interviews with six leaders of CSOs, conducted in April 2017;<sup>3</sup>
- interviews with four people involved in UNESCO's Expert Facility missions, carried out in March 2017; and
- the regular CIVICUS questionnaire of members of its Affinity Group of National Associations (AGNA), a network of national-level civil society membership and coordination bodies, responded to by 16 organizations between December 2016 and February 2017.<sup>4</sup>

We also worked with data provided by UNESCO, particularly on civil society participation in QPR and international processes, and CIVICUS analysis on the broader conditions for civil society.

The geographic breakdown of respondents was: Europe and North America (40%), Asia and the Pacific (25%), Africa (16%), Latin America and the Caribbean (12%) and Arab States (2%), with the remaining 5% describing themselves as having an international base.<sup>5</sup>

3. With thanks to Inés M Pousadela, Research Specialist, CIVICUS, for assistance with translation.

4. With thanks to Patricia Deniz, former AGNA Coordinator, CIVICUS, for assistance with the AGNA survey.

5. All percentages in this chapter are rounded off.

More responses came from the global South (51%) than the global North (47%), with the remainder indicating they operate globally. Most respondents classified themselves as cultural networks (16%), non-governmental organizations (19%), non-profit organizations (14%) or professional associations (9%), indicating that they represent organizations that closely adhere to the Operational Guidelines' core definition of civil society.

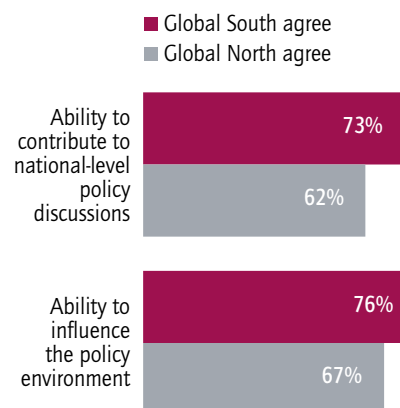
Some caveats should be offered about these survey responses. The distribution list drew strongly from existing UNESCO contact lists, as well as cultural contacts identified by the author. Following snowball sampling approaches, respondents were encouraged to circulate the survey through their networks. This made the pool likely to be skewed towards those with strong existing knowledge of the Convention and UNESCO, as can be seen in the finding that 85% of respondents are aware of the Convention. This approach has its benefits: it offers informed views from CSOs that are closest to the Convention and cultural governance issues. However, the responses may tell us little about the thinking, challenges and needs of other segments of civil society that are less strongly engaged with the Convention.

## FINDINGS ON DOMESTIC POLICY ACTION

This section relates to the 2015 Global Report indicator 1 on the legislative base to support civil society, and indicator 2 on civil society participation in the design and implementation of policies. The picture is one of considerable activity. There is an active core civil society constituency that is participating in cultural governance. Respondents are on the whole confident about their ability to participate in policy debates: 66% agree or strongly agree that they feel able to contribute to national-level policy discussions, and 70% that their organization can make a difference to the policy environment.

Figure 4.1

### Global South and global North perspectives on CSOs participation in cultural governance



Source: BOP Consulting (2017).

Responses (Figure 4.1) suggest that global South CSOs feel more able to contribute (73% vs 62%) and make a difference (76% vs 67%) than global North CSOs.

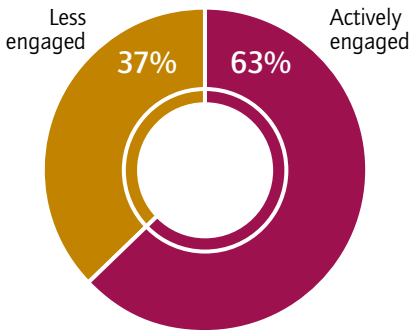
“  
Some 63% of respondents say they have contributed to some kind of cultural policy consultation

Some 63% of respondents say they have contributed to some kind of cultural policy consultation – usually by participating in meetings or making written submissions to government or parliamentary processes – in the last five years. For the purpose of further analysis, this 63% is described as the 'actively engaged' group, compared to the 37% reporting no recent activity, characterized as the 'less engaged' group (Figures 4.2 and 4.3). Not surprisingly, the 'actively engaged' group is most aware of the Convention (90%), has contributed to discussions on the Convention's implementation (82%) and has been involved in projects to promote the Convention (80%).

The 'actively engaged' group has also worked more to promote gender equality in cultural production and participation, at 62%, compared to 46% of the 'less engaged' group and 56% of all respondents. Some further significant differences between these two groups are discussed below.

**Figure 4.2**

**CSO participation in cultural policy consultation**



- Contributed to cultural policy consultation with the State within the last 5 years
- Has not contributed to cultural policy consultation with the State within the last 5 years

Source: BOP Consulting (2017).

Across respondents as a whole, there is a relatively small gap between the 63% engaging on cultural policy issues in general and involvement in advocacy in particular, implying that much activity has the aim of achieving influence: 58% of respondents have taken part in advocacy with the aim of improving laws, regulations and policies. This picture of activity is affirmed by the QPRs, which offer many more examples of demand side civil society-initiated actions than supply side state-led actions, indicating that civil society is taking the initiative to participate in cultural governance. Civil society-led advocacy activity is cited in 24 QPRs.<sup>6</sup>

According to survey responses and QPRs, key means by which civil society pursues advocacy are by organizing meetings,

6. 62 QPRs were submitted in 2016 and 2017, from 61 States Parties plus the European Union.

holding public events (including rallies and campaigns), submitting written inputs, informal lobbying and taking part in policy dialogues with governments and parliaments. The intent of these strategies is to build consensus on a position, communicate that it is important and bring the issue into decision-making circles. The inference is that often outsider strategies – in which civil society builds and focuses public pressure – and insider strategies – in which civil society cultivates relationships for influence – are pursued simultaneously.

Advocacy is taking place on many different fronts. Key themes include IP address and copyright laws, the resourcing of culture, creative industry development, enhancing cultural policies, issues of creative freedom and the status of the artist. A key area of advocacy for global North CSOs in particular is the protection of culture in international trade deals recently under negotiation (see Chapter 7). While most advocacy is focused at the national level, there are also reports from several survey respondents and interviewees of European Union (EU)-level engagement on cultural policy issues, including urging the EU to give culture higher priority. For example, an interviewee from a European network advocates for stronger EU policy on music industry diversity.



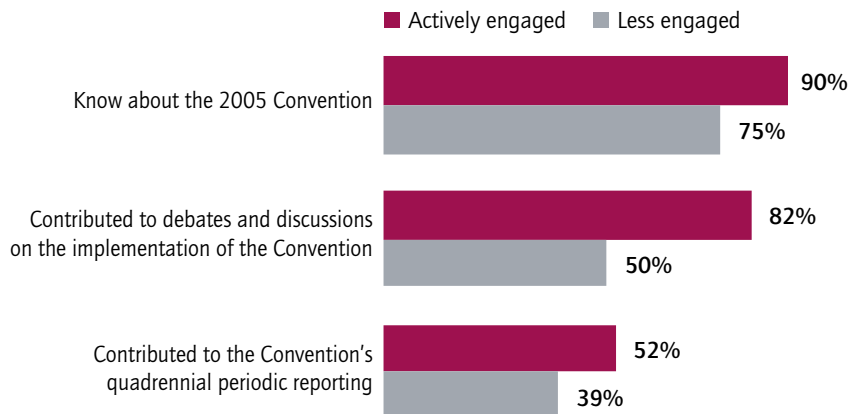
*58% of respondents have taken part in advocacy with the aim of improving laws, regulations and policies*

The research inputs shed light on the major means by which civil society acts, emphasizing convening as the key civil society action. As the opening example from Peru suggests, civil society bodies convene meetings, including workshops, seminars and public discussions, as part of advocacy, awareness raising and coalition building. Civil society-led convening is reported in 27 QPRs, and in many survey responses. In one example, in May 2017, Tanzanian civil society built on its recent experience of developing policy positions to convene East Africa's first creative economy impact investment conference.

The generation and sharing of learning, on the Convention and cultural issues, is another major response, reported in 16 QPRs. This typically involves civil society publishing online and in print with objectives such as raising the visibility of civil society concerns and of culture in broader policy processes, promoting the Convention and civil society's actions, encouraging debate and fostering exchange.

**Figure 4.3**

**Forms of participation in policy consultation for 'actively engaged' and 'less engaged' CSOs**



Source: BOP Consulting (2017).

#### Box 4.2 • *Successful advocacy in Chile*

Chilean civil society has a strong track record of advocacy. For more than eight years, the Chile Coalition for Cultural Diversity, one of the longest-established coalitions, has engaged with the government, including the Presidency and Ministry of Foreign Affairs, to uphold the objectives and principles of the Convention in the trade deals that Chile has negotiated. After years of work, they were successful in ensuring that a cultural clause was written into Chile's trade agreement with the USA. As well as dialogues with the relevant state agencies, their campaign of advocacy included meetings that brought civil society together, the issuing of declarations and media statements and a letter-writing campaign signed by over 500 creative professionals. The Chilean experience highlights how a combination of different methods can contribute to successful advocacy. Civil society also helped to develop a national book policy and inform a law establishing a national radio music quota, and was further involved in proposing a Performing Arts Act, which at the time of writing is being considered by the National Congress. Following these successes, the engagement continues: the Coalition meets every four months with Chile's Culture Council to discuss cooperation on cultural policies. Civil society still seeks to improve on this, however, urging more frequent and regular meetings with a wider range of ministries to bring issues of culture further into the mainstream.

Source: Interview with Mane Nett, President of the Chile Coalition for Cultural Diversity and International Federation of Coalitions for Cultural Diversity (2017)

Civil society-led research and data generation is a related key response, noted in 16 QPRs. Some of these are mappings and baseline surveys to encourage better-informed policy, including in Rwanda, Tunisia and Viet Nam, while subjects covered elsewhere include cultural employment, audience development and the social impact of culture. In QPRs and survey responses, gender-related research is reported by Austria, Denmark and Switzerland – on access to public film funding, salary gaps and funding gaps respectively. In Tanzania, civil society worked with the National Arts Council to collect citizens' views for input into the country's new national arts policy.

While the QPRs offer fewer examples of state-led supply side actions, the most common opportunity provided by Parties, noted in 29 QPRs, is the invitation of civil society bodies to meetings with public officials, generally to share information or consult. Encouragingly, 21 QPRs give examples of more formalized and ongoing policy spaces, whether existing or planned, in which civil society actors have opportunities for regular consultation with state agencies. These are often in the form of advisory bodies or working groups, and include

representation in public-private working groups in Côte d'Ivoire, sectoral dialogue panels in Ecuador and the Transatlantic Trade and Investment Partnership (TTIP) advisory council in Germany. Recent consultations have been held on new laws in Madagascar and Tunisia, and new structures are being proposed in Greece, Kenya and Namibia, where civil society has advocated that a new national committee on the Convention be established.



*High levels of activity do not always produce correspondingly high levels of impact*

Structured and ongoing policy spaces can be valuable for civil society because they provide opportunities to develop relationships with policy makers that can yield influence over time. At the same time, there are challenges. Such spaces may offer the form of consultation but not the substance: dialogue may be superficial and not lead to civil society concerns being taken seriously and influence being achieved.

#### Box 4.3 • *A new civil society vision for culture in Burkina Faso*

New space for civil society discussion, organizing and action was created in Burkina Faso by the 2014 citizen uprising. Civil society, including from the cultural sphere, was a key force in the uprising, and has continued to participate in governance and improve the policy environment. The Coalition of Artists and Intellectuals for Culture, founded in 2010, took advantage of the new opportunity in 2015 to bring together different voices from the cultural sphere to offer fresh perspectives on the role of cultural actors in building a new Burkina Faso, and the need for improvements to cultural policies and the resourcing of culture. Published in 2015 as 'Governance for and through culture', their publication demonstrates how civil society can take the initiative, when new opportunities open up, to discuss, consult, develop fresh thinking and bring these to new audiences. The hope and expectation of Burkina Faso civil society is that the document now offers a platform to inform and influence cultural policy making.

Source: Coalition of Artists and Intellectuals for Culture, Burkina Faso (2017).

Challenges in the quality of dialogue opportunities are noted in several QPRs, including poor state-civil society relations and an absence of structured opportunities. A further concern relates to who is invited to participate, and who is not: consultation may include CSOs in existing and favourable relationships with the state, and the largest, best-known and centrally-located CSOs, while excluding others. As one survey respondent expresses it:

*'It would be necessary for representatives of civil society to be genuinely taken into account... not marginalized according to their size, weight and political influence. It is often the organizations close to States that are heard and recognized.'*

*The field associations and real laboratories all too often go to the background. They can be consulted, but they are still too rarely recognized and treated on an equal footing with more institutional organizations.'*

As for impact, survey responses identify cases in which civil society intervention has helped to get cultural policy agreed, or improved existing policy. For example, in Chad, civil society participation was critical in agreeing a cultural policy framework. In Slovakia, civil society engagement in a working party led to a breakthrough declaration on the status of the artist. The setbacks experienced by negotiations of trade treaties, such as TTIP in 2016, also attest to the impacts that broad-based campaigns – in which civil society from this sphere was active – can achieve. However, more advocacy initiatives that fell short of expectations are reported than successful ones. For example, although survey responses give examples of civil society engagement in SDG drafting processes, efforts to get the SDGs to foreground issues of culture ended in disappointment. Several respondents report long-term advocacy efforts that are yet to achieve a breakthrough. High levels of activity do not always produce correspondingly high levels of impact.

A further challenge for advocacy can come when policy development does not lead to adequate implementation. As one respondent puts it, 'in our experience, cultural policy does not necessarily lead to cultural action.' Another respondent expresses the view that,

*'It is important to monitor the extent to which policy is implemented effectively. Policy development is usually an expensive exercise, but may not result in changes in delivery unless there is an effective implementation plan and an adequate budget. An effective system for monitoring and supporting activities should be developed.'*

It is often difficult to translate international agreements into domestic law. These viewpoints serve as a reminder that advocacy for policy shift, even when successful, is only part of a process for achieving change.



*Laws may be complex, enable excessive state interference, out of date with the present-day reality of civil society, or involve burdensome compliance procedures*

Ongoing civil society-led work to monitor policy processes and state agencies, noted in 10 QPRs, and to track implementation issues, needs to be further encouraged and researched.

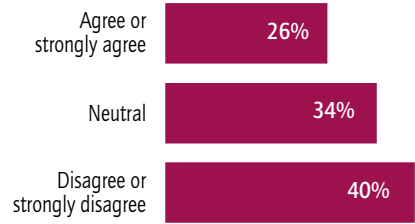
If advocacy is failing to achieve impact, flawed or obstructed processes of decision making may be one reason: only 26% of respondents agree or strongly agree that the ways in which cultural policy legislation is made and enacted are generally transparent – where it is easy for a wide range of civil society to understand, access or track processes – compared to 40% who disagree or strongly disagree. Similarly, only 35% agree or strongly agree that laws and regulations enable them to partner well with state agencies, with 30% disagreeing or strongly disagreeing (Figures 4.4 and 4.5). Several QPRs also state that laws and regulations are not sufficiently enabling of civil society's work. Challenges here may include those of laws on the formation, registration, resourcing and reporting of CSOs, as well as laws and regulations that require CSOs to obtain prior permission before holding activities. Laws may be complex, enable excessive state interference, out of date with the present-day reality of civil society, or involve burdensome compliance procedures (CIVICUS, 2017a).

Clearly, there is room for improvement, given that even the most tentative and inadequate form of supply-side policy engagement, the holding of meetings, is reported in only 45% of QPRs. It can only be concluded that the Convention's intention to actively enable civil society participation is being only partly realized, which means that Goal 1 is not being fully met, and potential to model good practice on SDG 16 is being missed. There is a need for policy processes that are more open, transparent and enabling.

Figure 4.4

**Views on the transparency of cultural policy making**

■ Cultural policy legislation in own country is made and enacted in a generally transparent way

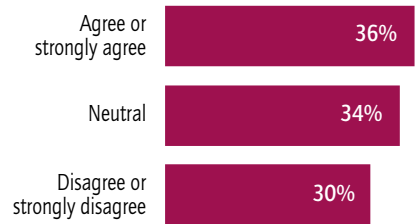


Source: BOP Consulting (2017).

Figure 4.5

**Views on national legislative support for civil society participation in cultural policy making**

■ Existing laws and regulations in own country enable civil society to partner with state agencies well



Source: BOP Consulting (2017).

Another key challenge identified by QPRs is the seemingly enduring one of low levels of awareness and understanding of the Convention and its related issues, among the public, but also within civil society. This is mentioned in 13 QPRs, making it the most frequently raised challenge. The implication is that the strong knowledge of the Convention shared by most respondents, particularly the highly active group, does not extend deeper into civil society.

As some survey respondents indicate, political shifts can also be decisive. The ability of civil society to engage with Parties has changed dramatically, for better or worse, following recent changes of government, even though cultural governance is rarely an issue debated in elections.

This suggests that civil society and its engagement in this sphere is vulnerable to larger current trends, in which some political leaders strongly oppose major parts of civil society (CIVICUS, 2017c).

## FINDINGS ON PARTICIPATION IN CONVENTION PROCESSES

This section addresses the 2015 Global Report indicator 4.3 on civil society involvement in the ratification and promotion of the Convention.

The Operational Guidelines on civil society were approved in 2009, following the first exchange session between civil society and Parties, in which around 100 CSOs participated. Since then, 11 sessions have been held, on civil society's role in the ratification process, the Convention's implementation and the elaboration of QPRs. The Operational Guidelines, in accordance with the rules of procedure of the Convention's two governing bodies, state that CSOs may participate as observers at the Intergovernmental Committee (IGC) and the Conference of Parties (CP). As observers, CSOs may speak and make written contributions.

Since 2009, the footprint of participation has gradually grown. According to UNESCO data, 39 CSOs participated in the IGC in 2016, well up from 7 in the first IGC in 2007, and the lowest number of 5 in 2009. Participation in the CP was steadier, with a low of 9 civil society participants in 2015 and a high of 15 in 2007 and 2011, before an increase to 51 participants in 2017, reflecting changes discussed below.

Every IGC session has made at least one decision relating to the engagement of civil society in decision-making processes, and decisions agreed at the 2015 IGC should enhance participation opportunities. Civil society is now a permanent item on the IGC's agenda, and CSOs are invited to present a report on the contribution of civil society towards the implementation of the Convention, with the first CSO report presented to the IGC in December 2017.



**M**any civil society organizations have been able to draw from the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions to support the emergence of the creative sectors.

*Civil society organizations have revolutionized the way we access cultural goods and services by placing the role of the individual, as a creator and consumer, at the centre of their approach. Their advocacy contributes to enriching creativity, encouraging production and co-production platforms, and promoting the mobility of artists and cultural professionals, in a framework of solidarity and cooperation.*

*Through their initiatives, inspired by the Convention, they have become actors and an indispensable force for the elaboration and implementation of cultural policies. Governments, in turn, are called upon to promote local systems of governance, which actively involve civil society actors.*

*This is the case for Arterial Network's 'African Creative Cities' and 'Artwatch Africa' programmes, which are based on the involvement of all social actors, the recognition of artists' rights to creative and artistic expression and their active participation in the socio-economic development of the territories.*

*Civil society recognizes that art is a tool that opens a field of possibilities. 'Art is change, art is the future'. By combining forces with public authorities and through investment in youth and culture, the qualitative leap towards the emergence of a new governance in Africa is becoming a reality that ultimately contributes to the strengthening of social cohesion, a creative economy and the well-being of citizens.*

### **Mamou Daffé**

*Chairperson, Arterial Network*

A CSO forum now takes place before each CP, in addition to a meeting between civil society representatives and the Convention Bureau before every IGC meeting, at which civil society can put forward its concerns on issues to be discussed. Civil society bodies that may participate include professional organizations and individual practitioners, potentially increasing participation beyond the regular CSOs. Ahead of the first CSO Forum in June 2017, efforts were made to involve CSOs that had not previously participated, particularly on issues of artistic freedom. The objective of this first forum was to enable CSO representatives to structure their participation, define cooperation activities and mobilize support for the preparation and presentation of their first report. Clearly, these enhanced opportunities for civil society participation should be further developed and successes and challenges documented.



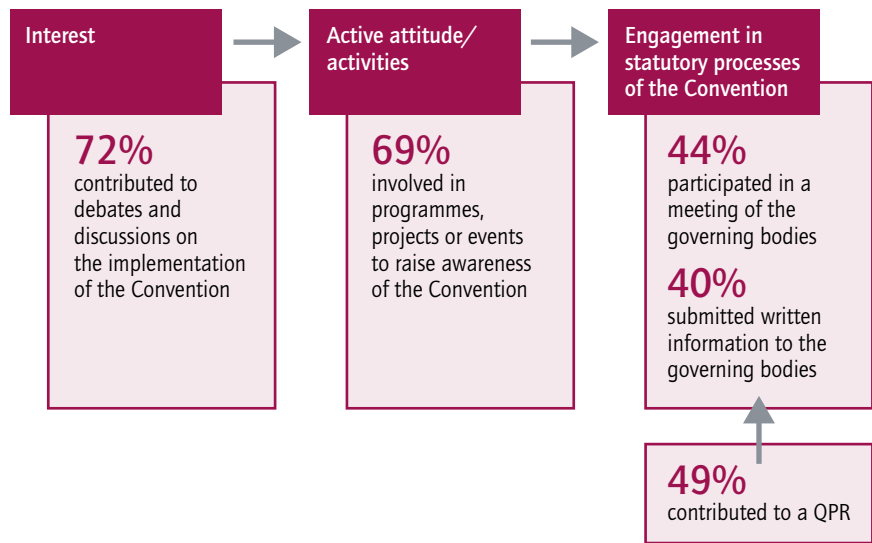
*Enthusiasm at the national level does not always convert into international engagement*

Some 72% of survey respondents reported that they have contributed to debates and discussions on the Convention's implementation. While the number of respondents to the follow-up questions is lower, this level of interest seems to translate into active participation in activities fuelled by the Convention among a critical mass of CSOs: 69% of those who responded are involved in programmes, projects or events to raise awareness of the Convention.

However, there is a gap between involvement in these activities and engagement in the Convention's formal processes: only 44% have participated in a meeting of the governing bodies, and slightly fewer, 40%, have submitted written information to governing bodies (Figure 4.6). While the 'actively engaged' group are more involved in these

Figure 4.6

Interest and engagement of CSOs in Convention statutory processes



Source: BOP Consulting (2017).

processes than the 'less engaged' group, their levels of interaction with governing bodies are still much lower than their activity in general: only 53% of the 'actively engaged' group have participated in governing body meetings, and 52% have submitted reports.

Given the assumption that those who responded to the survey represent the civil society constituency with the strongest interest in the Convention, the implication is that enthusiasm at the national level does not always convert into international engagement. Despite the efforts of the Convention Secretariat to broaden the pool, the circle of those who participate internationally appears to have remained narrow, suggesting untapped potential. Taking into consideration responses to survey questions, the barriers to be addressed may include limited resources, a lack of awareness about how to participate, and limited connections between those who participate and those who do not.

Another means by which civil society can engage in Convention processes comes at the domestic level, through involvement in QPR preparation. The QPRs contain a dedicated section on civil society, and within this, a section to be completed

by civil society, while processes to develop the QPRs are expected to be consultative. Of the 64 QPRs in this round, 51 (80%) show some evidence of opportunities for civil society input, with 13 (20%) giving no clear indication of civil society involvement. Frequently cited consultation methods include inputs sought by emails and questionnaires, drafts shared for comment, meetings with civil society, civil society membership of working groups tasked with preparing reports, and the use of civil society-led research and data.

In some cases, processes applied for the QPRs were new and may have introduced ways of working of further value: for example, the Lithuania QPR states that the working group approach adopted for its development could be maintained as an ongoing collaborative space. Burkina Faso, Cambodia, Colombia, Indonesia, Rwanda and Zimbabwe are also reported to be planning to establish permanent consultation mechanisms to build on the process of developing their QPRs. Looking forward, it would be helpful to document and share new practices learned from engagement forged around the QPRs, particularly to aid Parties that report little or no civil society consultation.



*The barriers to be addressed may include limited resources, a lack of awareness about how to participate, and limited connections between those who participate and those who do not*

In general, hardly any information is available about the quality of QPR processes, but analysis of the reports suggests some room for improvement. It is not always possible to determine when QPRs directly represent civil society's voice, although several clearly do. For example, Slovakia's includes a section completed by the Slovak Coalition for Cultural Diversity, which details civil society's work to promote the Convention, advocate for improved policy and promote debate on issues of cultural governance. Overall, our assessment is that 14 QPRs (22%) provide substantive and useful information about civil society's policy engagement, with strong direct civil society input.<sup>7</sup> Two QPRs provide no information on civil society, while most – 48 (75%) – sit somewhere between these two poles. The implication is that existing consultation processes do not always generate high quality civil society input.

Further, consultation processes did not always reach a wide variety of civil society, with some indications of processes being limited to umbrella bodies and national commission members. Survey responses further indicate that consultation was limited: only 49% of respondents report having been in some way involved in the preparation of QPRs, with the figure only slightly higher for the 'actively engaged' group, at 52%. If almost half of those CSOs that are highly

7. In the opinion of the author, the 14 QPRs that provide substantive information on civil society and evidence of direct civil society input are those of Argentina, Austria, Brazil, Burkina Faso, Canada, Chile, France, Germany, Palestine, Portugal, Slovakia, Switzerland, Tunisia and Zimbabwe.

active on cultural policy issues are not participating in these crucial reporting opportunities, good opportunities for input are being missed. Clearly, outreach should be broadened.

The Government of Sweden provided funding for 12 Parties to develop QPRs through technical assistance missions, under the Expert Facility.<sup>8</sup>

Interviews with four experts, as well as feedback gathered by UNESCO, shed further light on civil society's roles in QPR processes. Challenges identified include a lack of capacity among both civil society and public officials. Government departments that work on cultural policy tend to be understaffed, and in some contexts this capacity is reducing as budgets are being cut. Civil society's involvement in the QPR process, and engagement with civil society more generally, are among

8. Under the 'Enhancing fundamental freedoms through the promotion of the diversity of cultural expressions' project (2014–2018), 12 countries received support: Burkina Faso, Cambodia, Colombia, Cuba, Ethiopia, Indonesia, Morocco, Rwanda, Senegal, Tunisia, Viet Nam and Zimbabwe. All countries submitted their QPR. It should be noted that the assistance provided focused on many other aspects besides civil society engagement, and civil society capacity and knowledge is not a specific domain of expertise for Expert Facility.

many competing priorities that public officials may sideline as more urgent issues arise. There may also be a lack of understanding among public officials about what civil society is, how it works and how to engage with it; these can connect to broader country-specific politics and cultures of limited engagement with civil society, which is seeing the space for action becoming increasingly restricted in many contexts (CIVICUS, 2017b). As one interviewee describes it, civil society is not always seen as an equal partner, and the ideas and initiatives that emerge from it may not be recognized as having the same validity as those from Parties. When civil society initiatives are not directly framed as a response to the Convention, they can be missed even though they address Convention priorities, particularly at the local level: there are instances where civil society activity reported through survey responses is not covered by QPRs. At the same time, some civil society actors may not see value in participating in reporting processes; some may be concerned about being seen to legitimize processes that appear to offer consultation but not the opportunity for genuine influence, particularly in conditions where there is little trust between governments and civil society.

#### **Box 4.4 • *New collaborations created by QPR processes***

*Evaluation of the 12 countries that received support from 2014–2018 suggests some new collaborations were brokered between civil society and the state, and that cooperation on the QPRs led to some new spaces and platforms for policy dialogue. For the first time, the Government of Cuba invited CSOs, culture and media workers, and UNESCO to discuss issues related to the Convention, the status of artists, intellectual property rights, cultural indicators and the challenges of the creative economy. In Cambodia, the project contributed to the organization of the country's first ever Arts Forum in September 2016, bringing together representatives from civil society, the private sector and the state. Following this, the Ministry of Culture established a task force of government and civil society personnel to convene further such meetings.*

*In Ethiopia, the project provided the first opportunity for civil society to engage directly on the Convention and meet with the Ministry of Culture and Tourism. Civil society is now forming Ethiopia's first professional association for design. New networks are also reporting as having formed in Rwanda. The governments of Burkina Faso and Senegal also included a significant number of media professionals in the consultation and drafting of their QPRs, offering new spaces for dialogue not only between the government and civil society but also between culture and media professionals.*

Source: UNESCO (2017).

Challenges are also identified in connection with the expert visits themselves, including mixed levels of knowledge and understanding, and there are questions of representativeness, echoing the broader challenges of consultation noted above: those present may not broadly represent a country's relevant civil society, including geographically and thematically, and in conditions of limited space for civil society, more critical voices may not be invited. Interviewees also note that it was not always possible to give as much follow-up support to missions as might be desirable.

Nevertheless, interviewees broadly feel that their visits were valuable in starting conversations and brokering connections that might not otherwise have been made. As a whole, the outreach might therefore be described as valuable, but on its own, insufficient.



*Civil society is not always seen as an equal partner, and the ideas and initiatives that emerge from it may not be recognized as having the same validity as those from Parties*

Asked how practice could be improved, interviewees indicate a need to foster stronger engagement outside capital cities. They observe that personal connections helped to extend the footprint of interventions. They point to the need to build time and space into workshops to develop trust and defuse suspicions and conflicts over positioning, visibility and attribution, and suggest that more ways are needed to recognize civil society's role in and contribution to the process. Finally, interviewees call for more cross-border civil society networking.

### FINDINGS ON FUNDING

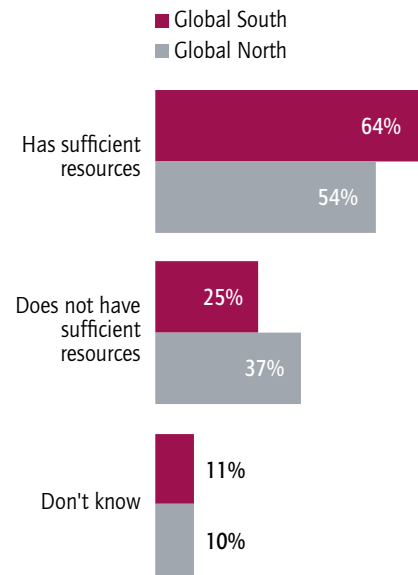
Survey respondents are, at first glance, sanguine about the financial resources they have for engagement: 58% of respondents believe their organization has sufficient resources to partner with state agencies and take part in cultural policy opportunities and processes, compared to 30% who do not. Somewhat surprisingly, and perhaps reflecting differing expectations, CSOs based in the global South are more positive here, at 64%, than those in the global North, at 54% (Figure 4.7).

The survey also provides fresh data about the sources of funding that civil society bodies most rely on (Figure 4.8). The key sources are: membership fees (35% of respondents received these in the last year); central government (27%); grant-making institutions (25%); individual giving (24%); fees for services (24%); and private sector donations (21%). Far fewer CSOs generate commercial income (10%), and bilateral donors are not major sources of support (9%), presumably reflecting the fact that few such donors have a specific focus on issues of culture.

Some clear distinctions emerge between the global South and the global North. Global North CSOs seem more reliant on membership fees than their global South counterparts: 45% of global North CSOs receive membership income compared to 25% of global South CSOs. Central government support is also more critical for global North than global South CSOs (39% compared to 16%). These patterns of support are consistent with the greater levels of professionalization of cultural industries in the global North and the resources available to states. In comparison, global South CSOs, at 29% of respondents, are accessing individual donations more than global North CSOs, at only 16%. UN institutions, including UNESCO, are also more important sources of support for global South CSOs, at 27%, compared to global North CSOs, at 11%, reflecting the Convention's development orientation.

Figure 4.7

### Global South and global North perceptions on own organization's financial resources to participate in cultural policy making



Source: BOP Consulting (2017).

In open-ended survey responses, support from the International Fund for Cultural Diversity (IFCD) is acknowledged as important. One recent use of IFCD funding saw ZimCopy, a Zimbabwean CSO, supported to identify gaps in copyright legislation and make recommendations for improvements, which informed a new national strategy on copyright and the formation of a forum for policy review. Voluntary commitment of civil society personnel is also recognized as an important and under-acknowledged resource.

Beyond the survey's optimistic headlines, open-ended responses indicate some of the resourcing challenges CSOs face. The question of resources is the issue most commonly raised in the open space provided, while a lack of resources is the second most frequently cited challenge in QPRs, mentioned in 12 reports. Further, when asked how their funding sources have changed in the last three years, the most common observation among respondents is that funding has declined.



Only a handful report any increase, suggesting broadly that where funding has not declined, it has plateaued. This is consistent with broader research on the funding challenges facing civil society (CIVICUS, 2015). Interviewees also tend to report an enduring struggle to secure resources. As one puts it, 'it is evident that every day it becomes more difficult to obtain resources.' This suggests that when CSOs report adequate resources, they may have enough to sustain their core functions, but funding may still be below a level that enables them to play more

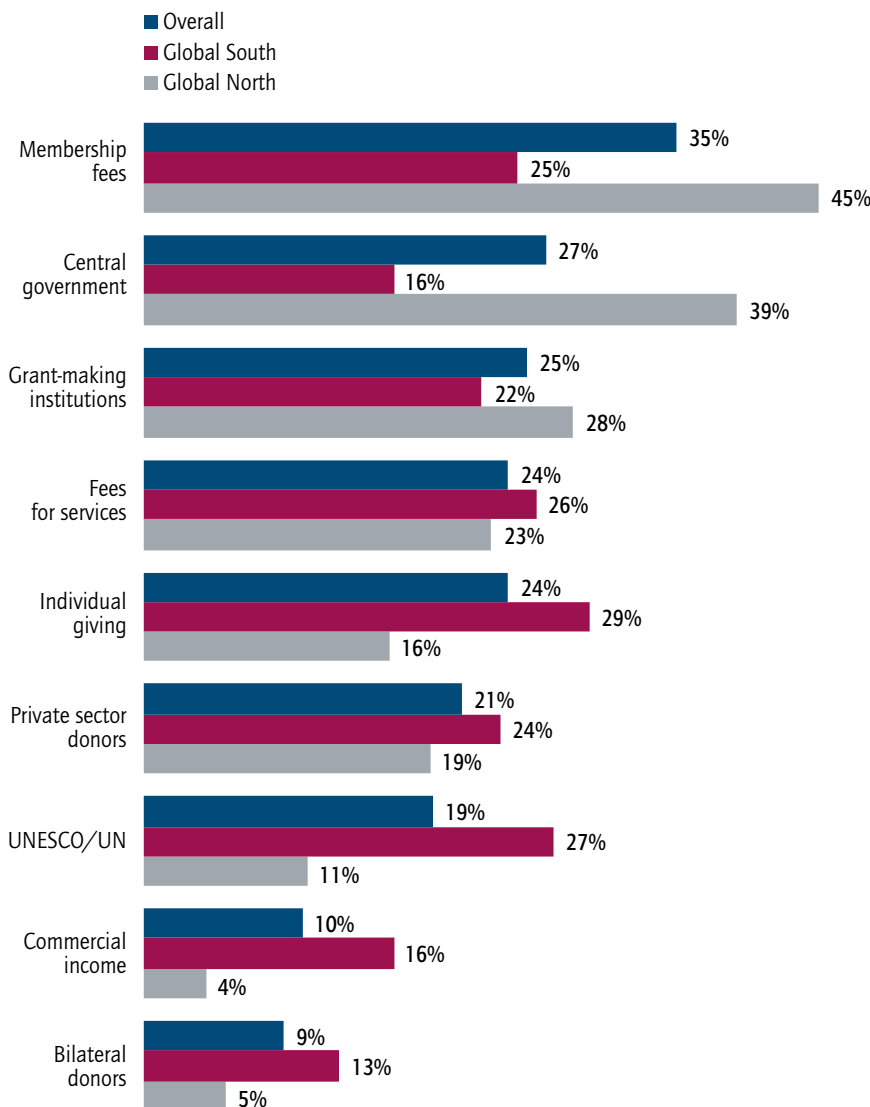
expansive roles. Further, while individual CSOs may be relatively happy about their levels of resourcing, they may see challenges across civil society as a whole.

The main reasons given in the survey and interviews for recent funding decreases include: changing government or donor priorities, sometimes linked to political shifts; shifting government priorities towards working with civil society in general, linked to growing tendencies for public bodies to administer funds directly;

and struggling or stagnating national economies. The QPRs, while outlining some new funding lines that have been introduced, also offer some evidence of recent cutbacks, which exacerbate longstanding civil society capacity challenges, as well as examples of legal and regulatory environments that make it hard for CSOs to receive resources. Many of the examples of civil society initiatives cited in this chapter were funded by foreign state donors, and would probably not continue if donor support was withdrawn.

Figure 4.8

Main sources of CSOs financial resources – global South and global North



Source: BOP Consulting (2017).



*It is evident that every day it becomes more difficult to obtain resources*

In several contexts, civil society personnel believe that governments have little interest in supporting participatory cultural governance. For an interviewee at a Europe-based national civil society network, the low levels of priority given to cultural policy and the Convention by their government limits opportunities, as few funding streams are available. Alongside this, several responses suggest that fundraising is becoming harder and more time-consuming: for example, donors are placing greater emphasis on the need to demonstrate impact, something that is not always easy to do with policy-oriented work. As one respondent puts it:

*'We strongly feel that we have to produce more tangible outcomes than before, whereas our main aim as a network is to observe and comment on political developments, as well as to pass on information to our members. It is not always possible to present this time-consuming work in tangible outcomes.'*

A related issue noted by several respondents is the strong project orientation of much of the funding; it may be possible to obtain funds to implement specific projects, but not for the core funding that helps to sustain a CSO and enables it to define its mission.

Several respondents cite increased bureaucracy around funding and opaque processes for funding decisions. In some cases, while the level of funding is relatively stable, the variety of sources is declining. This gives cause for concern, given that analysis (CIVICUS, 2015) suggests the robustness of a CSO is closely linked to its ability to access resources from multiple sources, and to have a funding mix that combines short-term and long-term support and core and project-based support.



*Enduring and new resourcing challenges are preventing civil society from making its full potential contribution*

The survey suggests that, while such revenue sources remain low, some CSOs are developing greater streams of commercial income, membership fees, and corporate and individual giving. An interviewee from a Latin American national civil society network is also urging the government to contribute to the IFCD to create new opportunities for civil society. However, another interviewee from an international network, who states that it is getting harder to obtain resources, points out that attempts at funding diversification may be thwarted by a lack of skills, which themselves cannot be developed due to a shortage of financial resources. The network has attempted to diversify its resource base by seeking more individual paid members and obtaining fees for services, but lacks the specialist skills to sustain this.

Overall, therefore, it can be said that the picture is not entirely pessimistic, but enduring and new resourcing challenges are preventing civil society from making its full potential contribution.

One lingering question posed by an interviewee is whether models from broader civil society have something to offer the cultural sphere.

Mass membership-based CSOs, such as Amnesty International and Greenpeace International, since they are able to secure adequate funds from individuals, feel free to turn down potential governmental or corporate support; they make their refusal part of their appeal to individuals. Is it possible to envisage similar movements in the field of culture?

### FINDINGS ON SKILLS AND CAPACITIES

Respondents confirm the survey's overall picture of civil society self-confidence when asked whether their organization has sufficient skills and expertise to engage in cultural policy making. An overwhelming 76% report that their organization does, with the 'actively engaged' group standing higher still, at 81%. Given high levels of civil society activity but with varying impact, this confidence in skills suggests that other factors, such as the legislative and resourcing environments, may more strongly inhibit impact.

At the same time, the highly positive response may indicate a somewhat defensive reaction to the question; few of us, if asked, would admit that we lack essential skills for our work. More nuance is provided in open-ended responses and interviews. In these, close connections are made between financial resources and skills and capacities, as in the comment cited above. Five QPRs also cite low CSO capacity or weak organizations as a challenge. Interviews tend to suggest that CSOs might have skills to sustain their core work, but not to develop new plans and projects. Another frequently raised issue is a lack of funding for training. Among the capacity development needs most identified are skills in policy engagement; a lack of such skills hampers advocacy impact. A further key skill gap identified is communication skills, including for promoting the work of CSOs and increasing the visibility of the Convention. In addition, given staff turnover, challenges of how to retain knowledge and induct new personnel are identified.

For example, one interviewee from a national-level network indicates: 'Our principal officers have adequate skills, but it is important to develop the next generation. Funds to support interns, or mentoring schemes attached to our organization, would sustain our work and grow the expertise necessary for the future.' Networks and connections are also identified as important, as they open up potential for peer learning.

Overall, while CSO personnel are confident about their skills, the landscape suggested is one of a somewhat understaffed civil society, dependent on continuing high levels of voluntary commitment, that will struggle to create or take advantage of new opportunities.

### FINDINGS ON CONNECTIONS AND NETWORKS

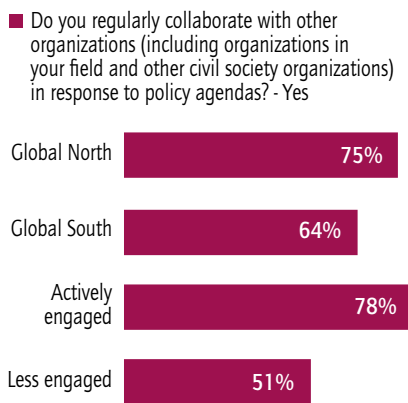
Networks are important because they can enable shared initiatives, including advocacy, which is more powerful when CSOs present a common voice backed by the commitments of many organizations. They also enable peer support, learning and the sharing of resources, and avoid the duplication of work. Given the distinction between the 'actively engaged' and 'less engaged' group, stronger connections and networks have the potential to bring more CSOs into active engagement and grow the constituency of those partnering in cultural governance at national and international levels. In order to bring issues of culture into other arenas, and to learn from broader practice and experience, two types of connections may be important here: those between different CSOs active on cultural issues, and those between CSOs working in this field and wider civil society. Both national and international-level networks can be important.

Survey respondents recognize the value of networking, with 69% reporting that they regularly collaborate with other CSOs, although it is perhaps surprising that 23% do not, suggesting some still untapped collaboration potential.

Survey respondents often see collaboration as an essential part of advocacy. Predictably, the 'actively engaged' group strongly collaborate, at 78%. Global North CSOs emerge as stronger networkers, with 75% doing so compared to 64% of global South CSOs. This is a possible reflection of greater resources for collaboration, and the fact that many international networks are headquartered in the global North, or of the less formalized nature of civil society in some global South countries (Figure 4.9).

**Figure 4.9**

**Levels of collaboration with other CSOs in response to policy agendas**



Source: BOP Consulting (2017).

Eleven QPRs provide evidence that new groups and networks have formed in recent years to work on cultural governance issues. For example, the Estonian Chamber of Culture was established in 2011 and was one of the key organizations involved in discussions on the country's new cultural policy. Since its formation in 2013, the Creative Economy Working Group in Kenya has continued to interact with the government. Eleven institutions founded the Palestinian Performing Arts Network in 2015, with one of its aims being to influence cultural policies. There is also evidence, in 19 QPRs, of international-level networking. This typically involves continental-level connections, and to a lesser extent bilateral links between global North and global South countries. Notable networking practice

documented by QPRs includes strategic partnerships between Brazil's Cultural Diversity Observatory and similar institutions in Latin America and globally, which enables joint research and the exchange of personnel. In addition, partnerships between the Canadian Coalition for Cultural Diversity and four Francophone African countries – Burkina Faso, Gabon, Niger and Senegal – develop the capacity of civil society, civil servants and elected representatives on cultural policy matters. The IFCCD is highlighted as a network of enduring importance for civil society in eight QPRs and several survey responses, not least for its role in building awareness about the Convention and cultural governance issues, and in sharing learning. Interviewees and survey respondents in Europe further pointed to the value of European-wide coalitions that have formed to engage on EU-level policy.

It is clear that networks need resources, including funds and staff time, and given strained resources, this is a challenge. Cooperation does not occur without a conscious effort and supportive conditions, not least because when

resources are limited, CSOs may focus tightly on their core missions, viewing networking as a luxury. Respondents and interviewees also suggest that networks need clarity around objectives and a shared sense of purpose; they offer enhanced value to civil society when they represent an opportunity for clear interface with, and therefore influence towards, state agencies. Among the suggestions put forward was that there should be more collaboration around research and connections with academia, greater sharing of information and documentation, and better shared communication for civil society as whole.



*Networks are important because they can enable shared initiatives, including advocacy, which is more powerful when CSOs present a common voice backed by the commitments of many organizations*

**Box 4.5 • Ten years of Arterial Network**

2017 marked a decade of existence for the Arterial Network, a pan-African civil society network that makes strong connections between culture, development, human rights and democracy, and works through means such as advocacy, capacity building and knowledge management. It also has a track record of engagement in UNESCO processes.

The network grew rapidly following its inception, and has now consolidated with members from 50 African countries. It has also achieved impact through training programmes that made cultural practitioners more aware of their status and rights, and by proposing international and regional policies to promote and protect such rights. Its members have successfully advocated to influence national-level policy.

However, its work has not been easy. As it grew, it faced considerable challenges in connecting across different languages and subregions with little history of working on a continental level, and in developing a governance structure to match its growth. It has faced several funding crises and has had to put some projects on hold as a result. It remains dependent on donors, and generates little funding from the continent itself. In short, its story shows that networks can add value and last over time, but they take ongoing energy, commitment and resources. Prospects of such networks becoming self-sustaining still seem slim.

Source: [www.arterialnetwork.org](http://www.arterialnetwork.org).

A further issue identified is the difficulty that smaller and local-level groups may face in networking. Some believe their organizations may be too small to participate in or benefit from collaborations and that larger and more prominent CSOs will dominate networks, crowding out a diversity of civil society voices. Another challenge identified is mission drift; organizational and network priorities may fall out of alignment. Curiously, an element little reported on was the extent to which new technologies are underpinning civil society networking or giving rise to new opportunities, suggesting a potential line of enquiry for future research.



*There should be more collaboration around research and connections with academia, greater sharing of information and documentation, and better shared communication for civil society as whole*

---

While the responses indicate a broad commitment to networking within the cultural sphere, little connection with broader civil society is noted; according to the QPRs, this has only come recently in relation to trade deals, an issue with a strong cultural dimension that has risen in political salience (see Chapter 7). Further evidence that civil society active in the cultural sphere does not strongly connect with broader civil society comes from CIVICUS's survey of national-level CSO membership and coordination bodies. Only two, in Finland and Mexico, report a strong representation of culture-oriented CSOs. While several others report having some CSOs with a culture focus within their membership, these are mostly development and governance-oriented CSOs that use culture-based methods in instrumental ways to reach and serve constituencies. Most CIVICUS respondents do not have any cultural CSOs within their membership.

An interviewee at a national-level culture network also states that it connects only with other cultural organizations, and not with broader civil society. Another interviewee from a European network that works to connect with broader civil society on issues, such as the SDGs and recent political shifts in Europe, raises the challenge of getting established CSOs to take issues of culture seriously and include culture on their agendas. The implication is that on both sides of the equation there remains a disconnect between CSOs working in the cultural field and their counterparts in wider civil society, suggesting a need to address issues of misunderstanding and prioritization on both sides. The challenge may be exacerbated by increasing restrictions on the space for civil society, which impact most strongly on CSOs that engage in advocacy, accountability and rights-oriented work (CIVICUS, 2017b).

The landscape therefore seems characterized by two gaps: between civil society entities working on issues of culture that engage strongly in cultural governance efforts and those that do not; and between civil society in this sphere and broader civil society. Looking forward, the test of networks and collaborations will be how they bridge these two gaps to unlock potential for policy influence.

## CONCLUSIONS AND RECOMMENDATIONS

Our evidence suggests that there is a rich variety of national-level civil society activity framed by or addressing issues relevant to the Convention, backed by high levels of interest and engagement among the circle of civil society closest to issues of cultural governance, and great civil society self-confidence about its skills and ability to make a difference. Civil society is working to bring together different actors, engage in advocacy through insider and outsider channels, generate and share learning, and establish new groups and networks. However, this vigorous activity does not always translate into impact on policy.

Further, intensive engagement at the national level is not always carried forward into international-level participation, and connections to broader civil society, which has a limited understanding of cultural governance, are still largely lacking. Some key barriers identified are that consultation structures and practices are not sufficiently open, enabling and far-reaching; civil society laws and regulations can inhibit the full range of civil society activities; and civil society resources, capacities and networks remain suboptimal.

In response, there need to be greater efforts to develop continuous, regular and structured participatory processes, at the national level, which enable civil society to develop, advocate, implement and monitor policies. To enable participation, more attention should also be made to the broader legal and regulatory environment in which civil society energies in general take shape and function. There should also be more documentation of and learning from good practice in participatory cultural governance.



*Civil society is working to bring together different actors, engage in advocacy through insider and outsider channels, generate and share learning, and establish new groups and networks*

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At the level of the Convention, efforts need to be sustained and accelerated to bring a wider diversity of CSOs into its governance and QPR processes, and to use participation around QPRs as opportunities to incubate longer-term dialogue between CSOs and policy makers.

The gaps that CSOs identify in their capacity to partner, particularly around their skills to participate in policy processes, communicate and network, need to be addressed with targeted outreach and resourcing strategies.

Networks offer still unrealized potential to enable peer support and encourage action among that part of civil society that is less engaged, and to connect with broader civil society to take issues of culture into other arenas. New efforts need to be made to articulate what participatory cultural governance is and why it is important in fresh ways that a broader civil society constituency finds urgent and appealing, and to galvanize cross-civil society action, particularly in light of major civil society engagement in the SDGs.

In order to monitor future progress, it is suggested that the indicators established for civil society partnerships in the 2015 Global Report be revisited. Indicator 1 could be reworked into two separate indicators: a supply-side indicator that examines whether laws and regulations at the national level are sufficiently enabling of civil society, framed around standards based on identified good practice; and a second that focuses on the demand-side aspects of the capacity to partner, based on civil society perspectives on the adequacy of resources, skills and networks.



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*There need to be greater efforts to develop continuous, regular and structured participatory processes, at the national level, which enable civil society to develop, advocate, implement and monitor policies*

---

Indicator 2 could look in particular for evidence of ongoing policy processes that go beyond consultative meetings and consider civil society's assessment of its ability to monitor policy, as well as participate in policy design and implementation. Indicator 3 could be revised to recognize that civil society's roles in the Convention go much further than participation in encouraging ratification and promoting awareness; these instrumentalized roles do not recognize the potential motivations of civil society, and the value of its autonomous contributions. In particular, it would be helpful to identify examples of civil society interventions that enhance

the governance of the Convention. The precedent we have established of seeking direct civil society input through a range of means should be continued and extended, and questions should focus as much on how civil society is taking the demand-side initiative as on how it is participating in supply-side processes. Gender-disaggregated data, including on the participation of civil society specializing in gender issues, should be collected for all three indicators.

In closing, it should be clear that civil society is helping to bring the Convention to life and keep it relevant. The potential remains to convert commendable effort into far greater impact.

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*Promoting cultural diversity is the best way to fight prejudice, cross language barriers and bring communities together*

**Tibor Navracscics**

European Commissioner for Education, Culture, Youth and Sport





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Goal 2

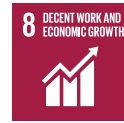
ACHIEVE  
A BALANCED  
FLOW OF  
CULTURAL GOODS  
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AND INCREASE  
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---

## Goal 2

ACHIEVE  
A BALANCED  
FLOW OF  
CULTURAL GOODS  
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Equitable access,  
openness and  
balance in the flow  
of cultural goods and  
services as well as  
the free movement  
of artists and  
cultural professionals  
is facilitated



# 2018 REPORT CARD

Preferential treatment measures are implemented to facilitate a balanced flow of cultural goods and services and to promote the mobility of artists and cultural professionals around the world

***Mobility of artists and cultural professionals***

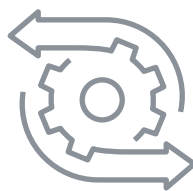
***Flow of cultural goods and services***

***Treaties and agreements***



## SUCCESSSES

- Transnational collaboration and mobility increased in the global South
- Rise in the number of digital platforms, networks and export strategies opening audiovisual markets for the global South
- Expanded use of cultural clauses in bilateral and regional trade agreements



## CHALLENGES

- Travel restrictions in current global security climate
- Persistent imbalance in global flows of cultural goods and services
- Limited commitments to the 2005 Convention in megaregional partnership agreements



## RECOMMENDATIONS

- Improve visa procedures for artists
- Implement Aid for Trade and preferential treatment measures
- Grant specific status to cultural goods and services in trade agreements addressing e-commerce

## DATA REQUIREMENTS



- Trade in cultural services
- Mobility flows



# *Surviving the paradoxes of mobility*

*Khadija El Bennaoui*

### KEY FINDINGS

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- »»» *While the global North provides the main market destinations for artists and cultural practitioners from the global South, access to these destinations is becoming increasingly difficult in the current global security climate.*

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- »»» *Visa regulations continue to jeopardize the efforts of cultural institutions and civil society to address the persistent inequalities between the global North and the global South.*

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- »»» *Restrictions on freedom of movement and mobility of artists are used as tools of repression and censorship.*

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- »»» *The number of mobility opportunities provided through market access and transnational cultural collaboration has increased, with a renewed interest in South-South mobility.*

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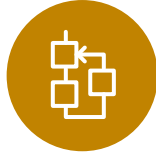
- »»» *Despite inadequate institutional frameworks and funding structures, new regional networks, exchange platforms and creative hubs have emerged in the global South, thanks to a vibrant and resilient independent arts sector.*

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### THE MOBILITY OF ARTISTS IS IMPEDED BY



International security measures



Complex visa procedures and high application fees

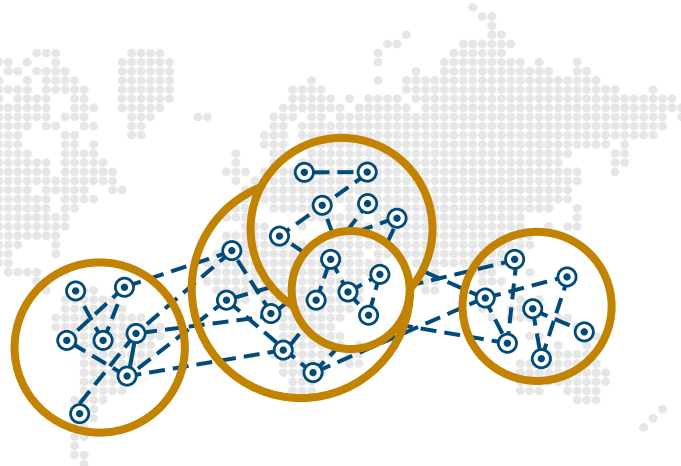


Inadequate work permit regulations

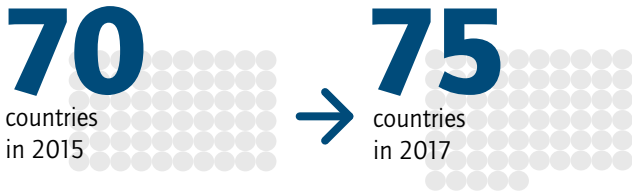


Lack of funding and support

### BUT, THERE HAS BEEN AN INCREASE IN SOUTH-SOUTH MOBILITY AND COOPERATION



The number of countries that can be accessed visa-free by passport-holders from the global South has also increased



But, remains lower than for passport-holders from the global North



Artists from the global South are also only eligible for

# 18%

of available mobility funding from the global North



### THIS GAP WILL PERSIST UNLESS A COORDINATED AND HOLISTIC APPROACH IS TAKEN TO:



Introduce preferential treatment measures



Simplify visa procedures and reduce fees



Provide adequate infrastructure, funding and information



Support capacity building and South-South networking opportunities

## CORE INDICATORS

Legislative base ensures freedom of movement

Policies and measures support mobility from the global South

Non-governmental initiatives facilitate mobility from the global South

### INTRODUCTION<sup>1</sup>

The play *While I was Waiting*, written by Syrian playwright Mohammad Al Attar and directed by Omar Abusaada, tells the story of a young man lying in a coma in a Damascus hospital after having been brutally beaten by unknown attackers. Friends and family gather around him, confronting painful realities from the past and present. The performance metaphorically evokes the coma into which the whole of Syria has lapsed since the uprisings of March 2011. This play was one of the hits of the 2016–2017 season and was presented in Europe, the United States of America and Japan. It was produced with a cast of Syrian artists who were scattered across the Middle East – in Damascus, Cairo, Beirut and Istanbul – and across Europe. Bringing them all together proved very difficult, however. The rehearsals were to take place in Turkey, which at the time did not require visas from Syrian nationals. But suddenly in mid-January 2016, Syrians were required to obtain visas. The company tried to move to Marseille, but the validity of their Schengen visas was insufficient to cover the duration of the production and the tour. Luckily, they were able to get temporary residence permits, but only with the help of high-level interventions made on their behalf.

This case compellingly illustrates some of the mobility challenges facing artists and cultural professionals in the global South. These constraints make it very difficult to attain the 2030 Sustainable Development Goals of strengthening global partnerships for sustainable

1. The work on this chapter was supported through a residency offered by the Camargo Foundation.

development, notably through policies, measures and agreements that provide special and differential treatment for developing countries (SDG target 10.a), or through planned and well-managed migration policies that facilitate orderly, safe, regular and responsible migration and mobility of people (SDG target 10.7). These challenges also call into question the commitment of all the Parties to respect the 2005 Convention's goal and Articles that call on Parties to provide 'support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world' (Art. 14 (a)(v)), as well as to 'facilitate cultural exchanges with developing countries by granting preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries' (Art. 16).



*Perceptions of migration as an economic threat have shifted to that of a security threat*

Mobility issues were already addressed much earlier in the UNESCO Recommendation on the Status of the Artist (1980). More recently, they were explored upfront in the report *The Right to Freedom of Artistic Expression and Creativity* by the UN Special Rapporteur Farida Shaheed (Shaheed, 2013) that sees the right to freedom of movement as an integral dimension of the panoply of human rights and fundamental freedoms. Yet these fundamental freedoms remain persistently challenged (see Chapter 10).

So what policies and measures have been adopted and implemented by Parties to the Convention to address the goal of increasing the mobility of artists and cultural professionals and overcoming challenges to the freedom of movement, especially for those from the global South? To answer this question, we have examined 62 Quadrennial Periodic Reports (QPRs), including relevant policy measures from 40 countries, submitted between 2016 and 2017; we have also reviewed the recent literature on mobility and have mobilized data specially processed for this chapter. On the basis of this evidence, we will explore the progress made in implementing the core indicators on mobility identified in UNESCO's 2015 Global Report, namely:

- legislative and other measures taken by global North and global South countries to ensure the freedom of movement of global South artists and cultural professionals;
- cultural policies and measures that support the mobility of global South artists and cultural professionals; and
- emerging non-governmental initiatives and informal networks that facilitate such mobility.

### FREEDOM OF MOVEMENT: A PARADIGM SHIFT?

In the last five years, the world has seen a considerable escalation of migratory flows and refugee crises. These have created the largest pool of refugees, asylum seekers and internally displaced persons since the Second World War.

As a result, perceptions of migration as an economic threat have shifted to that of a security threat. Draconian visa procedures have been introduced, borders re-established and ethnic profiling or calls for revocation of nationality widely made. While these reactions have mainly targeted people originating from the global South, the effects have proved to be damaging also for people in the global North as well, especially artists, cultural professionals and human rights activists and audiences.

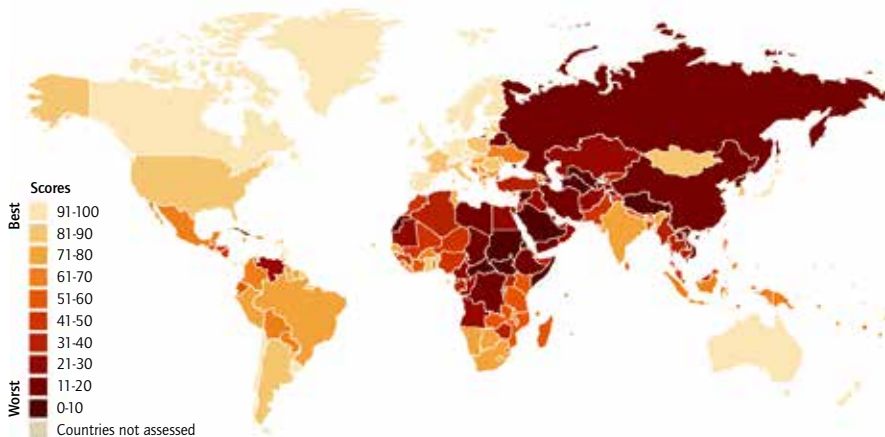
This shift goes hand in hand with escalating breaches of freedom of expression and human rights at large, especially when the restriction of freedom of movement is also used in some countries as a tool of repression and censorship. The Middle East and North Africa (MENA) region illustrates this (Figure 5.1): in 2016, this region had the worst freedom ratings in the world, according to Freedom House's 2017 annual ranking on political rights and civil liberties.<sup>2</sup> It comes as no surprise that the mobility of MENA citizens is also at high risk.

Mobility is also in peril within regions suffering from armed conflict. Until 2011, the safe land routes between

2. <https://freedomhouse.org/report/freedom-world/freedom-world-2017>

Figure 5.1

Freedom ranking in the world, 2017



Source: Freedom House (2017).

Beirut, Damascus, Amman and Ramallah had made up a touring circuit for dance festivals possible in those cities. Sadly, the war in Syria put an end to that enterprise. The case of *While I was Waiting* is just one of many that illustrate this.

Travel within the global South is not necessarily easier than in a South-North direction. Visa procedures can be as complicated as those required for travel to the North, especially for cross-regional or cross-continental trips. While intra-regional travel conditions have improved in East and West Africa, travelling within the whole MENA region and from/to Central Africa can be an obstacle course of visa hurdles and complicated bureaucracy.

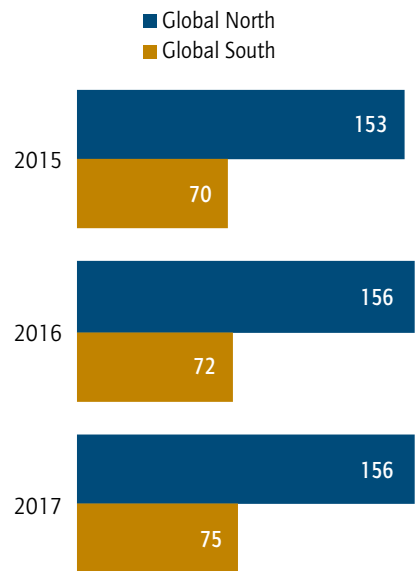
IMBALANCED MOBILITY

Analysis of data generated through the Henley & Partners Visa Restrictions Index for the 2015–2017 period reveals the persistence of global inequality in terms of freedom of movement between the global North and the global South. This index is a global ranking of countries according to the travel freedom that their citizens enjoy. It analyses global visa regulations to present an index ranking each country and territory in the world by the number of countries that their citizens can travel to visa-free.

While some slight positive changes have been noted for the citizens of countries such as Georgia, the Solomon Islands, Tuvalu, Kiribati, Colombia and Peru, which have been granted visa-free entry to the Schengen area, the situation is critical for citizens of countries at war (Afghanistan, Eritrea, Iraq, Libya, Pakistan, Palestine, Somalia, Sudan, Syria and Yemen) and citizens of politically and economically vulnerable countries. Citizens of these countries face extreme difficulty when it comes to entering other countries at large.

Figure 5.2

Average number of countries accessible without visas for passport-holders from global North and global South, 2017



Source: The Henley & Partners Visa Restriction Index (2017)/BOP Consulting (2017).

The average number of countries that can be accessed visa-free by passport-holders from the global North was 156 in 2017, 156 in 2016 and 153 in 2015 (Figure 5.2). In comparison, the number of countries accessible visa-free to passport holders from the global South was 75 in 2017, 72 in 2016 and 70 in 2015. While visa-free access has increased for global South passport holders, it has consistently been significantly lower than for global North passport-holders.

This illustrates the wide gap in enjoying the freedom of movement between global North and global South citizens. For example, a German passport-holder can visit 176 countries without needing a visa, while an Afghan passport-holder can travel freely to only 24 countries.

No global South countries are listed among the top 5 ranked passports and only five are listed in the top 20 (Malaysia, Argentina, Brunei Darussalam, Chile and Brazil). The majority of global South countries fall between ranks 54 and 104. In contrast, none of the global North countries are listed in this range. Clearly, passports in the global North remain significantly less restrictive than in the global South.

The strength or weakness of a passport is one indicator of barriers to mobility; there are several others. Visa administrators usually refuse applications if the applicant is unable to prove regular income, which would make them potential candidates for economic migration in the global North. For example, a group of eight Egyptian artists were denied visas to attend the 2017 *Biennale des Jeunes Créateurs de l'Europe et de la Méditerranée* held in Italy. The artists reported that their passports were held at the Italian Embassy in Cairo with no explanation; they were then told that if they wanted their passports back from the Embassy, they would have to sign release papers stating that they no longer wished to apply for the visa. Otherwise, they would simply have to wait...

Other barriers are high costs and time-consuming procedures, a lack of uniformity in the application of common rules and forms, difficulties in obtaining longer-term work permits required for certain types of employment (e.g. a live performance or tour) or issues with the double payment of income tax or social security contributions.

Conditions of entry can also vary considerably between countries and even between countries within the same economic bloc. Countries within the EU and the European Economic Area (EEA) place different requirements on artists,

often linked to duration, since artists' visas in some countries fall under the category 'short-term,' meaning a stay of less than 90 days, and require that the artist prove competence or employment in their art form (France, Germany). Other countries, such as Austria and the United Kingdom, issue work visas for a longer duration.



*Visa administrators usually refuse applications if the applicant is unable to prove regular income, which would make them potential candidates for economic migration in the global North*

Other visa and work permit regulations make more specific requirements. For example, France requires proof of health insurance,<sup>3</sup> accommodation, available funds for every day spent in the country, a work permit submitted by an employer, and the payment of a tax by the employer.<sup>4</sup> In Germany or Austria, artists are required to prove access to funding to cover their living expenses but there is no specific required amount.<sup>5</sup> While it is possible to enter each country as a freelance artist, the primary route to work in most of these countries is through a specific employer.

Application fees also differ greatly between countries. Recent research on visa requirements in seven countries<sup>6</sup> shows that while travelling within the Schengen area costs less (a standard Schengen visa costs €60 and is valid for up to 90 days), the cost of obtaining a working visa in non-Schengen countries

varies from approximately US\$190 in New Zealand to US\$319 in the United Kingdom for a higher-tier visa. In France and Germany, applicants have the option of paying a higher fee for faster processing, and many countries make concessions for the elderly, children and students, but not necessarily for artists or other cultural professionals. Moreover, while online visa applications require payment by credit cards, not all citizens of global South countries have access to such payment methods.

Access to information on visa, economic and social conditions and requirements remains crucial. We know from the QPRs that this area continues to be a focal point. Examples include the German website 'Touring Artists',<sup>7</sup> which features a valuable information section for foreign artists, including refugee artists; or the 'SMart Mobility Portal'<sup>8</sup> in Austria, which provides comprehensive information on entry, residence and employment of foreign artists in Austria.

While there is great demand from cultural institutions and audiences of the global North to access creative talent from the global South, the myriad mobility constraints, especially visa requirements placed on artists and cultural professionals, are a real paradox. These constraints (also reported in the 2015 Global Report), will continue to exist unless a coordinated and holistic approach is taken to reduce them. Such an approach requires cooperation between governments and civil society organizations. Some positive developments can be noted; for example, the Swiss Coalition for Cultural Diversity collaborated, in 2016, with the State Secretary for Migrants to elaborate a handbook on visa and work permits granted in the framework of cultural projects. The Swiss Coalition stresses, however, that the authorities must continue to actively support this process, in order to ensure that this information is widely distributed to the consulates issuing visas as well as to the employees of cantonal offices.

3. [www.ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/required\\_documents\\_en](http://www.ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy/required_documents_en)

4. [www.service-public.fr/professionnels-entreprises/vosdroits/F22782](http://www.service-public.fr/professionnels-entreprises/vosdroits/F22782)

5. [www.ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/borders-and-visas/schengen/docs/handbookannex\\_25\\_en.pdf](http://www.ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/borders-and-visas/schengen/docs/handbookannex_25_en.pdf)

6. Research conducted in June 2017 by BOP Consulting on the following countries: Australia, Austria, Canada, France, Germany, New Zealand and the United Kingdom.

7. [www.touring-artists.info/](http://www.touring-artists.info/)

8. [www.artistmobility.at/](http://www.artistmobility.at/)

Another aspect of this paradox is a certain opacity in implementation. Government representatives, especially at the EU level, made promising progress with the European Commission's (EC) 2014 proposal to create more flexible visa rules, including the establishment of a 'touring visa', as a means of boosting growth and job creation. The new measures were scheduled to come into effect in 2015, after they were accepted by both the Council of the EU and the European Parliament. If adopted, this would have allowed non-EU nationals entering the Schengen area for up to one year (without staying in one country for more than 90 days within a 180-day period) to travel within this zone, and would have benefitted performing artists wanting to spend more time working in Europe (EU QPR, 2017). Furthermore, on 5 July 2017, the European Parliament adopted a Resolution, 'Towards an EU Strategy for International Cultural Relations',<sup>9</sup> which calls for 'the creation of a cultural visa programme, along the lines of the existing Scientific Visa Programme, for third-country nationals, artists and other professionals in the cultural field with a view to fostering cultural relations and eliminating obstacles to mobility in the cultural sector'. Will this new resolution bring about the required changes across the EU? Or will mobility issues for artists and cultural professionals be again put on the political back burner because of the ongoing migration and refugee crisis in Europe? Only time will tell.

### WINDS OF CHANGE FROM THE GLOBAL SOUTH?

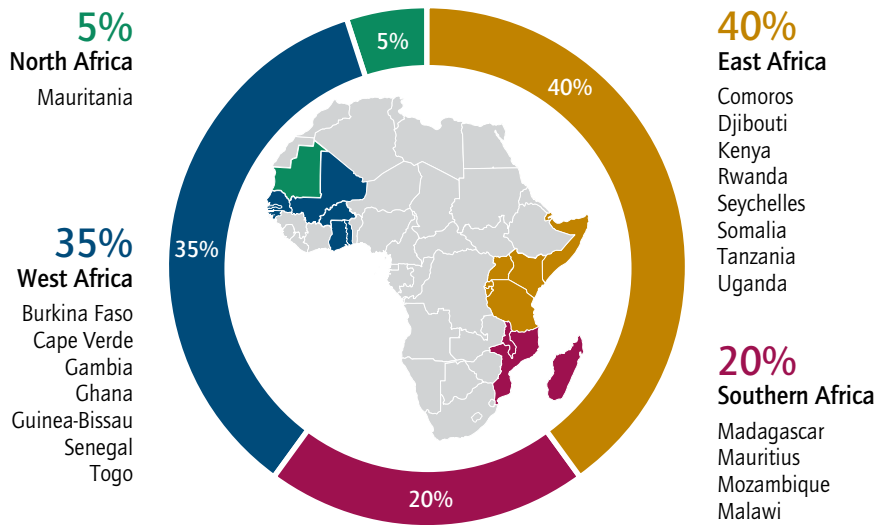
Some migration analysts<sup>10</sup> report promising winds of change blowing from the global South. Intra-regional initiatives to simplify visa procedures have been taken by the Economic Community of West African States (ECOWAS), the East African Community and the Southern African Development Community (SADC), all of whom have adopted a single-visa policy.

9. [www.eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52016JC0029&from=EN](http://www.eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52016JC0029&from=EN)

10. [www.globalpolicywatch.com](http://www.globalpolicywatch.com)

Figure 5.3

### Visa openness in Africa, 2017



Source: African Development Bank (2017).

### Box 5.1 • New agreements proposed across the global South since 2015

*In South America, the Union of South American Nations (UNASUR) signed a letter of commitment in 2016 to establish continent-wide citizenship, as a means to further liberalize cross-border movement. UNASUR's proposal of a South American citizenship builds upon implementation of the Mercosur Residence Agreement, which began in 2009. The most tangible intraregional migration programme to date, the Mercosur agreement, provides citizens of Mercosur and Mercosur-observer countries (a smaller group than UNASUR) the right to reside and work for a period of two years within another host state, and sets a path for permanent residence under certain conditions, as well as rights to equal treatment at work, family reunification and access to education for children.*

*In Asia, on December 31, 2015 ten South-East Asian nations inaugurated the ASEAN Economic Community (AEC) to enhance economic competitiveness by harnessing the vast natural, capital and human resources available in a region of more than 622 million people. One of the principal objectives of the AEC is the free movement of skilled labour. To meet this goal, ASEAN governments are seeking to increase the circulation of the highly skilled in a number of professions by facilitating the recognition of academic and professional credentials earned in another member state. These measures are, however, still hindered by implementation difficulties and a lack of necessary visa liberalization.*

*In Africa, 2016 marked the launch of the biometric African passport, which enables visa-free travel between all 54 African Union (AU) member states, but does not provide employment or residency rights. While the delivery of visa-free travel for African passport holders lags far behind visa-free regimes in other regions, the move represents a step forward for a continent in which less than one-quarter of States are otherwise open to visa-free travel for all Africans.*

Source: Migration Policy Institute (2016).



Figure 5.3 provides evidence of the positive effects of these initiatives: 40% of countries in the top 20 most visa-open countries are in East Africa, 35% are in West Africa, 20% are in Southern Africa and 5% are in North Africa. While Central Africa still remains the most closed region, good results can be seen in West Africa, due to the Free Movement of Persons protocol, and in East Africa, as a result of the high number of visa on arrival policies (African Development Bank, 2017). This is further supported by figures on reciprocal visa exemptions among the member countries of ECOWAS: there was a 93% open reciprocity among its members, compared with 89% among ASEAN countries. This trend is driven mainly by trade and tourism, for governments in the global South that see intraregional tourism as an opportunity for development. However, there is still a long way to go towards sufficient economic integration within these regions to allow for the creation of free movement zones and sustainable markets for artists and cultural professionals.

Since 2015, several new initiatives have been proposed in Latin America, Asia and Africa as a whole (Box 5.1). But these are still only proposals. Their impact on citizens in these regions or to artists specifically will need to be evaluated.

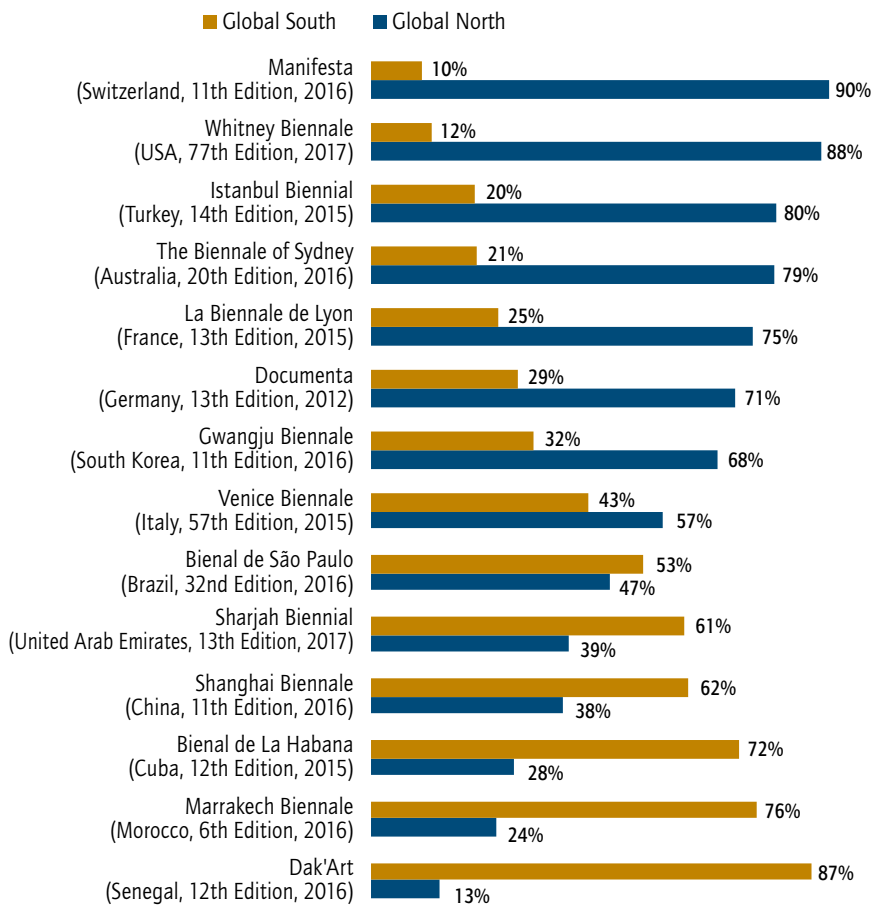
**MOBILITY FLOWS  
IN ART BIENNALES:  
BREAKING THE BARRIERS?**

Today, we still lack mechanisms to track the flow or mobility of artists and cultural professionals similar to those that exist in the fields of education (student flows) or science (movement of scientists). In the absence of such data, we have chosen to analyse 14 prominent art biennials that are featured in Artnet's ranking of the top 20 world biennials and triennials.<sup>11</sup> Biennials are key 'marketplaces' or 'platforms' for artists and arts professionals.

11. [www.news.artnet.com/exhibitions/worlds-top-20-biennials-triennials-and-miscellennials-18811](http://www.news.artnet.com/exhibitions/worlds-top-20-biennials-triennials-and-miscellennials-18811)

**Figure 5.4**

**Origin of artists participating in selected art biennials, 2017**



Source: BOP Consulting (2017).

The recognition they receive through such events can help 'make' or 'break' careers, especially when prizes are won, new talents are scouted or important connections or deals are made with galleries.

The 14 biennials studied all took place between 2012 and 2017,<sup>12</sup> and are evenly distributed across the global North and the global South (7 each) as well as across geographic regions. A total of 1,226 artists, from over 120 countries, participated in the various biennales (Figure 5.4). While these numbers alone show an unprecedented diversification of professional and artistic exchanges

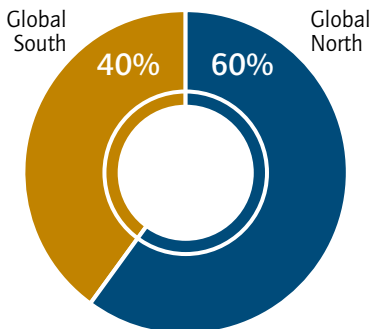
12. These 14 biennales are featured in the industry recognized website, Artnet: [www.artnet.com/](http://www.artnet.com/).

in the global contemporary art scene, the majority come from global North countries (60%) despite the global North and global South being equally represented in our sample (Figure 5.5).

“  
There is still a long way to go towards sufficient economic integration and sustainable markets for artists and cultural professionals

Figure 5.5

**Origin of artists represented at selected art biennials, 2017**



Source: BOP Consulting (2017).

Looking more closely at the origin of artists represented at each biennial gives a more nuanced picture. Figure 5.4 shows that biennials are more likely to work with artists from the same geographic region. For example, the majority of participants in the global South's biennials are originally from the global South. The same applies to biennials in the global North. Venice and São Paulo are exceptions, showing the most balanced representation of global North and global South artists. In terms of mobility flows, this is a challenge they all face.

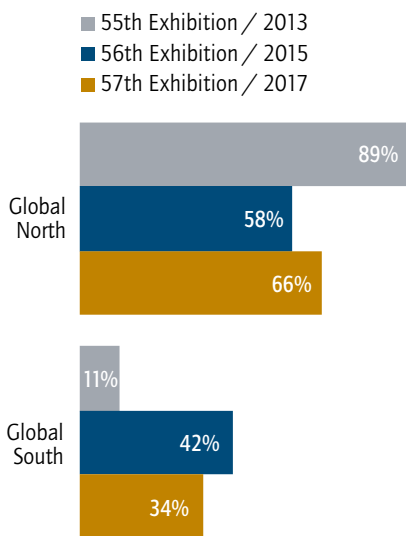


*Practitioners in the South are also working more with their 'local peers' to find solutions to shared problems*

To explore these findings more deeply, we examined the last three editions of the Venice and Dak'art Biennials. Most of the artists who participated in the last three editions of the Venice Biennial were from the global North (Figure 5.6). The proportion of global South artists was the lowest in 2013 (11%). It increased by 31% in the subsequent edition, only to drop again by 8% in 2017. The 2015 edition had the highest rate of participation by artists from the global South.

Figure 5.6

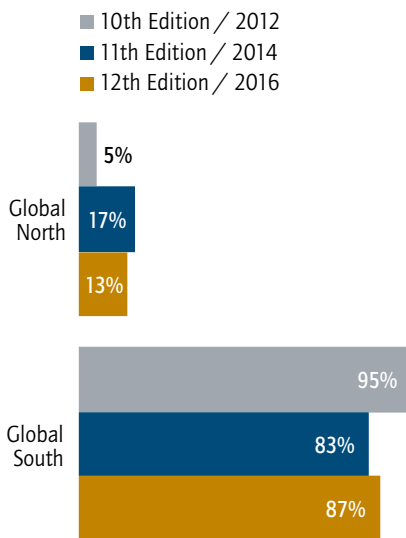
**Venice Biennale: artists by region of origin, 2013–2017**



Source: BOP Consulting (2017).

Figure 5.7

**Dak'Art Biennial: artists by region of origin, 2013-2017**



Source: BOP Consulting (2017).

The choice of curator most likely played a role in that increase: for the first time, it was an African, Nigerian-born Okwui Enwezor, already well-known for having helped put African contemporary art on the world map as curator of Documenta 11.

Participation in the Dak'Art biennial is dominated by artists from the global South (Figure 5.7), with over 80% of artists from global South countries participating in the last three editions. This is perhaps only to be expected, as the Dak'Art biennial focuses mainly on South-South regional collaboration. Most of the participating artists were from Africa. In the Biennial's 10th edition, all the global South artists were African artists. In its 12th edition, only one global South artist was from outside Africa.

These data illustrate the particular situation prevailing in the global South – one that is nurtured by many factors, which range from shared common histories and languages to geographic proximity. Practitioners in the South are also working more with their 'local peers' to find solutions to shared problems.



*Budget cuts, financial recessions and complex project funding application processes in the global North are important obstacles*

**POLICIES AND MEASURES TO SUPPORT THE MOBILITY OF ARTISTS FROM THE GLOBAL SOUTH**

In addition to the obstacles outlined above, other serious impediments to mobility, such as funding, need to be addressed. Budget cuts, financial recessions and complex project funding application processes in the global North are important obstacles. The lack of structural support and extremely high airfares for intra-South travel make the situation even more critical. A ticket from Africa to Europe is often cheaper than a ticket from one African country to another or from Africa to Latin America and Asia. Freight and insurance charges are also very high, an issue that affects visual artists in particular.



Other challenges specific to the global South include underdeveloped transport infrastructure and complicated routes between countries, the isolation of some regions and hypercentralization in capital cities. This hurdle is amplified by difficulties in accessing relevant mobility information.



*Global North artists have far greater access to travel grants than their colleagues in the global South*

The confluence of these challenges discourages organizations from the global North from hosting artists from the global South, which reduces their opportunities of reaching global markets and securing resources. Other negative impacts point to less culturally diverse programming, even at art venues in cosmopolitan cities. This is what the Scottish playwright David Greig described as the 'chilling effect' at the Edinburgh Fringe Festival, in response to the multiple visa refusals that plagued the festival's 2017 summer edition. Greig warned: 'With the economics and visa issue, there is a danger of the Fringe drifting into an event for middle-class British, Western European and American young people for whom it's viable to turn up and perform.'<sup>13</sup>

Through the implementation of the Convention, Parties are to address these challenges by introducing 'preferential treatment' policies and measures that promote the mobility of artists and cultural professionals, in particular from the global South. Among the main instruments reported on by Parties in their QPRs to facilitate mobility are funding programmes; bilateral and multilateral cultural agreements; programmes that promote market access for cultural professionals; and support for transnational collaborations including networking platforms and capacity-building opportunities.

13. [www.scotsman.com/news/visa-rejection-could-have-chilling-effect-for-edinburgh-fringe-1-4514863](http://www.scotsman.com/news/visa-rejection-could-have-chilling-effect-for-edinburgh-fringe-1-4514863)



**C**ultural mobility has long been a key component of society and behind some of humanity's most celebrated artistic achievements from ancient to contemporary times. Today, with increasing restrictions on travel and tightening security measures at international borders, the flow of artistic cross-cultural influence is under threat.

*Cultural leaders need to develop and support innovative opportunities for artists and cultural workers to travel, despite increasing restrictions in this regard. It is important that artists are given opportunities to explore unfamiliar terrains, helping them develop their practice professionally, but also to engage with diverse communities to expand their understanding of other cultures. If we are serious about breaking down the barriers of intolerance, prejudice and xenophobia, then we must also be serious about cultural mobility.*

*When my husband (Rajeeb Samdani) and I founded the Samdani Art Foundation in 2011, our main motivation was, and remains, to empower the mobility of Bangladeshi and South Asian artists and architects within the international arena, where the presence of our country, and region, has always been negligible. Within Bangladesh, we invite internationally renowned arts professionals to conduct lectures and workshops for local audiences through our annual Samdani Seminars, while the Dhaka Art Summit brings artists, writers and curators from all over the world, which enables cross-cultural conversations.*

*By enabling artists to cross borders, we encourage the exchange of ideas internationally and foster intercultural dialogue, within and beyond the South Asian region. A significant amount of our time is spent acting as advocates for artists from our region who seek visas to travel – and it is important to note that the Bangladeshi passport is one of the top ten least mobile passports to hold.*

**Nadia Samdani**

*President, Samdani Art Foundation and Director, Dhaka Art Summit*

**Table 5.1**

**Mobility funding programmes by region, 2017**

Origin of funding	Total number of funding sources listed	% Share
Africa	27	2%
Arab States	48	4%
Asia and the Pacific	36	3%
Europe and North America	1 044	88%
International	8	1%
Latin America and the Caribbean	25	2%
<b>Total</b>	<b>1 188</b>	<b>100%</b>

Source: On the Move Online Guides/BOP Consulting (2017).

Each of these will be explored below as a baseline to be used for future monitoring.

**MOBILITY FUNDING:  
PERSISTENT IMBALANCES**

In order to determine trends in mobility funding, an analysis of information provided in 35 funding guides produced by On the Move,<sup>14</sup> the cultural mobility information network, and their partners, was undertaken. Table 5.1 provides a regional overview of the total number of available funding programmes listed within these guides by geographic region.<sup>15</sup> The findings reveal an overwhelming majority of mobility funding resources (88%) coming from Europe and North America.

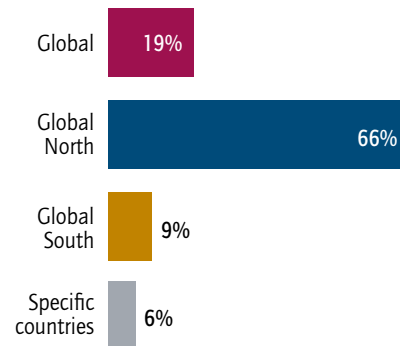
Looking closer at the criteria for accessing the funds, we see that among the destination countries targeted by the mobility funds, 66% are located in the global North (Figure 5.8) and among the nationalities of applicants eligible for funding, 57% are from the global North (Figure 5.9). This confirms that global North artists have far greater access to travel grants than their colleagues in the global South and that they are mainly supported to travel to countries located in the global North.

14. <https://on-the-move.org/>

15. Mobility funding guides published on On-the-move (<http://on-the-move.org/funding>).

**Figure 5.8**

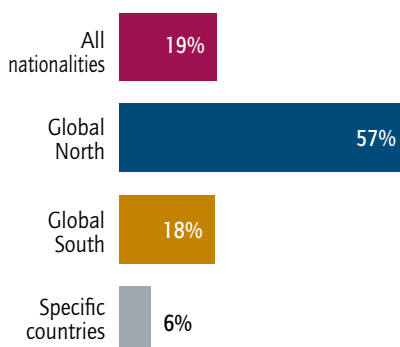
**Location of destination countries targeted by mobility funding programmes, 2017**



Source: On the Move Online Guides/BOP Consulting (2017).

**Figure 5.9**

**Eligibility for mobility funding programmes, by nationality of applicants, 2017**



Source: On the Move Online Guides/BOP Consulting (2017).

The funding sources for mobility programmes are different in the global North and global South (Figure 5.10). Looking more closely, 99 mobility programmes were identified that specifically provide support to artists and cultural professionals from the global South: 85 funding programmes provided by global North organizations and 14 by global South organizations. This indicates that there are far fewer funds originating in the global South to support mobility.

**Box 5.2 • Tunisia reports new mobility support measures**

*Encouraging the mobility of artists, creators and cultural practitioners is recognized as one of the new levers of cultural policy action in Tunisia. The Ministry of Cultural Affairs supports the participation of artists, creators and cultural professionals in cultural events abroad (festivals, fairs, exhibitions, etc.), helping to cover the costs of international travel, accomodation and/or the transportation of works. In 2015, 153 mobility actions were supported by the Ministry. In October 2016, Tunisia and the European Commission began negotiations towards issuing short-stay visas, with the relaxation or elimination of certain requirements laid down by the Visa Code. This could make Tunisia the first country in North Africa to benefit from an ambitious visa facilitation agreement. The Ministry also works in coordination with the Ministry of Foreign Affairs, the Ministry of the Interior and foreign cultural institutes in Tunisia to facilitate the visa process for Tunisian artists, as well as facilitating entry visas on Tunisian territory to foreign artists. In addition, in May 2017, Tunisia became the first southern country within the European Neighbourhood Policy(ENP) framework cooperation, to participate in the Creative Europe Programme, allowing for Tunisian cultural and audiovisual operators to participate in training, film festivals, film education and market access activities.*

Source: Tunisia QPR (2016)



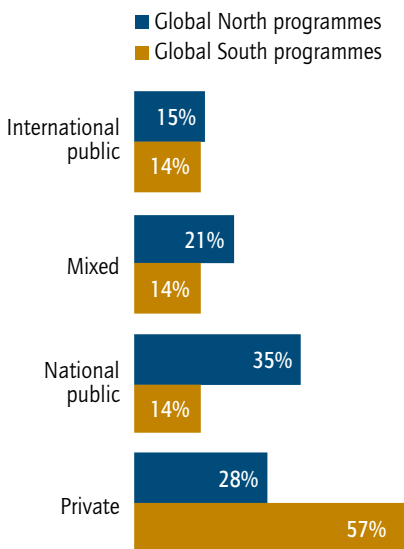
*There are far fewer funds originating in the global South to support mobility*

When examining the source of funding broken down by public and private actors, the following interesting picture emerges:

- 50% of the funds provided by global North organizations are from public sources (35% from national governments and 15% from international organizations), compared to only 28% for global South organizations;
- 57% of the funds provided by global South organizations are from private sources, mainly private foundations (as compared to 28% for the North).

**Figure 5.10**

**Funding sources supporting mobility to the global South, 2017**



Source: On the Move Online Guides/BOP Consulting (2017).

Clearly, global South governments could do much more to complement the private sector in regards to mobility. Surprisingly, the proportion of international funds supporting either North-South or South-North mobility is also relatively small (15% for North-South and 14% for South-North) and ought to be increased so as to redress the global North bias.

**Box 5.3 • Mobility opportunities through Ibero-American programmes**

Created in 2006, the Ibero-American Cultural Charter explicitly reaffirms, in its preamble, the importance of the Convention as an instrument for strengthening culture and expanding cultural exchanges. Since then, member states of the Organization of Ibero-American States have pursued cultural cooperation and integration to foster cultural diversity within countries and the region and to promote new coordination formulas, especially in the area of copyright and cultural industries. In an effort to strengthen the Ibero-American cultural space through regional integration, several institutional structures with regional competencies in the field of culture (SEGIB, OIS, CERALC) or that represent broader integration projects with cultural goals (UNASUR, MERCOSUR, CELAC), have undertaken cultural cooperation initiatives under the umbrella of IBER programmes. With around €40 million mobilized between 2015 and 2016, the IBER programmes cover actions in the field of performing and audiovisual arts (Iberescena, Ibermedia, Iber Artes Visuales), music (Ibermúsicas, Iberorquestas), entrepreneurship and cultural promotion (Mobility of Artists and Cultural Managers Programme, Entrepreneurial Culture for Cultural Initiatives, etc.), as well as cultural and documentary heritage. All of these programmes share common objectives: to encourage the development of inclusive and innovative projects; strengthen cultural and creative industries; promote collaboration among enterprises in the culture sector and their participation in joint ventures; promote the flow and exchange of cultural goods and services; and facilitate the mobility of artists and their works. Between 2015 and 2016, 78 grants were given for the mobility of musicians, 63 in a personal capacity and 15 for festivals and meetings; 73 artists and cultural managers benefited from the Mobility of Artists and Cultural Managers Programme through their own or host institutions.

Source: QPRs: Argentina, Mexico, Spain and Uruguay (2016); Ibero-American General Secretariat (2016).

**A NEW FOCUS FOR BILATERAL AND MULTILATERAL COOPERATION**

Support for the mobility of artists and cultural professionals from the global South can be enhanced through bilateral and multilateral cultural cooperation agreements that cover both operational programmes and professional exchange activities, some also addressing barriers to obtaining visas (Box 5.2).

Mobility within the global South has been directly and indirectly supported by multilateral cooperation, for example through framework agreements between the EU and global South regions. These agreements include partnerships with Africa, the Caribbean and the Pacific (ACP), with southern and eastern neighbours (European Neighbourhood Policy), and with South-East Asian nations (ASEAN). The resulting programmes have funded a variety of cultural projects that have allowed a significant number of artists and cultural practitioners to move within the global

South or from South to North for training and cultural exchange, as well as to disseminate their artworks.

Multilateral or intergovernmental organizations have also played a role in providing support for mobility. One of the success stories is the Asia-Europe Foundation's 'Mobility First' Fund, launched in April 2017 in recognition of existing funding gaps to support artists' mobility in the Asia-Asia and Asia-Europe contexts.<sup>16</sup> The *Organisation Internationale de la Francophonie's* (OIF) 'En Scène' programme supports contemporary creation through mobility, touring and professional networking opportunities for francophone artists from the global South and Central-Oriental Europe.<sup>17</sup> 60 festivals and an average of 30 tours are funded by the OIF per year.

16. [www.asef.org/projects/programmes/4175-asef-cultural-mobility-initiative](http://www.asef.org/projects/programmes/4175-asef-cultural-mobility-initiative)

17. <http://artsetcreations.francophonie.org/>

The Ibero-American programmes between member states of the Organization of Ibero-American States (OIS) are also creating mobility opportunities for artists and cultural professionals (Box 5.3).

Bilateral cooperation schemes have long covered the costs of hosting visiting foreign artists (e.g. the Bulgaria Mobility Programme of the National Culture Fund) or sending artists and culture professionals and their works abroad through international distribution circuits (e.g. the Mexican-EU 'Scenic Routes'). An explicit global South focus has been articulated in some cases. Switzerland's *Fonds Culturel Sud* supports productions and events involving artists from Africa, Asia, Latin America and Eastern European countries not in the EU. On their side, global South countries are starting to negotiate cultural cooperation agreements that address many aspects of artists' mobility (Box 5.4).

Influenced by professional changes on the ground, some cultural institutes are implementing programmes that respond to the needs and trends of the independent art sector in the global South. Examples include Germany's Moving MENA programme (Box 5.5), implemented by the Goethe Institute, which provides support for South-North

and South-South collaborations.

The South-South Mobility East Africa programme operated by The British Council, Stichting Doen and Lambert Foundation, is conceived as a rolling open call grant for artists and cultural practitioners to travel to and participate in events and activities across Ethiopia, Kenya, Rwanda, South Sudan, Sudan, Tanzania, Uganda and the United Kingdom.<sup>18</sup>

The European Union National Institutes for Culture (EUNIC) network is developing collaborative projects of this nature, but needs to move forward in a far more proactive manner to address the mobility challenges faced by artists and cultural professionals in the global South.

Also worth mentioning is the support extended directly by the Norwegian Ministry of Foreign Affairs to civil society organizations that are developing South-South mobility and collaboration programmes, such as Arterial Network or Norway's Mimeta Centre for Culture Sector Development and arts cooperation. Practitioners see this approach as a guarantee of their independence.

18. [www.britishcouncil.org/east-africa-arts/about](http://www.britishcouncil.org/east-africa-arts/about)

#### Box 5.4 • *Kenya's preferential treatment measures to enhance mobility*

*Kenya has negotiated and signed several bilateral agreements to foster cultural cooperation and promote the mobility of artists in the following countries, among others: China, Ghana, India, Republic of Korea, Nigeria and Venezuela. These have included provisions to support the movement of artists to and from Kenya, including performance equipment. They have also led to tax reductions on imported film and music production equipment. Beyond these agreements, the embassies of other countries have supported the travel of Kenyan artists abroad: for example, the Swedish Embassy and the Swedish Institute sponsored the participation of 12 Kenyan artists in capacity-building activities on the cultural and creative industries in Stockholm.*

*Kenya's Ministry of Culture has facilitated foreign artists visiting the country by helping them obtain visas, special passes and tax waivers on equipment. The countries of origin included Brazil, China, France, India, Italy, Nigeria, Senegal, South Africa, United Kingdom and Venezuela. Conversely, the Ministry has provided recommendation letters and certificates to Kenyan artists to enable them to access travel documents in order to participate in international festivals and exhibitions.*

Source: Kenya QPR (2016).

#### Box 5.5 • *Germany's 'Moving MENA' mobility fund*

*The 'Moving MENA' programme, funded by the federal Foreign Office and implemented by the Goethe-Institut in Cairo makes it possible for young cultural professionals from Egypt, Tunisia, Morocco, Jordan and Yemen to participate in festivals, exhibits and other events in Germany and in the Arab States. In some cases, travel to research future projects is also supported. Furthermore, help with visa applications is offered. 'Moving MENA' is organized as two programmes. The first is aimed at cultural institutions in Germany wishing to invite artists from these countries. Under the second programme, individuals may travel to cultural events in Germany or in Arab States. Since 2012, Moving MENA has subsidized more than 400 visits.*

Source: QPR Germany (2016).

The pursuit of cultural diplomacy goals is still one of the main drivers of many official initiatives and has been the subject of much criticism for this reason. This approach is slowly being replaced in some countries by the branding and 'labelling' of cities through events, such as music and film festivals and art biennials and fairs, which creates a direct and/or indirect impact on artists' mobility within the global South and beyond. Though this approach is not sustainable, it does at least provide ephemeral platforms to attract the attention of programmers and curators.

#### PROMOTING MARKET ACCESS FOR CULTURAL PROFESSIONALS

There are different mobility mechanisms and approaches to open market access for cultural producers and creative industry professionals. These include capacity-development training, e.g. 'Seasons,' in which a global North country hosts the artistic production of a global South country;

the setting up of platforms in the global South by global North countries (e.g. the Dance Triennial and the Bamako Encounters organized by the *Institut Français* in Africa); or events hosted by global South countries, such as the biennial Dhaka Art Summit in Bangladesh, which invites contemporary artists from South Asia to create new work.



*Facilitating access to national markets for artists from other countries is also perceived as a means to enrich the country's cultural offer*

Facilitating access to national markets for artists from other countries is also perceived as a means to enrich the country's cultural offer. The Foreign Artist Tours component of Arts Across Canada supports Canadian not-for-profit arts organizations to circulate exhibitions or tour artists from around the world and provide new experiences to the Canadian public (Canada QPR, 2016). Quite often, participating artists take advantage of their access to international markets to create lifelong ties to specific markets and draw inspiration to develop their art forms. Mobility and resulting cultural exchanges thus become sources of creativity.

New cultural industry initiatives operating in the global South are emerging, organized by civil society organizations. One of these is the South American Cultural Industries Market (MICSUR), organized for the first time in Argentina in 2014, in Colombia in 2016 and in Brazil in 2018. This event has also helped, through artistic exchanges, performances and presentations, to promote regional integration and bring markets and cultural professionals closer together within South America (Colombia QPR, 2016). Another is DOADOA, the East African Performing Arts Market.



**H**umanity is built on travels and encounters. The artist who comments on the state of humanity, with a message of hope, must feel free to do so. Mobility is an integral part of an artist's life and career.

*I was born in Mauritania, grew up in Mali and learned my trade in Moscow, where I stayed for 10 years. My work as a filmmaker was enriched by another encounter: the one with France, as a country, and the Franco-German channel ARTE, which produced all of my films.*

*Representing exile and the search for a fairer world is at the heart of my work. Geographical mobility is consubstantial with my creative work and I thrive on the encounters it generates. But, it is not obvious. For many artists, freedom of movement, such as obtaining visas and work permits, are constant battles. The freedom to create is constantly threatened. For my film *Timbuktu*, I had to shoot from across the border in Oualata, Mauritania under the protection of the army.*

*The 2005 UNESCO Convention gives hope to all artists in the global South who experience more difficulties. It provides governments with the means to encourage this mobility, to favor co-productions and to give preferential treatment to artists. We must carry this message with strength, everywhere.*

**Abderrahmane Sissako**

*Film Director*

Organized in Uganda, in 2017, it provides a platform for professional networking, making it an important factor for increased mobility of artists and industry professionals. Indeed, these examples show there is scope for South-South collaboration to generate market access and increase audience exposure to more culturally diverse expressions.

## PROMOTING TRANSNATIONAL NETWORKING

Acquiring new experiences and improving professional skills are two of the main reasons for which many arts practitioners seek mobility. Most artists are motivated by the lack of, or non-existence of, opportunities in their home countries. Programmes to respond to those needs vary in content and form, revealing an evolution in trends and policies. Scholarships can be awarded to nationals for training in cultural management and art production abroad, or to foreign practitioners wishing to complete internships, job shadowing, etc. Examples include the 'CulturLab' programme of the *Institut Français*, which offers courses on cinema, literature, live performance, photography and digital arts, and introduces young professionals to the cultural and creative industries in France.<sup>19</sup> In 2014–2015, the German Mobility Fund's Learning Journeys Scholarship Programmes supported 136 participants from Belarus, Georgia, Moldova and Ukraine.

Support for capacity building through mobility also follows the new dynamics on the ground, with institutions starting to invest in South-South collaborations. Examples include Sweden's Creative Force programme, which supports collaborative projects in Africa and MENA, through mutual learning processes and sustainable networks between organizations that work in the culture sector.<sup>20</sup>

19. [www.institutfrancais.com/fr/culturelab](http://www.institutfrancais.com/fr/culturelab)

20. <https://eng.si.se/areas-of-operation/leadership-programmes-and-cultural-exchange/creative-force-programme/>



*Acquiring new experiences and improving professional skills are two of the main reasons for which many arts practitioners seek mobility*

Residencies are also a form of capacity building, as they focus on providing time and space for practitioners to develop, to reflect and to interact. Residencies are designed first and foremost to host, and many of them, like the Austrian Artists-in-Residence (AIR) programme and the FONCA 'Artists Residencies' programme in Mexico, are open to artists from the global South. As explored more fully in Chapter 10, residencies are also serving as safe havens for foreign artists at risk, such as Switzerland's Writers in Exile programme or the International Cities of Refuge Network (ICORN). Some countries have set up programmes to support the participation of their artists in residencies abroad. This is the case of TRANSIT, a programme by the Ministry of Education and Culture of Cyprus, to support artists and cultural professionals in the field of contemporary art.

While freedom of movement is being gravely impeded by recent international security measures, there has nevertheless been increased interest and investment in South-South collaboration.

### LOOKING FOR NEW MODELS: CIVIL SOCIETY INITIATIVES

In Africa, the Arab States, Asia and Latin America, many civil society initiatives have been launched to support artistic production, and distribution, as well as the structuring and professionalization of the arts and culture sectors. Among their main priorities are to work with their peers in neighbouring countries and regions, to look for models of best practice, or for networking and collaboration opportunities. The resulting regional initiatives include mobility funds, networks, touring platforms, biennials, music and art fairs,

residency and presentation spaces, training programmes, and cultural policy groups. The existence of such funding programmes and institutional mechanisms constitute one of the key means of verification identified in the 2015 Global Report to assess how non-governmental initiatives have evolved and how they can influence policy change. Indeed, there has been some significant progress in this area.

The independent arts sector has always been at the forefront of support and advocacy for freedom of artistic movement and support for mobility worldwide, addressing the gaps between institutional legal frameworks, policies and the realities on the ground. Networking and collaboration are the strategic tools arts practitioners use to navigate and survive complex, challenging and sometimes hostile working conditions, whether they are located in the global South or the global North. These collaboration strategies take different forms in response to the shortcomings of legal frameworks, policies, funding and other support mechanisms for artistic mobility.



*Networking and collaboration are the strategic tools arts practitioners use to navigate and survive complex, challenging and sometimes hostile working conditions*

An exemplar from civil society is the Artists Visa Committee, launched in 2009 by *Zone Franche*, a not-for-profit organization set up in France to address the growing difficulties faced by music industry professionals.<sup>21</sup> The Committee aims to resolve deadlocks regarding visas and has interceded with ministries when blockages or difficulties in obtaining visas occur; it has ensured regulatory and legislative watch;

21. [www.zonefranche.com/](http://www.zonefranche.com/)



it has surveyed and analysed the most frequent deadlocks encountered and lobbied the government to improve the procedures related to visa instructions.<sup>22</sup>

Similar aims are being pursued by practitioners in the global South through advocacy initiatives, such as Arterial Network in Africa,<sup>23</sup> the 'Culture Resource' in the Arab region (*Al Mawred Al Thaqafy*),<sup>24</sup> the Tamasi network for performing art networks in the MENA region or the *Ittijahat* Independent Culture for independent artists and cultural actors in Syria.<sup>25</sup>



*The establishment of resource centres and information services providing practical guidance to incoming and outgoing artists and cultural professionals is crucial*

South-North pooling of expertise and effort is also essential. This is well illustrated by the Istikshaf Regional Mobility and Freedom of Movement Policy Agenda, an advocacy platform operated by the Arab Education Forum (Jordan), the International Association for Creation and Training (Egypt), and the Roberto Cimetta Fund (France), in collaboration with 36 social and cultural organizations.<sup>26</sup> The Canary Islands' Declaration on Artistic and Cultural Mobility, adopted in June 2014 by six independent cultural mobility funds from different parts of the world, is also a case in point.<sup>27</sup>

22. [www.zonefranche.com/en/comite-visas-artistes/artists-visas-committee](http://www.zonefranche.com/en/comite-visas-artistes/artists-visas-committee)

23. [www.arterialnetwork.org/](http://www.arterialnetwork.org/)

24. <http://mawred.org/>

25. [www.ettijahat.org/](http://www.ettijahat.org/)

26. <http://safarfund.org/ShowContentE.aspx?ContentId=74>

27. [www.gestionculturalcanarias.org/2014/06/declaracion-islas-canarias-sobre.html](http://www.gestionculturalcanarias.org/2014/06/declaracion-islas-canarias-sobre.html)

### Box 5.6 • *Tajwal – an international mobility grant*

*Tajwal, launched by Culture Resource in 2016, is designed to support Arab artists' international travel, touring, and cultural exchanges of all types. It was created to address the challenges faced by artists in travelling, especially outside the Arab region: gaps in travel funds, difficulty in obtaining visas and the scarcity of opportunities to meet organizations that could be potential partners. Offering six to eight grants of up to US\$8,000 each, per year, the programme is designed to allow grantees to present their work to new audiences and experience diverse cultural exchanges. The grants cover travel and visa costs as well as part of artists' accommodation expenses. Culture Resource also provides a letter of support to grantees in order to facilitate their visa procedures. The programme is open to Arab artists and cultural professionals living in an Arab country. It covers activities such as festivals, artistic residencies and artistic production workshops. Applications are accepted all year round.*

Source: Culture Resource (2017).

### ENHANCING INFORMATION SHARING

Knowledge and information sharing is also one of the fields where independent practitioners have managed to move forward. Indeed, the establishment of resource centres and information services providing practical guidance to incoming and outgoing artists and cultural professionals is crucial. On the Move (OTM), for example, has an online portal<sup>28</sup> which stands out as an example of alliance-building and global collaboration that has managed to survive despite severe funding cuts, and that continues to offer valuable information on mobility for a worldwide audience. In 2015, OTM, together with Art Moves Africa (AMA) and Korea Arts Management Service (KAMS), published the first guide on mobility in Africa. Another guide on mobility was published in Brazil in 2016, and a guide for Latin America is planned for March 2018, to be completed in cooperation with Mexico's Arquetopia Foundation.

Since 2012, the Asia-Europe Foundation (ASEF) and OTM have jointly presented the Mobility Funding Guides for International Cultural Exchange in 51 countries part of the Asia-Europe Meeting (ASEM), providing a comprehensive and updated list

28. <http://onthemove.org>

of funding opportunities for the cultural mobility of artists and cultural practitioners in Asia and Europe. In 2017, updated guides for the 10 ASEAN countries were launched; these are particularly useful for countries that do not have dedicated national sources of funding.

### ADDRESSING THE FUNDING GAP

To confront decreased funding, independent practitioners have shown resilience, creativity and a capacity to adapt to the sector's vision and priorities. Mobility funding schemes in Africa and in the Arab States, for example, have evolved from supporting exchanges within the Euro-Mediterranean area (Roberto Cimetta Fund), to intraregional cooperation (Young Arab Theatre Fund, Culture Resource, Safar Fund), continental partnerships (Art Moves Africa), international collaboration at large (Box 5.6) or even to more focused schemes such as Africa Art Lines, which supports performing artists' (music, theatre and dance) mobility between Morocco and the rest of the continent.

Today's increasing focus on South-South mobility and cooperation was initiated by a generation of organizations founded and led by activists from the global South, which emerged in order to respond to the need for local, critical and contemporary views on artistic production and cultural policy.

Alternatives were needed to counterbalance the dominant discourses of official culture and cultural diplomacy. The creation and survival of these organizations has depended, however, on funding from the global North (mainly from private foundations in the United States of America and Europe).



*Some cultural institutions have adopted the funding trends developed by the independent sector to respond to a growing need for such schemes*

Funding procedures, whether they have a wider or more focused thematic or geographic scope, share a granting methodology that is based on open calls for artists and cultural practitioners, selection processes and funding for travel (via grants or flight tickets) and visa and travel insurance costs. This approach has ensured efficient disbursement of funds to individual practitioners hailing from different countries and disciplines. Yet it can be critiqued for responding to the needs of big festivals, biennials or art fairs, all of which require significant travel budgets. It is also worth noting here that some cultural institutions, as mentioned earlier, have adopted the funding trends developed by the independent sector to respond to a growing need for such schemes.

### FROM PLATFORMS TO RESIDENCIES

Support has not been provided through mobility funds alone. Many artistic platforms are also striving to bridge the gap caused by the lack of (or the weakness of) institutional infrastructures in their countries. Biennials, artists' residencies, music fairs and salons, training centres for film and contemporary dance, touring circuits, festivals, networks and professional meetings and cultural policy groups are some of the many platforms that now exist.

**Figure 5.11**

### Residency locations in global South and global North, 2017



Source: Transartists / BOP Consulting (2017).

Cities like Beirut, Dakar, São Paulo and Sharjah are steadily forming a map of artistic hubs that are in turn continuously stimulated by the circulation of artworks, knowledge and professionals. The 'Season of Cambodia', an initiative from Cambodian Living Arts, an NGO based in Phnom Penh and launched in 2012, is designed as a platform for presenting Cambodian arts and culture to international and national audiences (Cambodia QPR, 2016).

We have collected data on 1,344 artists' residencies using the Transartists platform.<sup>29</sup> The data confirm a clear global imbalance: 87% of artist residency opportunities are located in the global North (Figure 5.11), mainly in Europe (56%), followed by North America (24%) and Asia-Pacific (12%).

Opportunities from the global South are more balanced across different regions (Table 5.2). Asia-Pacific and Latin American residencies each represent about one third of the total global South opportunities, while those in the Arab States and Africa each account for slightly over 10%. These data also underscore the critical need for greater and more efficient institutional support to rebalance the number and range of opportunities.

29. [www.transartists.org/](http://www.transartists.org/)

**Table 5.2**

### Residency opportunities for artists from the global South, by region, 2017

Location of residency	Number of residencies advertised	% of all residencies advertised
Africa	18	1%
Arab States	29	2%
Asia and the Pacific	152	11%
Europe and North America	1 090	81%
Latin America and the Caribbean	54	4%
<b>Total</b>	<b>1 344</b>	<b>100%</b>

Sources: Transartists; BOP Consulting (2017).

## CONCLUSIONS AND RECOMMENDATIONS

Despite the existence of a vibrant independent arts sector in the global South, which promotes and supports artistic mobility, the global North is still the dominant market destination and source of income for artists and cultural practitioners from the global South. Yet many factors hinder their access to these markets, as explored through this chapter. Some measures are being taken by governments to grant preferential treatment to global South artists and cultural professionals, but these are fragmentary and insufficient. Cultural institutions for their part are nevertheless striving to support mobility through various mechanisms with the few resources they can dedicate to this task.

To overcome the gaps between institutional legal commitments and the reality on the ground, private and civil society organizations in both the North and the South have developed mobility funding schemes, advocacy work, knowledge- and information-sharing and, most importantly, artistic platforms. These achievements, however, cannot be a substitute for the public responsibility and services of state institutions. It is therefore crucial to reinforce the Convention's role as a legal instrument in service of the sector.



*Despite the existence of a vibrant independent arts sector in the global South, the global North is still the dominant market destination and source of income for artists and cultural practitioners from the global South*

This is becoming imperative at a time when many freedoms, including of movement, are the targets of state apparatuses. Indeed, these apparatuses are moving from targeting individuals to targeting mechanisms of support for civil society organizations, by restricting payment, for example, the reception of funds from foreign entities. The Convention could provide a normative if not legal shield to protect civil society organizations working in arts and culture from a crackdown on their rights and freedom.

Despite all these efforts, the need for action has become urgent if countries are to meet the 2030 Sustainable Development Goals related to this domain. Achievement of these goals is unlikely, however, given the persistent inequalities and imbalance in freedom of movement and access to mobility opportunities between artists from the global South and global North. This situation is not conducive to the protection or promotion of the diversity of cultural expressions.

For all these reasons, the following recommendations are proposed:

- Simplify visa procedures and reduce fees, taking into consideration the working conditions of artists and cultural practitioners in the global South. Communication about procedures should be clear, transparent and subject to regular updates.
- Raise visa officials' awareness and offer training about the specificities of mobility of artists and cultural practitioners.
- Build on models such as the Artists Visa Committee, coordinating between the various stakeholders (administrations and civil society) to facilitate the visa process.
- Introduce policies and measures that foster collaborations and have the potential to generate touring opportunities for artists, such as artists' residencies, networks and events.
- Support non-governmental initiatives in the global South that provide knowledge-sharing platforms and advocate for the development of legal frameworks and professional infrastructures for the arts and culture sector.



# *Persisting imbalances in the flow of cultural goods and services*

Lydia Deloumeaux

### KEY FINDINGS

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- »» *All developing countries (including China and India) represented an increasing portion of the global flow of cultural goods, and accounted for 45% of global trade of cultural goods in 2014, compared to 25% in 2005.*

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- »» *Trade barriers, the scarcity of preferential treatment measures and the limited human and financial capacity continue to hamper the penetration, by developing countries, of markets for cultural goods in the global North.*

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- »» *Digital distribution platforms, exchange networks and export strategies, mostly in the audiovisual sector, are helping global South countries enter the international market of cultural goods and services.*

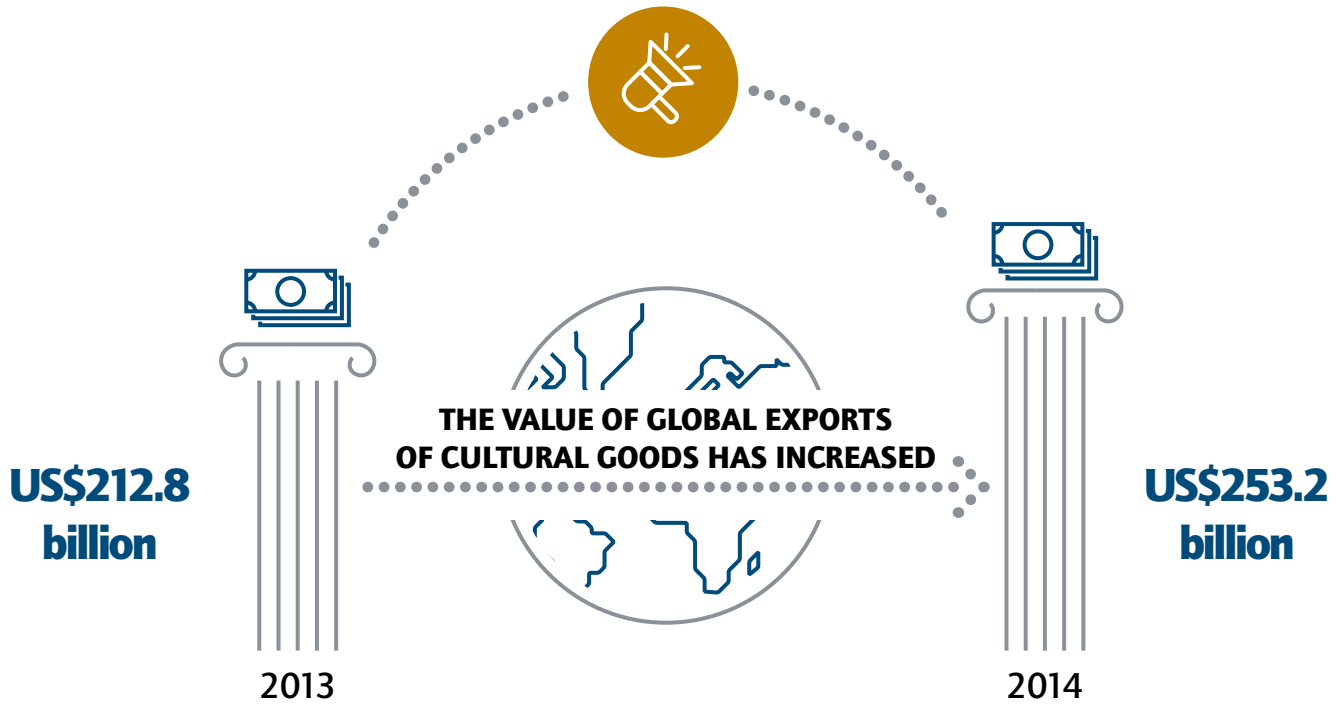
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- »» *Domestic quotas are an effective measure to increase national audiovisual production, eventually leading to an increase in exports.*

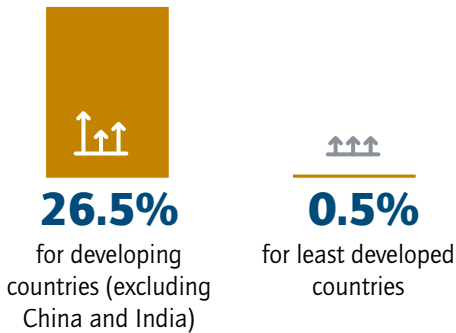
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- »» *The new digital environment urgently requires improved data collection on cultural trade services, in order to support evidence-based policies and trade negotiations.*

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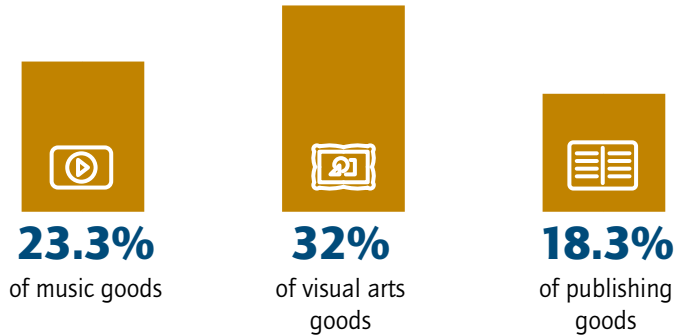


However, the share in **global exports of cultural goods remains imbalanced**



... and is insufficiently diversified.

Developing countries account for:



### ACHIEVING A MORE BALANCED FLOW REQUIRES



Reinforced trade capacities and infrastructure



Increased ODA targeted at trade-related programmes and projects



Investment in the creative sectors to diversify exports of cultural goods



Lower tariffs to allow cultural goods to enter new markets at competitive costs



Improved data collection on cultural trade services in digital environment

## CORE INDICATORS

Legislative base supports flows of cultural goods and services

Policies and measures support international flows of cultural goods

Policies and measures support international flows of cultural services

### INTRODUCTION

In 2017, for the first time in its 70-year history, the Cannes Film Festival selected two films produced by the international internet distribution company Netflix – *Okja* by Bong Joon-ho and *The Meyerowitz Stories* by Noah Baumbach. Selection for this prestigious festival opens the door to international film markets. However, the selection of films released only on the internet was controversial in a country where a film can only appear on streaming platforms a full three years after its release in cinemas. Despite weeks of negotiation, Netflix refused to release these films in France. While both films remained in the 2017 Festival competition, the event's administrators changed the rules for future competitions. From now on, a film selected for the festival will need to be released in French theatres. This incident reflects how changing media and means of distribution – Netflix, for example, has committed to investing US\$6 billion in original content in 2017 – are affecting cultural production and the flows of cultural goods and services, and highlights factors that increasingly underpin the issues we shall take up in this chapter.

The growth in e-commerce, the technological disruption and the ability of streaming platforms and multinational companies to circumvent national boundaries, has challenged many countries to put in place new measures or policies to promote the diversity of cultural expression within their borders, as well as to prevent tax evasion. As we know, two key purposes of the 2005 Convention are to: (1) protect and promote domestic cultural production

in each country; and (2) open domestic markets that foster the exchange of cultural goods and services from different countries. Countries implement cultural policies to protect their domestic production and develop export strategies to facilitate the distribution of their own cultural goods and services beyond their borders. However, such policies work to different effect in developed and developing countries. Hence the stipulation in Article 16 of the Convention which states that preferential treatment granted to developing countries should ease the entry of their goods in the markets of developed countries, 'to facilitate a balanced flow of cultural goods and services'.



*The growth in e-commerce, the technological disruption and the ability of streaming platforms and multinational companies to circumvent national boundaries, has challenged many countries to put in place new measures or policies to promote the diversity of cultural expression within their borders*

Since 2015, no major change has occurred in global trends of cultural flows. Hence, in this chapter we shall highlight the growth of exchanges between North and South through trade data and information on export measures and policies. Several measures in developed countries

aim to grant preferential treatment to cultural goods and services from developing countries. In the global South, some regional initiatives may be noted, although they are hardly visible in international trade figures. We need to assess whether and how implementation of the Convention, notably by way of preferential treatment, has had a positive impact on the flow of cultural goods and services. The initial sections will seek to determine how balanced the flow of cultural goods and services actually is. However, trade data alone address only one end of the spectrum. Indeed, for some countries, the size of the domestic market is sufficient to sustain regular revenues and so their cultural producers do not have to rely on the international market.

The marginalization of developing countries in the trade of goods depends on many factors intrinsic to international trade. For example, many developing countries, in particular the Least Developed Countries (LDCs), are commodity-dependent. For this reason, monitoring the balance of flow of cultural goods should not be limited to trade data but also encompass public policies and measures implemented by countries at the national level. For example, on the basis of trade statistics, there is no significant trade in audiovisual goods or services among East African countries. However, cultural exchanges exist in different forms, such as the Kalasha International Film and TV Festival established by the Kenya Film Commission to promote culture, stories, creativity and skills within the East African region. Such initiatives and policies provide a better picture of the dynamism of developing countries' cultural exchanges.

## SHARED PURPOSES WITH THE 2030 SUSTAINABLE DEVELOPMENT GOALS

Article 16 of the Convention and SDG 10 both seek to promote policies to ensure that preferential treatment is granted to developing countries in order to reduce inequality within and among countries. The SDG 10 target 10.a reads as follows: 'Implement the principle of special and differential treatment for developing countries, in particular LDCs, in accordance with World Trade Organization agreements'. Developed countries apply the Generalized System of Preferences, which are 'programmes by developed countries granting preferential tariffs to imports from developing countries'.<sup>1</sup> Indicator SDG 10.a.1 is related to tariff<sup>2</sup> lines applied to imports from LDCs/developing countries.<sup>3</sup> Lowering tariffs is one of the main preferential treatment measures that reduces trade costs, allowing products from developing countries to enter the territory at competitive costs. Tariffs are also an important source of domestic public revenues. For example, tariff revenues accounted for 5% of the GDP of LDCs, compared to 1% of non-LDC countries (OECD-WTO, 2015). Non-tariff measures may reduce developing countries' capacities to export; these are usually technical requirements applied to countries that want to export their products. Therefore, to be in line with the SDGs, tariff lines applied to cultural goods and services could be an accurate means of verification to monitor the impact of the Convention.

Aid for Trade is another shared target. Developing countries need technical, human and financial support to improve their technical, financial and administrative capacity to export goods.

1. WTO Glossary. [www.wto.org/english/thewto\\_e/glossary\\_e/glossary\\_e.htm](http://www.wto.org/english/thewto_e/glossary_e/glossary_e.htm)

2. A tariff is a tax imposed on a good imported into a country (OECD, 2017).

3. 10.a.1 Share of tariff lines applied to imports from least developed countries/developing countries with zero-tariff (United Nations Economic and Social Council [henceforth UNSC], 2017).



*Lowering tariffs is one of the main preferential treatment measures that reduces trade costs, allowing products from developing countries to enter the territory at competitive costs*

SDG target 8.a related to Aid for Trade is 'Increase Aid for Trade support for developing countries, in particular LDCs, including through the Enhanced Integrated Framework for Trade-related Technical Assistance to Least Developed Countries (UNSC, 2017). Aid for Trade data can be collected via Official Development Assistance (ODA) data, which are always useful in identifying the level of Aid for Trade granted by developed countries to developing countries, since ODA is the largest external source of financing for developing countries. In 2012, it accounted for 38% of developing countries' external source of finance compared to 21% for foreign direct investment (FDI) (OECD-WTO, 2015). ODA data provides some evidence of the potential ODA benefits for trade and, to a larger extent, for cultural trade. However, Aid for Trade represents but a small portion of ODA. In 2014, the share of ODA in trade facilitation in relation to total donations was only 0.27% of the net disbursements of all donors. The largest donor in trade facilitation is the EU institutions taken together, representing 3.62% of their net disbursements. The second largest is New Zealand, followed by the World Bank. By comparison, in 2014, ODA dedicated to culture and recreation accounted for only 0.21% of the total for all donors. It is important to note that since ODA data do not cover ad hoc projects, such as the construction of cultural facilities, they are insufficient to measure all activities taking place in the field of cultural trade and development.

In addition, SDG target 17.11 is dedicated to 'significantly increase the exports of developing countries, in particular with a view to doubling the LDC's share of global exports by 2020'. To measure progress towards meeting this key objective, the 2005 Convention and the 2030 SDG framework have adopted a similar indicator. The indicator associated with target 17.11 is 'Developing countries' and least developed countries' share of global exports' (UNSC, 2017). This is also one of the means of verification for the flow of cultural goods and services in the 2005 Convention indicator framework.



*Developing countries need technical, human and financial support to improve their technical, financial and administrative capacity to export goods*

Measuring the share in global exports of goods for LDCs is a target of SDG indicator 17.11.1. In 2014, LDCs represented 1.08% of exports for all goods. For the Convention, which measures the flow of cultural goods, the balance of cultural trade for LDCs did not improve from 2005 to 2014. Both in 2005 and in 2014, they only accounted for a 0.5% share of global exports of cultural goods. The SDGs (10.b) also encourage FDI as a measure in the most vulnerable countries.<sup>4</sup> The flow of FDI is also one of the means of verification for this chapter. FDI is usually a prerequisite before a country can create foreign affiliates. Data on FDI and Foreign Affiliates Trade (FATS) of cultural services are also challenging to obtain.

4. 10.b. Encourage official development assistance and financial flows, including FDI, to States where the need is greatest, in particular LDCs, African countries, small island developing States and landlocked developing countries, in accordance with their national plans and programmes. 10.b.1. Total resource flows for development, by recipient and donor countries and type of flow (e.g. official development assistance, FDI and other flows).



While FDI is considered to be the 'most stable and long-term source of international financing for developing countries' (OECD-WTO, 2015), data on it are incomplete. The International Trade Centre publishes data on FATS and FDIs.<sup>5</sup> However, the 2016 UNESCO Institute for Statistics (UIS) report showed that FDI and FATS data are limited, available only for a handful of countries. The report contained FDI data limited to 10 European countries for motion pictures, radio, television and entertainment but comparable FATS data for the same domains do not exist (UIS-UNESCO, 2016).

### FROM STAGNATING FLOWS TO PERSISTING IMBALANCES

After a slowdown in 2013, the international trade of cultural goods increased again in 2014. The 2015 Global Report noted that by 2013, the flows of cultural goods and services worldwide were still unbalanced. Over the last decade, with the exception of China and India, developing countries have played a minor role in the export of cultural goods and services.<sup>6</sup> After a small decline in 2013, global trade in cultural goods increased by 10% in 2014, compared to 2013.<sup>7</sup> In 2014, this global trade amounted to US\$220.6 billion. All developing countries (including China and India) represented an increasing portion of the flow of cultural goods, and accounted for 45% of global trade of cultural goods in 2014, compared to 25% in 2005.

5. The International Trade Centre (ITC) is the only development agency that is fully dedicated to supporting the internationalization of small and medium-sized enterprises (SMEs). Established in 1964, the International Trade Centre (ITC) is the joint agency of the World Trade Organization and the United Nations. See more at: [www.intracen.org/itc/about/#sthash.yPVIr4xx.dpuf](http://www.intracen.org/itc/about/#sthash.yPVIr4xx.dpuf)

6. The analysis of cultural goods in this first section is based on the definition of cultural goods presented in the 2009 UNESCO Framework for cultural statistics (2009 UNESCO FCS) (UIS-UNESCO, 2009).

7. Trade is defined as Import + Export/2.

Figure 6.1

### The influence of India and China on the global exports of cultural goods, 2005–2014



Source: UN Comtrade, Department of Economic and Social Affairs (DESA)/Trade Statistics Branch/United Nations Statistics Division (UNSD), November 2016.

However, as of 2012, the data indicate that apart from China and India, the number of cultural goods from developing countries entering the international market has stagnated. Figure 6.1 shows that after a slight decrease in 2013, exports of cultural goods increased again in 2014 to reach US\$253.2 billion. In 2014, exports from all developing countries surpassed developed countries for the first time, in terms of exports of cultural goods, with developing countries accounting for 53% of the global export of cultural goods.

This picture is, however, distorted. Once China and India are removed from the category of developing countries, the share accounted for only 26.5% of the global export of cultural goods in 2014. Yet this was an improvement compared to 2005, when they accounted for only 15% of exports.

However, the situation with regard to key cultural goods (audiovisual and

music, publishing and visual arts) is less favourable. In 2005, the share of trade for developing countries' audiovisual and music, visual arts<sup>8</sup> and publishing goods, accounted for 15.4%, 25%, and 11.5% respectively of global exports. In a decade, this share increased by less than 8 points to reach 23.3% for audiovisual and music goods, 32% for visual arts goods and 18.3% in publishing goods in 2014. From 2005 to 2014, the share of the international trade of audiovisual and music goods significantly decreased because of digitization. The shift to audiovisual and music digital productions and consumption resulted in a significant decrease in sales of physical goods. Hence, it is not surprising to witness a decrease of 28% in global exports of physical audiovisual and music goods from 2005 to 2014. In 2014, audiovisual and music goods amounted to US\$21.2 billion in 2014, down from US\$29.4 billion in 2005.

8. Excluding crafts and jewellery

This decrease was due mainly to a significant drop of 34.6% in exports of audiovisual and music goods from developed countries. Meanwhile, during this decade, developing countries increased their exports of these goods by 9% in dollar value. International exchanges of physical music goods are also declining. The trend is visible in the music industry, where revenues are increasing for performing rights. Performing rights royalties represented 78.8% of global royalty collections in 2015; music represented 87.1% of the repertoire in overall royalties collected (CISAC, 2016). Due to this trend, most of the international flow of cultural trade is now better captured by services statistics.

From 2005 to 2014, exports of publishing goods remained steady and increased by 5%, amounting to US\$20.8 billion in 2014. This increase is due mainly to developing countries, whose exports of publishing goods increased by 67.7%. The dynamic of these exports, however, was the opposite in developed countries, with a decrease of 3.2% in dollar value. This suggests that the digital shift in publishing production and consumption may have impacted developed countries more than developing countries.

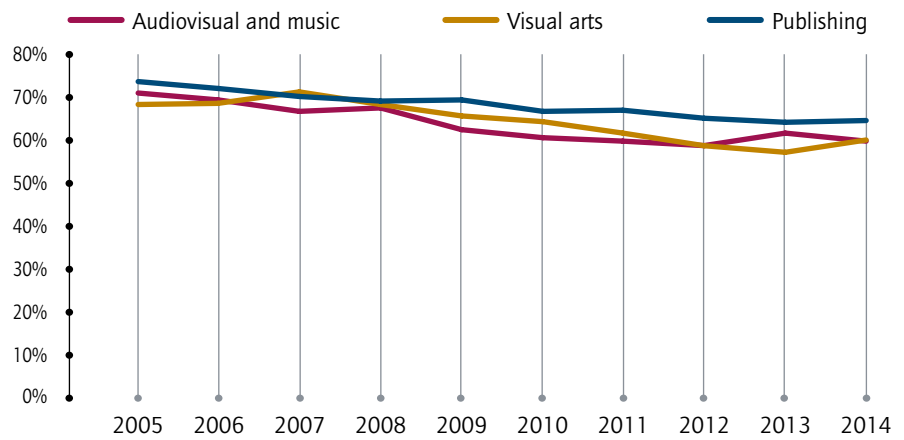
### DYNAMISM IN THE FLOW OF VISUAL ARTS GOODS

Visual arts goods are an increasing portion of the international trade in cultural goods. In a decade, exports of such goods doubled to reach US\$35.8 billion in 2014. This is corroborated by CISAC figures indicating that from 2014 to 2015, collective rights of global visual arts increased by 27.4%.<sup>9</sup> The collective rights of visual arts mainly consist of reprographic rights and resale rights. They amounted to €181 million in 2015 (CISAC, 2016). Is this due to the lower impact of the digitization of visual arts, which remain physical goods?

9. The International Confederation of Societies of Authors and Composers (CISAC) brings together 239 collective management organizations in 123 countries and five regions. These organizations represent over four million creators active in the five major repertoires: audiovisual, dramatic, literature, music and visual arts.

Figure 6.2

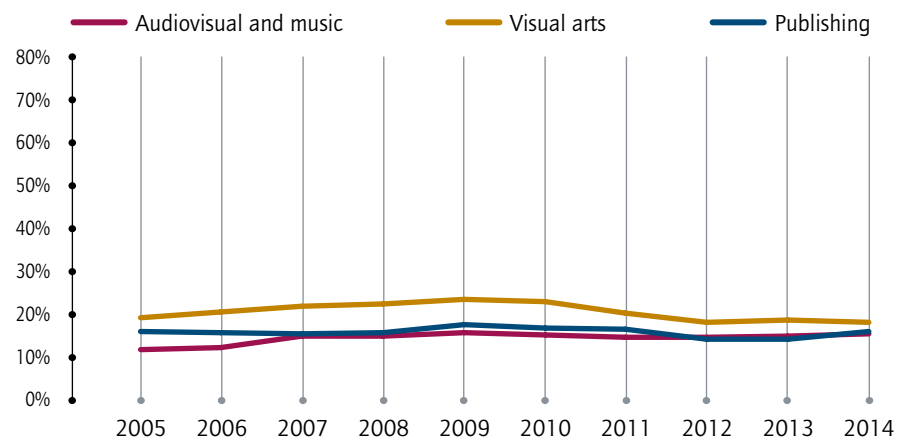
Share of North/North trade by cultural expression, 2005–2014



Source: UN Comtrade, Department of Economic and Social Affairs (DESA)/Trade Statistics Branch/United Nations Statistics Division (UNSD), November 2016.

Figure 6.3

Share of North/South trade by cultural expression, 2005–2014



Source: UN Comtrade, Department of Economic and Social Affairs (DESA)/Trade Statistics Branch/United Nations Statistics Division (UNSD), November 2016.

In 2014, visual arts became the largest category of goods exported, ahead of audiovisual, music goods and publishing goods. For both developed and developing countries, the increase in exports of visual arts was significant. Nonetheless, the increase was greater for developing countries. These countries almost tripled their dollar value of exports of visual arts goods during this period, with US\$11.5 billion in 2014, compared to US\$4 billion in 2005.

### DIRECTION OF THE FLOW OF CULTURAL GOODS: MINOR INCREASE IN NORTH/SOUTH TRADE

The balance of flows of cultural goods has evolved unequally for developing countries. As stated above, in 2014, developing countries accounted for 45% of the global trade of cultural goods. However, this figure does not indicate whether the level of exchanges between two developing countries (i.e. within the global South) has increased.



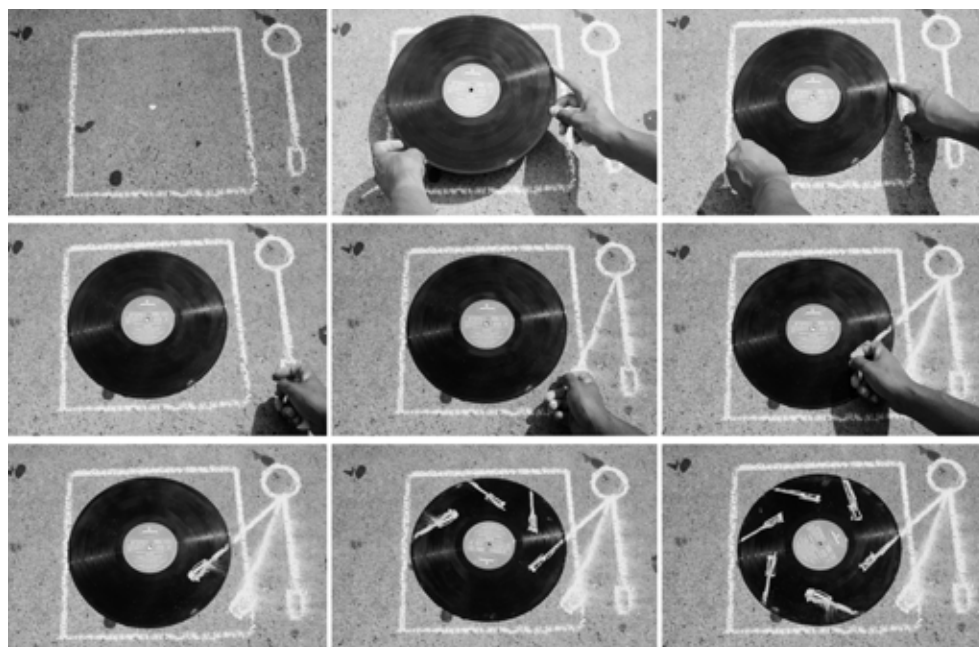
From 2005 to 2014, for the three cultural expressions studied (audiovisual and music goods, publishing and visual arts goods), North/North trade dominated these exchanges, providing more than 60% of global exchanges. From 2005 to 2014, despite a decrease, trade within the global North dominated the flow of visual arts, publishing and audiovisual and music goods (Figure 6.2).

- The share of North/North trade of visual arts in the global trade of visual arts goods decreased from 68% to 60%.
- Trade flow among developed countries in publishing goods also decreased. In 2014, the share of North/North trade in publishing goods accounted for 66% of global trade of publishing goods (this share was 75% in 2005).
- From 2005 to 2014, the flow of audiovisual and music goods within developed countries decreased significantly. The share of North/North trade of these goods still accounted for 60% of global trade in audiovisual and music goods in 2014, compared to 71% in 2005.

In 2014, North/South trade (Figure 6.3) held the second largest share of trade of cultural goods at around 15%. This means cultural goods from developed countries entering the market of developing countries. North/South trade represented a 14% share of global trade of publishing goods in 2014.

Figure 6.4 shows that cultural goods from the global South entering the global North market reached a plateau in 2011. In audiovisual and music goods and visual arts, South/North trade accounted on average for 15% of the trade of cultural goods as of 2010–2011. This figure is 10% for publishing goods. A slight and slow improvement of South/South trade<sup>10</sup> is also observed, although cultural trade is clearly dominated by North/North exchanges. South/South trade barely reached 10% of trade of these three cultural expressions in 2014 (Figure 6.5).

10. Trade between two developing countries



**W**OMEX is a platform for world/global music of every kind – from roots and traditional to electronic and urban music – and across all seven continents. It is a gathering of professionals, active in the promotion of musical diversity, helping with the sustainability of careers for artists and other professionals in the music sector.

*As the most international professional music event (with around 100 countries attending every year), WOMEX aims to contribute to a more balanced flow of cultural goods and services in order to protect and promote the diversity of cultural expressions.*

*Through the provision of expertise, access to international networks, the organization of professional music events and capacity-building programmes, WOMEX is contributing to the professionalization of local music sectors in various countries and regions.*

*We are happy to see an increase in exchanges happening outside of the traditional North-South routes and we believe that our work makes a small but continuous contribution to this.*

*Despite these efforts, there remain many challenges in ensuring a more balanced flow:*

- *Mobility of artists and professionals of the music sector: beyond visa issues, the cost of travel is another crucial obstacle. For instance, many cultural professionals from Africa or Asia have difficulties attending international meetings, and thus miss out on more global business opportunities.*
- *Lack of consistency in policies and support for initiatives at local or international level: it is challenging for stakeholders to establish sustainable activities, when policies and funding change so frequently.*

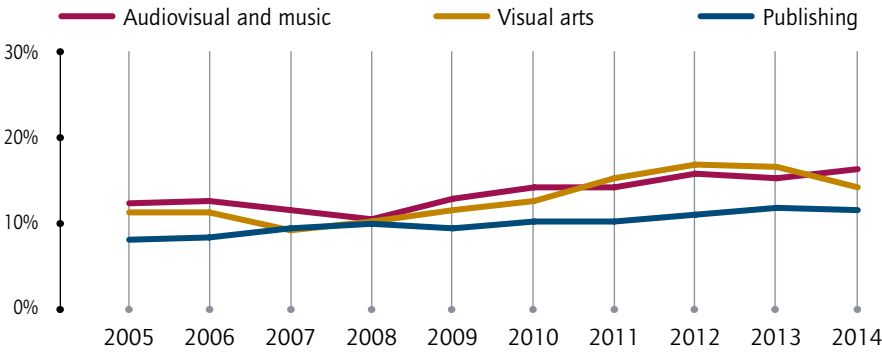
*We must work together to ensure all musicians have access to international markets and to ensure that a diverse range of music is available for audiences worldwide.*

**Alexander Walter**

*Director, WOMEX (World Music Expo)*

Figure 6.4

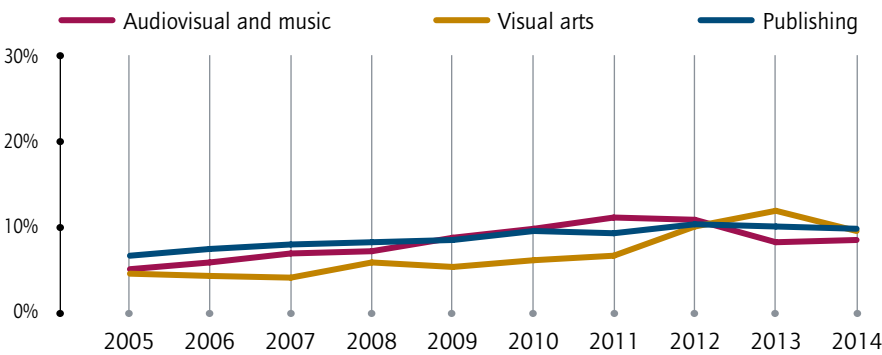
Share of South/North trade by cultural expression, 2005–2014



Source: UN Comtrade, Department of Economic and Social Affairs (DESA)/Trade Statistics Branch/United Nations Statistics Division (UNSD), November 2016.

Figure 6.5

Share of South/South trade by cultural expression, 2005–2014



Source: UN Comtrade, Department of Economic and Social Affairs (DESA)/Trade Statistics Branch/United Nations Statistics Division (UNSD), November 2016.

These statistics demonstrate that not enough cultural trade is occurring within the global South, reflecting instead one-off transactions. Global South countries' capacity to export is dependent on their economic conditions. Cultural goods and services are often affected by lower investment and impacted more directly by economic downturns. From 2004 to 2015, the flow of visual arts among developing countries (South/South) was the lowest among the groups. In 2014, the share of South/South trade of visual arts only accounted for 10% of global trade. While very low, this is still an improvement. Compared to 2005, this share doubled. The amount of trade in dollar value of publishing goods between South/South countries increased by 53% between 2004 and 2015.

However, its share within the global trade of publishing goods remained almost the same with 10% in 2014, compared to 7% in 2005. In addition, the trade of audiovisual and music goods among South/South countries remained marginal, at only 9% of this global trade in 2014.

The analysis shows that while countries from the global North still dominated the market with regard to visual arts, publishing and audiovisual and music goods, the level of exchanges and flows of cultural goods among them decreased. However, the global North did not import proportionally more goods from the global South, nor did this benefit South/South exchanges proportionately.

DEVELOPING COUNTRIES SLOW IN FINDING NEW DESTINATIONS FOR THEIR CULTURAL GOODS

How diverse are the trade partners of developing countries? The number of countries to which developing countries export their products has increased only for publishing goods. As noted above, besides China and India, developing countries are specialized in exporting only a few goods, which limits their capacity to enter the international market. The Istanbul Plan of Action (UN, 2011) for LDCs recognized international trade as a key factor for sustainable economic development: the LDCs, as well as developing countries in general, need to diversify their exports. To do so, preferential treatment measures such as tax or tariff exemptions and capacity-building efforts are crucial. The diversification of exports to include creative goods and services may be an important avenue to expand 'non-traditional destinations' for developing countries (UN, 2011).

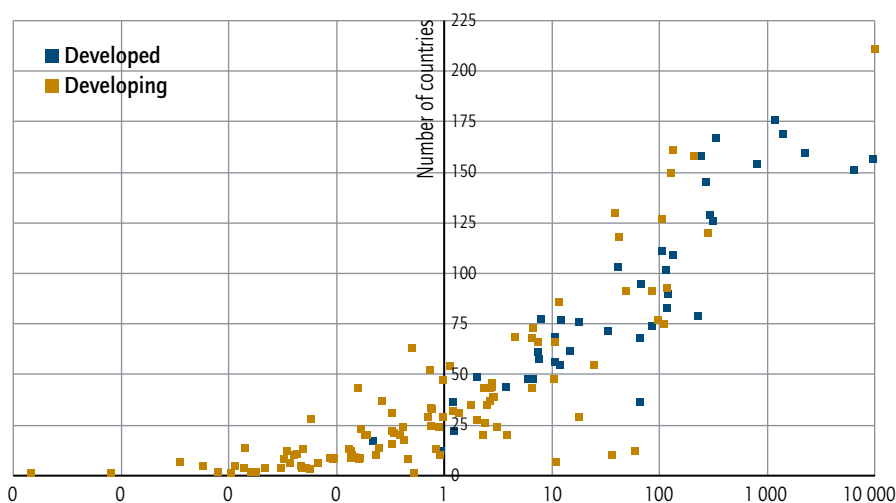


*Besides China and India, developing countries are specialized in exporting only a few goods, which limits their capacity to enter the international market*

Figure 6.6 clearly shows that an increasing number of partner countries is directly related to a higher level of exports of visual arts. The majority of developing countries are located towards the lower end of the figure, with fewer than 50 partner countries, and levels of exports 10,000 times less than the largest exporter of visual arts. In 2014, developing countries had on average 36 destination countries for exports of visual arts goods, while developed countries had 90 countries. Compared to 2005, with on average 38 countries, there is no increase in the diversity of partner countries for developing countries.

Figure 6.6

### Exports of visual arts by number of destination countries, 2014



Source: UN Comtrade, Department of Economic and Social Affairs (DESA)/Trade Statistics Branch/United Nations Statistics Division (UNSD), November 2016.

Figure 6.7 shows that for the majority of developing countries (54%), there is less diversity in the number of destination countries in visual arts exports. In 2014, the diversity in destination countries of visual arts goods for developed countries increased for 90% of them. In 2005, this number was on average 76%. The largest exporters of cultural goods have on average more than 150 partner countries. These results are often linked with countries' capacities to produce then export and enter new markets, which requires technical and financial expertise and resources. Developed countries have more opportunities with partners already established in other markets. They already comply with technical requirements, and multiply free trade agreements to facilitate the exchanges.

Publishing goods tell a different story (Figure 6.8). As mentioned earlier, the exports of publishing goods from developed countries diminished from 2005 to 2014, especially among similar partner countries. This shows a market shift to the digital environment in developed countries. However, developed countries' physical publishing goods are entering new markets

in developing countries, as well as additional markets elsewhere. There was an increase in the diversity of exports for publishing goods in both developing countries (54 %) and developed countries (77%), although the market remains quite unbalanced when developed countries have on average 111 partner countries, compared to 38 countries for developing countries.

Exports of audiovisual and music showed a lower diversity in the number of destinations of exports from developing countries, with 26 in 2014. From 2005 to 2014, this number decreased for 66% of these countries, which had on average 31 destination countries in 2005. On the contrary, diversity increased for 55% of developed countries, which had on average 99 destination countries for audiovisual goods and music in 2014, up from 98 destination countries in 2005. Developing countries are still struggling to enter global North markets with their cultural goods. There could be many reasons for this situation, notably trade barriers, hence the need for preferential treatment measures. Other explanations are related to developing countries' capacity (technical, financial) to produce and then export these products.

### DATA GAPS IN CULTURAL SERVICES AND THE DIGITAL CHALLENGE

In the digital environment, cultural services offer key data points for evidence-based policies and for the formulation of adequate support strategies. Unfortunately, measuring the balance of flows of cultural services remains a challenge, as cultural services can take different forms. 'Cross border' services (Mode 1) are the most frequent kind of data collected in this area; for example, purchasing a license to reproduce and distribute an original artistic work.<sup>11</sup> But these data are quite limited, since most countries do not compile or report at the level of detail required, and much artistic work is circulated without licensing in place. We are therefore confronted with a paradox when using statistics to measure international trade in services. Since 2015, the 2010 Extended Balance of Payments Classification (EBOPS) is being used to record international services data. On the one hand, in this classification, cultural services are better represented with the inclusion of distinct cultural categories. On the other hand, there is a scarcity of data at the level required to assess cultural services properly.



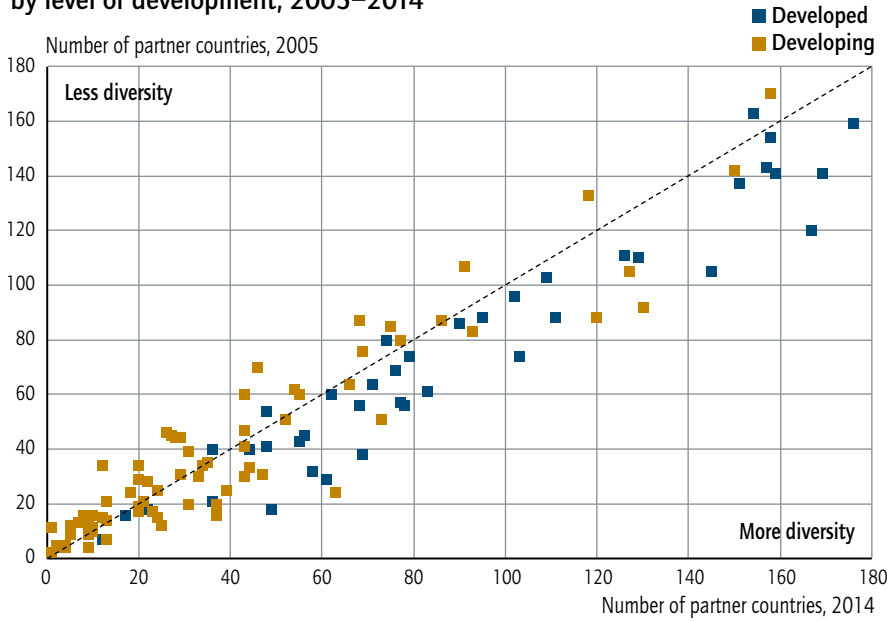
*Exports of audiovisual and music showed a lower diversity in the number of destinations of exports from developing countries*

The diverse practices of data reporting at the national level hamper data comparability. For example, in the World Trade Organization (WTO) and the Organisation for Economic Co-operation and Development (OECD) data sets, the United States of America and the United Kingdom do not report any data on audiovisual services, which are actually classified as licence fees or communication/telecom distribution services.

11. See Table 6.3 Modes of supply of international trade in Chapter 6; Global Report, 2015

Figure 6.7

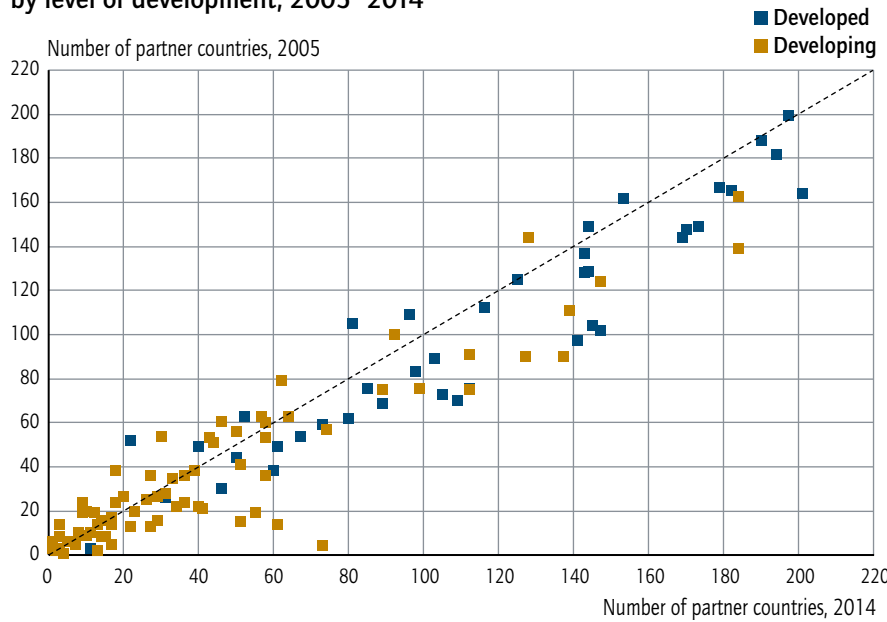
Diversity of destination countries of visual arts goods by level of development, 2005–2014



Source: Data from UN Comtrade, (DESA)/Trade Statistics Branch/(UNSD), November 2016.

Figure 6.8

Diversity of destination countries of publishing goods by level of development, 2005–2014



Source: Data from UN Comtrade, (DESA)/Trade Statistics Branch/(UNSD), November 2016.

For this reason, the coverage of cultural services data does not accurately reflect all of the work accomplished within specific categories such as audiovisual services, and will be lower

compared to the 2015 Global Report. The scarcity of data on cultural services is also due to the methodological challenges presented by measuring the flow of cultural digital products.

Transversal analysis on topics such as electronic commerce and copyrights needs to complement the analysis of cultural services. Digitization has greatly impacted the cultural sector in different ways. With the dematerialization of cultural practices, the notion of territory or international boundary has become obsolete. The 'freebie' culture has also drastically reduced the formal side of cultural exchanges. The International Federation of the Phonographic Industry (IFPI) indicates that for the first time in 2015, music revenues generated by digital sales overtook sales for physical media and that also in 2015, digital revenues accounted for 45% of the music industry (IFPI, 2016). In the age of music or film streaming, traditional tools, such as audience tracking on regular television or radio, are also obsolete. Therefore, many transactions are not recorded. In addition, there is little revenue going back to authors. In the music industry, several initiatives have arisen to address the 'value gap' issue, where some major digital services are able to circumvent the normal rules that apply to music licensing (IFPI, 2016).

“  
With the dematerialization of cultural practices, the notion of territory or international boundary has become obsolete

What is more, in developing countries, the informal economy and/or piracy both greatly affect the flow of cultural goods. 'Nollywood' is considered the second largest economic sector in Nigeria. However, most of the films in DVD format are sold informally throughout Africa. Despite great popularity in Africa, the industry is still fighting to obtain adequate revenues and additional cash flow.<sup>12</sup> To this end, the Nigerian government and its artists would benefit from reinforcing copyright laws.

12. See <http://fortune.com/2015/06/24/nollywood-film-industry/>

Better representation of Nollywood on digital platforms is under way. However, such progress could be slowed due to low internet access in Africa.

The privatization of data owned by a few big companies is another key issue. This has led to a 'black box' regarding music or film streaming consumption, meaning that no information on the number of films or music consumed on these platforms at the country level is available for Netflix or Amazon – these companies do not divulge their data. Foreign affiliates' data are scattered, they correspond to Mode 3, commercial presence, such as a foreign affiliate of an international film company. Deezer has claimed to be present in 180 countries (IFPI, 2016). However, no information is given on the consumption of international music at the national level. This process hinders, in particular, the capacity of national statistical offices to accurately measure the flow of digitized cultural goods.<sup>13</sup> For all these reasons, a global analysis of the flow of cultural services is not feasible. No comparable data on cultural services are available. Although a handful of countries report detailed services data to OECD in which some cultural services are identifiable, such data are national and not easily comparable.

Data on cultural goods are exhaustive but reflect only a portion of different cultural expressions. With the dematerialization of cultural production, statistics on international trade services must become a priority, as current data are insufficient for close analysis. International data on audiovisual services are lacking for key countries, and remain an important factor when negotiating trade agreements.

OECD data sets of international services by partner countries only provide insights into the level of trade of cultural services of OECD developed countries by main regions. As mentioned before, an analysis of audiovisual services data without the United States of America or the United Kingdom is problematic.

13. See <http://uis.unesco.org/sites/default/files/documents/unesco-proceedings-of-the-international-symposium-on-the-measurement-of-digital-cultural-products.pdf>



*In the age of music or film streaming, traditional tools, such as tracking audiences on regular television or radio, are also obsolete*

Without those two countries, the analysis of audiovisual services shows a high level of concentration among OECD countries in the flow of audiovisual services. The data show that 85% of the OECD exports of audiovisual services were directed to European countries in 2010. This figure increased to 86.3% in 2015. These results reflect the imbalance in the flow of audiovisual services and show that most of the exchanges take place among developed countries. This is also the result of the integrated European market and European co-production agreements. Most developing countries are excluded: Asia, Africa and Oceania represented 2.63%, 0.22% and 0.16% respectively of OECD exports of audiovisual services.

We noted also that if developing countries are taking an increasing role in exports of cultural goods, they are almost non-existent in cultural services. Developed countries are mainly importing cultural services from developed countries rather than developing ones. For example, a developed country is buying a TV series produced by another developed country rather than from a developing one. With data from the United States of America and the United Kingdom, the percentage would be higher. Import data corroborate these results, since they tell us from which countries the cultural goods come. Most of the audiovisual and related services from OECD countries are imported from Europe, which represents 67% of these imports. Audiovisual services imported from America are increasing, with 30% in 2014, compared to 22.2% in 2010. Meanwhile, the other regions are marginal, with less than 1% of audiovisual services coming from Asia, Oceania and Africa.

One category of cultural services, based on the movement of people, is covered in Chapter 5 of this Global Report. This corresponds to the free movement of artists, which can be facilitated by visa exemptions and other measures.

### A MAJORITY OF COOPERATION AGREEMENTS AS EXPORT/IMPORT MEASURES

The impact of the 2005 Convention can be assessed via the policies and measures that countries are putting in place to increase flows between and among developed and developing countries. While trade data show that most developing countries are playing a minimal role in the global trade of cultural goods, the analysis of measures shows the dynamism of culture in these countries. While the previous sections highlight the lack of data in audiovisual services, numerous policy measures target this sector and show increased cooperation among North/South/South countries. These policy measures also aim to offset market deficiencies to provide, for example, better remuneration for artists and to collect relevant taxes.



*Developed countries are mainly importing cultural services from developed countries rather than developing ones*

### DIGITAL PLATFORMS, AN EFFECTIVE MEANS OF DISTRIBUTION FOR THE GLOBAL SOUTH

Our results show innovative export measures, such as networks and the use of digital platforms as distribution channels. How can developing countries increase their presence in the international market of cultural goods and services? As mentioned earlier, preferential measures can be included in trade agreements.

However, to protect their national production, countries need to control the entry flows of foreign goods and services. At the opposite end of the spectrum, countries need to increase their presence in international markets by designing appropriate export strategies. In order to better understand the dynamics, a study was conducted for this chapter, examining 78 specific strategies and measures to facilitate the import-export of cultural goods and services, drawn from all regions of the world, and at different levels of development.<sup>14</sup> Some export-import strategies and measures for cultural goods took the form of financial investments, capacity development, fiscal/tax measures and information services (Box 6.1). Measures related to festivals, for example, were considered only if they were not essentially dedicated artists and if a market or trade show was organized within the festival to buy and sell artistic work.



*Cinema is the sector in which most of the export and import measures are put in place*

Figure 6.9 identifies 12 types of measures. Financial measures in the form of investment or support are the most popular, representing 24.4% of export strategies analysed. For example, several countries have put in place translation programmes facilitating transmission and promoting access to foreign literature in domestic markets, such as the Traduki programme in Germany. The second most frequent measure used is co-production agreements, accounting for 23.1%, which grants domestic content status to foreign cultural products and therefore facilitates their market entry. The results show an increasing number of co-productions in the cinema industry between a developed country (usually from Europe) and a developing country. However, cinema figures show that developed countries are still mostly producing in cooperation with other developed countries.

14. Study based on Quadriennial Periodic Reports (QPRs), WTO databases and other academic or international/regional organization studies.

### Box 6.1 • *Indonesia: Establishing a creative economy agency to support export strategies*

*In Indonesia, the creative economy contributed 7.1% of the GDP and absorbed up to 12 million workers in 2014. This means that the creative economy has the strategic potential to contribute to poverty alleviation and job creation. Against this background, a creative economy agency (Bekraf) was established in 2015, to formulate and coordinate the country's policy in the field of creative economy. Specifically, it aims to advise on export strategies and to support the marketing of national cultural goods and services, both domestically and abroad, in order to facilitate funding access for national creative industries, as well as the emergence of new alternative sources of funding. It also aims to harmonize regulations, reinforce synergies across institutions and regions, and build necessary infrastructures for the development of small and medium enterprises. By 2019, the objective is for the cultural and creative industries to achieve a 12% growth in the share of the GDP, represent a total workforce of 13 million people and contribute 10% to gross export/foreign exchange. The budget of the agency serves to support research, education and development; access to funding; infrastructure development; facilitation for intellectual property rights and regulations; institutional and regional relations; and management and other technical support. Out of 16 subsectors, Bekraf focused its efforts in 2016 on 3 subsectors: digital applications, film and music, advising the government on how to open these creative sectors to foreign investment in an effort to boost the local industry, while encouraging the arrival of more Foreign Direct Investments (FDI) into Indonesia.*

Source: Indonesia QPR (2016)

Most of these agreements are between countries that share historical ties, such as France and Senegal, or a common language. Box 6.2 describes MediterRadio, a different case in radio production (most of the agreements concern cinema or television). A collaborative programme between Mandelbaum Verlag, a Vienna-based independent publisher, and African authors for the production of a bilingual series of publications is a rare example of a co-production agreement in the publishing sector.

The third most frequent export strategy is festivals, mainly due to activities in developing countries. Interesting new trends are networks and digital distribution, which can take different forms. These measures represent 13% of the strategies studied, occurring mainly on a regional basis. For example, the Southern Cultural Industries Market (MICSUR) offers a platform to facilitate exchanges of cultural goods and services from Argentina, Brazil and Chile at all stages of the value chain (Argentina, Brazil, Chile QPRs, 2016), while Box 6.4 describes the digital distribution of films in the Caribbean.

### Box 6.2 • *Italy: MediterRadio – North/South co-production agreement*

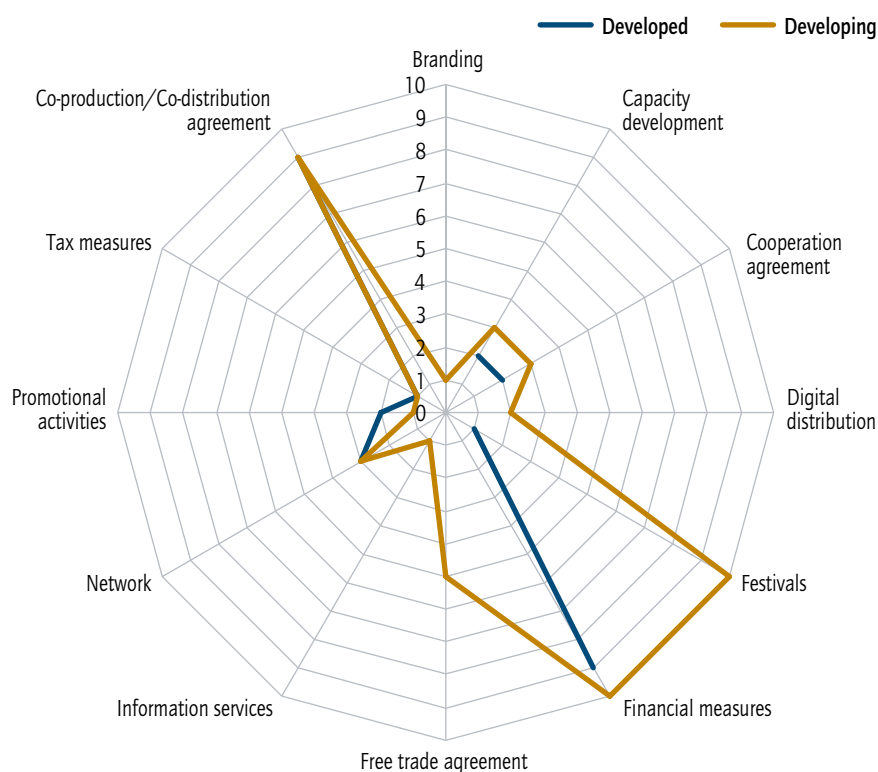
*This agreement allows cultural production from the global South to enter the global North market. MediterRadio is a rare example in radio broadcasting involving France, Italy and developing countries on the southern shores of the Mediterranean. This project is supported by the Ministry of Economic Development of Italy. MediterRadio is a cooperation between Radiotelevisione Italiana (RAI) and France Bleu RCFM. This radio programme is the result of interregional cooperation with countries and entities outside Europe, sharing different languages and cultures. For example, the Arab States Broadcasting Union is also participating in this project. This cooperation serves several purposes, such as improving the capacity of developing countries to develop, promote and sell their radio programmes.*

Source: Italy QPR (2016).



Figure 6.9

Export strategies for cultural goods and services, 2016



Source: QPRs and other sources, including WTO databases (2016).

**Box 6.3 • Promoting performing arts within the global South: Market for African Performing Arts – MASA (Côte d'Ivoire)**

Festivals are one of the most popular means of cultural exchange across the global South. The Organisation Internationale de la Francophonie (OIF) finances the Market for African Performing Arts (MASA). This provides an opportunity for artists from the African, Caribbean and Pacific regions to promote their work and have it distributed around the world. In the 2016 MASA, 44 countries were represented, including 33 African countries. MASA also included a section devoted to Caribbean women in film. In addition, this festival is a source of income for artists, as the fees to artists represent 20% of its budget. These festivals are an effective means of distribution for artists' work in other countries. More than 50% of the shows presented during MASA were sold to other events.

Source: Buresi (2016).

Figures 6.10 and 6.11 show the distribution of export-import measures according to the type of cultural goods and services. Among the 78 measures studied, almost half of them (46%) occurred in the audiovisual sector. Cinema is the sector in which most of the export and import measures are put in place. Many developed countries have signed co-production agreements, as well as distribution agreements with developing countries that facilitate the entry of audiovisual outputs to their market.

South/South cooperation<sup>15</sup> is visible at the regional level. Chile, Brazil and Argentina have signed bilateral audiovisual co-production agreements (in 2003, Chile-Argentina; in 1996, Chile-Brazil) concerning their

cinema institutions. This South/South cooperation aims to open their respective markets and enlarge their audience. As a result, these countries co-produce at least two films per year. While *telenovelas* from Brazil are quite popular in all Latin American countries, films shown in cinemas usually come from outside the region. However, in 2015, no Latin American countries appeared in the top five countries, by origin, of all feature films exhibited (UIS, 2017).

Measuring the flow of visual arts can additionally be tracked through the mobility of artists via visa exemptions, attendance at festivals and biennials, where the results of their work are exhibited and can cross boundaries (Box 6.3 and Chapter 5).

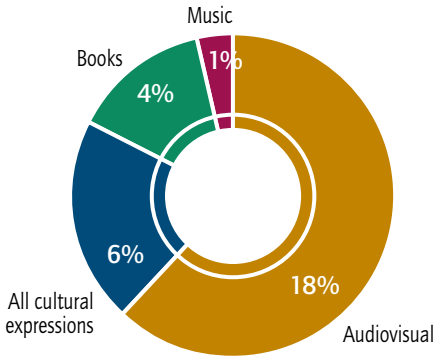
**STRONG EMPHASIS ON DOMESTIC CONTENT LAWS TO SUPPORT THE AUDIOVISUAL SECTOR**

Several measures have been taken by countries to protect their domestic cultural production with a view on exports. Domestic content requirements is one of the most frequent measures (Van den Bossche, 2007). For example, countries put in place quotas to ensure a minimum of domestic content in different medias – i.e. radio or TV channels have to broadcast a minimum percentage of domestic music. Domestic content requirements in cinema establish the minimum share of domestic film production that must be released per year. By imposing a limit or coercive measure, quotas have an impact on imports of cultural goods and services. Data on foreign and domestic consumption of cultural goods and services can illustrate the impact of quotas on the flow of cultural goods and services.

15. South-South cooperation refers to cooperation between two developing countries, even if they are from the same region.

Figure 6.10

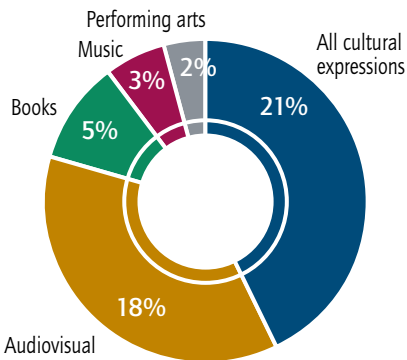
**Export measures by cultural expression for developed countries, 2017**



Source: QPRs and other sources, including WTO databases.

Figure 6.11

**Export measures by cultural expression for developing countries, 2017**



Source: QPRs and other sources, including WTO databases.

**Box 6.4 • Enhancing the distribution of Caribbean films and audiovisual content**

For the Caribbean region, penetrating the global film and television marketplace is highly competitive. Caribbean countries face many obstacles to entering this global film market, among them the lack of funds, the lack of visibility and the lack of technical expertise. CaribbeanTales Media Group (CTMG) was designed as a 'one-stop shop' for audiovisual content buyers and makers in the Caribbean and its diaspora, in order to produce, market and distribute Caribbean-themed film and TV content for audiences worldwide. The CTMG includes the CaribbeanTales International Film Festival, which produces film festivals in Toronto, across the Caribbean and worldwide. As part of the CaribbeanTales brand, CaribbeanTales Worldwide Distribution (CTWD) was founded in 2010 as the first and only full service sales and distribution company dedicated to Caribbean-themed content. CTWD has over 900 titles, which makes it the largest distribution company representing the Caribbean Region. It helps to develop platforms regionally and internationally for exhibition, marketing and distribution of Caribbean-themed film and audiovisual content, especially in Africa. CTWD received a three-year funding grant from the ACP/EU, to implement the '3D Distribution Project' – digital, domestic and diaspora distribution. This innovative project, financed by the European Union and the ACP Group of States, aims to acquire, market and sell Caribbean-themed film and television content throughout the Caribbean and African diaspora. Through this initiative, CTWD has added an impressive 300+ titles to their educational and commercial catalogue. In addition, CTWD has successfully implemented a fully functional video-on-demand platform, which includes both pay-per-view and subscription features ([www.caribbean.onlinefilm.org](http://www.caribbean.onlinefilm.org)). A CaribbeanTales incubator programme was also designed to nurture and produce long-running series content for television and the web, for international distribution. The aim is to increase the monetization potential of intellectual property of local audiovisual content.

These efforts have also contributed to enhancing the technical competence of anglophone Caribbean producers, who have taken part in the CaribbeanTales Market Development Programme, an initiative by the Caribbean Export Development Agency (Caribbean Export), the United Nations Industrial Development Organization (UNIDO), the Caribbean Community Secretariat (CARICOM), the Caribbean Audiovisual Network and CTWD. This is an example of innovative practice at different levels, the good use of a digital platform and the provision of technical support to local producers to enhance their presence in the international market, obtain direct access to the public and earn income directly.

Source: [www.caribbeantales-worldwide.com/who-we-are](http://www.caribbeantales-worldwide.com/who-we-are).

We must bear in mind, however, that the consumption of films could be influenced by many factors. Film preferences can be affected by the 'superstar effect', which would concentrate the majority of admissions among a few foreign blockbuster films. UIS data shows that in 2015, the top 20 most popular films were American blockbusters and the top two appeared in 53 countries. The first objective of domestic quotas in cinema is to increase the presence of national films in theatres. Therefore, the share of national films in the total

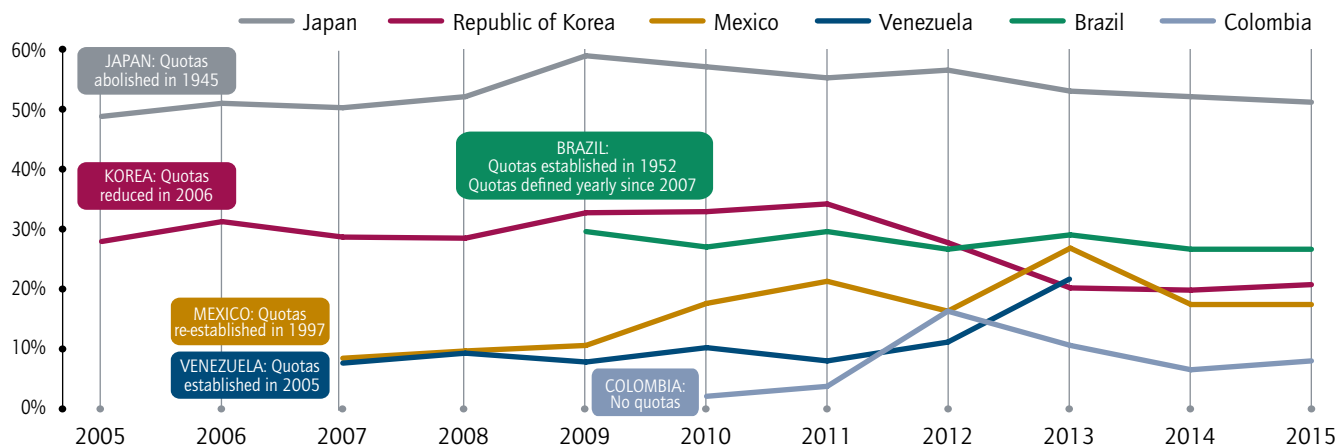
films released per year is an effective and complementary measure to study the potential impact of these domestic quotas. Another measure is the access to national films, measured by the number of days they were screened, the marketing budget and the nationality of film exhibitors.

This study also identified 22 countries that implemented quotas on domestic content in the audiovisual sector since the 2005 Convention was adopted, and before.

In Latin America, Brazil, Chile and Argentina have designed a new screen quota system in order to guarantee a specific market share for national films released in theatres. In 2005, in Brazil, 9.5% of films shown in cinemas were national and this increased to 27% in 2015 (Figure 6.12). In 2015, Brazilian films represented only 13% of all admissions. Films from the United States of America represented 81% of the audience in 2005, compared to 78% in 2015 (UIS, 2017). Brazilian quotas on cinema screens are established on a yearly basis.

Figure 6.12

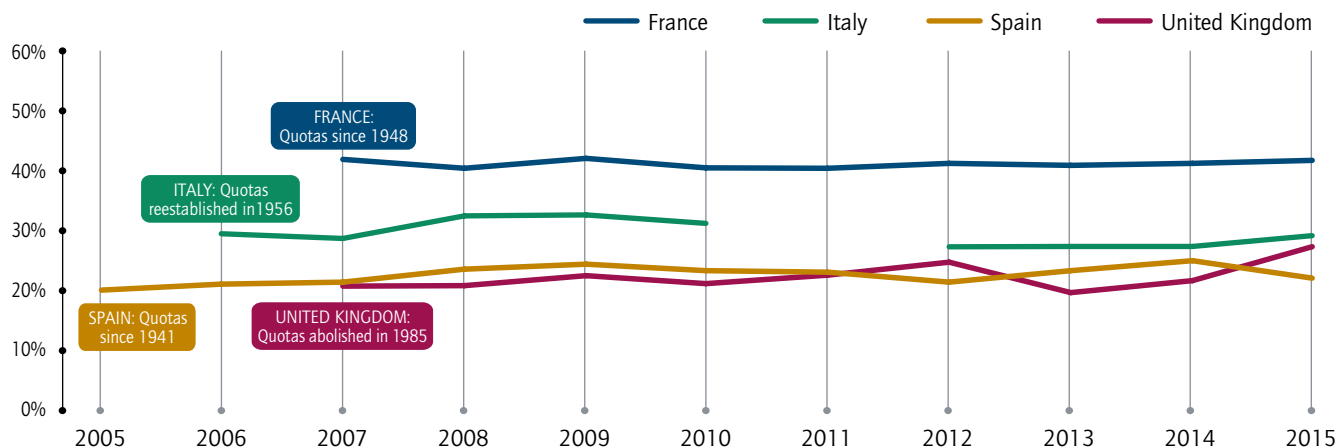
Share of national films released and quota status in Latin American and Asia, 2005–2015



Source: UIS Feature Film Statistics Database (2017); QPRs and other sources (2017).

Figure 6.13

Share of national films released in European countries with established quotas, 2005–2015



Source: UIS Feature Film Statistics Database (2017); QPRs and other sources (2017).

Since 2007, the decree quotas have been established in proportion to the size of the complex. The national cinema agency ANCINE is in charge of monitoring the implementation of these quotas. Although they are not mandatory, ANCINE has indicated that '82% of the film theatre complexes have met the decree requirements'. In 2016, Brazil designed the decree for the 2016 screen quota to overcome the overrepresentation of foreign films. This quota guarantees 'that film theatres with one screen must show Brazilian films for a minimum of 28 days over the year – and at least

three different titles' (Brazil QPR, 2017). In 2004, Chile established an audiovisual law to increase national film production, as a result of which the number of Chilean films shown in cinemas increased notably.<sup>16</sup> The share of Chilean films released in theatres was 9.4% in 2005, increasing to 21% in 2014. Argentina introduced a quota in 2004 to protect local production, requiring all exhibitors to show at least one local film every quarter for each screen. This law has had

16. See [www.app.vlex.com/#vid/242052846](http://www.app.vlex.com/#vid/242052846)

a positive impact, with Argentinian films representing close to 50% of all films released from 2012 to 2014 (UIS, 2017). However, despite a significant number of national films being released, admissions by foreign films still dominate. One reason could be that the exhibition sector is owned by foreign entities. In addition, consumer taste can be influenced by the superstar effect. The Republic of Korea case is different. In 2006, Korea eliminated its domestic quotas. There was a drop in national releases from on average 30% of all films from 2005 to 2012 to 20% as of 2013.

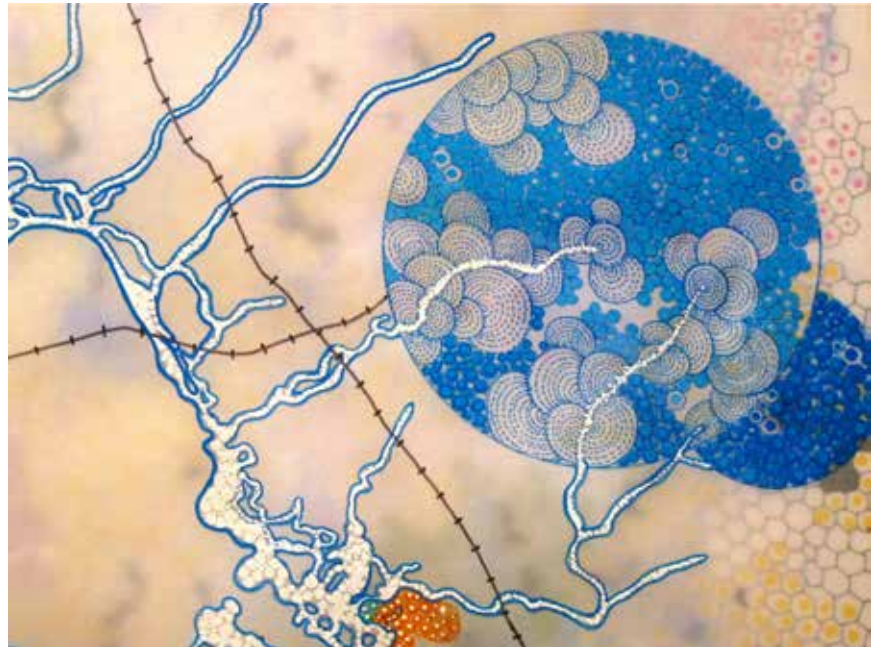
However, national admissions remained high, with on average more than 50% of all films viewed. India also presents a different case. There is no quota in India either, due to the great popularity of Indian films. However, this situation is starting to change with the advent of multiplexes. Until 2013, only Indian films were listed among the 10 top most popular films. In 2014, the list included one American film. In 2015, national films represented more than 90% of the audience. The tickets sold in a multiplex are considerably more expensive than in single screen cinemas, which is on average less than a dollar. While single screen cinemas only show Indian films, multiplexes show foreign films. Multiplexes are only available in urban areas and attract the middle and upper classes, who can afford them.<sup>17</sup> Colombia has also taken a different approach by giving financial incentives (tax reductions) to Colombian film distributors and exhibitors to release Colombian films. Colombian directors also benefit from financial support (*Fondo para el Desarrollo Cinematográfico*).<sup>18</sup> The results have been quite positive, showing an increase in national production from 10 films in 2010 to 56 in 2015.

As we know, European countries have implemented domestic quotas in cinema for many years. In France, the quota of national films released is a minimum of 40% of all films released (Figure 6.13). Domestic admissions represent from 35 to 45% of all admissions.

Needless to say, quotas are difficult to apply on the internet. A recent study shows that in the 28 Netflix catalogues in Europe, European films only represented 25% of single titles, while films from the United States of America represented 64%. (Fontaine and Grece 2016). Usually the major internet companies such as Amazon, Netflix or YouTube have a foreign affiliate in one country that operates across an entire region, as is the case in Europe.

17. [www.business-standard.com/article/companies/india-s-box-office-growth-runs-into-a-screen-problem-116011801209\\_1.html](http://www.business-standard.com/article/companies/india-s-box-office-growth-runs-into-a-screen-problem-116011801209_1.html)

18. [www.mincultura.gov.co/areas/cinematografia/Legislacion/Documents/Resoluci%C3%B3n%201021%20de%202016.pdf](http://www.mincultura.gov.co/areas/cinematografia/Legislacion/Documents/Resoluci%C3%B3n%201021%20de%202016.pdf)



**T**o produce my film *The Mourning Forest*, released in 2007, I solicited French financial support to complement the funding received in Japan. Through repeated meetings with French producers, I was able to apply and obtain production funds from the French National Cinema Centre. The fact that in 1997, my film *Suzaku* had received the 'Camera d'Or' award at the Cannes festival, helped to raise my recognition as a filmmaker on the international market and facilitated the conclusion of a co-production agreement in France. The fact that Japan is not a Party to the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions acts as a barrier, hindering the negotiation and conclusion of co-production agreements between French and Japanese film production companies. If Japan becomes a Party to the Convention, Japanese filmmakers such as myself would be able to conclude co-production agreements more easily and receive increased investments for their films. Indeed, for *The Mourning Forest*, the co-production agreement not only provided me with production but also enabled me to work with French film professionals, which undoubtedly helped to enhance the level and quality of my film production skills. I cannot emphasize enough the importance of co-production agreements that enable young film directors to produce films that are freer and more diverse. Indeed, when confronted with international audiences, film directors cross cultural frontiers. Their stories become universal, and enchant the audiences who watch them. Their worlds enrich people's lives, and inspire new possibilities.

### Naomi Kawase

Film Director

Hence these regional affiliates located in a single country may well be able to evade taxation, because most tax regimes cover companies located and operating within the national territory. Therefore, countries have to change their legislative instruments or adopt new ones to address this issue. Originally serving as only distributors of films or cultural products, many

of these multinational companies are now producers. However, their activities are not recorded within services statistics and therefore avoid the law that could be applied to their activities. To counteract these practices, the European Commission has imposed several fines on these international high-tech companies.

In 2017, the EU claimed €2.4 billion from Google for abuse of market dominance in search engines and for breaching EU antitrust rules.<sup>19</sup> At country level, Australia adopted the 'Netflix tax' in 2016, which was implemented in July 2017. This measure aims to collect taxes from companies distributing cross-border goods and services that are directly imported by consumers. New Zealand also instituted a similar tax in October 2016, with a rate of 15% applied to services related to eBooks, music and video downloads. France is planning to amend the video tax to become the 'YouTube tax', with 2% to be applied on advertising revenues for companies providing online video, whether free or not (CEIM, 2016). Finally, Austria in 2014 amended the law on fixed book prices to include e-books, which applies to both national and foreign retailers.

In the examples presented above, domestic quotas were an effective measure to increase national production, which resulted in an increased supply of domestic production. Eventually this could lead to an increase in exports. However, in the case of Brazil, a few years will be necessary to assess the impact of this measure.

## CONCLUSIONS AND RECOMMENDATIONS

Both the SDGs and the 2005 Convention seek to encourage developed countries to grant developing countries better access to their internal markets. Data on the flow of cultural goods show that, excluding China and India, there continues to be an imbalance in the flow of cultural goods that disadvantage developing countries. Our findings also show a lack of diversity in the destination countries of cultural goods from developing countries. To make matters worse, globalization, the growth of e-commerce and the digitization of selected cultural expressions have made it more difficult to measure the flows of cultural goods and services.

19. [http://europa.eu/rapid/press-release\\_IP-17-1784\\_en.htm](http://europa.eu/rapid/press-release_IP-17-1784_en.htm)



*Both the SDGs and the 2005 Convention seek to encourage developed countries to grant developing countries better access to their internal markets*

The data on cultural services are insufficient to obtain an exhaustive view of the volume of trade. In consequence, accurate evidence-based policies cannot be elaborated. One of the objectives of the implementation of 2030 SDG Agenda is to improve countries' capacities in this respect and hence lead to improved trade statistics. These would also help monitor Article 16 of the 2005 Convention by improving the coverage of services data. Collecting data at the city level could be useful as well. Although they are not trade statistics, such data can show cultural exchanges at the city level between the global North and the global South.<sup>20</sup>

Visual arts now occupy a larger share of world trade of cultural goods, while most of the measures adopted by Parties to the Convention focus on the audiovisual sector, particularly cinema. However, this could reflect the fact that in visual arts, preferential treatment measures target the artists themselves, through, for example, visa exemptions, allowing them to attend international markets/festivals to sell their products. Several factors may hinder exporting goods from developing countries; these include import tariffs, which incur additional costs. One suggestion is to add tariff lines applied to imports from developing countries and non-tariff measures to the means of verification to help monitor the situation over the coming years.

In addition, when countries put in place preferential treatment measures and policies such as export measures, capacity development and regional networks, the situation tends to improve.

20. Refer to UNESCO-UNDP, *Creative Economy Report 2013: Widening Local Development Pathways*.

In addition, funding and technical assistance provided by developed countries and the EU help developing countries strengthen their cultural production and hence be in a better position to eventually benefit from preferential treatment. However, developing countries should move towards finding innovative means of financing that exist in other sectors, such as microfinancing to support domestic markets as well as accessing private sector resources. The key would be to work with the creators and producers of domestic cultural goods and services and create their own distribution circuit – including digital ones – to increase the possibilities for a more balanced flow of cultural goods and services. Several countries are acting to put in place laws and measures to counteract the negative effects of privatization, digitization and globalization. In order to develop their export capacities and visibility in international markets, cultural goods and services from developing countries need to be present on international digital platforms.

A number of simple recommendations may be derived from these overall conclusions:

- Cultural stakeholders themselves need to come out of their disciplinary silos and seek to influence other arenas that impact cultural flows, such as e-commerce.
- Developing countries can increase their export capacities through digital technologies as well as improve their own internet infrastructures.
- They also can increase their export capacity by diversifying their markets, notably by targeting markets in other developing countries, and benefiting from enhanced Aid for Trade.
- New statistical measures need to be developed to accurately measure cultural practices occurring on the internet.
- International cooperation among national, regional and international institutions is necessary to improve the coverage of statistics on cultural services.



# *The Convention in other international forums: a crucial commitment*

Véronique Guèvremont

## KEY FINDINGS

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- »»» *At least eight bilateral and regional free trade agreements concluded between 2015 and 2017 have introduced cultural clauses or list of commitments that promote the objectives and principles of the 2005 Convention.*

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- »»» *Although the negotiation of megaregional partnership agreements has left little room for the promotion of the objectives and principles of the 2005 Convention, some Parties to the Trans-Pacific Partnership (TPP) have succeeded in introducing important cultural reservations to protect and promote the diversity of cultural expressions.*

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- »»» *While no new Protocols on Cultural Cooperation have been signed between 2015 and 2017, other free trade agreements have introduced provisions to enhance preferential treatment for the broadcasting and audiovisual sectors.*

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- »»» *The European Union and other regional organizations have taken decisive steps to incorporate the principles of the 2005 Convention when designing policies and strategies for the cultural and creative industries – especially the audiovisual sector – and addressing the challenges of the new digital environment.*

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**THERE ARE VARIOUS WAYS TO PROMOTE THE CONVENTION IN INTERNATIONAL AGREEMENTS:**



Reference to the Convention



Exemptions



Reservations



Lists of commitments



**These have helped to grant special status to cultural goods and services**



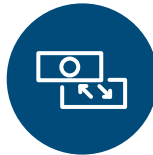
**especially in the audiovisual sector,**



**and advance measures on preferential treatment in:**



Regional and bilateral trade agreements



Regional and bilateral investment treaties



Megaregional partnership agreements



E-commerce

**Key regional actors must continue to reference the Convention when addressing global issues**

**Civil society must be involved in trade policy formulation**



Accountability



Transparency



**TO RECONCILE CULTURAL POLICIES THAT PROMOTE THE OBJECTIVES OF THE CONVENTION AND TRADE COMMITMENTS**



## CORE INDICATORS

Parties promote the objectives and principles of the Convention in other forums

Convention explicitly referenced in international and regional treaties and agreements

Policies and measures implement international and regional treaties and agreements aligned with the Convention

### INTRODUCTION

The year 2017 marks the 70th anniversary of the General Agreement on Tariffs and Trade (GATT), which was negotiated in the aftermath of the Second World War and incorporated, in 1995, into the World Trade Organisation's (WTO) multilateral trade system. The primary purpose of this agreement was to increase international trade by eliminating or reducing various tariffs, quotas and subsidies while maintaining meaningful regulations. Yet, concerns among major trading powers over the specific status of certain cultural goods and services already existed. Typically, although the non-discrimination principle was enshrined in the GATT, Parties recognized their right to maintain screen quotas in order to preserve a share of screen time for films of national origin and support the diversity of film offer. In 2005, the right to resort to this type of quota was recognized in Article 6.2(b) of the 2005 Convention (see Chapter 2). Ensuring compliance with international commitments, particularly in the area of trade, and respect of the sovereign right of States to adopt cultural policies that support the diversity of cultural expressions as recognized by the Convention, is of the essence. The implementation of the Convention's Article 21 on 'international coordination and consultation' is therefore crucial and two indicators identified in the 2015 Global Report have been used to report on advances and challenges over the last two years.<sup>1</sup>

1. Article 21 states that 'Parties undertake to promote the objectives and principles of this Convention in other international forums. For this purpose, Parties shall consult each other, as appropriate, bearing in mind these objectives and principles'.

Indicator 1 relates to the actions of the Parties to 'promote the objectives and principles of the Convention in other international and regional forums'. In the context of a trade negotiation, this can be done in several ways: by incorporating cultural clauses (for instance a cultural exemption), by formulating reservations or by abstaining from making any commitment in the cultural sector. Such techniques are abundantly used by States, perhaps even more so than a few years ago. Yet, in the context of megaregional partnership negotiations, and as an increasing number of trade agreements are liberalizing e-commerce, the new digital environment presents challenges that need to be addressed not only in trade negotiations, but also in all relevant multilateral, regional and bilateral forums. Indicator 2 monitors the 'incorporation of explicit references to the Convention in other international and regional instruments'. In this regard, progress has been more limited.

These two indicators enable us not only to monitor Article 21, but to reflect on the evolving relationship between culture and sustainable development, as expressed in the 2030 Sustainable Development Goals (SDGs). SDG 10 aims at reducing inequality within and among countries; it should be read in conjunction with Article 16 of the Convention that calls for preferential treatment measures in favour of developing countries in order to address global imbalances, especially when it comes to the trade of cultural goods and services, and the mobility of artists and cultural professionals. Specifically, SDG Target 10.a on the implementation of special and differential treatment for developing countries, in particular least developed countries, is directly related to Article 16 of the Convention.

SDG 8 seeks to promote inclusive and sustainable economic growth. It is linked to Principle 5 of the Convention, which recognizes the complementarity of the economic and cultural aspects of development and to Article 14(a)(ii). This calls for the strengthening of cultural industries in developing countries through wider access to global markets and international distribution networks. Specifically, Target 8.a encourages Parties to provide Aid for Trade support for developing countries, which also mirrors Article 16's objective to stimulate the emergence of dynamic cultural sectors in developing countries. In this new global agenda, trade is thus clearly recognized as a tool for development. Attaining relevant SDG Targets 8.a and 10.a will require, however, in the spirit of the Convention, the reconciliation of cultural policies and trade commitments.



*Ensuring compliance with international commitments and respect of the sovereign right of States to adopt cultural policies that support the diversity of cultural expressions, is of the essence*

### TRADE AND INVESTMENT: A NEW LANDSCAPE

Bilateral, regional and multilateral negotiations aiming to liberalize trade and investment can be an area of disagreement over liberalization of cultural goods and services (such as the audiovisual sector and other cultural services).

Pressure for liberalization has increased with the emergence of megaregional trade partnerships such as the Transatlantic Trade and Investment Partnership (TTIP), the Trans-Pacific Partnership (TPP), the Regional Comprehensive Economic Partnership (RCEP), and the negotiation of a plurilateral Trade in Services Agreement (TiSA). The pressure also comes from other bilateral and regional agreements on trade and/or investment, recently adopted (Table 7.1), under negotiation (Table 7.2) or under consideration for the years to come (Table 7.3).

These new sets of negotiations raise a host of short- and long-term questions for the status of culture in the multilateral trading system. For effective monitoring purposes we have to analyse how the Parties promote the principles of the Convention when they negotiate such instruments, and to what extent these agreements recognize the specificity of cultural goods and services in the trade arena.

### MOVING TOWARDS DEEPER INTEGRATION? THE MEGAREGIONAL PARTNERSHIPS

Over the last 60 years, 2 economic integration movements have evolved on parallel tracks: on the one hand, *multilateralism* – first in the form of a single agreement, the GATT in 1947 – before evolving into a genuine multilateral trading system with the establishment of the WTO in 1995; and on the other hand, *regionalism*, with the conclusion of numerous free-trade agreements and the establishment of the European Economic Community in 1957. Much more recently, a third model of integration has appeared: *‘megaregional partnership’* agreements, involving several countries and regions with a major share of world trade and foreign direct investment (FDI) and permitting a higher degree of integration. Their impact on economics and trade flows, but also on the national policies of States, can be considerable.

### THE TRANS-PACIFIC PARTNERSHIP: A MODEL FOR FUTURE TRADE AGREEMENTS?

The Trans-Pacific Partnership (TPP) was signed on 4 February 2016, initially between 12 countries along the Pacific Rim – Australia, Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States of America<sup>2</sup> and Viet Nam, of which 7 are Parties to the Convention.<sup>3</sup> If ratified by all, the TPP will become the most important free trade agreement in force, in a zone of 800 million inhabitants and accounting for 40% of the global economy. Even though it has not yet entered into force and despite its uncertain future, the structure, content and level of commitment reached in the TPP could be a point of reference for future trade negotiations in other forums (renegotiation of North American Free Trade Agreement (NAFTA), WTO, TISA, etc.).

2. On 23 January 2017, the United States withdrew from the TPP.

3. Australia, Canada, Chile, Mexico, New Zealand, Peru and Viet Nam.

Table 7.1

#### Promoting the Convention in trade agreements, 2015–2017

	Title of agreement	Parties	Signature	Entry into force
1	Free Trade Agreement Between New Zealand and the Republic of Korea	New Zealand Rep. of Korea	23 March 2015	20 December 2015
2	Korea-Viet Nam Free Trade Agreement	Rep. of Korea Viet Nam	5 May 2015	20 December 2015
3	Tratado de Libre Comercio Perú-Honduras	Peru Honduras	29 May 2015	–
4	Free Trade Agreement Between the Government of the People’s Republic of China and the Government of the Republic of Korea	China Rep. of Korea	1 June 2015	20 December 2015
5	Free Trade Agreement Between the Government of Australia and the Government of the People’s Republic of China	Australia China	17 June 2015	20 December 2015
6	European Union-Viet Nam Free Trade Agreement	European Union Viet Nam	1 February 2016	–
7	Canada-Ukraine Free Trade Agreement (CUFTA)	Canada Ukraine	11 July 2016	1 August 2017
8	Canada-European Union Comprehensive Economic and Trade Agreement (CETA)	European Union Canada	30 October 2016	21 September 2017 Provisional application

Hence, we must monitor it closely. The commitments arising from the TPP are the same for all goods or all services, and the cultural sector is granted no special status. However, Parties and non-Parties to the Convention have been able to formulate reservations to limit the scope of certain commitments, either to protect existing policies or to preserve their right to adopt new policies that cater to the TPP commitments. In some cases, the scope of reservations remains limited. The question will be whether countries who have ratified the Convention can fulfil its main objectives if the TPP enters into force (Box 7.1). This question is particularly relevant when it comes to measuring the potential impact of the TPP on the Parties' rights to protect and promote the diversity of cultural expressions in the digital environment.



*The commitments arising from the TPP are the same for all goods or all services, and the cultural sector is granted no special status*

At stake are the rules contained in two chapters of the TPP: first, Chapter 10 on 'Cross-border trade in services' and second, Chapter 14 on 'Electronic commerce'. According to Chapter 10, 'Cross-border trade in services' or 'cross-border supply of services' means 'the supply of a service: (a) from the territory of a Party into the territory of another Party; (b) in the territory of a Party to a person of another Party; or (c) by a national of a Party in the territory of another Party'. The rules do not explicitly address cross-border services supplied through electronic means, but the content of the reservations formulated by several Parties confirms that these rules could apply to the digital environment. For instance, Australia has reserved its right to adopt or maintain any measure with respect to: (a) transmission quotas for local content on free-to-air commercial television broadcasting services; (b) non-discriminatory expenditure requirements for Australian production on subscription television broadcasting services;

(c) transmission quotas for local content on free-to-air radio broadcasting services; (d) other audiovisual services transmitted electronically, in order to make Australian audiovisual content reasonably available to Australian consumers; (e) spectrum management and licensing of broadcasting services; and (f) subsidies or grants for investment in Australian cultural activity.<sup>4</sup>

Such reservations open the door to the implementation of measures promoting Australian audiovisual content on the internet. Another example can be found in the reservations formulated by Chile 'to adopt or maintain any measure that grants a differential treatment to countries under any existing or future bilateral or multilateral international agreement, with respect to arts and cultural industries', which include electronic publications, recordings of movies or videos, music recordings in audio or video format, visual arts, new media, media services or multimedia.<sup>5</sup>

4. TPP, Annex II – Cross-Border Trade in Services and Investment Non-Conforming Measures – Schedule of Australia.

5. TPP, Annex II – Cross-Border Trade in Services and Investment Non-Conforming Measures – Schedule of Chile.

These reservations are important to protect their right to use, for example, the tools suggested by Article 6 of the Convention to protect and promote the diversity of cultural expressions, or to implement certain types of cultural cooperation agreements.

The rules of Chapter 14 of the TPP apply to measures implemented or maintained by a Party that affect exchanges carried out electronically. On the one hand, this chapter prohibits the imposition of duties on electronic transmissions. On the other hand, it prescribes non-discriminatory treatment for 'digital products'.<sup>6</sup> This provision does not apply to either subsidies or broadcasting. However, the real challenge lies in the definition of digital products, which causes confusion when it comes to determining rules applicable to the supply of cultural services or digital cultural goods.

6. According to the TPP, a 'digital product means a computer programme, text, video, image, sound recording or other product that is digitally encoded, produced for commercial sale or distribution, and that can be transmitted electronically'.

### Box 7.1 • *Attaining the objectives of the 2005 Convention through the TPP? The case of Canada*

*Canada has included, during TPP negotiations, many cultural reservations of varying scope and focus, but these do not provide a degree of protection as high as the cultural exemption traditionally incorporated in trade agreements previously signed. Cultural exemptions exclude all cultural industries from the scope of previous Free Trade Agreements (FTAs), and have thus enabled Canada to maintain all cultural policies in force and adopt new ones. This is not the case with the TPP reservations, which are applicable only to certain chapters and policies explicitly referred to. For instance, in its list of reservations for cross-border trade in services and investment, Canada has formulated a reservation to protect its 'right to adopt or maintain a measure affecting cultural industries and designed to support, directly or indirectly, the creation, development or accessibility of Canadian artistic expression or content'. However, 'discriminatory requirements on service suppliers or investors to make financial contributions for Canadian content development', and 'measures restricting the access to online foreign audiovisual content' are excluded from this reservation. Hence, while ensuring that several cultural policies in force will not be threatened by the rules of the TPP, Canada's right to adopt new policies and measures aimed at promoting Canadian online audiovisual contents could be limited.*

Source: TPP, Annex II – Cross-Border Trade in Services and Investment Non-Conforming Measures – Schedule of Canada, [www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/tpp-ptp/text-texte/31-2-a3.aspx?lang=eng](http://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/tpp-ptp/text-texte/31-2-a3.aspx?lang=eng).

For instance, a 'movie' that is a 'good', but whose production, distribution and projection can be regarded as a 'service', can also fall within the category of 'digital products', provided that it is digitally encoded. The vague linkages between the chapters on national treatment and market access for goods, cross-border trade in services and e-commerce therefore entail a certain legal uncertainty. Finally, this chapter does not allow Parties to formulate reservations in order to preserve their right to implement policies applicable to the digital environment, for instance to promote certain local contents in a context of electronic commerce of 'cultural digital products'. Such measures could be judged as discriminatory and contrary to the rules of the TPP.

For all these reasons, the relevance of the TPP as a model for the negotiation of future trade agreements may be questioned as regards fulfilling the principles and objectives of the Convention. Commitments under the TPP take only partially the latter into account, notably those contained in the operational guidelines on the implementation of the Convention in the digital environment.<sup>7</sup>

### THE TRANS-ATLANTIC TRADE AND INVESTMENT PARTNERSHIP: A NEW CHALLENGE FOR THE AUDIOVISUAL SECTOR

In 2013, the European Union (EU) and the United States of America launched the negotiation of the Trans-Atlantic Trade and Investment Partnership (TTIP).

7. According to these guidelines, 'the distinctive nature of cultural activities, goods and services does not change [...] in the digital environment. Consequently, the recognition of the dual nature of cultural goods and services [...] is also applicable to cultural expressions in the digital environment or those produced with digital tools'. The guidelines also encourage Parties to 'promote complementarity and coherency among the various legal instruments addressing the diversity of cultural expressions in the digital environment' and to consider the introduction of cultural clauses in agreements 'with particular attention to the status of e-commerce that shall recognize the specificity of cultural goods and services'. [www.en.unesco.org/creativity/sites/creativity/files/sessions/digital\\_operational\\_guidelines\\_en.pdf](http://www.en.unesco.org/creativity/sites/creativity/files/sessions/digital_operational_guidelines_en.pdf)



*Caution will be required in the investment field: the investor-to-state dispute mechanism could have an impact on cultural policies not covered by the audiovisual exemption*

While these negotiations are now on hold, the final agreement could contain up to 24 chapters, covering trade in goods, trade in services, investment, competition, public procurements, intellectual property and several other topics. The objectives are to put in place a transatlantic market place, to generate new economic opportunities and to ensure greater regulatory compatibility. However, as stated by the Council of the EU, the Agreement should also recognize 'that sustainable development is an overarching objective of the Parties' and 'that the Parties will not encourage trade [...] by relaxing [...] standards or policies and legislation aimed at protecting and promoting cultural diversity'.<sup>8</sup> In accordance with EU practice, the negotiating mandate the EU member states gave the European Commission expressly excludes the audiovisual sector. Consequently, there should be no commitment made by the EU member states to liberalize trade and investment in this area. However, this exclusion does not cover cultural goods, such as books, newspapers and magazines. Also, caution will be required in the investment field: the investor-to-state dispute mechanism could have an impact on cultural policies not covered by the audiovisual exemption. While the investment protection provisions in the TTIP would probably seek to ensure non-discrimination treatment of foreign investors, such commitments could limit the right of EU member states to adopt and implement certain policies to protect and promote the diversity of cultural expressions.

8. Council of the European Union (2013).

It is worth noting that, while the current position of the EU preserves its right to promote its audiovisual services and suppliers of services, this position could be revised at a later stage of the negotiations. In fact, the guidelines clearly indicate that audiovisual services will be excluded. However, the final provisions of this mandate specify that '[t]he Commission [...] may make recommendations to the Council on possible additional negotiating directives on any issue'.<sup>9</sup> This opportunity to redefine the mandate could lead to the reintroduction of the audiovisual sector in the negotiation of the TTIP.



*This opportunity to redefine the mandate could lead to the reintroduction of the audiovisual sector in the negotiation of the TTIP*

Finally, the most recent free trade agreements concluded by the United States of America, including the TPP presented above, contain binding commitments applicable to 'digital products'. These commitments do not allow for the formulation of reservations excluding certain sectors or policies from these commitments. Insofar as digital products encompass 'text, video, image, sound recording or other product that is digitally encoded', these commitments could also limit the regulatory authority of the EU and its members to adopt measures for the promotion of their cultural content in the digital environment, such as the imposition of a minimum amount of European content in the supply of films or music from American companies that operate on the internet.

9. Op. cit, para. 44.



**T**he belief in the harmonious and fruitful coexistence of a plurality of cultures that inspired the 2005 Convention has been since the very beginning – and remains to this day – at the heart of the European project. It will be vital in building the future of Europe.

*The new EU strategy for international cultural relations reiterates our commitment to the Convention and to international cultural relations based on long-term engagement, mutual understanding, direct contacts between people and collaborative creation.*

*The EU strongly supports the diversity of cultural expressions in its trade, economic and political agreements with third countries, both bilaterally and multilaterally. Between 2012 and 2016 the EU signed seven new agreements containing clauses on the diversity of cultural expressions or explicitly referencing the Convention: with the Economic Partnership Agreement group of States of the Southern African Development Community (Botswana, Lesotho, Mozambique, Namibia, South Africa and Swaziland); with Colombia and Peru; and with Georgia, Republic of Moldova, Viet Nam, Kazakhstan and Mongolia.*

*The EU is working to implement the 2030 Agenda for Sustainable Development and is adjusting its copyright framework to the digital age. The reform of EU copyright proposed last year by the European Commission ensures fair remuneration of authors and artists, greater transparency in contractual arrangements between creators and online platforms and broader availability of copyright-protected content in the EU and across borders.*

*Promoting cultural diversity is the best way to fight prejudice, cross language barriers and bring communities together.*

**Tibor Nauracsics**

*European Commissioner for Education, Culture, Youth and Sport*

## THE REGIONAL COMPREHENSIVE ECONOMIC PARTNERSHIP (RCEP): BETWEEN RISKS AND OPPORTUNITIES

The negotiation of the Regional Comprehensive Economic Partnership (RCEP) was launched in 2012 and could be concluded by the end of 2017. The countries involved are the ten members of the Association of Southeast Asian Nations (ASEAN) and other countries with which ASEAN has concluded free trade agreements (Australia, China, India, Japan, New Zealand and the Republic of Korea), reaching more than 3 billion people and representing 40% of world trade. Nine Parties to the Convention are involved.<sup>10</sup>



*If all services sectors are to be covered by the RCEP, Parties to the Convention may wish to include certain cultural reservations to preserve their right to adopt and implement cultural policies of their choice*

As little of the discussion has found its way into the public domain, it is difficult to evaluate the potential impact of this partnership. There is no indication that the Convention has been explicitly used to promote the specific nature of cultural goods and services. However, working documents reflect some concerns expressed by several Parties with regard to the liberalization of the audiovisual sector, while India has formulated some specific demands for greater market access in this area. Hence, if all services sectors are to be covered by the RCEP, Parties to the Convention may wish to include certain cultural reservations to preserve their right to adopt and implement cultural policies of their choice.

10. Australia, Cambodia, China, India, Indonesia, Lao PDR, New Zealand, Republic of Korea, Viet Nam.

Other working documents point to the possible inclusion of a chapter on e-commerce that would require the non-discriminatory treatment of digital products. Parties to the Convention could use the cultural clauses mechanism to preserve their right to promote the diversity of cultural expressions in the digital environment. On this point, it is worth noting that the Australian government published in May 2017 a statement that underlines the cross-cutting nature of e-commerce stating that Australia considers that 'obligations in e-commerce chapters operate in conjunction with rules set out in other chapters addressing cross-border trade in services', adding that '[t]his includes any exceptions ('non-conforming measures') maintained by Parties under the services and investment chapters, including to protect cultural content'.<sup>11</sup> This position is fully in line with Australia's commitments under the Convention. Another point of interest is the idea of an RCEP business visa card discussed by the negotiators to facilitate the movement of professionals on the territories of the Parties and could benefit artists and cultural professionals, one of the core objectives of the Convention (See Chapter 5). Finally, the RCEP Guiding Principles call for the inclusion of provisions granting special and differential treatment for Parties, taking into consideration their different levels of development. Parties to the Convention could seize this opportunity to explore innovative ways to implement Article 16 of the Convention, as well as their commitments to the SDGs.

### TRADE IN SERVICES AGREEMENT: A NEW MULTILATERAL TRADE AGREEMENT TO ACCELERATE THE LIBERALIZATION OF ALL SERVICES

The negotiation of the Trade in Services Agreement (TISA) was launched in March 2013; and more than 20 rounds of negotiations have

11. See RCEP (2017).

taken place since, with 23 States and one regional organization taking part. Thus, 43 Parties to the Convention could become Parties to the TISA. The objective is to enhance trade in services and improve market access in all sectors, including audiovisual and other cultural services. However, the liberalization of such services under the TISA remains uncertain. A study published in 2013 examined requests formulated by WTO members to liberalize trade in services in the context of the Doha Round and has revealed that only five WTO members participating in the TISA negotiations have asked other Parties to make commitments on audiovisual services (Marchetti and Roy, 2013). This study also compares the degree of liberalization reached within the framework of bilateral and regional free trade agreements and finds that, '[s]hould "best PTA" commitments be "transferred" to TISA, some improvements could be expected in [...] audiovisual services, though not necessarily in the more economically important markets (i.e. Canada and the EU [...]).'

In this context, it is no surprise that some Parties to the Convention, participating in these negotiations have expressed reservations about the inclusion of audiovisual services. It is also worth noting that the European Parliament's recommendations to the European Commission on the negotiations of TISA explicitly referred to the Convention in support of their demand to preserve the rights of the Parties 'to adopt or maintain any measure with respect to the protection or promotion of cultural and linguistic diversity, irrespective of the technology or distribution platform used both online and offline'.<sup>12</sup> E-commerce could also be covered by this agreement and its impact on the right of the States to adopt policies and measures to support the diversity of cultural expressions in the digital environment could be significant.

12. See European Parliament (2016).



*An important change lies in the scheduling of commitments to apply the rules of market access and national treatment*

Despite the closed-door negotiations, recent draft texts give us an idea of the orientations the liberalization of services could take; the drafts suggest that many provisions will be identical to those of the General Agreement on Trade in Services (GATS), but some will enhance the level of commitments made by the Parties. An important change lies in the scheduling of these commitments to apply the rules of market access and national treatment. In GATS, these rules only apply to the services indicated in each national list of commitments. TISA could change this dynamic by adopting a hybrid scheduling approach: while the market access rule would still apply exclusively to the services listed, the national treatment rule would apply automatically to all services and all modes of supply, unless a State decides to maintain conditions, as set out in its schedule of commitments.

Determining the nature of some of the other commitments that will result from the TISA is more challenging. For example, the rule of the most-favoured-nation treatment (MFN) will undoubtedly be incorporated into the agreement, but divergent views remain concerning the exemptions that Parties might wish to make.

It may be recalled that GATS has authorized the members of the WTO to maintain incompatible measures with the MFN treatment rule (coproduction and codistribution agreements in the audiovisual sector, for instance), provided that they register these measures on a list of exemptions. With regard to subsidies – as in GATS – no rule seems to be envisaged for the moment. Should this situation persist in the final TISA text, subsidies would be submitted to the application of the national treatment, thus

restricting the right of States to favour their own services or service suppliers in the allocation of state aids. Lastly, it should be noted that while GATS contained provisions granting flexibility for the benefit of developing countries, TISA does not appear to do so.

Furthermore, electronic commerce will certainly be one of the major differences between GATS and TISA. While GATS does not contain any specific provision with regard to this type of trade, commitments of the Parties must be respected regardless of the mode of delivery used to transmit a service.<sup>13</sup> Therefore, for example, even without an explicit reference to electronic commerce, commitments pertaining to the cross-border provision of film distribution services apply to distribution through electronic means. On the other hand, the absence of any commitment in this matter gives the State the freedom to regulate its film distribution in the digital environment as it sees fit. The rules of TISA could, however, exert a greater constraint on the Parties since the draft texts foresee an ‘Annex on Electronic Commerce’. According to the draft, this annex would apply to all measures affecting trade in services using electronic means. It would prevent Parties from applying custom duties to electronically transmitted content. Also, the non-discriminatory principle would apply to all electronically transmitted content. The effects of such a commitment on the right of States to protect and promote the diversity of cultural expressions in the digital environment could be significant.



*Electronic commerce will certainly be one of the major differences between GATS and TISA*

Policies aiming to encourage the discoverability of local content or to guarantee a minimum of local content in the offer of a service supplier could be deemed incompatible with this commitment.

13. See: WTO (2012).



*It should be noted that while GATS contained provisions granting flexibility for the benefit of developing countries, TISA does not appear to do so*

## OTHER REGIONAL AND BILATERAL TRADE AND INVESTMENT TREATIES

While the megaregional partnerships discussed above seem to leave little room for the promotion of the objectives and principles of the Convention, regional and bilateral agreements concluded by the Parties during the last two years have achieved more positive results. Is it easier to take into account the specific nature of cultural goods and services in agreements concluded between a smaller number of trading partners? Are Parties more likely to implement Article 21 of the Convention when negotiating trade agreements with fewer States? The analysis of eight of the agreements concluded between 2015–2017 suggest this [Indicator 1], even though they generally contain no explicit reference to the Convention [Indicator 2].

Between 2005 and 2015, seven agreements incorporating an explicit reference to the Convention were concluded by the EU with 26 States. The eight agreements signed between 2015 and 2017 listed in Table 7.1 (62% involving countries from the Asia-Pacific region) do not indicate, however, that progress has been made in this respect.

Of the eight agreements, only one contains an explicit reference to the Convention, namely the Canada-EU Comprehensive Economic and Trade Agreement (CETA). Moreover, the EU and Canada adopted a different approach in the agreements they signed with Viet Nam and Ukraine respectively: no reference to the Convention appears in those treaties.

Table 7.2

**Agreements under negotiation in 2017 (non-exhaustive list)**

Australia–Gulf Cooperation Council Free Trade Agreement	Australia • Gulf Cooperation Council (GCC)
Australia–India Comprehensive Economic Cooperation Agreement	Australia • India
Canada–Caribbean Community Trade Agreement	Canada • Caribbean Community
Canada–Guatemala, Nicaragua and El Salvador Free Trade Agreement	Canada • Guatemala • Nicaragua • El Salvador
Canada–India Free Trade Agreement	Canada • India
Canada–Japan Economic Partnership Agreement	Canada • Japan
Canada–Morocco Free Trade Agreement	Canada • Morocco
Canada–Dominican Republic Free Trade Agreement	Canada • Dominican Republic
Canada–Singapore Free Trade Agreement	Canada • Singapore
China–Colombia Free Trade Agreement	China • Colombia
China–Gulf Cooperation Council Free Trade Agreement	China • Gulf Cooperation Council
China–Georgia Free Trade Agreement	China • Georgia
China–Israel Free Trade Agreement	China • Israel
China–Japan–Korea Free Trade Agreement	China • Japan • Republic of Korea
China–Norway Free Trade Agreement	China • Norway
China–Sri Lanka Free Trade Agreement	China • Sri Lanka
EFTA–India Free Trade Agreement	Iceland • Lichtenstein • Norway • Switzerland • India
EFTA– Malaysia Free Trade Agreement	Iceland • Lichtenstein • Norway • Switzerland • Malaysia
EFTA–MERCOSUR Free Trade Agreement	Iceland • Lichtenstein • Norway • Switzerland • Argentina • Brazil Uruguay • Paraguay
EFTA–Viet Nam Free Trade Agreement	Iceland • Lichtenstein • Norway • Switzerland • Viet Nam
EU–ASEAN Free Trade Agreement	EU • ASEAN
EU–China Free Trade Agreement	EU • China
EU–India Free Trade Agreement	EU • India
EU–Mexico Free Trade Agreement	EU • Mexico
EU–Morocco Free Trade Agreement	EU • Morocco
EU–Tunisia Free Trade Agreement	EU • Tunisia
Mexico–Republic of Korea Free Trade Agreement	Mexico • Republic of Korea
Mexico–Turkey Free Trade Agreement	Mexico • Turkey
New Zealand–India Free Trade Agreement	New Zealand • India
New Zealand–EU Free Trade Agreement	New Zealand • EU
New Zealand–Gulf Cooperation Council Free Trade Agreement	New Zealand • Gulf Cooperation Council

Table 7.3

**Agreements under consideration in 2017 (non-exhaustive list)**

Australia–EU Free Trade Agreement	Australia • EU
Canada–China Free Trade Agreement	Canada • China
Canada– MERCOSUR Free Trade Agreement	Canada • Argentina • Brazil • Paraguay • Uruguay
Canada–Philippines Free Trade Agreement	Canada • Philippines
Canada–Thailand Free Trade Agreement	Canada • Thailand
Canada–Turkey Free Trade Agreement	Canada • Turkey
China–Colombia Free Trade Agreement	China • Colombia
China–Fiji Free Trade Agreement	Canada • Fiji
China–Nepal Free Trade Agreement	Canada • Nepal
China–Peru Free Trade Agreement	China • Peru
China–Switzerland Free Trade Agreement	Canada • Switzerland
EU–Angola Free Trade Agreement	EU • Angola
EU–Bolivia Free Trade Agreement	EU • Bolivia



The same comment applies to other agreements listed in this table, even though all of them have been concluded between Parties to the Convention.

Recognizing the specificity of cultural goods and services in a trade agreement can be based, among other things, on the incorporation of such a reference to the Convention – be it in the preamble, the interpretative value of which is recognized by international jurisdictions, or in the phrasing of certain commitments. Nevertheless, other techniques have been used by the Parties to adapt, soften or waive the application of the rules of trade liberalization to cultural goods and services. In four of the eight agreements, the Parties have chosen to preserve their right to adopt cultural policies by excluding, in whole or in part, the cultural sector from their trade commitments.



*Recognizing the specificity of cultural goods and services in a trade agreement can be based on the incorporation of such a reference to the Convention*

The scope of these exclusions varies considerably: the EU excludes the audiovisual sector of its service and investment liberalization commitments; Canada chooses to exclude all of its cultural industries from its entire agreement with Ukraine, but only from some chapters of CETA; the agreement between New Zealand and the Republic of Korea contains a cultural exception allowing the Parties to adopt and implement 'measures necessary to protect national works or specific sites of historical or archaeological value, or to support creative arts of national value which is customarily practiced'. This type of clause is particularly suited for the conciliation of trade commitments with the objectives pursued by the Parties within the framework of the Convention, because of its very broad scope.

Indeed, according to the agreement concluded between New Zealand and the Republic of Korea, the 'creative arts' covered by this exception 'include: the performing arts – including theatre, dance and music – visual arts and craft, literature, film and video, language arts, creative on-line content, indigenous traditional practice and contemporary cultural expression, and digital interactive media and hybrid art work, including those that use new technologies to transcend discrete art form divisions'. The exception is also of interest because of its applicability to the digital environment.

Another element worthy of mention is the drafting method for lists of commitments by Parties to the trade agreements.<sup>14</sup>

When it comes to granting special status to cultural goods and services in trade negotiations, the 'positive list' method has the advantage of allowing States to select the cultural services that they wish to expose to supply and demand. With regard to the eight bilateral and regional agreements examined, four use the latter method. In these cases, the Parties choose to make commitments for audiovisual or other cultural services, while maintaining limits and conditions. Furthermore, only one of the eight agreements listed rests exclusively on the formulation of reservations, namely the Free Trade Agreement between Peru and Honduras. Peru has nonetheless taken care to formulate several reservations covering audiovisual or other cultural services, including various requirements regarding local contents in the cinematographic and broadcastings sectors and a protection of its cooperation agreements in the audiovisual sector.

14. It may be recalled that trade liberalization can use two methods in order to guide the formulation of commitments: either a 'positive list' of commitments which allows for a progressive liberalization of trade through the listing of sectors that a Party chooses to submit to the principles of free trade; or, conversely, a 'negative list' of commitments, where all the sectors are subject to the application of the principles of free trade, except for goods, services or measures explicitly targeted by 'reservations' entered by each Party, which often leads to a rapid liberalization of trade.

It is to be hoped that the practices outlined above, or emerging from the whole set of trade agreements concluded since 2005, will help to inform the trade negotiations Parties to the Convention are currently pursuing (Table 7.2).



*Granting 'preferential treatment' to cultural professionals, as well as to cultural goods and services from developing countries, is one of the most powerful articles of the Convention*

## THE PREFERENTIAL TREATMENT OF CULTURAL GOODS AND SERVICES: MAIN TRENDS AND BEST PRACTICES

Granting 'preferential treatment' to cultural professionals, as well as to cultural goods and services from developing countries, as called for in Article 16, is one of the most powerful articles of the Convention. Granting such 'preference' can be both a cultural and a trade measure. Yet, very few trade agreements concluded between Parties to the Convention contain commitments regarding the granting of such preferences.

The 2015 Global Report had established that the EU, in concluding three trade agreements with the Republic of Korea, the CARIFORUM States and Central America, had introduced, in the form of Protocols on Cultural Cooperation (PCC), an innovative mechanism to advance provisions on preferential treatment and cultural cooperation. Evaluating the impact of these protocols (Box 7.2) or similar provisions to enhance preferential treatment measures will need to be enhanced over the years to come.

This model has unfortunately not been replicated in the eight agreements concluded between 2015 and 2017.

### Box 7.2 • *The EU-Republic of Korea Protocol on Cultural Cooperation: from theory to practice*

*Enhancing cultural exchanges, residency programmes or audiovisual co-productions are at the heart of the EU-Republic of Korea Protocol on Cultural Cooperation, provisionally applied since 1 July 2011 and fully in application since 13 December 2015. The EU-Korea Cultural Committee meets on an annual basis to oversee the implementation of the protocol. The protocol stipulates that Parties shall facilitate co-productions between producers from the EU and the Republic of Korea, including through entitlement for co-productions to benefit from respective schemes for the promotion of local/regional cultural content.*

*While a certain number of co-productions have been realized at the bilateral level, the conditions set by the protocol with regard to the required participation of producers from two EU member states (and three for animation works), as well as the financial conditions (the minimum respective financial contributions to a co-produced audiovisual work by EU producers and Korean producers may not be less than 30% – 35% in the case of animation works – of the total production cost of the audiovisual work) have made it difficult to strike any co-production deals so far, whether in film, TV, fiction, documentary or animation. The lack of knowledge about the entitlement to co-productions among professionals (producers, film-makers, broadcasters) is still an impediment to the expansion of bilateral cooperation under the provisions of the protocol.*

*Meanwhile, discussions have advanced on other fronts. Support for the exchange of artists in the field of creative performing arts, such as through the Performing Arts Market in Seoul (PAMS) and similar professional platforms in the EU, is one of them. Promoting artists' mobility and reducing obstacles (through improved social security of simplified taxation for artists in the EU, for example) is another. The Asia Culture Centre (ACC), opened in November 2015 in Gwangju, runs an international residency programme (ACC\_R), which will expand exchanges with the EU. In 2016, 45 international professionals from 21 nations joined this programme. Under the Schengen Agreement and bilateral agreements, Korean and European artists can also mutually visit without visas for 90 days.*

*Source: [www.ec.europa.eu/trade/policy/countries-and-regions/countries/south-korea/](http://www.ec.europa.eu/trade/policy/countries-and-regions/countries/south-korea/)*

This may be due to a lack of political will on the part of the Parties or by the 'specialized' nature of international negotiations: trade agreements are often negotiated exclusively by trade experts who do not necessarily take into account the trade rules laid down by treaties concluded in other sectors.

Although no new PCC has been signed between 2015 and 2017, the free trade agreement concluded in 2015 between the Republic of Korea and China contains very similar provisions to these protocols. Pursuant to a chapter devoted to economic cooperation, the Parties are invited to promote cooperation in the broadcasting and audio-video services sector.

An annex consisting of 15 articles is entirely devoted to cinematographic co-production. It provides for the preferential treatment to co-produced works, which are granted of benefits normally reserved to works of national origin. This annex also lays down more lenient immigration and import rules with regard to artists and other culture professionals involved in co-production projects. Lastly, the Parties undertake to promote technical cooperation in the cinematographic sector and related areas such as information technology, virtual reality and digital technology. Another annex deals with co-productions for television series, documentaries and animation for the purposes of broadcasting.

These developments could inspire other Parties. There is still much room for improvement in the implementation of Article 16, both at the national level and in the context of bilateral, regional and international talks [Indicator 1]. Even though the implementation of this article does not exclusively rely on the conclusion of free trade agreements, the negotiation of such treaties offer great opportunities to developed parties 'to facilitate cultural exchanges with developing countries', as stated in the Convention. The inclusion of a PCC or the incorporation of a chapter devoted to cooperation, with specific provisions for the cultural sector, are two interesting models Parties to the Convention could consider in their ongoing and future negotiations.

### ANOTHER CRUCIAL AREA: REGIONAL AND BILATERAL INVESTMENT TREATIES

Since the late 1950s, States have concluded bilateral investment treaties (BITs) to attract investors and to promote and protect the investments made by their own companies in foreign countries. BITs prohibit discrimination between foreign investors established in the territory of a State and its own national enterprises. In general, both investors and their investments are entitled to national treatment or MFN treatment, whichever is more favourable. Consequently, BITs may limit the rights of Parties to adopt and implement policies to support their own cultural and creative industries. It is therefore relevant to examine the treatment of the cultural sector in these BITs.

Thousands of BITs are in force and many new ones have been signed over the last two years.<sup>15</sup> Very few Parties excluded the cultural sector from the scope of their BITs in order to preserve their right to control investment in this field and to implement measures in accordance with Articles 6 and 7 of the Convention [Indicator 1]. Moreover, none of the existing BITs appear to include an explicit reference to the Convention [Indicator 2].

15. For a list of the BITs in force, see : <http://investmentpolicyhub.unctad.org>



*BITs may limit the rights of Parties to adopt and implement policies to support their own cultural and creative industries*

The BITs concluded by Canada warrant particular attention as they contain a cultural clause that excludes 'cultural industries' from the scope of its investment treaties. The clause allows Canada to control the investments it receives in the cultural sector on a case-by-case basis and to maintain the conditions laid down by its Investment Canada Act.

**Box 7.3 • Promoting diverse cultural expressions: EU's investment policy**

*Since the entry into force of the Lisbon Treaty on 1 December 2009, the EU has exclusive jurisdiction to conclude investment treaties. While investment protection and liberalization become key instruments of a common international investment policy, there remains significant scope for Member States to pursue and implement investment promotion policies that complement and fit well alongside the common international investment policy. In a 2010 communication entitled 'Towards a comprehensive European international investment policy', the EU recalled that 'Investment agreements should be consistent with the other policies of the Union and its member states, including policies on [...] cultural diversity'. Accordingly, trade and investment agreements concluded by the EU generally contain a cultural clause, which has the effect of excluding the audiovisual sector from their scope of application. This is the case of the investment chapter in the Comprehensive Economic and Trade Agreement (CETA), as well as in other economic partnerships or FTAs recently concluded by the EU.*

This legislation provides for the analysis of the 'compatibility of the investment with national industrial, economic and cultural policies, taking into consideration industrial, economic and cultural policy objectives enunciated by the government or legislature of any province likely to be significantly affected by the investment'. This exemption allows Canada to preserve its right to adopt policies for the purpose of protecting and promoting the diversity of cultural expressions on its own territory. Other Parties to the Convention could reproduce this good practice in their own BITs.

Other BITs signed by France, and more recently investment treaties concluded by the EU (Box 7.3), also set out provisions related to culture. For instance, a clause may indicate that no provision of the BIT can be interpreted 'as prohibiting one of the contracting parties from taking any measure to regulate investment from foreign companies and the operating conditions of these companies within the framework of policies designed to preserve and promote cultural and linguistic diversity'.

It is worth noting that even in the case of the BITs concluded by the United States of America, we can find some cultural reservations, including clauses to protect the right of the Parties 'to maintain limited exceptions [related to] ownership and operation of broadcast or common carrier radio and television stations [and] ownership of shares in the Communications Satellite Corporation'.

BITs concluded by many other Parties to the Convention (Australia, Belgium, China, Croatia, Germany, Luxembourg, New Zealand, Portugal, Republic of Korea, Spain, Sweden, United Kingdom) do not contain cultural clauses. As a result, such BITs may restrict the capacity of these States to adopt certain policies, for instance measures aiming to select foreign investments depending on their potential impact on the diversity of cultural expressions at the national level. This is also the case of developing countries, since their BITs do not contain any cultural clauses, with the exceptions of those BITs they have concluded with Canada, with the EU or previously with France.



*There is still much room for improvement in the implementation of Article 16, both at the national level and in the context of bilateral, regional and international talks*

**SILENCE OVER THE CONVENTION IN DISPUTE SETTLEMENT AND CONTROL MECHANISMS**

Since 2005, there have been very few disputes between an investor and a State involving measures related to the cultural sector. Only two deserve our attention. In both cases presented below, Parties did not refer to the Convention when they presented their arguments [Indicator 2]. However, cultural clauses incorporated into their BITs had a positive impact on the outcome of the dispute [Indicator 1].

In the first case, the American company UPS challenged several Canadian measures, including a subsidy programme for Canadian publications delivered by Canada Post. UPS claimed that Canada breached the National Treatment requirement because it provided more favourable treatment to Canada Post than to UPS. The Tribunal rejected this claim, the programme not being subject to NAFTA because it falls within the scope of the exclusion for cultural industries.<sup>16</sup>

In the second case, an American investor contested the Ukrainian government's refusal to allocate him a radio frequency. Ukraine justified this refusal by the non-compliance, on the part of the American investor, with the 50% Ukrainian music requirement established by the Law on Television and Radio Broadcasting (LTR). The Tribunal recalled that '[t]he exceptional character of media companies is accepted in the BIT itself' and concluded that the LTR was compatible with the BIT.<sup>17</sup>

16. *United Parcel Service of America, Inc. vs. Government of Canada*, Award on the Merits, 24 May 2007.

17. *Joseph Charles Lemire v. Ukraine*, ICSID Case No. ARB/06/18., Decision on jurisdiction and liability, 14 January 2010.

Table 7.4

**Aid granted to European cultural enterprises between 2015 and 2017 (non-exhaustive list)**

Date	State	Aid referred to	Number
2015	France	Funding of national programming society France Médias Monde – FMM	SA.36672 (2013/NN)
2015	Spain	Rescue aid to Editorial Everest	SA.41085 (2015/N)
27 November 2015	Sweden	Amendments to the Swedish Press Aid Scheme	SA.42308 (2015/N)
26 January 2016	Spain	Aid for cultural periodicals	SA.43878
4 April 2016	Croatia	Croatian book publishing programme for the period 2017–2022	SA. 44681 (2016/N)
4 August 2016	Spain	Aid to local media published in the Basque language	SA.44942 (2016/N)
14 December 2015	Spain	Modification of Spanish scheme for tax deductions in cinema and audiovisual productions	SA.40170 (2014/N)
29 September 2015	France	Film and audiovisual tax credit and tax credit for foreign cinematographic and audiovisual works - modifications	SA.42419 (2015/N)
4 September 2017	Germany	Bavarian games support measure	SA.46572
19 July 2017	France	Fonds d'accompagnement de la réception télévisuelle	SA.48386
11 July 2017	Ireland	Implementation of Commission decision in case E 4/2005 – State financing of Radio Teilifis Éireann (RTÉ) and Teilifis na Gaeilge (TG4) – Ireland	SA.39346
7 July 2017	Spain	Promotion of the Basque language in digital news media	SA.47448
7 July 2017	Denmark	Scheme for the development, production and promotion of cultural and educational digital games	SA.45735
28 June 2017	Italy	Tax credit for film production companies	SA.48021

At the European level, several cases in the field of state aid involving cultural companies have been submitted to the European Commission. It is worth recalling that the Convention recognizes the right of Parties to adopt 'measures aimed at providing public financial assistance' (Article 6.2(d)). Also, despite the fact that state aid is generally prohibited by the European Commission so as to prevent States from conferring advantages on some companies at the expense of others in the same sector, 'aid to promote culture and heritage conservation' is allowed.<sup>18</sup>

Hence, in cases examined between 2005 and 2015, the European Commission thought it appropriate

to rely explicitly on the Convention to rule on certain state aids granted to cultural companies. This was a good example of the implementation of Article 21 on 'International Consultation and Coordination' in a regional forum. Unfortunately, in many of the decisions between 2015 and 2017 involving aid in the cultural sector (Table 7.4), the Commission did not invoke the Convention, but only article 107 3) of the Treaty on the Functioning of the European Union (TFEU).

#### IMPLEMENTING THE CONVENTION IN NON-TRADE FORUMS

Article 21 invites Parties to promote the objectives and principles of the Convention in other international forums; the QPRs generally contain little information on how States do this.

However, two types of explicit references to the Convention have been observed in various policy documents [Indicator 1]. Firstly, those that simply acknowledge the existence of the Convention, for instance through a reference in a Preamble, without integrating its objectives or principles in the core of the text. This type of referencing is important, as it gives real visibility to the Convention, but its effective political impact remains limited.

Secondly, a few documents integrating more substantial references to the provisions, objectives and principles of the Convention. This type of reference more closely reflects the spirit of Article 21, contributing to the enforcement of the principles laid down in the Convention, and will be therefore privileged in the analysis.

18. Treaty on the Functioning of the European Union (TFEU), Article 107 3).

## ADDRESSING EMERGING ISSUES ON CULTURE AND DEVELOPMENT AND DIGITAL WITH THE CONVENTION

As mentioned in Chapter 8, recognition of culture's contribution to sustainable development is highlighted in several resolutions of the United Nations General Assembly adopted since 2010. The most recent of these (Resolution 70/214), adopted on 22 December 2015, invites Member States to 'actively support the emergence of local markets for cultural goods and services and to facilitate the effective and licit access of such goods and services to international markets, taking into account the expanding range of cultural production and consumption and, for States party to it, the provisions of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions' (Box 8.1).

This is a good illustration of how transversal issues of relevance to the Convention permeate other forums at the international level.

Similarly, the Antananarivo Declaration, adopted at the 16th Francophone Summit (November 2016) by the *Organisation internationale de la francophonie (OIF)*, not only refers to the Convention, but insists on its effective implementation in the digital age, 'particularly by promoting the new forms of financing of cultural and creative industries provided by new technologies, and by recognizing and valuing the work of creators'. The Declaration also recalls the importance 'of integrating the cultural dimension in development policies'. The preamble reaffirms the commitment to 'security, peace, democracy, human rights, fundamental freedoms, the rule of law, linguistic and cultural diversity, cooperation, an inclusive digital transition, as well as good governance and sustainable development'. A resolution on the 'promotion of dialogue between cultures as a factor of sustainable development', adopted at the summit, also contains an explicit reference to the Convention and invites 'the OIF to continue its cooperation with the United Nations, particularly UNESCO, as well

as other international and regional organizations, in order to ensure optimal valuation of its action in promoting dialogue between cultures for sustainable development'.

References of this nature are important. They reflect not only the coherence of the Parties in the various forums in which they are active, but also the constructive dialogue between organizations whose fields of competence are complementary, for example UNESCO and the OIF.

The implementation of Article 21 should also lead Parties to identify all international forums whose mandate or competences can contribute to achieving the Convention's objectives. The digital arena, for example, is particularly relevant and potentially conducive to more coordinated efforts (see Chapter 3), including for organizations such as the International Telecommunication Union (ITU), whose competences include internet-related public policies and fair access to technologies and the digital divide, or the World Intellectual Property Organisation (WIPO).

### REGIONAL ORGANIZATIONS ARE KEY ACTORS

The EU, which is the only regional organization having ratified the Convention, stands out as one of the most committed actors to the principles and objectives of the Convention in the international arena. References to the Convention are thus recurrent in most of the policy and strategy documents adopted by the main European bodies during the period under consideration. Re-emphasizing the importance of the Convention as a key framework for policies on sustainable development, the new 2016 EU Strategy for international cultural relations, for example, calls upon the EU 'to advance the ratification and implementation of the 2005 UNESCO Convention by deepening policy dialogues with partner countries and strengthening systems of governance'.<sup>19</sup>

19. EU (2016)

This commitment is also strongly reaffirmed in some resolutions adopted recently by the European Parliament (Table 7.5).



*When it comes to discussing the digital challenge, and ways to ensure full participation in and access to digital culture, the Convention appears to be a cornerstone*

When it comes to discussing the digital challenge, and ways to ensure full participation in and access to digital culture, the Convention appears to be a cornerstone of Council of Europe policy as well. This is clear from the Council's 'Recommendation of the Committee of Ministers to member States on the Internet of citizens', adopted on 10 February 2016, which calls for 'full respect for the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions'.<sup>20</sup> Also noteworthy is the Council of Europe Convention on Cinematographic Co-production (revised), adopted on 30 January 2017, which considers cinematographic co-production as an instrument of creation and expression of cultural diversity that should be reinforced, and sets out the commitments of States to reach this objective. These commitments include the assimilation of co-produced cinematographic works to national films, so that these works benefit from the same advantages normally reserved for those films. The Parties also undertake to facilitate 'entry and residence, as well as the granting of work permits in its territory, of technical and artistic personnel from other Parties participating in a co-production'.

20. Resolution CM/Rec(2016)2, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805c20f4](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c20f4)

Table 7.5

## Main European Parliament resolutions referring explicitly to the Convention (2015–2017)

Resolution	Date	Referencing to the Convention
<b>Resolution 2016/2072(INI) on a coherent EU policy for cultural and creative industries</b>	13 December 2016	'Considers it essential for the EU and its Member States to maintain the possibility of preserving and developing their cultural and audiovisual policies, and to do so in the context of their existing laws, standards and agreements, including the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions; calls, therefore, for the exclusion of cultural and audiovisual services, including those provided online, to be clearly stated in agreements between the Union and third countries; emphasizes, in this context, the need to keep cultural and audiovisual services outside the scope of the negotiating mandate for general free trade agreements, while pointing out that cultural and creative works have a dual and intrinsic value' (para 16)
<b>Resolution 2015/2147(INI) on 'Towards a Digital Single Market'</b>	19 January 2016	'emphasises that platforms dealing with cultural goods, especially audiovisual media, have to be treated in a specific manner that respects the UNESCO convention on the protection and promotion of the diversity of cultural expressions' (para 71)
<b>Resolution 2015/2139(INI) on 'the role of intercultural dialogue, cultural diversity and education in promoting EU fundamental values'*</b>	19 January 2016	'Advocates that cultural diversity should also be addressed in the audiovisual and cultural industries; encourages these industries to find creative ways to push for an agreement on national, regional and local action plans for the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions' (para 4) ;
<b>Resolution 2016/2240(INI) on 'Towards an EU Strategy for International Cultural Relations' **</b>	5 July 2017	'Calls on the EU and the Member States – having signed and ratified, and thus committed themselves to the implementation of, the 2005 UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions – to support common actions for its implementation' (para 51)  Calls on the Commission to 'include culture in all existing and future bilateral and multilateral agreements, with adequate budget provisions and with due respect for the commitments made under the UNESCO Convention on Cultural Diversity, in order to place further emphasis on the economic potential of cultural heritage and the cultural and creative sectors in promoting sustainable development, including in the areas of growth and jobs, and on their impact on social wellbeing; argues that this could be done, for example, in the next negotiation mandate for the new partnership with ACP countries after 2020; calls for EU indicators to be developed in that field as a means of contributing to the cultural policy debate' (para 29)

\* See [www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0005+0+DOC+XML+V0//EN](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0005+0+DOC+XML+V0//EN).

\*\* See European Parliament (2017).

Other regional organizations have also taken initiatives to incorporate in their forums the Convention's policy issues. For example, the 16 July 2015 'Joint communication of MERCOSUR member States and associated states', adopted at the 48th ordinary meeting of the Common Market Council (CMC), which 'celebrated the 10 years of creation of the UNESCO Convention [...], as a fundamental international landmark for the recognition, appreciation and

diffusion of the cultural wealth of [these] countries' and 'reaffirmed the fundamental role of culture for the full development of the countries of the region, including the economic potential of cultural activity'.<sup>21</sup>

21. *Comunicado conjunto de los estados partes del MERCOSUR y estados asociados*, para. 68 and 22, [www.mercosur.int/innovaportal/file/4488/1/comunicado\\_conjuntotep-ea\\_es\\_final\\_18\\_08.pdf](http://www.mercosur.int/innovaportal/file/4488/1/comunicado_conjuntotep-ea_es_final_18_08.pdf)

Another example may be found in the Twenty-Seventh Council of Pacific Arts & Culture Meeting held in May 2016 in Guam, which recommended that ministers of culture support cultural industries in the Pacific region, and support ratification of the Convention, through the integration of culture into national trade policy frameworks.<sup>22</sup>

22. [www.acpculturesplus.eu/sites/default/files/2016/06/03/spc\\_council\\_of\\_pacific\\_arts\\_meeting\\_outcomes\\_and\\_recommendations.pdf](http://www.acpculturesplus.eu/sites/default/files/2016/06/03/spc_council_of_pacific_arts_meeting_outcomes_and_recommendations.pdf)

Lastly, it is important to note that as part of its 'First Ten-Year Implementation Plan 2014–2023 of the Agenda 2063 – The Africa we Want', considered as the main strategic framework on inclusive growth and development, the African Union Commission has identified the ratification of the Convention as one of its core objectives.

Overall, these new regional initiatives appear to develop as adequate working forums or advocacy mechanisms for an effective and stronger implementation of the Convention.



*New regional initiatives appear to develop as adequate working forums or advocacy mechanisms for an effective and stronger implementation of the Convention*

#### **Box 7.4 • Involving civil society in trade policy formulation**

**Austria:** Building on the results of workshops and (in)formal consultations with civil society representatives, the Austrian Working Group on Cultural diversity (Federal Chancellery) regularly meets with civil society stakeholders to ensure the principles of the 2005 Convention on the dual nature of cultural goods and services, both cultural and economic, are considered, e.g. in the negotiations on the so-called 'EU Block Exemption Regulations on State Aid' in the field of EU competition law or negotiations on free trade and economic partnership agreements.

**Switzerland:** The Swiss Coalition for Cultural Diversity has continued its efforts to raise awareness concerning issues and challenges associated with free trade agreements such as the Agreement on Trade in Services (TISA). A meeting organized in September 2015, in collaboration with the Swiss Public Service Union on the theme of the ACS, offered a platform for public discussions. The Coalition closely monitors developments on free trade agreements (FTAs) and informs the public on its website.

**Canada:** In recent years, member associations of the Coalition were called upon for the negotiation of the EU-Canada Comprehensive Economic and Trade Agreement (CETA), for Canada's participation in the Trans-Pacific Partnership (TPP) Agreement and to begin negotiations for the Plurilateral International Services Agreement. Member associations shared their positions in public consultations led by the Canadian government either in writing or by appearing before the Parliamentary committee responsible for reviewing those issues. However, they contributed only to the new wording of the Canadian cultural exemption that is applied to relevant chapters rather than the entire agreement, as had previously been the case. Once the CETA and TPP texts were made public, the Coalition shared its analysis with a large public, including the media.

**Germany:** The Trans-Pacific Trade and Investment Partnership (TTIP) advisory council appointed by the Federal Ministry for Economic Affairs and Energy was constituted on 21 May 2014, and includes: union representatives; social, environmental and consumer protection associations; and the cultural and media sectors. This body consults on the ongoing negotiations and, through its dialogue – including with critics – contributes to Germany's positioning on the planned Free Trade Agreement between the EU and the United States of America (eight meetings held as of December 2015).

Sources: QPRs: Austria, Switzerland, Canada, Germany (2016).

## INVOLVING CIVIL SOCIETY

As analysed in Chapter 4, principles of good governance call for the participation of civil society organizations in policy making.

This holds true for trade policy formulation as well. Interestingly, Parties to the Convention like Austria, Canada, Chile, Germany or Switzerland, in their QPRs, have sought to identify the advocacy role taken up by civil society on trade policy issues, as well as arrangements to develop effective civil society consultative mechanisms (Box 7.4).

Groupings such as the national Coalitions for Cultural Diversity, already emphasized in the 2015 Global Report, remain relevant. The Chilean Coalition for Cultural Diversity, created in October 2001 when the Chile-United States of America Free Trade Agreement was being discussed, has been actively involved in governmental discussions around the negotiation of the Trans-Pacific Partnership Agreement, signed by Chile in February 2016, advocating in particular for the respect of the provisions of the 2005 Convention and the transparency of the debate (QPR Chile, 2016).

It would appear essential, therefore, that emerging social partnership models should be expanded beyond trade unions and employers to include civil society organizations that can provide greater accountability, contribute valuable information, and become stakeholders in the development of trade policy.



*I believe passionately in the importance of culture in society. I have spent my career making films that I hope touch and enrich people's lives. Film directors, like other artists, draw deeply on the cultural heritage of their society. And in doing so they celebrate that culture, nurture it and pass it on to the next generation.*

*'Culture' is of course a diverse mosaic of different art forms, from cinema to music, literature to drama and much more. But one thing binds all these activities together – the indispensable need for the protection of the rights of those who are involved in them.*

*In today's globalizing world, cultural diversity, and the rights and fair remuneration of creators, are precious jewels. They are often challenged. They can never be taken for granted and need to be vigilantly safeguarded.*

*That is why the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions has such a vital role to play.*

*The 2005 Convention provides the framework that protects our rights, guarantees the freedom to create and ensures that cultural diversity is indeed preserved and promoted, whilst recognizing the economic importance of the creative industries.*

*In my role as Vice-President of CISAC, the global organization representing more than four million creators, I actively campaign for stronger protection of artists globally. I have seen how international agreements and trade rules can be used to the enormous benefit of creators and their working conditions.*

*The 2005 Convention was a landmark for millions of creators across the world. We must work continuously to make it meaningful and effective for the next generation.*

### **Jia Zhang-ke**

*Film Director and Vice-President, CISAC (International Confederation of Societies of Authors and Composers)*



## CONCLUSIONS AND RECOMMENDATIONS

Cultural policies may have an impact on free trade, interfere with foreign investment, foster respect for fundamental rights, support the achievement of sustainable development, influence international cooperation, interact with rules regarding the media and telecommunications, or impinge upon the digital, to cite just a few examples. This is why Parties have committed themselves to promoting the objectives and principles of the Convention in other forums and to refer explicitly to this instrument in all relevant multilateral, regional and bilateral forums. Thus, failure to implement Article 21 could jeopardize the achievement of the fundamental purposes of the Convention.

Article 21, however, cannot be implemented in isolation. A Party cannot promote the objectives and principles of the Convention in other international forums if it does not implement the Convention on its own territory, in other words by supporting its own cultural industries and cultural expressions.

Developing countries' Parties to the Convention will benefit from the preferential treatment measures put in place by developed countries' Parties to the Convention only if they themselves have strong cultural industries in existence or planned.

Once these are in place or are being elaborated, the following recommendations could be usefully implemented:

- Explicit reference to the principles and objectives of the Convention should become customary in all trade agreements and partnerships that address policies and measures for the promotion of cultural goods and services.
- In line with the operational guidelines of the Convention on digital issues, commitments to liberalize electronic commerce should be made compatible with policies that support the diversity of cultural expressions in the digital environment, irrespective of the technology or distribution platform used both online and offline.
- Trade agreements dealing with e-commerce should acknowledge the distinctive nature of cultural goods and services and all cultural clauses or types of reservations in such agreements should apply to the digital environment.
- Any trade and investment agreement, in particular between a developed and a developing country, should contain provisions granting preferential treatment to artists and other cultural professionals, as well as to cultural goods and services.
- The rapid development of ambitious free trade agreements across the world calls for greater attention to be paid to the democratic governance of trade policy making and the establishment of effective interministerial coordination and civil society consultation processes.
- Attaining SDGs 8 and 10 will require the reconciliation of cultural policies that promote the objectives of the Convention and trade commitments.



*We must listen to voices in the field and to cultural players, and engage with them, as well as with our partners and other international donors, in order to facilitate the governance of culture in the global South. Culture is the fourth pillar of sustainable development.*

**Rémy Rioux**

Director-General of the French Development Agency (AFD)



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Goal 3

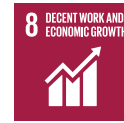
# INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS





Goal 3

# INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS



The complementarity  
of economic and  
cultural aspects  
of sustainable  
development  
are recognized

# 2018 REPORT CARD

Sustainable development policies and international assistance programmes integrate culture as a strategic dimension

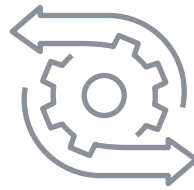
*National sustainable development policies and plans*

*International sustainable development programmes*



## SUCCESSSES

- The role of creativity is recognised in the 2030 Sustainable Development Goals
- Culture increasingly integrated in national development plans and strategies in global South
- Increase in global South contributions to the International Fund for Cultural Diversity
- Rise in investments by cities in cultural industries for development



## CHALLENGES

- The share of Official Development Assistance spent on culture is the lowest in 10 years
- Most development plans do not contain creativity-specific outcomes
- Inequalities persist in the distribution and access to cultural resources
- The environmental impact of cultural production and artistic practice is neglected



## RECOMMENDATIONS

- Involve culture ministries in the implementation of SDGs
- Dedicate budgets to national development plans that integrate creativity
- Increase contributions for culture in ODA and to the IFCD
- Support networks among creative industry SMEs in global South

## DATA REQUIREMENTS



- Economic impact of cultural and creative industries in global South
- Civil society engagement in development policies
- Public spending on national development plans
- Investments in artistic innovation in global South



# *The integration of culture in sustainable development*

*Auril Joffe*

### KEY FINDINGS

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- »» *Implementation of the 2005 Convention has contributed to an increased recognition of the role of culture in sustainable development, notably in the 2030 Sustainable Development Agenda.*

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- »» *Although several international sustainable development programmes include culture as a major area of intervention, the proportion of development aid spent on culture and recreation today is at its lowest for over 10 years.*

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- »» *86% of the Parties that have adopted a national development plan or strategy have included references to the cultural dimension of development. Over two-thirds of these are from the global South.*

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- »» *Yet these same countries acknowledge culture primarily as an instrumentality, as a driver of economic or social outputs; only 40% of national development planning documents contain outcomes or actions specific to the goals of the Convention.*

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- »» *Across the board, the environmental impact of cultural production and artistic practice is not yet sufficiently taken into account.*

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- »» *Cities all around the world are exploring innovative ways of fostering sustainable development through the cultural and creative industries.*

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**IMPLEMENTING THE 2005 CONVENTION HAS  
A DIRECT IMPACT ON THE ATTAINMENT OF THE SDGS**



**MANY PARTIES TO THE 2005 CONVENTION INCLUDE  
CULTURE IN SUSTAINABLE DEVELOPMENT PLANS**

Out of the  
**111** currently implementing  
national development  
plans

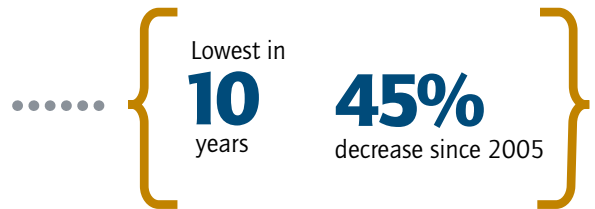


and over  
**2/3** are from  
the global South

**BUT, ONLY**

**0.22%**

of total Official  
Development Assistance  
(ODA) was spent on  
culture in 2015



**INCREASED INVESTMENT IN CREATIVITY IS REQUIRED TO ENSURE POSITIVE OUTCOMES**



Job creation



Reduced  
inequalities



Artistic  
innovation



Sustainable production  
and consumption



## CORE INDICATORS

Culture is integrated into national sustainable development policies and plans

Culture is integrated into international sustainable development programmes

Policies and measures support regional equity in the distribution of cultural resources

Technical assistance programmes strengthen human and institutional capacities in the cultural and creative industries in developing countries

Policies and measures support equity in access to cultural resources by vulnerable groups in the community

Financial assistance supports creativity in developing countries

### INTRODUCTION

Imagine 10,000 young people, mostly young women, working in rural and semi-rural communities in the creative and digital fields becoming active agents in working towards achieving sustainable development. Imagine a collaborative project, supported by 100 community leaders and 50 civil society organizations, that gives these young people jobs or enables them to become entrepreneurs.

Creating Opportunity for South Africa's Youth (COSY) is precisely such a project. Funded by the European Union and coordinated by The British Council, in partnership with Business and Arts South Africa (BASA), LifeCO UNLtd South Africa and Livity Africa, COSY provides knowledge, skills development and financial support for creative, social and digital enterprises.

Its goals include economic, cultural and social outcomes including regional equity and better access for vulnerable groups, especially women and young people. It demonstrates clearly how countries in the global North can support creative, digital and social entrepreneurship in the global South. In a nutshell, the project is an excellent example of 'the integration of culture in sustainable development' (Article 13 of the Convention) and 'cooperation for development' (Article 14).

### THE 2005 CONVENTION AND SUSTAINABLE DEVELOPMENT

The 2005 Convention was the first standard-setting instrument to place the links between culture and sustainable development at the heart of the rights and obligations of Parties. It highlighted the role of culture, creativity and artistic innovation as both drivers and enablers of development and, in so doing, 'advancing a human-centred approach that effectively yields sustainable, inclusive and equitable outcomes' (UNESCO, 2013). This approach sees development as a process that encompasses the enlargement of human opportunities and freedoms, not just in terms of economic growth. In this context, the Convention's Articles 1 and 2 enhance the substance of its Articles 13 and 14. Two of the guiding principles are important as well. Principle 5 affirms that the economic and cultural aspects of development are complementary, while principle 6 affirms that '[t]he protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations'.

The Convention lays the responsibility for sustainable development on all of its Parties to ensure that culture is integrated into international and national development plans, so as to ensure the emergence of dynamic cultural sectors around the world.

On the one hand, this means that responsibility for implementing the Convention does not lie just with the ministries of Culture. Development agencies, too, have an important obligation to integrate culture in their international programmes and invest in the cultural and creative industries in developing countries. Agencies and actors that do so, whether from developed countries or in emerging economy countries designing South-South cooperation programmes, need to provide both technical and financial assistance to strengthen human and institutional capacities as well as share information, experience and expertise in the domains of policy, entrepreneurship, creativity and innovation. On the other hand, agencies responsible for domestic development – whether at the national, urban or rural level – also have a central role to play. They need to ensure that culture is integrated into sustainable development policies, plans and programmes at all levels, and that they aim to achieve economic, social, cultural or environmental outcomes, paying particular attention to possible inequities in the distribution of cultural resources between different parts of the country as well as between vulnerable groups.

This chapter takes first steps towards monitoring how Parties are taking forward their obligations to fulfil the Convention's culture and development agenda – whether through international assistance or domestic development planning.

In doing so, it provides evidence for wider UN monitoring of how Member States are working toward achieving their goals and targets under the 2030 Agenda for Sustainable Development in fields ranging from education to employment and trade, as well as in the pursuit of specific values to achieve gender equality, peace and justice. Indeed, if several of the SDGs were to be rewritten today by placing the Convention's culture and development agenda at their core, they may read slightly, but not altogether, differently.



*Responsibility for implementing the Convention does not lie just with the ministries of Culture*

## HAS CULTURE BECOME A PART OF INTERNATIONAL DEVELOPMENT ASSISTANCE?

The international community has long recognized the importance of the Convention's goal to integrate culture as a strategic dimension of international development assistance. This could not have been made more evident than by the Spanish government's significant contribution of US\$95 million in 2006 to the MDG Achievement Fund (MDG-F) and its 'Culture and Development' Thematic Window. This was considered a ground-breaking experimental investment in large-scale culture and development projects supporting country-based culture and development programmes. Unfortunately, no further such significant investments have been made.

Milestones can be recorded in the adoption of the UN General Assembly Resolution 70/214 in Box on Culture and Sustainable Development (Box 8.1), or the UNESCO Culture for Sustainable Urban Development Initiative: both recognize the transformative potential of culture to stimulate creativity and to establish new pathways for sustainable development.

### Box 8.1 • *Monitoring the UN Agenda on Culture and Development*

*The United Nations General Assembly, at its 70th Session, adopted on 22 December 2015 Resolution 70/214 on 'Culture and Sustainable Development'.*

*This fifth UN Resolution on Culture and Development, which built on four previous ones, was the outcome of joint international efforts to reaffirm the role of culture as an enabler of sustainable development. The resolution encourages all Member States and other relevant stakeholders to raise awareness on the importance of culture in sustainable development and to ensure its integration into development policies.*

*Specifically, it encourages States to 'enhance international cooperation in supporting the efforts of developing countries towards the development and strengthening of cultural industries, cultural tourism and culture-related microenterprises and to assist those countries in developing the necessary infrastructure and skills, as well as in mastering information and communications technologies and in gaining access to new technologies on mutually agreed terms'. It also invites them to 'actively support the emergence of local markets for cultural goods and services and to facilitate the effective and licit access of such goods and services to international markets, taking into account the expanding range of cultural production and consumption and, for States party to it, the provisions of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions'.*

*A first progress report on the implementation of this new resolution was presented by UNESCO to the General Assembly of the United Nations at its 72nd session in September 2017. The report includes quantitative data to inform development policies, as well as an overview of progress in the development of national capacities to optimize the contribution of culture to sustainable development. It concludes that the adoption of the 2030 Agenda for Sustainable Development represents a step forward in the recognition of the integral role of culture across the SDGs. It also provides new impetus for Member States to develop policies and interventions that take into consideration culture's role in development across its economic, social and environmental dimensions and as a horizontal priority across sectors and disciplines. Moreover, it recommends the adoption of a multiplicity of development models, which are adapted to the local context and place culture at the core of sustainability solutions.*

In addition, there are several new strategies from different regions that restate commitments to culture and development. For example, the European Union (EU) strategy for international cultural relations (2016) confirmed the cultural and creative sectors' contribution to sustainable development and that the 2005 Convention provides a key framework for the EU's policies on sustainable development. In launching the strategy, EU High Representative Federica Mogherini said: 'Culture has to be part and parcel of our foreign policy. Culture is a powerful tool to build bridges between people, notably the young, and reinforce mutual understanding. It can also be an engine for economic and social development' (EU, 2016). The African Union Commission's *Agenda 2063: the Africa We Want*,

is an ambitious (re)-dedication to the ideals of pan-Africanism. It is the most recent African Union document providing a vision for such regional integration on the African continent. Culture is listed along with sustainable development in the top ten priorities in the first ten-year implementation plan from 2014–2023.<sup>1</sup> In Latin America, members of the Organisation of Ibero-American States (OEI) adopted the Montevideo Declaration in 2016 with the intention of strengthening their commitments to the 2005 Convention and their support for creativity, the cultural and creative industries as forces of resilience and development.

1. The *First Ten Year Implementation Plan 2014–2023*, released in September 2015, can be found at: [www.un.org/en/africa/osaa/pdf/au/agenda2063-first10yearimplementation.pdf](http://www.un.org/en/africa/osaa/pdf/au/agenda2063-first10yearimplementation.pdf).

Furthermore, 33 countries in Latin America and the Caribbean have adopted a regional programme and work plan for culture (2016–2021) that focuses on achieving 'more equitable societies by eradicating poverty, reducing social inequalities, increasing job opportunities and reducing social exclusion rates'.<sup>2</sup>

These global and regional resolutions, policies and strategies are in line with the Convention's goal to integrate culture in sustainable development and are certainly positive achievements. But actually implementing them and determining their impact will take time and greater political commitment. In the meantime, we can examine the degree of financial support extended to creative work in developing countries as a means to determine the level of commitment made by Parties in support of international cultural cooperation for development. The share of Official Development Assistance (ODA) programmes made available and invested in culture can be used as a means of verification.

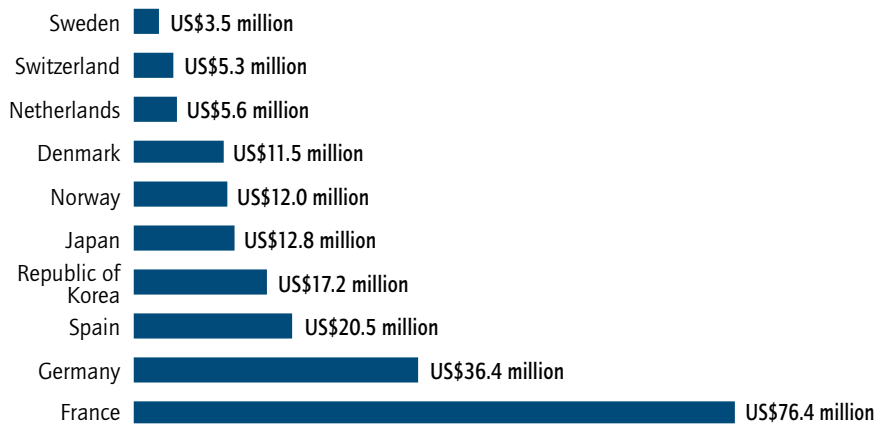
The latest available OECD data from 2015 shows that both the share of ODA funds donated by countries to support 'creativity' in developing countries and the share of ODA being spent by countries on culture has declined since 2010 (Figures 8.1 and 8.2). According to the figures, the top ten donors of cultural ODA are Denmark, France, Germany, Japan, The Netherlands, Norway, Republic of Korea, Spain, Sweden and Switzerland (Figure 8.1). France was by far the highest donor of cultural ODA, contributing over US\$76 million in 2015.

The top ten recipients of cultural ODA in 2015 were Brazil, China, Egypt, India, Mexico, Morocco, South Africa, Turkey, Viet Nam, West Bank and Gaza Strip (Figure 8.2). These are, in the main, regional centres rather than the least developed countries of their respective regions.

2. See UNESCO, 2016c, p. 49.

Figure 8.1

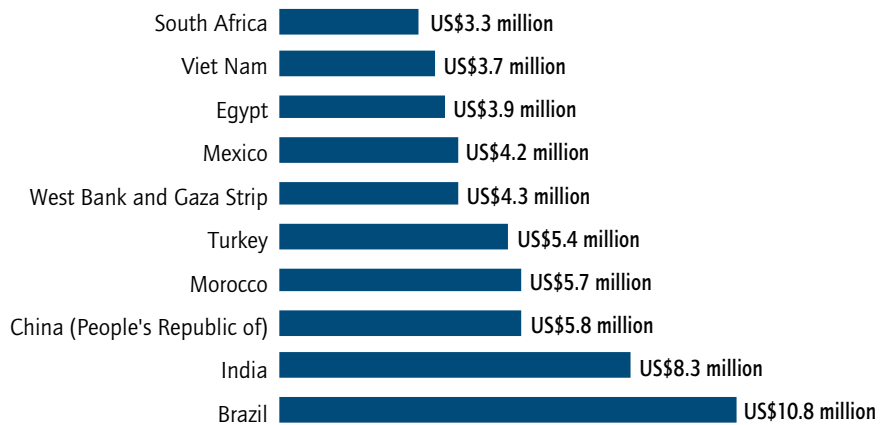
Top ten donors of cultural ODA in 2015



Source: OECD (2017).

Figure 8.2

Top ten recipients of cultural ODA in 2015



Source: OECD (2017).

Around 0.22% (US\$257 million) of total ODA donated and received in 2015 was spent on culture and recreation, which is the lowest for over ten years (Figure 8.3).<sup>3</sup>

The total amount of cultural ODA being donated has fallen from US\$465.9 million in 2005 to US\$354.3 million in 2010, and to US\$257 million in 2015, a decrease of 45% in ten years (Figure 8.4). Financial contributions to the Convention's International Fund for

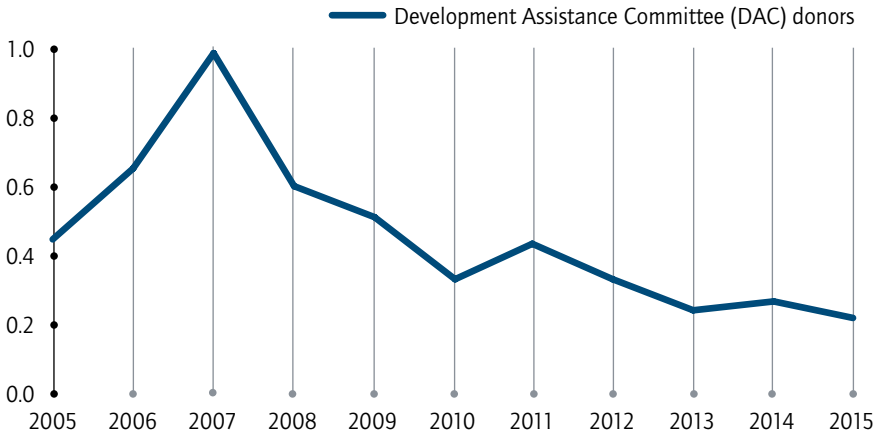
Cultural Diversity (IFCD), which have been recognized by the OECD as contributions to cultural ODA, are also relevant here. The top five donor countries to the IFCD with the highest cumulative contributions since its account was opened in 2007 are Canada (including Quebec), Finland, France, Norway and Spain.

Figure 8.5 shows that after an initial period of relatively high levels of contributions to the IFCD between 2008 and 2011, these have been lower since 2012 (varying between US\$0.5 million and US\$1 million). This includes a sharp increase between 2015 and 2016.

3. Cultural ODA belongs to code 16061 'other social infrastructure and services - culture and recreation'. Therefore this figure includes recreation and sports as well as museums which do not fall under the 2005 Convention.

Figure 8.3

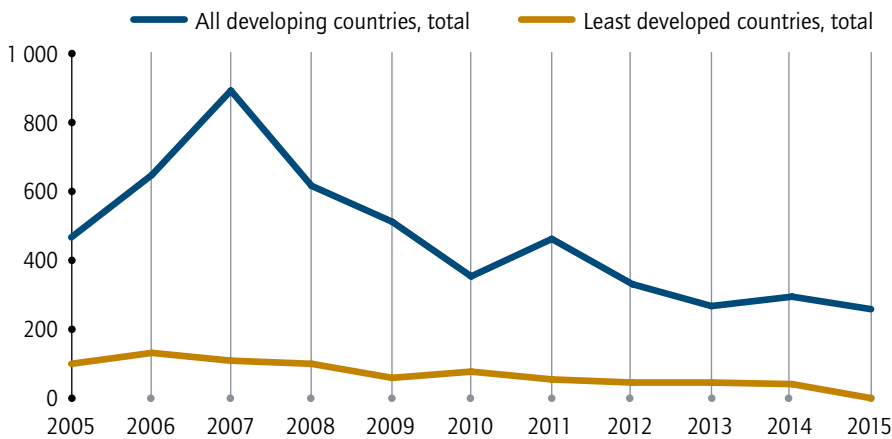
Share of culture and recreation as a proportion of total ODA given by donor countries, 2005–2015



Source: OECD (2017).

Figure 8.4

Total amount of cultural ODA donated, 2005–2015



Source: OECD (2017).

Contributions to the IFCD in 2016 were made principally by European nations, and France in particular, which increased its contribution in 2016 by US\$70,000. Figure 8.6 shows the Parties making the largest contributions to the IFCD in 2016, with Australia, Belgium, China, France and Germany in the top five.

Despite the decline in ODA funding, a closer examination of the international development assistance programmes of the top donors provides additional information on whether they are actually implementing the Convention and

its Articles to strengthen human and institutional capacities as well as to share information, experience and expertise in fields of policy, entrepreneurship, creativity and innovation.

*The evidence shows that some political will has appeared, but not necessarily the levels of financial investment that were once provided*

Denmark's strategic framework for culture and development 'The Right to Art and Culture' (2013–2016) is an exemplar. This strategy was designed to build human and institutional capacities, promote freedom of expression for artists and cultural actors, enhance economic growth through creative industries and empower people through active participation in arts and culture events.

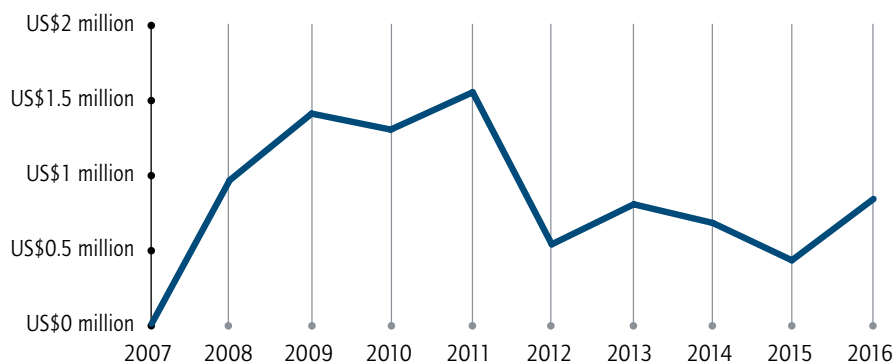
*If several of the SDGs were to be rewritten today by placing the Convention's culture and development agenda at their core, they may read slightly, but not altogether differently*

In its final report on the implementation of the strategy, Denmark's erstwhile Centre for Culture and Development (CKU) stated that 'Denmark's ratification of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions in 2006 further accelerated the integration of culture in Denmark's development cooperation' (CKU, 2016). The report also provides evidence of how the Danish government's strategy contributed to growth, job and business development opportunities. In particular, the CKU supported the creation of Design Network Africa, a pan-African collective aimed at product development and market access. Today, many of the designers have won important design awards and obtained international recognition.

The evidence provided above and in the Quadrennial Periodic Reports (QPRs) help us to take a step forward in attempting to answer the question posed at the beginning of this section: Can culture become a fully-fledged dimension of international development assistance? The evidence shows that some political will has appeared, but not necessarily the levels of financial investment that were once provided.

Figure 8.5

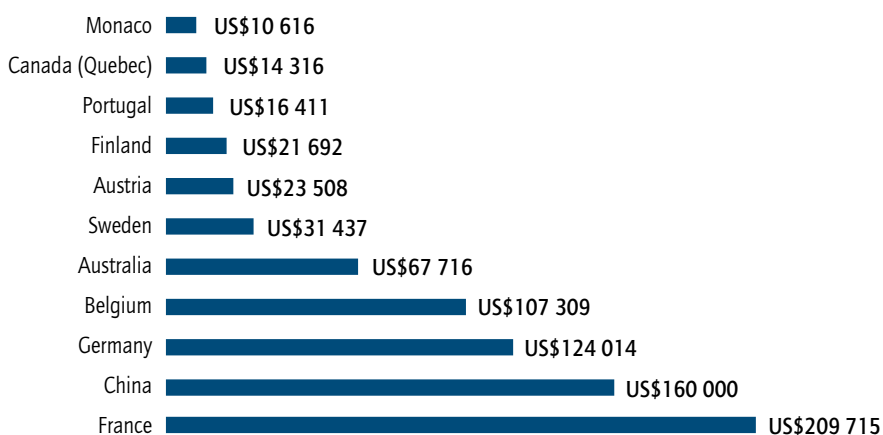
Contributions to the International Fund for Cultural Diversity (IFCD), 2007–2016



Source: UNESCO (2017).

Figure 8.6

Largest contributions to the IFCD in 2016



Source: UNESCO (2017).

Very recent developments within the ministries or agencies for development show signs that this situation may change for the better and that more money will become available to finance cultural projects and programmes in developing countries, whether through ODA, contributions to the IFCD or individual country programmes. Some examples include the European Commission's efforts to re-establish culture as a specific area (alongside education and health) within its programme of International Cooperation and Development, as well as the Swedish International

Development Agency's global thematic strategy for human rights, democracy and the rule of law and its support for activities to enhance fundamental freedoms and systems of governance for culture in developing countries. New cultural and creative industry programmes have been established by both France's Development Agency and Germany's Federal Ministry for Economic Cooperation and Development. Some time and more consolidated monitoring efforts will be needed, however, before conclusive answers can be given to our question.

ONE STEP AHEAD IN INTEGRATING CULTURE INTO NATIONAL SUSTAINABLE DEVELOPMENT POLICIES AND PLANS

As stated at the outset of this chapter, any efforts to monitor the implementation of the Convention and Parties' obligations must also take into account what Parties are doing within their own countries. In other words, what governments at all levels are doing to achieve economic, social, cultural or environmental development outcomes, paying particular attention to possible inequities in the distribution of cultural resources among different parts of the country, as well as among vulnerable groups.

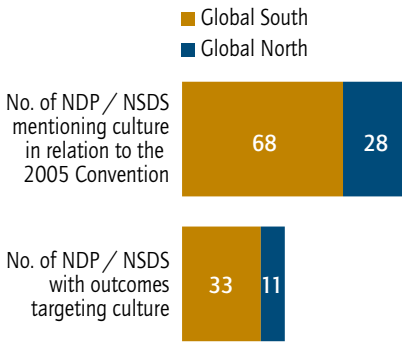
Research undertaken for this chapter shows that some progress has been made in integrating culture into national sustainable development policies and plans that interconnect the economic, social, environmental and, of course, the cultural outcomes.<sup>4</sup> This observation is based on an investigation into the content of national development plans adopted by all Parties. This is important not only for monitoring the Convention, but also as a means to determine the potential for success in implementing the SDGs from the point of view of culture. As countries begin to design their national plans and targets to implement the SDGs, already established policies and programmes to invest in, for example, the cultural and creative industries aimed at development outcomes, would in principle increase the likelihood that this could be achieved. Thus, some 77% (111) of the 146 Parties to the Convention are currently implementing a national development plan (NDP) or a national sustainable development strategy (NSDS).

4. This review was a content analysis of externally available (public and online) NDP or NSDS documents from Parties to the Convention and is provided here separately from the analysis of Parties' QPRs. In a systematic web search, 110 countries' NDPs or NSDSs were identified from the 146 Parties. When more than one official plan or strategy was available, the medium-term (a period of 5-8 years) national development plan was selected. When the medium-term plan was not available, the country's long-term strategy was analysed.

Of the 111 NDPs and NSDSs reviewed, 86% (96) contain references to culture and almost two-thirds (68) of these are from the global South (Figure 8.7).<sup>5</sup> However, the majority of these mentions of culture are contextual and only 40% (44) of the NDPs and NSDSs have devised outcomes or actions specific to the goals of the Convention.<sup>6</sup>

Figure 8.7

Culture mentioned in Parties' NDPs and NSDSs



Source: BOP Consulting (2017).

Note: This figure is based on a content analysis of 111 Parties' current medium-term national development plans. Data were collected through a systematic review of these documents and coded by outcome areas and themes. The process of review was based on the following questions: i) whether the NDP mentioned 'culture' or 'cultural' ii) whether the reference to culture is related to the content of the 2005 Convention and iii) whether the reference is related to cultural outcomes.

REALIZING DIVERSE DEVELOPMENT OUTCOMES

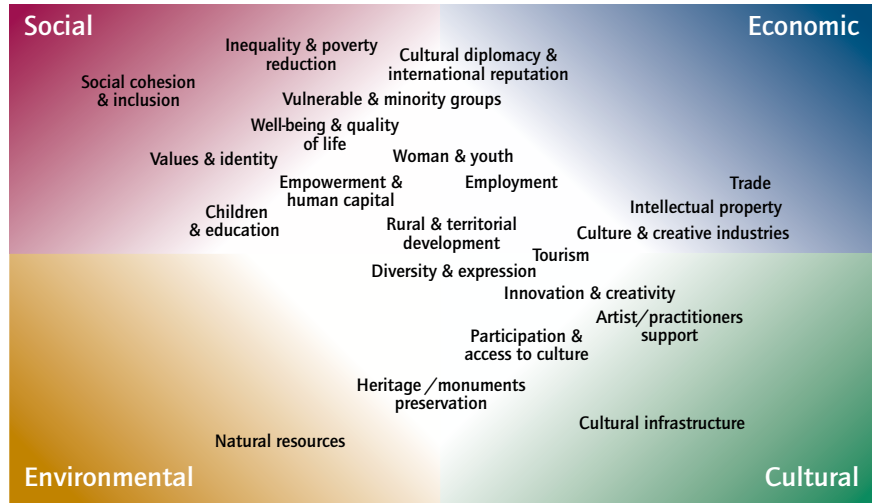
The NSDSs and NDPs examined reveal diverse, and relatively narrow, understandings by Parties of the role of culture in sustainable development.

5. Only references to the cultural dimension in NDPs and NSDSs that relate to the content of the 2005 Convention were considered. Some mention culture in other contexts, such as innovation culture, family culture, etc., and were not included.

6. These 44 countries are: Albania, Angola, Armenia, Bahamas, Bangladesh, Barbados, Belarus, Bulgaria, Burkina Faso, China, Colombia, Costa Rica, Djibouti, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Ghana, Guatemala, Iceland, India, Iraq, Italy, Jamaica, Jordan, Kenya, Latvia, Lithuania, Mauritius, Mexico, Montenegro, Morocco, Niger, Nigeria, Norway, Saint Vincent and the Grenadines, Slovakia, South Africa, Swaziland, Sweden, Timor-Leste, Togo and Tunisia.

Figure 8.8

Place of culture as an enabler and driver of development in NDPs and NSDSs, 2017



Source: BOP Consulting (2017).

Figure 8.8 shows the key programmes/ areas of intervention specified in the 96 NDPs or NSDSs that referenced culture, demonstrating their interconnectedness with economic, social, cultural and environmental outcomes and the themes foregrounded.<sup>7</sup>

The results of this review of NDPs and NSDSs are confirmed by the information provided by Parties in their QPRs on the policies and measures they have implemented to integrate culture in sustainable development processes. For instance, advancing economic outcomes remains a priority by building strong domestic cultural and creative industries; providing support to cultural tourism, or recognizing the more transformative potential of culture in cities.<sup>8</sup>

7. The diagram presents the four outcome areas (social, economic, environmental, cultural) as four adjacent grids. The 21 themes are the common themes that emerged from the NDP and NSDS content analysis. The position of each theme indicates how it sits in relation to the four outcomes: the closer the distance, the more relevant it is to that specific outcome. Outcomes refer here to intended changes that are linked to the SDGs (e.g. greater support to the cultural industries). The diagram is heuristic and necessarily simplifies a complex reality.

8. Albania, Angola, Armenia, Bangladesh, Belarus, Bulgaria, China, Egypt, Ethiopia, India, Iraq, Jamaica, Jordan, Latvia, Mauritius, Montenegro, Niger, Nigeria, Saint Vincent and the Grenadines, South Africa, Swaziland, Sweden, Timor-Leste and Togo.

Interventions to achieve these outcomes are diverse and include innovative funding mechanisms and investments in cultural institutions and organizations. Social outcomes are pursued through activities aimed at promoting education, social cohesion, citizenship empowerment, reducing inequalities and promoting equity through culture. Only a few countries describe a role for culture in relation to promoting well-being or freedom of expression. Some describe 'cultural outcomes' as, for example, maintaining a sense of cultural identity, nurturing creativity and stimulating artistic innovation through support for artists and cultural practitioners to excel in their artistic practices. With regard to 'environmental outcomes', Parties continue to give priority to heritage conservation or the protection of indigenous cultures. But some reflection and initiatives to address the environmental impact of cultural production and artistic practice are beginning to emerge (Box 8.2).

Figure 8.9 summarizes the key development outcomes and shows the interconnection of these with the Convention goals and SDGs; it also highlights an NDP or NSDS example for each of the economic, cultural, environmental and social outcomes.







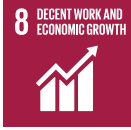



**Box 8.2 • Investing in culture for development to achieve environmental outcomes.**

Maxwell and Miller (2017) call upon countries to recognize that the ‘...internal practices of cultural production have social liabilities that directly affect the environment ....[and can have an impact on] the efficient use and equitable distribution of natural resources for long-term, intergenerational socioeconomic wellbeing’. They cite book printing and its polluting effects and impact on forests; cinema and its carbon footprint generated by energy intensity and toxic materials utilized; and the uptake of digital technologies which result in ‘energy consumption and emissions, materials sourcing and toxicity, and electronic waste’. Parties need to consider these effects carefully, notably when implementing SDG 12 related to ensuring sustainable consumption and production patterns.

While awareness of environmental and sustainability issues is emerging among Parties to the Convention, this has not yet translated into sufficient resourcing and support. An exception is Finland’s comprehensive Cultural Environmental Strategy (Table 8.1). Other interesting practices include the Rocking the Daisies Music festival in South Africa, which has achieved an 80% reduction in its carbon footprint through the use of biodiesel generators and eliminated harmful grey water and recycling trash (Rocking the Daisies, 2015), and the Culture Fund of Zimbabwe Trust, which has been working on a collaborative arts and environmental sustainability programme since 2012 to raise awareness of products and productions that showcase how arts and culture can tackle environmental issues.

**Table 8.1**

**Interpreting Sustainable Development Goals through the lens of the 2005 Convention**

SDGs	2005 Convention	SDGs	2005 Convention
 <b>1 NO POVERTY</b>	End poverty in all its forms everywhere	 <b>10 REDUCED INEQUALITIES</b>	Reduce inequality within and among countries through the emergence of dynamic culture sectors
 <b>4 QUALITY EDUCATION</b>	Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all through creative learning processes and skills	 <b>11 SUSTAINABLE CITIES AND COMMUNITIES</b>	Make creative cities and human settlements inclusive, safe and sustainable
 <b>5 GENDER EQUALITY</b>	Achieve gender equality and empowerment of women and girls as creators and producers of diverse cultural expressions	 <b>12 RESPONSIBLE CONSUMPTION AND PRODUCTION</b>	Ensure sustainable cultural production and consumption patterns
 <b>8 DECENT WORK AND ECONOMIC GROWTH</b>	Promote sustained, inclusive and sustainable inclusive growth, full and productive employment and decent work for all that support entrepreneurship, creativity and innovation	 <b>16 PEACE, JUSTICE AND STRONG INSTITUTIONS</b>	Build resilient institutions of global cultural governance for participative, socially inclusive and just societies
 <b>9 INDUSTRY, INNOVATION AND INFRASTRUCTURE</b>	Build resilient and equitable cultural infrastructure to foster innovation and urban and rural development	 <b>17 PARTNERSHIPS FOR THE GOALS</b>	Revitalize the global partnership for integrating culture in sustainable development

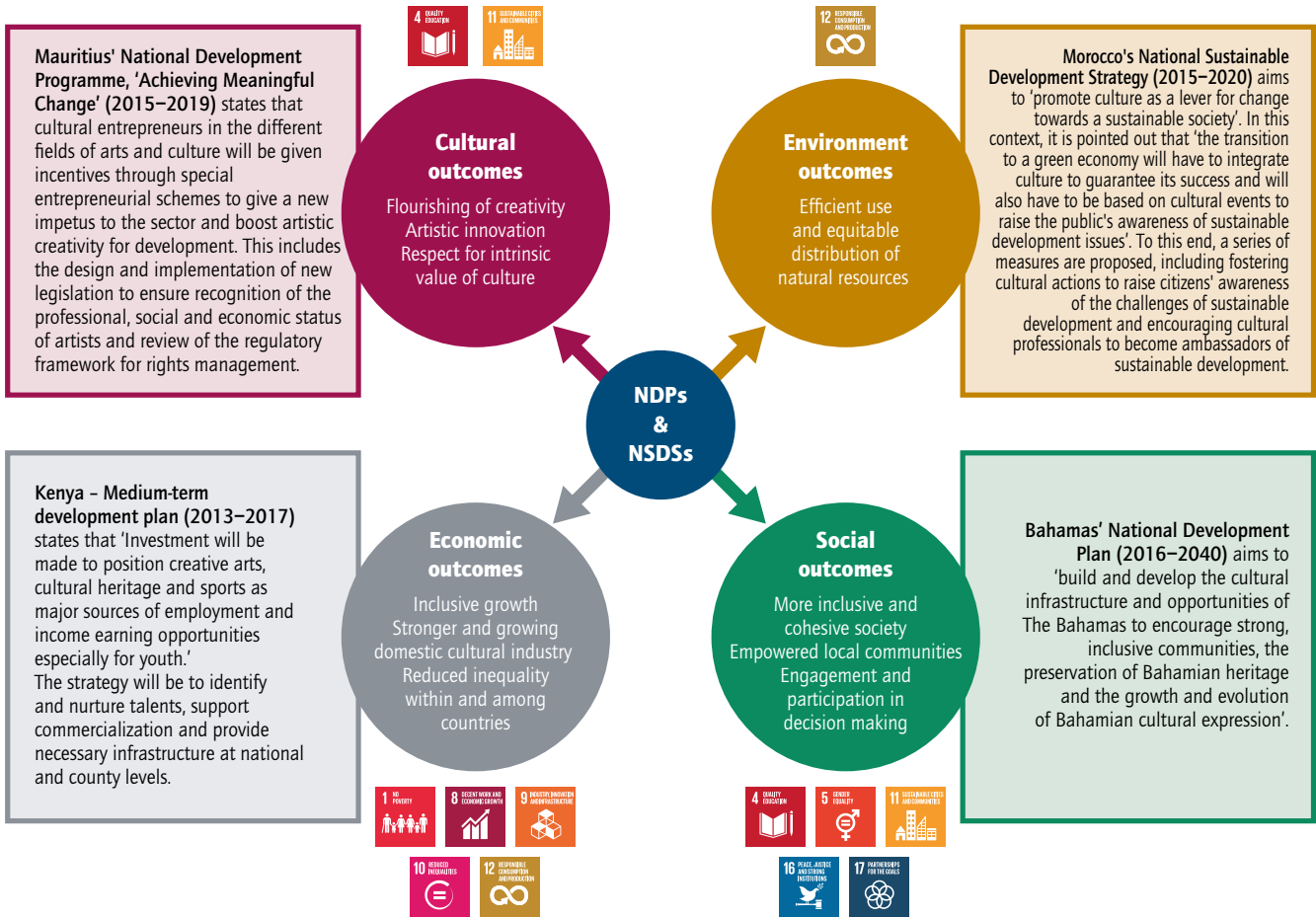
**FROM INTENTION TO IMPLEMENTATION: THE COORDINATION MECHANISMS NEEDED**

Does the existence of a national development plan that refers to culture mean that the cultural dimension is being properly integrated? The research shows that national understandings range from instrumental visions to more holistic human-centred ones. Institutional arrangements and budgets are one indicator of whether the inclusion of culture in the NDPs will translate into meaningful implementation requiring the establishment of coordination mechanisms with relevant public authorities from different sectors and levels of government. Another is multilevel stakeholder engagement and participation in the monitoring and evaluation of these plans.

However, these institutional arrangements do not always include cultural ministries (as seen from NDPs), although some Parties report relatively new national level interministerial processes (Argentina, Cambodia, Chile, Costa Rica, Lithuania, Mexico, Namibia, Greece, Indonesia, Uruguay, Slovakia, Zimbabwe) as well as some operating at the regional or local level (Brazil, Latvia). For example, Argentina’s interministerial working process seeks to ensure that cultural measures and their impact are taken into account in the national monitoring of the implementation of SDGs; Indonesia’s Coordinating Ministry for Human and Culture Development and Creative Economy was created to encourage better synergy among ministries and government agencies, and Mexico’s Federal Secretariat of Culture was established to address cultural issues through both official cultural institutions and development organizations. The country’s 2016 QPR notes that ‘including culture in the agenda of governmental institutions dedicated to different aspects of development has benefited a wider group of society and, in many cases, focused on specific sectors such as women and young people’.

Figure 8.9

Examples of NDPs and NSDSs referring to culture



Source: BOP Consulting. Content analysis of 96 NDPs and NSDSs including references to culture related to the 2005 Convention (2017).

Few NDPs mention the participation of civil society. Those that do either speak of civil society as partners in development (Burkina Faso, Cameroon, Ghana, Mauritius, New Zealand, South Africa) or of a more limited notion, that of awareness raising (Romania and Viet Nam). Estonia, for its part, recognizes that a poor record of participation and partnership threatens success in achieving development outcomes. Germany acknowledges the need for institutional collaboration and the involvement of civil society actors and cultural operators, and seeks to stimulate networking, participation, awareness raising and coordination within and between cities using citizens' dialogue forums in Berlin, Bonn, Dresden, Hamburg and Stuttgart. More than 1,200 participants from a

broad range of NGOs, foundations and companies, as well as interested citizens, participated in these dialogues, which helped Germany update a sustainability strategy released in January 2017.<sup>9</sup>

**EQUITY IN DISTRIBUTION OF AND ACCESS TO CULTURAL RESOURCES WITHIN NATIONS**

Determining whether policies and measures exist to support regional equity in the distribution of cultural resources can be achieved through an assessment

9. The results of the dialogues are available online at [www.deutsche-nachhaltigkeitsstrategie.de](http://www.deutsche-nachhaltigkeitsstrategie.de). The executive summary of the new sustainable development strategy is at <https://sustainabledevelopment.un.org/hlfp/2016/germany>.

of available infrastructural mechanisms for artists and cultural professionals, along with regional and/or rural development plans that integrate culture. Cultural infrastructures are crucial in creating environments conducive to the emergence of dynamic cultural sectors and clusters, as they can foster cultural, economic and social vitality alike. Without basic infrastructure, establishing viable cultural ventures is extremely difficult. Hence, cultural infrastructure is essential if cultural assets are to 'work' for development.

Artists and cultural professionals need spaces to create, produce, rehearse and exhibit and these are often poorly distributed between urban and rural areas, particularly in developing countries.



Results obtained from 2011 to 2017 in 15 countries under UNESCO's Culture for Development Indicators (CDIS) project revealed the skewed distribution of selected cultural infrastructures and facilities (museums, exhibition venues dedicated to performing arts and libraries and media resource centres) relative to the distribution of the population in administrative divisions immediately below state level (standard deviation). On a scale from 0 to 1 (1 representing the situation in which cultural infrastructures are equally distributed amongst regions according to the relative size of their population), the average score of the 15 countries was 0.46, ranging from 0.14 in Cambodia to 0.66 in Bosnia and Herzegovina and Viet Nam (Figure 8.10).

To tackle this shared challenge and support regional equity in the distribution of cultural resources and infrastructures, Parties are implementing a range of measures. New Zealand will prioritize investment in both tangible and intangible cultural infrastructure by 2018. It will also research opportunities to augment public spending, review current funding models and strategic outcomes, and offer policy advice on the

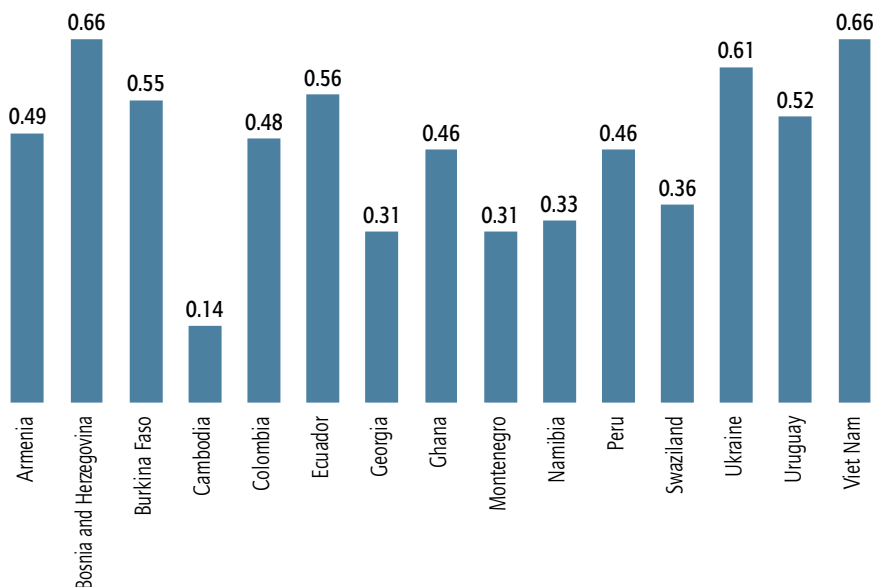
performance and the financial strengths of key cultural and media agencies (New Zealand QPR, 2016). Other examples include: Lithuania's Regional Culture Development Programme (2012–2020); Cyprus's construction of a multipurpose cultural centre to assist the creation of sustainable communities in urban and rural areas;<sup>10</sup> Georgia's Supporting Dissemination of Culture in the Regions programme that fosters cultural and social inclusion of people residing in the regions, promotes the cultural expressions and cultural participation, and maintains and develops cultural sites, spaces and infrastructure; Latvia's Regional Policy Guidelines 2013–2019 regarding investment in the development of infrastructure services; and Ecuador's National Territorial Strategy 2009–2013 that fosters social and territorial equality, cohesion and integration.<sup>11</sup>

10. The Sustainable Development and Competitiveness (2007–2013) programme was established under the Convergence and Regional Competitiveness and Employment objective, co-funded by Cohesion Fund and European Regional Development Fund. [http://europa.eu/rapid/press-release\\_MEMO-07-462\\_en.htm?locale=en](http://europa.eu/rapid/press-release_MEMO-07-462_en.htm?locale=en).

11. Country Strategy 2012–2016 Ecuador Country Office, [www.wfp.org/sites/default/files/Ecuador%20Country%20Strategy%202012-2016.pdf](http://www.wfp.org/sites/default/files/Ecuador%20Country%20Strategy%202012-2016.pdf).

**Figure 8.10**

**Distribution of cultural infrastructures relative to the distribution of population immediately below state level, 2011–2017**



Source: UNESCO CDIS (<http://en.unesco.org/creativity/cdis>) (2017).

“  
While rural and territorial development addresses inequalities within a country, it also offers an array of opportunities to citizens through better infrastructure and mobility

Rural and territorial development, as well as diversity, are two themes at the centre of the four grids in Figure 8.8 related to the place of culture as an enabler and driver of development outcomes in NDPs and NSDPs. While rural and territorial development addresses inequalities within a country, it also offers an array of opportunities to citizens through better infrastructure and mobility, the empowerment of rural communities and participation in a diversity of cultural expressions and in community life. Many countries regard diversity as vital to sustainable development, as it encompasses the cultural uniqueness of the people and opens up opportunities for cultural exchanges, production and trade. In many countries, this trend is accompanied by decentralization measures.

The adoption of financial support mechanisms for cultural facilities, infrastructure and local cultural industries in disadvantaged areas is another means of verification as regards regional equity in the distribution of cultural resources, as exemplified by Viet Nam's New Rural Construction programme and Canada's Cultural Spaces Fund (CSF), which has provided grants and contributions to support 73 projects in 42 communities in 2014–2015, many of which are rural or remote.

Funding to promote a geographic spread of cultural activities was noted in the QPRs by Cuba, Mexico, Lithuania and Denmark. Cuba's programme builds capacities among local government institutions to manage cultural processes in the municipality, providing financial and methodological support for 14 projects and initiatives in 12 municipalities in 4 provinces.

Other innovative financing options to support cultural facilities, infrastructure and enterprises in disadvantaged regions or rural areas include taxes, incentives and project funding. For example, Georgia and Mexico offer tax incentives for donations to arts and culture and preferential tax and procurement policies for the cultural industries; Latvia has established vouchers for innovative projects; the City of Buenos Aires has a regime for cultural promotion, under which a portion of business tax turnover can be paid to cultural organizations; Chile, Belarus and Palestine have established culture funds for SMEs and cultural organizations; and Slovakia and Mexico have dedicated funds for film, presentations and media.

The collaborative cultural model established by Sweden is another innovative example: agencies at the county level decide who gets national state funding. Since 2013, county councils and regions have developed a cultural plan in consultation with the municipalities and in dialogue with cultural creators. In addition, 14 innovative funding mechanisms have been established to support entrepreneurs and small enterprises in developing ACP countries (Box 8.3).



*Innovative financing options to support cultural facilities, infrastructure and enterprises in disadvantaged regions or rural areas include taxes, incentives and project funding*

### EQUITY IN THE TREATMENT OF VULNERABLE GROUPS

Do policies and measures supporting equity in access to cultural resources by vulnerable groups actually exist? The question may be addressed by assessing programmes to facilitate full access for disadvantaged or vulnerable groups to artistic engagement and participation in cultural life. The QPRs provided a wealth of information on various programmes targeting women, young people and children, people living with disability, homeless people, ethnic groups under threat, immigrants and refugees. A range of reported programmes has focused on facilitating women's access to cultural engagement (see Chapter 10). In Bulgaria, for instance, a specific initiative for the 2016–2020 period includes

measures to promote cultural expression and participation in cultural life without gender distinction and to change gender stereotypes.

Measures for young people and children are reported in several QPRs. Argentina's Creativity School RUNA SIMI develops the aesthetic perception, sensitivity and imagination of young people. A programme in Finland prepares young people to strengthen and defend cultural values as critical elements for culturally sustainable development. As the countryside is underserved, local artists, arts institutions and cultural centres are being helped to prepare after-school programmes and recreational classes. These programmes articulate well with SDG 4 on ensuring inclusive and equitable quality education and lifelong learning opportunities for all.



*Few countries have developed specific measures for people living with disability*

Few countries have developed specific measures for people living with disability. The exceptions include the Barrier-Free Environment State Programme for the Disabled for 2011–2015 in Belarus; the Council for the Arts's Deaf and Disability Arts Strategy in Canada; a mobile library that delivers books to people with disabilities in Mongolia; and the Disabled Persons Act of Zimbabwe (1992) that helps ensure that disabled persons obtain education and employment and participate fully in sporting, recreation and cultural activities.

Finally, some countries are beginning to address recent immigrants and refugees, particularly in Europe. For example, Portugal's PARTIS-Artistic Practices for Social Inclusion is a visual arts project for young refugees and asylum seekers developed in cooperation with educational institutions, artists' studios, exhibition halls and galleries supporting 16 projects between 2016 and 2018.

#### Box 8.3 • *Alternative and innovative funding mechanisms in African, Caribbean and Pacific (ACP) countries*

*There are three core areas of alternative and innovative funding mechanisms emerging in the ACP region. First are startup, crowd financing, microfinance, cluster and incubators, facilitated through regional or industry associations. Transferable models include the Kenyan and East African HEVA fund; CARICOM's Complete Caribbean; South Pacific Business Development Ltd in the Pacific and the Doen Foundation in East and southern Africa. Second are equity and debt financing, facilitated by regional development banks through offering credit guarantees and executed by commercial banks. The cultural industries guarantee fund in West Africa, NEXIM Bank in Nigeria and the EXIM bank in Trinidad and Tobago offer models for this form of financing. Third is export financing, which can be facilitated through export promotion agencies. The Caribbean Export Development Agency and the Music Export Council in South Africa are institutional models. It can be concluded that the missing element for creatives is end-to-end 'facilitation of a wide range of services focused on industrial upgrade and market penetration to make the investments pay-off.' A key precondition for sustainability is a sectoral approach on the one hand, paying attention to specific value chain modalities and on the other a regional approach allowing for collaboration, synergies and best practice learnings.*

Source: Nurse (2016).



**C**ulture defines who we are, who we aspire to become, and what we build together. It is the cohesion and diversity of our societies. It contributes to development - social ties, gender equality, education and environmental preservation.

*The Sustainable Development Goals, adopted in 2015, guide our actions. The 2030 Agenda mentions culture's crucial role for sustainable development. France's international cultural influence is powerful and recognized, through its network of institutes and alliances, as well as through the numerous actions carried out by industry leaders and local authorities.*

*The French Development Agency, which implements France's development policy, has been entrusted with the task of supporting cultural and creative industries in developing countries, particularly in Africa, through financial programmes. Integrating cultural and creative industries within the broader goal of economic growth and sustainable development in the global South remains challenging.*

*We must listen to voices in the field and to cultural players, and engage with them, as well as with our partners, active in the sector, and other international donors, in order to facilitate the governance of culture in the global South (infrastructure, access to investors and international markets, training, etc.). Every day, dynamic and creative civil society organizations put culture at the heart of development. Development agencies must now contribute. Culture is the fourth pillar of sustainable development.*

**Rémy Rioux**

*Director-General of the Agence Française de Développement (AFD)*

## THE INCREASING IMPORTANCE OF THE SUBNATIONAL LEVEL: CITY AND RURAL COMMUNITY DEVELOPMENT

### TOWARDS CREATIVE CITIES

A significant trend is innovative policy and/or practice at the city level, aimed at achieving local pathways to development (see UNESCO-UNDP, 2013) although these efforts are rarely reflected in the QPRs. SDG Goal 11 is to 'make cities and human settlements inclusive, safe, resilient and sustainable'. Collaborations among public officials, cultural practitioners and citizens can strengthen both municipalities and communities and generate significant economic, social and environmental outcomes. Hence, city-level developments are critical if we are to fully understand how a country approaches development overall and its potential for successfully implementing both the Convention and the SDGs.



*A significant trend is innovative policy and/or practice at the city level, aimed at achieving local pathways to development*

Agenda 21 for Culture proposes a range of principles and policy approaches that should inform local cultural policies concerned with sustainable development. The 2016 UNESCO report *Culture Urban Future* lists over 100 case studies and provides additional insight into the myriad ways in which culture plays a role in sustainable urban development (UNESCO, 2016). It shows how cities have become laboratories that are exploring innovative ways of fostering cultural expressions and sustainable development: engaging audiences and widening the participation of local residents (Austria, Latvia); involving artists in local economic development

strategies (Argentina, Cuba); facilitating interaction between tertiary institutions and local municipalities (Mongolia); exploring the connections between arts and science (Germany, Italy); and developing new financial measures to stimulate artistic innovation (Argentina, Brazil) are some examples. Concerted efforts are also being made in cooperation with civil society. For example, in May 2017 the 'Harare, Creative City' project was launched by the Arterial Network. Harare was the first of four cities to launch an Arterial African Creative Cities (AACC) programme; it was followed by Pointe-Noire (Congo, Brazzaville), Victoria (Mahé, Seychelles) and Nouakchott (Mauritania).

### DEVELOPING CULTURAL VITALITY IN RURAL COMMUNITIES

Programmes to enhance the cultural life of rural communities reported by several Parties are important indications of whether they are really achieving regional equity and access to cultural resources by vulnerable groups. Examples include Viet Nam's measures to develop new rural cultural facilities such as community-based cultural houses and community learning centres and Canada's CULTURAT, under which cities use arts and the development of a rurally dispersed creative sector to tackle issues of inclusion and cohesion. In Zimbabwe, the IFCD funded a programme that formulated cultural strategies for the rural district councils supported by the establishment, in 2015, of the Ministry of Rural Development, Promotion and Presentation of National Culture and Heritage.



*Cities have become laboratories that are exploring innovative ways of fostering cultural expressions and sustainable development*

### GETTING CREATIVE IN EVALUATING IMPACT

Much evaluation goes on nowadays, notably regarding the impact of international sustainable development programmes. Unfortunately, the results or lessons learned from the implementation of such programmes are not sufficiently shared or publicized by the donors who undertake evaluations, sometimes at great cost and over an extended period of time.



*Better evaluation of the implementation of NDPs and NSDSs that integrate culture is also crucial*

Methods also need to be found to measure outcomes other than the economic contribution of the cultural and creative industries to development. Better evaluation of the implementation of NDPs and NSDSs that integrate culture is also crucial. An example to follow is the evaluation of Indonesia's National Medium Term Development Plan for 2010–2014, which has revealed an increase in the appreciation of arts, culture and films, the development of a national gallery, new infrastructure and human resources for 25 cultural parks and facilitation of cultural infrastructure in 3,351 schools.

Several Parties have established satellite accounts for culture, cultural observatories (South Africa's Cultural Observatory) and cultural information systems (SICSUR) to help pursue effective monitoring. However, many difficulties continue to be encountered in assessing and quantifying the contribution of culture to sustainable development. Hence, new tools to guide the construction and analysis of suitable indicators are needed. Innovative forms could also be explored, such as online/smartphone surveys, use of infographics, digital storytelling and audiovisual reporting.

Evaluations could include testimonials from participants and longitudinal impact studies using direct or participant observation, interviews or focus groups. These, in turn, could provide opportunities to reflect on both lessons learned and unintended consequences.

### DOES IMPLEMENTING THE CONVENTION CONTRIBUTE TOWARDS THE ACHIEVEMENT OF THE SDGS?

Despite the broad recognition of the links between culture and development, as well as the many efforts made by UNESCO and other international agencies, civil society organizations and cultural activists to foster fuller understanding of culture as an essential dimension of sustainable development, the 2030 United Nations Sustainable Development Agenda does not give culture a place as a standalone goal. However, it mentions culture explicitly for the first time in relation to four areas: education, economic growth, sustainable cities, and consumption and production patterns. The SDGs see cultural expression therefore as essentially an instrumentality. But the evidence gathered for this chapter<sup>12</sup> suggests that this narrow understanding is now being challenged and it is increasingly recognized that the diversity of cultural expressions can have a direct impact in the implementation of the SDGs.

12. Evidence obtained from the Quadrennial Periodic Reports (QPRs), International Fund for Cultural Diversity (IFCD) projects, UNESCO's programmes to support Parties, from artists and cultural organizations, as well as from a review of national development plans (NDPs) and national sustainable development strategies (NSDSs).

Table 8.2 highlights the actions undertaken by Parties presented in their QPRs that can contribute to the implementation of the SDGs. It demonstrates how Parties, in implementing the four overarching goals of the 2005 Convention, are in fact contributing to the realization of some ten SDG targets, whether they are explicitly aware of it or not. These already successful interlinkages between culture and sustainable development can be used to inform the next round of both NDPs and/or NSDSs.



*The diversity of cultural expressions can have a direct impact in the implementation of the SDGs*














The examples and initiatives explored above relate to the deployment of cultural resources both as *enablers* and as *drivers* of sustainable development. They all entail alignments, interconnections and intersections with broader socio economic and political conditions that challenge conventional policy making and help integrate the developmental and environmental impact of cultural activities more meaningfully into policy frameworks. To this end, the following recommendations may be made:













- Parties should work collaboratively across all sectors of government and civil society, so as to articulate their cultural and development policies with the SDGs effectively as well as with ODA cultural cooperation strategies.

- Parties should translate national development plans integrating culture into effective long-term programmes, notably through interdepartmental coordination at all levels of government and dedicated budgets.
- Parties need to foster cultural creativity and innovation at the city, rural community and cross-border regional levels.
- Cultural understandings of environmental degradation and climate change as well as the environmental impacts of cultural production and artistic practices need to be translated into concrete action strategies.
- Much more consistent and effective evaluation and impact assessment of NDPS and NSDSs that integrate culture as well as international sustainable development programmes should be developed and made publicly available.

Table 8.2

## How the implementation of the 2005 Convention contributes to the achievement of selected SDGs

SDGs	SDG targets	Convention goals	Evidence provided in the 2016–2017 QPRs
	<b>Target 1.b:</b> Create sound policy frameworks [...] to support accelerated investment in poverty eradication actions.	 <b>Goal 3</b> INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	Cambodia's National Strategic Development Plan 2014–2018 lays out the political commitment to a socio economic development process underlying the important role of the cultural sector, including the promotion of creativity, cultural industries and cultural entrepreneurship.
	<b>Target 4.4:</b> [...] Increase the number of youth and adults who have relevant skills [...] for employment, decent jobs and entrepreneurship.  <b>Target 4.7:</b> By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including [...] global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.	 <b>Goal 3</b> INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS   <b>Goal 3</b> INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	Chile's 'CECREA Programme' (2015) promotes the development of creative learning processes and the generation of creative skills for young people; it involves the arts, sciences and technologies among other crossovers.  Viet Nam's 'Develop Cultural Life in the National Targeted Programme on New Rural Construction period 2010–2020' provides a system of cultural facilities such as community-based cultural houses and community learning centres for people in rural areas.
	<b>Target 5.c:</b> Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.	 <b>Goal 4</b> PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS	Brazil's 3rd National Plan of Women's Policies (2013–2015) promotes the visibility of the cultural contribution of women in Brazilian society and women's access to cultural production, media and content.
	<b>Target 8.3:</b> Promote policies that support [...] entrepreneurship, creativity and innovation, and encourage formalization and growth of micro- and SMMEs [...].  <b>Target 8.a:</b> Increase Aid for Trade support for developing countries, in particular least developed countries, through the enhanced integrated framework for trade-related technical assistance [...].	 <b>Goal 3</b> INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS   <b>Goal 2</b> ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS	Mexico's Cultural Fund for the Arts (FONCA), a mixed-sector partnership, supports entrepreneurship, creativity and innovation, benefiting more than 1,500 projects, artists and cultural companies.  Burkina Faso's 'Free movement of artists and art crafts products' within the West African Economic and Monetary Union establishes a legal framework that recognizes the role that trade can play for development, thus strengthening the trade of cultural goods within the Union.
	<b>Target 9.1:</b> Develop quality, reliable, sustainable and resilient infrastructure, including regional and transborder infrastructure, to support economic development and human well-being [...].  <b>Target 9.3:</b> Increase the access of small-scale [...] enterprises, in particular in developing countries, to financial services [...] and their integration into value chains and markets.	 <b>Goal 3</b> INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS   <b>Goal 3</b> INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS	The East African Community's Cultural and Creative Industries bill, introduced in March 2015, aims to create an environment that promotes talents and the necessary infrastructure to develop the cultural and creative industries and to remove existing barriers.  Bulgaria's innovation strategy 2014–2020 provides support to SMMEs in the cultural sector, including technology development and innovation, entrepreneurship and access to financing.

SDGs	SDG targets	Convention goals	Evidence provided in the 2016–2017 QPRs
	<p><b>Target 10.a:</b> Implement the principle of special and differential treatment for developing countries, in particular least developed countries, in accordance with WTO agreements.</p> <p><b>Target 10.2:</b> By 2030, empower and promote the social, economic and political inclusion of all irrespective of age, sex, disability, race ethnicity, origin, religion or economic or other status.</p>	 <p><b>Goal 2</b> ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS</p>  <p><b>Goal 3</b> INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS</p>	<p>The EU's many trade agreements, such as with CARIFORUM and the Republic of Korea, include a Protocol on Cultural Cooperation to grant preferential treatment – including on the mobility of artists, the negotiation of co-production agreements and preferential trade access for audiovisual works.</p> <p>Slovakia's Grant Scheme for the Culture of Disadvantaged Sections of the Population provides financial support to projects that promote the cultural rights of persons with disabilities and other disadvantaged sections of the population.</p>
	<p><b>Target 11.3:</b> By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.</p>	 <p><b>Goal 3</b> INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS</p>	<p>Indonesia's Creative Cities Network (ICCN) works through collaboration among government, academia, community organizations and businesses, and provides opportunities for stakeholders to participate in and promote inclusive city development.</p>
	<p><b>Target 12.5:</b> By 2030, substantially reduce waste generation through prevention, reduction, recycling and reuse.</p>	 <p><b>Goal 3</b> INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS</p>	<p>Finland's Culture Environment Strategy is a joint initiative of the Ministries of Environment, Culture and Education. It creates the conditions for a comprehensive cultural environment policy to strengthen the values and protection of the cultural environment and the management of changes and risks.</p>
	<p><b>Target 16.7:</b> Ensure responsive, inclusive, participatory and representative decision making at all levels.</p> <p><b>Target 16.10:</b> Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.</p>	 <p><b>Goal 1</b> SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE</p>  <p><b>Goal 4</b> PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS</p>	<p>Costa Rica's National Cultural Rights Policy promotes the exercise of cultural rights and the effective participation of individuals, groups and communities in national cultural life. It has ensured participatory decision making using a broad participation, consultation and validation process involving 3,000 people.</p> <p>Sweden's strategy for equal rights and opportunities ensures that cultural institutions provide the conditions for a shared society founded on freedom of expression. Their work paves the way for an open, inclusive and democratic society.</p>
	<p><b>Target 17.19:</b> [...] Develop measurements of progress on sustainable development [...] and support statistical capacity building in developing countries.</p>	 <p><b>Goal 3</b> INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS</p>	<p>Santos (Brazil), a UNESCO Creative City, has elaborated a monitoring framework of creative economy indicators, based on the Convention's framework, which assesses the importance of culture and creativity in sustainable urban development. The recently created Creative Economy Observatory will regularly update the indicators.</p>







Goal 4

# PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS



*We need a public sphere in which we can all express and defend our ideas, where we can reach new understandings of what it is to be human and build a future that includes us all*

**Deeyah Khan**

Film Director and UNESCO Goodwill Ambassador for Artistic Freedom and Creativity



Goal 4

# PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS



Respect for human rights and fundamental freedoms of expression, information and communication is guaranteed as a pre-requisite for the creation and distribution of diverse cultural expressions

# 2018 REPORT CARD

International and national legislation related to human rights and fundamental freedoms is implemented and promotes both artistic freedom and the social and economic rights of artists

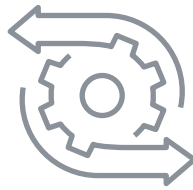
## Gender equality

## Artistic freedom



### SUCCESSSES

- Awareness of the importance of promoting gender equality in the cultural sector
- Number of measures to support the economic and social rights of artists, especially in Africa
- Number of cities providing safe havens for artists at risk



### CHALLENGES

- Women are severely under-represented in key creative roles and decision-making positions
- Women have less access to funding and face substantial pay gaps
- Rise in reported attacks against artists and audiences
- Growing digital surveillance and online trolling threaten artistic freedom



### RECOMMENDATIONS

- Integrate a gender perspective in cultural policies
- Support women's access to decision-making positions in the creative sector
- Establish systems to monitor artistic freedom violations
- Repeal defamation, insult and blasphemy laws

### DATA REQUIREMENTS



- Women working in cultural occupations and industries
- Sex-disaggregated data on salaries, fees, prices
- Participation of women in cultural life
- Violations of artistic freedom



# Gender equality: missing in action

Ammu Joseph

### KEY FINDINGS

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- »»» *A multifaceted gender gap persists in almost all cultural fields in most parts of the world. Women are not only severely under-represented in the workforce, particularly in key creative roles and decision-making positions, but they also have less access to resources and face substantial pay gaps.*

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- »»» *The disparity is not widely recognized but needs to be acknowledged and tackled if true diversity of cultural expressions is to be achieved.*

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- »»» *The 2005 Convention cannot be properly implemented without actively promoting gender equality among creators and producers of cultural expressions as well as among citizens in terms of access to and participation in cultural life.*

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- »»» *The gender equality goal set by the Convention calls for both specific measures and, equally importantly, the integration of a gender perspective into all cultural policies and measures.*

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- »»» *Systematically collected, sex-disaggregated national and global data is urgently required to clarify the situation, increase awareness and understanding, inform policies and plans, and enable monitoring of progress towards gender equality in cultural expressions.*

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- »»» *Diversity of cultural expressions will remain elusive if women are not able to participate in all areas of cultural life, as creators and producers and as citizens and consumers.*

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## A GENDER GAP PERSISTS IN CULTURE



Women



are under-represented in key creative roles

Films directed by women, in Europe



Billboard's 2017 power 100 list

15 women



work mainly in certain cultural fields



Cultural education and training

60%



Audiovisual and interactive media

26%



Books and press

54%



Design and creative services

33%



are more likely to work part-time



Women

27.7%



Men

17.5%



earn less than men

75¢

for every dollar earned by male museum directors in North America



Funding granted for films directed by women in Europe

16%



are outnumbered in decision-making positions

34%

of Ministers for Culture are women

31%

of National Arts Council directors are women

## WHILE PROGRESS IS BEING MADE, MORE ACTIONS ARE NEEDED TO:



Integrate a gender perspective into all cultural policies and measures



Increase availability and quality of sex-disaggregated data



Ensure equal access to funding and opportunities



Support women as creators and producers of contemporary cultural expressions

## CORE INDICATORS

Legislative framework guarantees gender equality in cultural arena

Policies and measures support women as creators and producers of cultural goods and services

Policies and measures promote the opportunity for women to access cultural activities, goods and services

### INTRODUCTION

In November 2016, Austria's Parliament adopted a non-binding resolution calling on the government to introduce a package of measures to promote gender balance in the country's film industry. The move was widely attributed to the successful efforts of 'FC Gloria – Frauen Vernetzung Film', a network of women in the Austrian film and audiovisual industry – to highlight the current, skewed representation of men and women in the field.

Although women constitute approximately 40% of the students attending the Film Academy Vienna, they remain under-represented in the industry. Women comprise only a quarter of all Austrian film directors and screenwriters, and their presence is even lower in film production. FC Gloria's analysis of the distribution of funding resources among women and men in three central creative roles – scriptwriter, director and producer – between 2011 and 2015 revealed an indisputable gender discrepancy. Only 22% of all public funding for cinema was allocated to films with female directors, writers or producers. The disparity was even higher in films made for television, with just 12% of the funds allocated to projects involving a woman in at least one of the three central creative positions. In a prompt effort to remedy the situation with regard to film production, the Austrian Film Institute initiated, in 2015, a week-long workshop followed by a longer period of mentoring to support Austrian women film producers. The second edition took place in Vienna in March 2017. In December 2015, the Vienna Film Fund, the country's largest

regional film funding agency, introduced into its regulations criteria designed to correct gender-based imbalance in access to resources, especially in the television segment. The fund has also extended its sex-disaggregated data analysis to go beyond the proportion of women and men involved in approved film projects and examines the quantum of funds granted to such projects.

Austria is not the only country to report such constructive efforts. Apart from Sweden, with its pioneering, celebrated work in this area (Box 9.1), Brazil, Canada, Georgia, Germany, New Zealand and Norway have also reported on film-based projects focusing on gender equality in their Quadrennial Periodic Reports (QPRs) submitted in 2016–17.

The abundance of film-centred measures is not surprising. The film industry is arguably the most high profile of all the creative industries, with considerable cultural, social as well as economic clout and potential. Film is also a powerful medium that in many ways both reflects and shapes society and culture. Diversity is crucial to the film-making process if cinema is to reflect the experiences and perspectives of different sections of society, including women and LGBTQI.<sup>1</sup> The pervasive gender imbalance and stereotyping in cinematic content have received critical attention over several decades. More recently, attention has been drawn to gender inequality within the industry. Women are not only severely under-represented in the workforce, particularly in key creative roles and decision-making positions, but they also have less access to resources and face substantial gender pay gaps.

1. Lesbian, gay, bisexual, transsexual, queer, intersex

In recent years even top-level stars among female actors – from Hollywood to Bollywood and in between – have publicly spoken out about unequal remuneration. This situation is regrettable in itself and it cannot but have a deleterious impact on content.



*Women are not only severely under-represented in the workforce, particularly in key creative roles and decision-making positions, but they also have less access to resources and face substantial gender pay gaps*

### MIND THE GAP!

Fortunately, gender inequality in films appears to be receiving closer attention now. One reason is that data establish beyond doubt the persistence of disturbing disparities based on gender as well as other factors. For example, a pan-European<sup>2</sup> study revealed significant under-representation of women among directors, even though an almost equal number of women and men graduate from film schools (European Women's Audiovisual Network, 2016). While 44% of the directors graduating from film schools and entering the film industry is female, women make up less than a quarter of those actually working as directors (24%).

2. The study covered seven countries: Austria, Croatia, France, Germany, Italy, Sweden and the United Kingdom.

**Box 9.1 • Sweden's FiftyFifty goal in the audiovisual sector**

*It was in 2013, during the 50th anniversary of the Swedish Film Institute (SFI), that Anna Serner, its chief executive officer, announced the now famous 'FiftyFifty by 2020' goal at the Cannes Film Festival. Amazingly, the goal was achieved well ahead of time, by 2015, making Sweden the first country in the world to achieve gender parity in government financing for films. This remarkable achievement resulted from a systematic strategy that identified the most common misconceptions that rationalize the poor presence of women in the film industry, especially in key creative roles, and devised action plans targeting each one of these. Among the initiatives included in the strategy were: a website called Nordic Women in Film to make female film-makers in the region more visible; a mentoring programme known as 'Moviement' aiming to help women film-makers develop leadership skills and career strategies; several projects to strengthen acceptance of equality among young film-makers, both male and female; and reinforcement of the ongoing monitoring of funding decisions.*

*Challenging the idea that the focus on gender equality compromises quality, Serner points out that SFI-funded films are featured in international film festivals more than ever and are also winning more prizes – and that many of these films are made by women. She believes that the more the variety of voices telling stories through cinema and the more films mirror society in all its diversity, the better the quality is likely to be. She does not believe in quotas as the solution to gender imbalance. 'We don't do quotas,' she maintains, explaining that the priority criterion for funding decisions is always quality.*

*Since one in five feature length films released in Swedish cinemas is made with private funding, the SFI is working on a collaborative research project to study structures and systems within the industry as a first step towards promoting more widespread recognition and acceptance of the need for change. The SFI also supported and promoted the incorporation of the Bechdel Test in Swedish cinemas and TV programming. In 2013, four cinemas in Sweden took the lead to introduce a new rating to highlight gender bias or, rather, the absence of it, in movies, based on the test. Others have followed their example, as have some television channels. As part of the continuing work to promote gender equality, the SFI announced a new action plan in July 2016, entitled Goal 2020: Gender equality in film production, both in front of and behind the camera.*

Source: Sweden QPR (2016).

Only one in five films is directed by a woman and only 16% of the funding goes to films directed by women. The study also found that although a higher proportion of female-directed films was screened at both national and international festivals in 2013, winning more awards than films directed by men, they remained significantly under-represented in A-list festivals.

A study in the United Kingdom threw up similar findings (Follows and Kreager, 2016). Examining a sample of over 2,500 films released over a decade (2005–2014), the researchers found that only 13.6% of working film directors were women; there was only a marginal increase during that period.

The study also found that female directors tend to get fewer films to direct in the course of their careers and that, as budgets rise, fewer female directors are hired.

The data from Europe and the United Kingdom are reinforced and amplified by studies conducted in the United States of America. Four recent publications from the Annenberg School for Communication and Journalism at the University of Southern California suggest that not much has changed in the last decade.<sup>3</sup>

3. Reports of previous USC Annenberg research on the subject are available here: <http://annenberg.usc.edu/pages/DrStacyLSmithMDSchl#previousresearch> (Accessed 7 May 2017.)

According to the latest, the prevalence of female directors across top-grossing movies was a mere 4%, a male-to-female ratio of nearly 24:1 (Smith, Pieper and Choueiti, 2017). Only 5.7% of unique/individual directors working on these films comprised women, translating into a gender ratio of almost 17:1. There has been no meaningful change over the decade. Furthermore, only three black women, two Asian women and one Latina have worked as directors on such films during the same period. Film distribution presented a similarly bleak picture.

Data about the situation in other cultural fields are not as plentiful but there is enough information to establish that gender equality is still a distant goal in most of them as well. Even in countries where equal access to education and training has long been the rule, equality in professional artistic practice – in terms of access, opportunity and recognition – remains elusive. Women continue to be under-represented in certain cultural professions and in top decision-making positions. Gender-based variations in salaries, fees and prices persist.



*Even in countries where equal access to education and training has long been the rule, equality in professional artistic practice remains elusive. Women continue to be under-represented in certain cultural professions and in top decision-making positions*

In the United Kingdom, the gender pay gap in the arts is reportedly greater than the national average, with women earning substantially less than men at similar stages in their careers, despite being better educated. Although women in full-time salaried work in the sector outnumbered men by 2:1 in 2014, men's average earnings were higher than women's in almost every type of job, art form, region and age group (Hill, 2015).



Women held less than half the top jobs (42.6%) in North American art museums in 2014, even though there had been an upward trend from 32% in 2005 (Gan et al., 2014). The average female director's salary continued to lag behind that of the average male director's. Interestingly, the leadership and pay gaps were concentrated in the largest and best endowed art museums, with budgets over US\$15 million. Disparities are evident at every level and aspect of the visual arts: gallery representation, auction price differentials, inclusion in permanent collection displays and solo exhibition programmes, presence at major international art events, press coverage and, of course, awards.

In the United Kingdom, while female fine arts graduates tend to outnumber males, a 2013 survey revealed that of the more than 3,000 artists represented by 134 commercial galleries in London, less than a third (31%) were women (Sedghi, 2013). Only seven women have won the prestigious Turner Prize in 32 years, although the fact that five have done so in the last ten years could indicate a positive trend towards neutralizing gender bias. In 2016, 383 European museum directors were invited to respond to 14 questions about diversity: only a quarter replied (Jansen, 2016). Of those, only two reported that their collections included over 40% female artists. Poland's collections appeared to have a relatively strong representation of women artists; this could be because all but one of the country's museums that responded to the survey had female directors. In Spain, 7 out of 21 museums admitted that women artists constituted less than 20% of their collections. Among the museums that responded, nine acknowledged that their programmes did not feature any gender non-conforming artists.

The story is not very different in other fields of cultural expression, including the performing arts. According to a 2016 press release from a theatre advocacy group in the United States of America, 'Regional surveys routinely show significant bias towards the production of plays by male-identified authors. In three widely-discussed surveys of plays

produced in the 2012–2013 season, only 10.5% on Broadway (New York), 21% in Washington, D.C., and 22% in Los Angeles were written by women' (Cote, 2016). Box 9.2 offers an example of how change can be brought about through public pressure.

An annual list of the most powerful people in the music business is equally revealing. The 2017 Billboard Power 100 list featuring some of the music industry's greatest 'visionary label bosses, tech gurus, artist managers and media moguls' included only 15 women, none of them among the top 10 (Makers Team, 2017). Only six women had their own standalone slot; the rest made it as part of a team. Yet, at the lower and middle levels of the music industry, there is far more diversity than the annual Power 100 lists imply. The music industry in West Africa

is also marked by gender disparities, with women accounting for less than 30% in most music-related jobs. Among those who do have jobs, 90% of costume designers or hairdressers are women, and of 60% choreographers are as well (UNESCO Office in Dakar, 2016). Among performers, most women are singers and dancers; few are instrumentalists, although Guinea is evidently an exception thanks to a long-term, proactive policy.

Much of the readily accessible data are from North America and Europe. This clearly indicates a global data gap that needs to be quickly narrowed, if not eliminated. However, the chances are that the tenacious gender inequality and enduring lack of diversity in the cultural arena revealed by research in the global North are likely to be the reality in the global South as well.

### Box 9.2 • #WakingTheFeminists

*It all began in October 2015, when the Abbey Theatre, the national theatre of Ireland, launched its programme to mark the centenary of the 1916 Rising (leading to Irish independence), titled 'Waking the Nation'. Only one out of the ten plays in the centenary programme was written by a woman and just three of the ten were to be directed by women. Furious responses from leading women in theatre led to an animated conversation on Twitter and Facebook under the hashtag #WakingTheFeminists (#WTF). A couple of weeks later, an unprecedented gathering of theatre professionals and members of the theatre-loving public launched the #WakingTheFeminists movement. Eventually, the Abbey Theatre acknowledged the problem and pledged to develop new policies and plans to ensure gender equity.*

*#WakingTheFeminists expanded their campaign, calling on the boards and artistic directors of other publicly funded theatres across the country to pay more attention to gender balance. On International Women's Day in March 2016, seven theatres committed to change their working practices to promote gender equality on and off stage, within their administrative offices and on their boards. In August 2016, the Abbey Theatre unveiled eight guiding principles for gender equality that had been adopted by their board. It also appointed a #WakingTheFeminists member to its board and the rest of their 2016 season was clearly more inclusive of women. Meanwhile, the Gate Theatre, the second largest national theatre, announced the appointment of their first female artistic director.*

*#WakingTheFeminists triggered change not just in theatre but across all the arts in Ireland. For example, in December 2015 the Irish Film Board published a six-point gender equality plan aiming to achieve 50/50 gender parity in funding over the following three years. In October 2016, #WakingTheFeminists received a grant from the Irish Arts Council to conduct research on gender diversity in theatre. Preliminary figures from the project, covering ten years of productions for the top ten publicly funded theatre companies in the country, revealed that women made up just 17% of the playwrights, 20% of the directors, 34% of the designers (across all design categories), and 37% of the casts. The final report of the study, Gender Counts: An Analysis of Gender in Irish Theatre 2006–2015, was released in June 2017.*

*Source: [www.wakingthefeminists.org/research/](http://www.wakingthefeminists.org/research/)*

## WHY BOTHER ABOUT GENDER?

Cultural expressions in various forms – cinema, the performing arts, the visual arts, literature, design – influence perceptions about gender identity and gender relations and therefore, inevitably, have an impact on gender equality, directly or indirectly. If there is gender imbalance among the creators of culture, there is bound to be gender imbalance in the content of culture. Uneven representation of men, women and those who identify as other genders in cultural industries and their creative output militates against cultural diversity. If cultural production is disproportionately controlled by men, the output will naturally tend to reflect male points of view. The resulting skew in the experiences and perspectives mirrored in cultural expressions of various kinds cannot but lead to distorted notions about gender identity, gender relations and, ultimately, gender equality. Any quest for cultural diversity that does not address questions of gender is therefore bound to be a non-starter.



*If cultural production is disproportionately controlled by men, the output will naturally tend to reflect male points of view*

The 2005 Convention recognizes this important fact. As outlined in the 2015 Global Report, both the letter and the spirit of the Convention uphold the principle of gender equality as a cornerstone of human rights in general and cultural rights in particular. The preamble highlights the Convention's potential for the enhancement of the status and role of women in society. The Convention's first guiding principle is respect for human rights and fundamental freedoms – rights and freedoms to which human beings of all genders are entitled. Article 7, the Convention's first substantive Article, highlights the need to pay heed to women.

The Operational Guidelines linked to it specifically state that cultural policies and measures aiming to promote diversity in cultural expressions must foster the full participation and engagement of all members of society, including women. The Convention advocates action at several levels to ensure that various disadvantaged groups are able to not only fully participate in social and cultural life but also to create, produce, disseminate, distribute and have access to their own cultural expressions. The inclusion of women (and other underprivileged groups) is critical for the successful implementation of virtually all the goals of the Convention.

The 2015 Global Report proposed a set of three indicators as a first step towards documenting and evaluating progress in meeting these goals. These indicators are relatively simple tools meant to help governments and other stakeholders assess the existing situation with regard to gender equality in the cultural arena, track movement towards securing women's cultural rights, and draw attention to action required to further promote and protect the diversity of cultural expressions with regard to gender. The means of verification suggested for each indicator are also fairly straightforward and relatively simple to assemble. This is discussed in more detail later in this chapter.

## GENDER AND THE QUADRENNIAL PERIODIC REPORTS

A review of the QPRs submitted by 62 States Parties since 2015 reveals that the majority have yet to fully appreciate what gender equality means in the context of the 2005 Convention (even though practically all the reports list measures that involve women). There are, of course, notable exceptions to the rule, and some of them include exemplary measures to address gender issues in cultural professions. Our attempt to understand the marked difference between the minority and the majority in this context yielded an observation and a supposition.



*The inclusion of women is critical for the successful implementation of virtually all the goals of the Convention*

The observation is that the countries that appear aligned with the Convention with regard to gender equality obligations are primarily those that have, over the years, incorporated gender equality into their cultural policies and/or have a history of prioritizing gender equality in society as a whole. Conviction is clearly required for a government to effectively operationalize the concept of gender mainstreaming. Sweden's QPR outlined the expansion of the government's gender mainstreaming programme to 60 agencies, including five cultural bodies, in order to ensure that their work contributes to fulfilling the goal of gender equality in their respective spheres of operation. Not only must decisions in all policy areas be characterized by a gender equality perspective, but plans outlining goals and activities have to spell out how gender equality objectives are going to be achieved. The seemingly simple step of mandating public cultural institutions to keep gender equality in mind in all plans and actions can have far-reaching, positive effects – and it does not require a great deal of resources. Conviction is also demonstrated when policies and plans are backed up with support in the form of financial and other resources. If the remarkable achievements of the Swedish Film Institute, for example, are widely recognized and applauded today – even in the most commercially oriented of global film forums – it is at least partly because of timely and targeted funding support from the government for the effort to improve gender equality in the country's film industry.

The supposition is that it is possible to integrate gender equality into the process of implementing the Convention even in the absence of such historical precedent, especially in the cultural sphere, as long as the task is approached with sincerity and determination.



For example, the high-level commitment to the process of 'laying the foundations for gender equality in the cultural sector' outlined in Germany's QPR was not only admirable but astounding: a public hearing before the parliamentary committee on cultural and media affairs in November 2015 to elicit ideas on how to achieve this, followed by a government-funded study to gather fresh data on women in culture so that policies and projects can be based on facts. The main aims and expected results of the measure addressed both broad, structural objectives and explicit, sector-specific goals. But what stood out as unique was the stated acknowledgement that some changes require political will and action.

As mentioned earlier, most QPRs submitted in 2016–17 did include at least one measure related to gender equality. That is certainly an encouraging development. However, the nature of many of these initiatives indicates that the relevance of gender equality to the Convention, and the rights and obligations of Parties under it, is not entirely clear to all. For example, several Parties included laws, policies, strategies and/or action plans to promote gender equality. However, the descriptions of these undoubtedly welcome but broad initiatives contained only sketchy references to culture and the promotion of gender equality within the cultural arena, if at all. All these measures could easily be tweaked to address the need to bring about gender equality in the cultural sector. Similarly, some Parties drew attention to the setting up of institutions for women or gender equality. Others reported the establishment of a national Year of Women. Both sets of worthwhile initiatives would be more relevant to the Convention if they addressed the question of how to promote women's participation and progress in cultural activities and professions.

At another level, some of the reported measures reflect a somewhat instrumental view of culture. All efforts to harness the power of culture to promote gender equality and to tackle problems such as gender-based violence through the arts are, of course, to be appreciated.



**L**ack of equal opportunities between women and men has a long tradition, alas, and arts and culture are no exception. For centuries, women's artistic talents have been completely sidelined – for far too long, they have been assigned the role of the muse, permitted at best to serve as inspiration for male artists. Even today, arts and culture do not live up to their reputation and self-image of society's avant-garde when it comes to gender equality. In a study by the German Cultural Council last year, funded from my culture budget, I provided clear evidence to support the feeling that equality in this area leaves much to be desired: women continue to be markedly underrepresented in the upper ranks of cultural institutions, media companies, cultural associations, and on the art market. These findings prompted me to bring high-level protagonists together at a round table to jointly develop measures for more equality of opportunity. One of the measures adopted by my administration is a 'Women's Project Officer for Culture and the Media', based at the German Cultural Council. This contact and counselling point, funded from my budget for three years, will assist in rapidly translating the results of the 'Round Table' into concrete action. In the third millennium, it should go without saying that female artists get their due: better opportunities for advancement, a greater say in committees and juries, fair pay and a better balance between work and family. Fortunately, it is becoming clearer that this is not just about equality, but also about artistic, cultural and media diversity and an increase in perspectives and potential. Through its commitment to this cause, German cultural policy is also making an important contribution to implementing the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

**Monika Grütters**

Minister of State for Culture and the Media, Germany

So are initiatives to applaud the achievements of female creators of culture. However, it is equally important to introduce measures based on the understanding that cultural rights are important in themselves and that everyone, irrespective of gender, is entitled to them.

Another set of women-oriented measures reported in some QPRs focused on activities traditionally associated with women, such as craft, food, textiles and clothing. There is no doubt that large numbers of women are engaged in creating these important aspects of cultural heritage and that they both contribute to and gain from such occupations. Women who work in these culturally and economically significant sectors certainly deserve encouragement and support. However, there is clearly a problem if these are the only areas of cultural expression and production in which women are encouraged to participate. Measures that make it possible for a wide range of women to enter and thrive in any field of creative expression and artistic production are vital for the implementation of the Convention.

## GENDER EQUALITY AND THE 2005 CONVENTION

Accordingly, the promotion of gender equality under the 2005 Convention should primarily involve the following:

- recognition and encouragement of women and those who identify as other genders as creative persons;
- removal of any impediments in their paths towards producing, providing or enjoying cultural goods and services;
- provision of equal opportunities and equitable conditions to enable them to participate and advance in cultural occupations and industries of their choice; and
- inclusion of women and other genders in the process of implementing the Convention.

However, at present these ingredients are largely missing from most reported efforts of many Parties to implement the Convention.



*It is equally important to introduce measures based on the understanding that cultural rights are important in themselves and that everyone, irrespective of gender, is entitled to them*

For example, few cultural policies described in the QPRs mention women or gender equality. Even those that do refer to fundamental rights and freedoms, equality, equal access, cultural diversity, and so on, appear to do so mainly in the context of ethnic and linguistic communities. Women are evidently not widely seen as one among the 'various social groups' mentioned in the Convention; nor is it acknowledged that women belong to almost all such groups and that gender often impacts their status, roles and opportunities within them. Young people are usually mentioned, but with no reference to gender categories among them, even though it is well known that girls and young women face special challenges on account of gender, as do LGBTIQI youngsters. This is the case with regard to most measures reported in the QPRs.

There is also little appreciation among Parties of the importance of ensuring that financial and institutional measures factor in gender equality and balance. Yet measures such as subsidies for films, efforts to promote the country's culture abroad, festivals/competitions/celebrations and other such cultural events, awards, pensions for artists and other creative professionals, and the like, need to be inclusive and equitable.

Furthermore, while the designated section for measures to promote gender equality did result in more references to women and gender equality in this set of QPRs than in previous reports, it seems to have also resulted in a ghetto effect – as if listing some measures there meant that the rest of the report could legitimately be gender-blind.

Even countries one would expect to be relatively gender-aware (judging by their general record on gender equality) did not refer to women in the context of several other measures mentioned in their reports that could and should be used to promote gender equality.

Finland, one among the Nordic countries that are widely seen to be near the top of the league of nations with regard to gender equality, admitted in its QPR that gender had not been part of the arts or cultural policy discourse in the country. While this was surprising, it was also heartening because, besides accepting this as a problem, they have gone on to take action towards addressing the gap.

Argentina's QPR, which included several interesting measures, did list women among the individuals and social groups targeted as possible beneficiaries of several 'general' measures. At the same time, the one measure it placed in the designated gender equality section of the report did not come across as particularly well thought through.

On the other hand, the one measure listed in the designated section in Kenya's QPR was a commendable initiative: the Uwezo Fund, which provides youth and women with access to grants and interest-free loans, as well as mentorship opportunities. Similarly, Kenya Vision 2030 recognizes that the cultural and creative industries can create new opportunities for both youth and women. However, the report boasted a number of other noteworthy measures that would be all the more effective in promoting the diversity of cultural expressions if they ensured the inclusion of women. For example, the Kenya Music and Drama Festivals and the Churchill Comedy Show could benefit from a more conscious attempt to be gender-inclusive. Similarly, the regulation requiring that 40% of broadcast content be locally produced could be made more supportive of diversity by requiring gender balance among producers. Box 9.3 shows an example of action to promote female leadership in the cultural sector.

### Box 9.3 • *Leading by example*

*The idea of an African Women Cultural Leadership (AWCL) programme was first explored in 2015 during a symposium initiated by Artwatch Africa, with participants from eight African countries. Since the African creative sector, in which women participate in large numbers, lacked women at the senior management and leadership levels, a mentorship programme 'by women, for women' was seen as a positive first step towards addressing the twin problems of stagnation for female cultural professionals and skewed leadership for the sector as a whole. The AWCL programme was meant to unlock opportunities for women in cultural occupations and enable them to grow into leadership roles. The process was expected to also help realize the full potential of the creative sector and thereby strengthen the continent's cultural and creative industries. It aimed to address the multiple barriers that have traditionally discouraged women from taking up leadership positions within Africa's cultural industries, such as stereotypical notions of female roles and safe spaces; gender discrimination and sexual harassment; social stigma; the double burden of family and domestic responsibilities with professional demands; exclusion from male-dominated networks of influence; paucity of role models and skill development opportunities; lack of access to funding and other resources; and lack of recognition and low self-confidence.*

*A pilot mentorship project was launched in Kenya in May 2016. Ten mentees were selected and teamed in pairs with five well-known mentors from their respective fields. The mentees benefited from individual mentoring, group training (in areas such as fundraising, advocacy and networking, building self-confidence and public speaking, cultural entrepreneurship), practical assignments, public seminars, networking events and individual assessments.*

*Despite the inevitable teething problems that most pilot projects encounter, all the mentees eventually felt that they had benefited, especially in terms of improving their personal and professional brands, developing self-confidence, improving specific skills, learning about team work and leading a team, launching or expanding their own enterprises, creating employment, starting projects to help others, finding funding opportunities and new partners, being more realistic and doing more research, gaining visibility within the sector, and/or gaining access to networking opportunities.*

Source: Arterial Network (2016).

Meanwhile, it was perturbing to discover that the QPRs of the 11 countries where special workshops had been held to assist in the preparation of the reports were also lacking in gender perspective. This suggests that gender blindness is an endemic problem within the cultural sector around the world.

A documentary review of international organizations and national institutions in five European countries<sup>4</sup> in 2013–14 indicated that organizations and institutions working for equality between women and men tend to neglect the cultural dimension among their areas of concern, while those working

4. Albania, Denmark, Italy, Norway and Spain

on cultural matters often ignore the gender perspective (Castillo Barrios, 2014) Clearly there is much to be done to promote the addition of a gender perspective to work on artists, cultural diversity and cultural occupations and industries, and a cultural perspective to work on gender equality and women's rights and empowerment. At present, both appear to be proceeding on parallel tracks that rarely converge.

### CONNECTING THE DOTS

Parallel tracks are also discernible in approaches to the various themes brought together in the 2005 Convention.

However, this Global Report marks a beginning towards linking the four goals and diverse policy fields through which the implementation of the Convention is being monitored with gender equality. Some of the gender dimensions of five themes explored in the Report are highlighted here.



*A large percentage of temporary workers who do not enjoy company benefits were found to be female*

### PUBLIC SERVICE MEDIA

There is little doubt that public service media in many parts of the world still have a long way to go towards gender equality. A 2013 survey of public broadcasters in six countries<sup>5</sup> revealed substantial under-representation of women in senior editorial and management positions. A large percentage of temporary workers who do not enjoy company benefits were found to be female. A follow-up investigation into the representation of gender and other issues relating to diversity in the programming of public radio and television in eight countries<sup>6</sup> (Gober and Nastasia, 2015) revealed little diversity in terms of producers of content, types of formats and content or languages. Men accounted for the majority of those who speak in the public media; only 37% of the speaking characters were women and no character was identified as transgender.

In July 2017, the British Broadcasting Corporation (BBC) – arguably the world's premier public service broadcaster – revealed that only a third of the 96 top earners among its personnel were women; there were just two women among the 14 highest paid on-air presenters and the top seven were all men.

5. Cambodia, India, Kenya, Moldova, South Africa and Tanzania.

6. Cambodia, India, Kenya, Moldova, Poland, South Africa, Tanzania and the United States of America.

The difference in the average earnings of men and women at the BBC was 10% (albeit lower than the United Kingdom's 18% average). If this is the situation at the BBC, which has long prided itself on efforts to promote diversity, the chances are that such disparities exist in other public service broadcasting around the world, too.

## THE DIGITAL ENVIRONMENT

The gender gap in the digital environment has received considerable attention. Yet women's access to digital technology and all the opportunities that it offers in many areas of life, including artistic pursuits and creative enterprises, remains constrained. Recent reports suggest that, while the digital divide as a whole is slowly diminishing, the gender digital divide is increasing. For example, the global internet user gender gap actually grew from 11% in 2013 to 12% in 2016; this means that there were over 250 million fewer women online than men that year (International Telecommunication Union, 2016). The gap was found to be highest in the Least Developed Countries (31%) and Africa (23%). And, these statistics only capture internet user rates.



*Women's access to digital technology and all the opportunities that it offers in many areas of life, including artistic pursuits and creative enterprises, remains constrained*

The bigger picture is equally discouraging: women are not only less connected, but benefit less from digital literacy and skills training, are less likely to get hired by tech companies (even if hired they are likely to earn less than male colleagues) and are under-represented in tech conferences and events. They are also largely missing in decision-making positions. For instance, the number of tech company boards with no women reportedly increased in 2017 (Startup Outlook report, 2017).

Leading into 2017, 70% of start-ups reported having no women on their boards (up from 66% the year before), and more than half (54%) had no women in executive positions. Gender-based segregation of jobs as well as gender pay and career development gaps and, of course, the much-discussed 'bro culture' are other issues that need to be tackled.

In addition, there is the growing use of digital technologies to commit crimes, issue threats or perpetrate acts of harassment or violence based on misogyny, homophobia and transphobia. Women writers and artists are disproportionately the targets of cyber-violence, cyber-bullying, cyber-harassment, cyber-stalking and hate speech, and many opt out of an active presence online, especially on social media, in order to protect themselves. Female artists who use the internet to promote their own work often have to endure aggressive online harassment, especially if their art focuses on their sexuality or their identity. As a recent article put it, 'Online, the female artist is both the target and the heroine, navigating the murky waters of our new digital reality' (Michael, 2016).

## PARTNERING WITH CIVIL SOCIETY

There is little indication in the QPRs of the gender composition of civil society organizations (CSOs), their representatives and other individuals involved in the implementation of the 2005 Convention. Interestingly, nearly 43% of the CSOs that responded to the online survey on civil society participation, conducted for this Global Report, appeared to think that there was not enough emphasis on supporting women and other marginalized groups to participate in the policy-making process (see Chapter 4). A slightly higher proportion (44%) admitted they had not initiated or been involved in any projects or processes to promote gender equality among creators/producers of cultural goods and services or in terms of participation in cultural activities.

However, it is encouraging that 56% of the respondents reported that they had. Some of these initiatives could be replicated on a larger scale by governments and/or national cultural institutions as part of their efforts to implement the Convention.



*Women writers and artists are disproportionately the targets of cyber-violence, cyber-bullying, cyber-harassment, cyber-stalking and hate speech*

## GENDER, CULTURAL DIVERSITY AND SUSTAINABLE DEVELOPMENT

It is often assumed that only one of the Sustainable Development Goals (SDGs) relates to gender: SDG 5 – Achieve gender equality and empower all women and girls. However, many (if not most) other SDGs cannot be effectively met without keeping in mind women and girls, who constitute more than half the world's population. Further, these SDGs are not restricted to the most obvious ones such as those relating to poverty, hunger, health, education, clean water and sanitation.

For example, SDG 4 (especially Target 4.4)<sup>7</sup> is very much related to gender equality. Education and training initiatives setting out to equip unemployed youth and adults to work in cultural occupations must include women and other vulnerable social groups. Otherwise they will not be truly inclusive and equitable; nor will they tap the potential of the female half of the population to contribute to cultural diversity as well as the economy.

7. By 2030, substantially increase the number of youth and adults who have relevant skills, including technical and vocational skills, for employment, decent jobs and entrepreneurship.

The same goes for SDG 8 (especially Target 8.3).<sup>8</sup> Projects aiming to support productive cultural activities, decent job creation, entrepreneurship, and creativity and innovation through cultural industries must ensure that women and girls are encouraged to participate.

With respect to SDG 10 (especially Target 10.a),<sup>9</sup> while promoting the mobility of artists and cultural professionals from the global South, it is important to ensure that there is gender balance among those who are able to cross borders. The implementation of SDG 11 (especially Target 11.3)<sup>10</sup> must also involve female artists working in various cultural fields in participatory planning and management at the local level in cities.

As for SDG 16, every word in it calls out for the involvement of women and the promotion of gender justice and balance at all levels of planning and action. The responsive, inclusive, participatory and representative decision making referred to in Target 16.7<sup>11</sup> cannot be any of the above without the inclusion of women. Target 16.10<sup>12</sup> is clearly connected to the promotion of human rights and fundamental freedoms. Efforts to protect the fundamental freedoms of artists and cultural professionals must take into account the particular ways in which female and LGBTQI artists and performers are often targeted and censored in many parts of the world (see below and Box 9.4).

It is important to remember as well that creativity in the cultural and creative industries is an economy itself, employing

nearly 30 million people across the world and generating revenues of US\$2.25 billion (Lhermitte, Perrin and Blanc, 2015). Women are already involved in these industries but the obstacles in their paths to greater participation, equal pay, as well as opportunities for training and advancement, need to be removed.

## NO FREEDOM WITHOUT EQUALITY

Efforts to track attacks on the freedom of expression of writers, artists and other cultural professionals have only recently begun to examine such assaults through a gender lens. As a recent report pointed

out, 'When women artists are targeted it is often specifically related to their gender... Women artists should be able to express themselves artistically anywhere, without fear of reprisal or bans. Societies have a responsibility to combat social and cultural biases that prevent women and girls from becoming artists in the first place. It is equally important that women's right to access culture is respected worldwide' (Freemuse, 2017). Accordingly, any initiatives aiming to promote artistic freedom must ensure that the freedom of female artists and the freedom of women in general to participate in cultural life are also kept in mind (Box 9.4).

### Box 9.4 • Gendered attacks on artistic freedom

*Female artists and cultural workers, like their male counterparts, face challenges in the practice of the right to freedom of artistic expression. Not all of them are related to their gender. However, some specific cases of gender-related attacks were reported in 2016 by one organization tracking violations of artistic freedom.*

#### **Performers penalized for the way they dress**

*Female actor hounded from a film set by local residents who objected to her not wearing a headscarf in a previous public appearance abroad. The threat was such that she needed police protection to escort her from the area.*

*Singer imprisoned for three days for wearing 'indecent' clothes in her public performances and thus 'undermining morality'.*

#### **Women's music banned from broadcasts**

*Local radio stations warned not to broadcast songs by women by local authorities who cited that female performers are in breach of 'local custom'.*

#### **Feminist art under attack**

*Artist fined for her work featuring female genitalia after a long-running trial during which she argued that her work is feminist commentary, adding that works depicting male genitals are not penalized.*

*Mural painted by a feminist collective as a comment on violence against women and the lack of action by the state and church in addressing the issue is destroyed by attackers linked to conservative religious groups.*

#### **LGBTQI-themed films and music suppressed**

*Films with LGBTQI themes are commonly banned or subject to censorship owing to objections by right-wing, conservative and religious organizations. One striking example in 2016 was *The Danish Girl*, an award-winning, mainstream British-American movie depicting a transgender lead character that had box-office success but which was nevertheless banned in many countries in 2016.*

*Popular music that include LGBTQI performers and themes is also frequently targeted. In 2016, there were reports of a rock band being banned, and another having its performance cancelled, because they had openly gay members and lyrics. Music videos featuring same-sex themes were banned from broadcast.*

*In none of these cases was the material pornographic or obscene. They were clearly a means of proscribing artistic depictions of LGBTQI lifestyles and relationships.*

Source: Interview with Sara Whyatt (2017).

8. Promote development-oriented policies that support productive activities, decent job creation, entrepreneurship, creativity and innovation, and encourage the formalisation and growth of micro, small- and medium-sized enterprises, including through access to financial services.

9. Implement the principle of special and differential treatment for developing countries, in particular least developed countries, in accordance with World Trade Organisation agreements.

10. By 2030, enhance inclusive and sustainable urbanisation and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.

11. Ensure responsive, inclusive, participatory and representative decision making at all levels.

12. Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

**THE DATA DEFICIT**

The dearth of sex-disaggregated data in the cultural sphere is clearly an area of darkness which cries out to be urgently eliminated, as underlined in the 2015 Global Report. Without precise information, efforts to promote the diversity of cultural expressions in terms of gender are bound to be less effective than they could be if they were more evidence-based. While the availability of data is improving, disaggregation by sex is still rare. Some data relating to a few countries and certain fields are available, but sex-disaggregated statistics covering a range of cultural occupations remain elusive at both national and global levels. To bridge these gaps, the UNESCO Institute for Statistics (UIS) has pioneered a global cultural employment survey that will periodically produce internationally comparable, sex-disaggregated data. The UIS's Survey of Cultural Employment conducted in 2015–2016 made data on women and men in the cultural labour force across the world available for the first time.

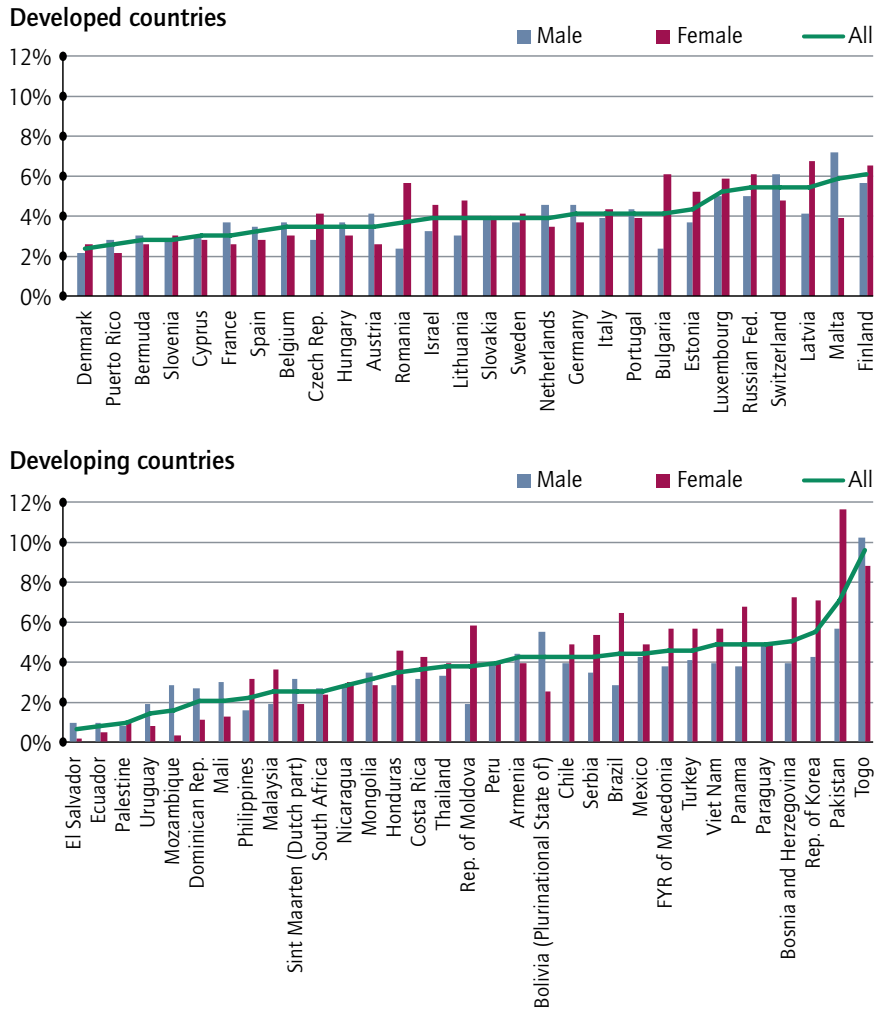


*Without precise information, efforts to promote the diversity of cultural expressions in terms of gender are bound to be less effective than they could be if they were more evidence-based*

The data provide glimpses of women's presence in and share of employment in various occupations and industries within the cultural sector in 61 countries, while also flagging possible areas of concern. They reveal gender gaps in cultural employment, gender segregation in various categories of cultural occupations, and the prevalence of job insecurity as well as poor pay. More women than men appear to be engaged in cultural work in half the surveyed countries, especially in the developing world.

**Figure 9.1**

**Percentage of men and women employed in cultural occupations in developed and developing countries, 2016**



Source: UNESCO Institute for Statistics /BOP Consulting (2016).

On the other hand, the reverse is true in nearly half the developed countries and a little over a fifth of the developing countries surveyed. The overall mean for females employed in cultural occupations (4.1%) and in cultural industries (4.4%) is higher than it is for males (3.6% and 4.2% respectively). The situation is more or less the same in developed and developing countries (Figure 9.1).

A fifth of those employed in cultural occupations (20.6%) work part time. The gender differential is substantial:

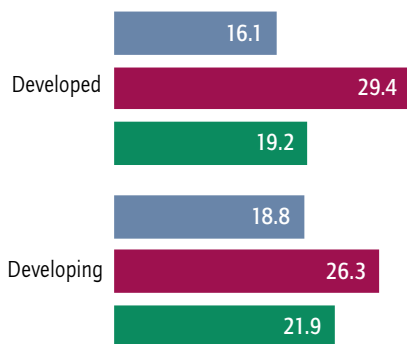
27.7 % female compared to 17.5% male. In both developed and developing countries, more females work part-time in cultural occupations than men in these occupations and in the unsegregated average for non-cultural occupations. Part-time work in non-cultural occupations as a whole, as well as the proportion of men working part-time in cultural occupations, are higher in developing countries. However, the reverse is true of women in cultural occupations: 26.3% in developing countries and 29.4% in developed countries (Figure 9.2).



**Figure 9.2**

**Male and female cultural part-time workers compared to overall non-cultural part-time workers in developed and developing countries, 2016**

- Average of men employed in cultural occupations who work part-time
- Average of women employed in cultural occupations who work part-time
- Average of persons employed in non-cultural occupations who work part-time



Source: UNESCO Institute for Statistics/BOP Consulting, (2016).

Self-employment in the cultural sector is evidently higher than the global average for non-cultural occupations (23.5%). Globally almost an equal proportion of female and male cultural workers are self-employed: 29.5% and 30.2% respectively. However, self-employment in general, as well as among women, is more widespread in developing countries. Interestingly, while more women (37.3%) than men (31.6%) are self-employed in developing countries, the reverse is true of the developed world (21.5% and 28.8% respectively; Figure 9.3).

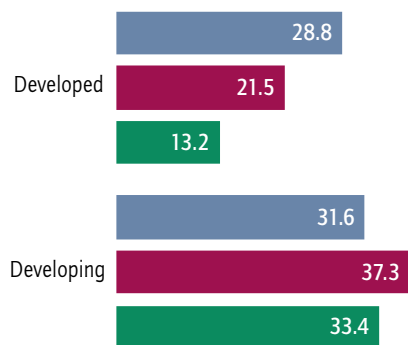
The data also indicate some gender-based segregation of occupations. Globally, women appear to be concentrated in fields such as cultural education and training (59.9%), books and press (53.9%), and visual arts and crafts (43.4%). They seem less well represented in areas such as performance and celebration (22.7%), audiovisual and interactive media (26.3%), and design and creative services (33.4%). Additionally, data on part-time, temporary and second jobs, and possibly even

self-employment, point to the precarious nature of labour in the cultural sector and the prevalence of job insecurity and low earnings in many cultural occupations. Insecure employment appears to be more prevalent among women than men, which means that female cultural workers are likely to have less access to benefits and protection.

**Figure 9.3**

**Male and female self-employed workers in cultural occupations compared to non-cultural self-employed workers in developed and developing countries, 2016**

- Average of men self-employed who are employed in cultural occupations
- Average of women self-employed who are employed in cultural occupations
- Average of persons employed in non-cultural occupations who are self-employed



Source: UNESCO Institute for Statistics/BOP Consulting, (2016).

The revelations emerging from the data are both interesting and intriguing. For example, the apparent feminization of certain cultural occupations and sectors raises questions about whether these fields are less well paid, whether women have less access to the training required for certain professions and whether some industries have more intractable gate-keeping mechanisms that serve to keep women out. Such questions will no doubt be answered as and when more information emerges about the categories of work women are engaged in, their representation at different levels of the occupations and industries they are employed in (especially in leadership

and decision-making positions), their income levels, employment status and working conditions, and the reasons for and nature of part-time work, second jobs and even self-employment. As such data become available, more fact-based, gender-sensitive cultural policies and projects can be formulated, and progress towards gender equality can be more accurately measured.



*Female cultural workers are likely to have less access to benefits and protection*

The statistics cited earlier in this chapter to establish the reality of gender imbalance and inequality in various cultural occupations and industries demonstrate that it is possible to generate telling data, especially at the national level. Unfortunately, most (if not all) of the currently available information – much of it produced through research by scholars or professional practitioners – relates to Western Europe and North America. The few gender-related figures found in the QPRs were also largely confined to these regions, with only a few exceptions.

The data section of the reporting framework for the QPRs apparently requires sex-disaggregated figures only with respect to cultural participation. From the few QPRs that included such data, it appears that more women than men take part in most of the listed cultural activities. Even fewer reports included reasons for non-participation but some of these were quite interesting from the gender point of view. For example, in Estonia, where cultural participation was higher among women than men in all activities except cinema, the primary reason for non-participation by women was ‘too expensive’ whereas for men it was ‘lack of interest and time.’ However, in the absence of data from most Parties, it is not possible to draw any broad conclusions.

**VITAL STATISTICS**

Of the three core indicators proposed in the 2015 Global Report to gauge the situation with respect to efforts by Parties to fulfil their gender equality obligations under the 2005 Convention, two were selected for possible application in this Report:

- **Indicator 9.2:** Existence of policies and measures recognizing and supporting women as creators and producers of cultural goods and services
- **Indicator 9.3:** Existence of policies and measures recognizing and promoting women's access to cultural goods, services and activities, and their participation in cultural life

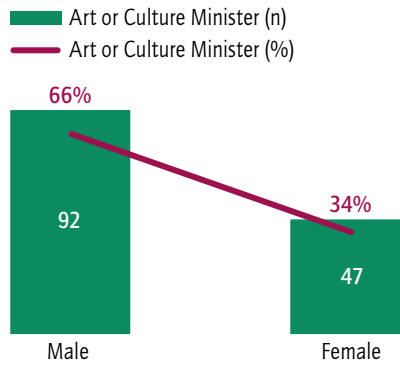
Of the four means of verification (MoV) relating to Indicator 9.2, the following were picked for the purposes of this report as the ones for which data was most likely to be traceable:

- Measures to enhance women's representation in decision-making positions in ministries/national machinery relating to culture, in public cultural institutions/organizations, as well as in cultural industries
- Mechanisms to improve women's share of opportunities (including but not only funding) that recognize their contribution to cultural life and support their advancement as creative professionals and/or cultural entrepreneurs

With regard to the first MoV, data gathered through a simple counting exercise reveal that representation in decision-making positions in the cultural sphere is still skewed towards men (Figures 9.4 and 9.5). More such information can easily be collected and collated at the country level once the importance of and need for such data is recognized and accepted.

**Figure 9.4**

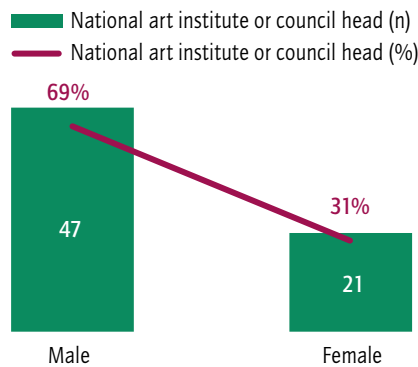
**Proportion of male and female Ministers of arts and/or culture of Parties to the Convention, 2017**



Source: BOP Consulting (2017).

**Figure 9.5**

**Proportion of male and female heads of national arts or cultural councils of Parties to the Convention, 2017**



Source: BOP Consulting (2017).

With regard to the second MoV, the paucity of sex-disaggregated data, coupled with the unsatisfactory nature of the little available data, has made it difficult to verify the existence, let alone effectiveness, of mechanisms aiming to improve women's share of opportunities. What is clear, however, is that both data-gathering and targeted efforts to promote gender equality need to be more widespread. There is little doubt that clear-cut, convincing measures are invariably prompted by and based on data that demonstrate the need for action and indicate what action is required.

The majority of measures reported in most QPRs were unsatisfactory as 'mechanisms to improve women's share of opportunities ... and support their advancement as creative professionals and/or cultural entrepreneurs', possibly because they did not have the benefit of data pointing in the direction of necessary, appropriate action.

Of the three means of verification relating to Indicator 9.3, two were picked for this report as the ones for which data were most likely to be found:

- Policies specifically acknowledging and underlining women's right to access, participate in and contribute to cultural life by attending cultural events, availing cultural goods and services and becoming patrons of the arts
- Measures to encourage and improve women's access to cultural events, goods and services

Again, the limitations of the available data have made it impossible to assess how far the cultural policies and measures reported by States Parties can be deemed to recognize and promote women's access to cultural goods, services and activities, or their participation in cultural life. With reference to the first MoV, all that can be said at present is that not many descriptions of cultural policies included in the QPRs specifically acknowledged or addressed the cultural rights of women, let alone LGBTQI. This is clearly an area that calls for attention from all those involved in cultural policy matters, especially from Parties.

Few QPRs included data on access to cultural events, goods and services either, not even in the designated section, and the little data made available were not disaggregated by sex. As mentioned earlier, a few Parties did provide sex-disaggregated figures relating to cultural participation/involvement in cultural life. But there was little discernible link between such data and the reported measures. In this respect, not much appears to have changed since a 2014 review of QPRs submitted by Parties during the 2012–2013 cycle made the following observation:



**T**alent does not recognize gender. Talent is a gift bestowed on both women and men.

*Yet it is mostly men's talent as creators that is recognized, supported, celebrated. This is not only unjust but it is also injudicious. How can we better understand the world if we exclude the stories of people who make up half of the world?*

*We as a civilization have already lost so much and will continue to lose out on diverse perspectives and enriching narratives because women have been excluded for so long. We cannot afford to lose any more.*

*We must create a world in which decision makers recognize that women, in their glorious diversity, want to see themselves reflected in the culture they consume. We must create a world where a woman is as likely as a man to be a decision maker. We must create a world where watching films written by women and directed by women and produced by women is completely ordinary and mainstream.*

**Chimamanda Ngozi Adichie**

*Novelist*

*'Insufficient documentation of gender disparities and gender-disaggregated analysis in the area of culture is a barrier to recognising and addressing gender issues effectively. In addition, effective policy interventions should be based on well-grounded research, and statistics incorporating a gender perspective are essential for understanding the real situation of women in each of the Parties to the Convention and advocating for gender equality.'* (Guixé, 2014)



*Insufficient documentation of gender disparities and gender-disaggregated analysis in the area of culture is a barrier to recognising and addressing gender issues effectively*

The 2015 Global Report included specific suggestions about relatively simple information-gathering initiatives through which Parties could kickstart the vital process of self-assessment to evaluate their own record in the promotion of gender equality as a critical part of the implementation of the 2005 Convention, and plan necessary interventions for improvement.<sup>13</sup> One relatively easy first step would involve examining the gate-keeping/gate-opening processes and mechanisms within their own internal structures and systems. This could include, as indicated in the figures above, keeping track of and collecting data on the sex of Ministers of Culture (and other key ministry officials) as well as the heads (and key personnel) of national institutions such as museums, galleries, theatres, arts councils, arts- and culture-related academies and institutions of education and training, public service broadcasters, and regulatory boards (e.g. for film certification).

13. See page 84.

**Table 9.1**

**National awards issued by the Spanish Ministry of Culture, by gender, 2010**

Name of Award	No. of women	%	No. of men	%	Organizations	%
National Award of Literature Miguel de Cervantes	3	8	33	92	-	-
National Literary Award in Spanish	3	11	24	89	-	-
National Essay Award	1	3	31	97	-	-
National Visual Arts Award	7	13	47	87	-	-
National Film Award	6	15	33	85	-	-
National Theatre Award	9	20	29	64	7	16
National Music Award	7	12	49	81	4	7
National Dance Award	16	47	15	44	3	9

Source: Castillo Barrios (2014).

It is interesting to note, for instance, that between 1986, when Guatemala established a Ministry of Culture and Sports (MCD), and 2013, the ministry was headed by 15 ministers and 15 deputy ministers; among these only five ministers (33%) and four vice-ministers (27%) were women (Castillo Barrios, 2014).

It should not be too difficult, either, to document and gather data on the extent to which the cultural expressions of women and LGBTQI are represented in national/public cultural institutions such as museums and galleries, as well as major (especially officially sponsored) art exhibitions/fairs/biennales, film festivals, literary festivals, music and dance festivals or seasons, as well as retrospectives (Figure 9.6). It is also important to calculate the share of public funding for the various arts to which women and those who identify as other genders have had access to in order to identify and rectify any discrepancy that may exist.

Other questions that need to be asked and can be satisfactorily answered only with numbers are: What is the gender breakdown of participants in officially organized, supported or promoted cultural programmes and projects, festivals and tours, commissions and residencies, and of recipients of travel and work grants, scholarships and fellowships?

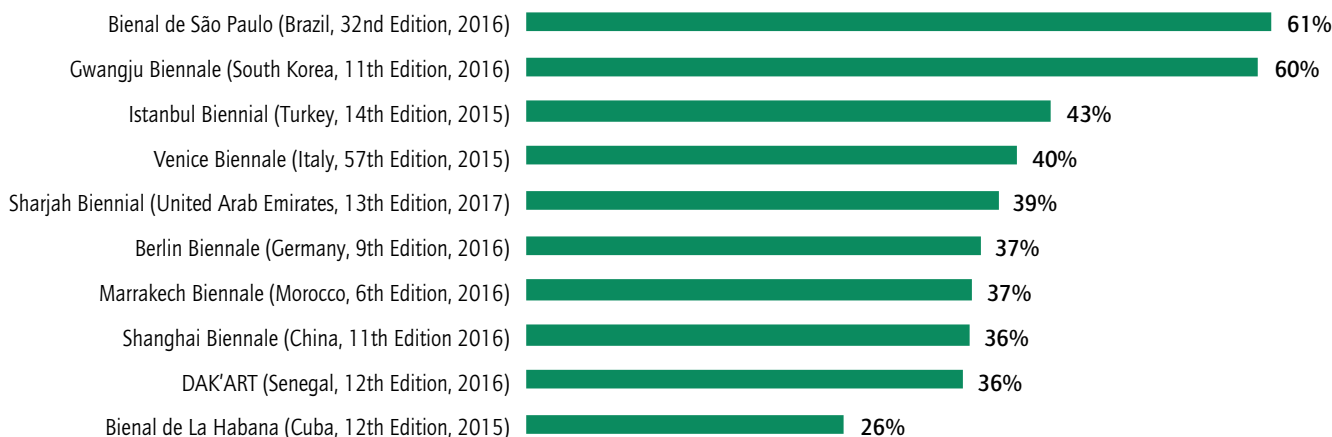
What is the proportion of male and female artists, writers, musicians, dancers, film-makers and other cultural practitioners who have received national awards over the years? Again, such information should not be difficult for Parties to put together and other stakeholders should be able to do so, too. For instance, a table presenting the gender breakdown of recipients of the major prizes in different fields of the arts and culture instituted by the Ministry of Culture in Spain, based on official figures, was fairly revealing (Table 9.1; Castillo Barrios, 2014.)



*Data-gathering need not be solely dependent on governments*

Figure 9.6

Proportion of female artists in ten recent global biennales, 2017



Source: BOP Consulting (2017).

Of course, data-gathering need not be solely dependent on governments. In fact, most of the statistics cited in the introductory sections of this chapter were generated by cultural scholars, activists and professionals. The organizers of major cultural events and managers of important cultural institutions often collect their own data and, increasingly, these are disaggregated by sex. For example, Documenta, the well-known international art exhibition held in Germany (in 2017 also in Greece), promptly responded to a query with a chart featuring the numbers of male and female participants from the first to the last but one exhibition (Table 9.2).

The gender equality chapters in the two Global Reports, read together, should provide governments and other stakeholders with several ideas about how to move forward on applying the indicators and means of verification by generating information from within as a necessary (if insufficient) first step towards ending the gender data drought in this area.

Table 9.2

Number and share of female artists participating in Documenta exhibitions (1955–2012)

Documenta exhibition	Total number of artists	Number of female artists (percentage)
1 (1955)	148	7 (4.7%)
2 (1959)	339	16 (4.7%)
3 (1964)	353	10 (2.8%)
4 (1968)	150	5 (3.3%)
5 (1972)	222	17 (7.7%)
6 (1977)	623	66 (11%)
7 (1982)	182	25 (14%)
8 (1987)	317	36 (11%)
9 (1992)	195	26 (13%)
10 (1997)	138	25 (18%)
11 (2002)	117	27 (23%)
12 (2007)	119	46 (39%)
13 (2012)	194	62 (32%)

Source: Documenta Kunstbibliothek / Art library / Documenta archive (2017).

\* Data for Documenta 14 (2017) were not available at the time of writing.

Box 9.5 • Gender equality enters the Ministry of Culture

In Burkina Faso, an initiative to address the specific needs of women in public policies, including in the creative sector, resulted in the creation of a gender unit within the Ministry of Culture. The unit will work together with the National Council for the Promotion of Gender which involves several government ministries and civil society organizations. This institutional mechanism is expected to bring the culture sector perspective into discussions and actions towards the implementation of the National Gender Policy (2009) in all fields.

Source: Burkina Faso QPR (2016)

## CONCLUSIONS AND RECOMMENDATIONS

The 2005 Convention provides Parties with a framework to recognize and promote gender equality as an essential factor in the protection and promotion of the diversity of cultural expressions. Three steps appear to be indispensable in this process.

The first is to recognize that gender equality is not an inessential, peripheral matter that can be addressed through mere lip service or token gestures and measures. There can be no claim to the promotion of the diversity of cultural expressions in the absence of gender diversity. Cultural policies must reflect this recognition.



*There can be no claim to the promotion of the diversity of cultural expressions in the absence of gender diversity*

The second step is to appreciate that any genuine effort to address gender equality in the cultural arena must be based on information, which is critical for (a) identifying the problem, (b) tackling the problem and (c) evaluating measures meant to deal with the problem. At present, information is in shamefully short supply in most parts of the world. However, where it exists, it clearly points to substantial gender disparities in most areas of culture.

The third and final step is to shed the ghetto mentality that often characterizes efforts to promote gender equality. While women-focused initiatives are necessary and welcome, they cannot be accepted as proof of sincerity in this context. For the widespread problem of gender imbalance in the cultural sphere to be effectively addressed, gender awareness must inform all measures to protect and promote the diversity of cultural expressions.



*Genuine effort to address gender equality in the cultural arena must be based on information*

It is important to recognize that women and those who identify as other genders are present in all sections of society and that gender invariably affects status, access, opportunity, recognition and much else within all social groups. Consequently, any measure that is gender-blind is likely to be only partially effective in promoting the diversity of cultural expressions. As Farida Shaheed observed five years ago, 'Women's perspectives and contributions must move from the margins of cultural life to the centre of the processes that create, interpret and shape culture' (Shaheed, 2012).

Information is key to the effective implementation of the Convention in the gender domain. Accordingly, the following initiatives are recommended as indispensable preparatory work:

- Audit of cultural policies and culture-related laws to determine how far they affirm the importance of gender equality.
  - Audit of financial, institutional and other public resources for culture to gauge how far they promote equal opportunities for all.
  - Evaluation of gate-keeping functions and processes within the government and in national cultural institutions to assess whether and how they foster or impede gender equality.
  - Research on the presence and status of men, women and LGBTIQI in various cultural occupations and industries.
  - Review of promising initiatives aiming to promote gender equality in the cultural sphere.
- Multistakeholder consultations and public hearings on what needs to be done to move towards gender equality in the cultural sector.
- Information-based, targeted measures to improve the situation are most likely to succeed:
- If cultural policies and related legislation are found to be lacking in terms of championing gender equality, they need to be revised to include explicit affirmation of gender equality as a crucial facet of cultural diversity.
  - If resource allocations are found to be skewed in favour of men, corrective measures that promote equity in access to resources must be put in place.
  - If there is gender imbalance among those who occupy gate-keeping positions in the cultural sphere, remedial steps should be taken to ensure better balance.
  - If women are found to be missing or under-represented in particular cultural occupations or industries, measures that can help increase their numbers need to be introduced.
  - If specific impediments stand in the way of women's involvement and advancement in cultural professions of their choice, measures must be taken to remove such stumbling blocks.
  - If women are unable to participate in cultural activities on account of gender-related constraints, initiatives are required that will uphold and promote their rights and freedoms.
  - If female and LGBTIQI artists, musicians, writers and other cultural professionals are subjected to gender-related harassment, abuse, threats and/or censorship (online or offline), firm action must be taken to protect and promote their freedom of expression and other fundamental rights.



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*Policies and measures meant to implement the gender dimension of the 2005 Convention must be evidence-based, inclusive and cohesive if they are to result in real diversity of cultural expressions*

---

Gender must also be kept in mind while addressing other issues covered by the Convention:

- Initiatives to support and strengthen public service media must encourage equal work opportunities within these influential institutions and gender balance in their output.
- Measures to tap the potential of the digital environment must strive to bridge the gender digital divide.
- Partnerships with civil society must be inclusive of women and those who identify as other genders, as well as organizations representing their interests.

- Efforts to support the mobility of artists and other cultural professionals must ensure that all genders have access to such opportunities.
- Initiatives aiming to uphold freedom of expression, artistic freedom and the social and economic rights of artists must factor in gender-related threats to these freedoms and rights.
- Finally, attempts to integrate culture into sustainable development policies and projects and to create productive employment in cultural occupations and industries must ensure equal opportunities for all genders.

In a nutshell, policies and measures meant to implement the gender dimension of the 2005 Convention must be evidence-based, inclusive and cohesive if they are to result in real diversity of cultural expressions.





# Promoting the freedom to imagine and create

Sara Whyatt

### KEY FINDINGS

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- »»» *Reported attacks on artistic freedom in 2016 perpetrated by both state and non-state actors, mostly against musicians, show a significant rise compared with 2014 and 2015.*

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- »»» *Progress has been made in understanding the importance of protecting and promoting artistic expressions; some States have made commitments and put in place legislative changes to respect this fundamental freedom.*

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- »»» *Measures to support the economic and social rights of artists are increasingly appearing in national legislation, especially in Africa.*

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- »»» *Laws dealing with terrorism and state security, criminal defamation, religion and 'traditional values' have been used to curb artistic and other forms of free expression.*

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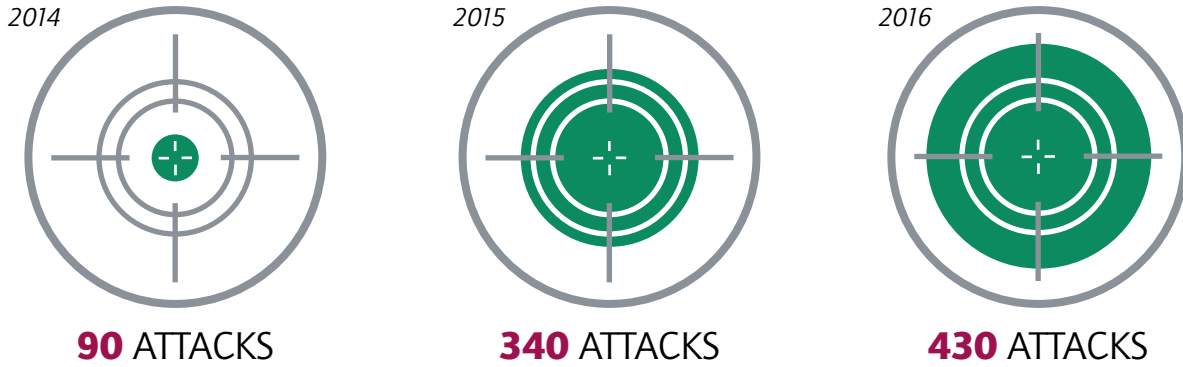
- »»» *Monitoring and advocacy for arts freedom have grown, as has the number and capacity of organizations who are engaged, including within the United Nations.*

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- »»» *The number of cities providing safe havens for artists at risk has continued to grow, reaching over 80 across the world.*

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### ATTACKS ON ARTISTS CONTINUE TO RISE GLOBALLY



### AND MOST ARE AGAINST MUSICIANS



### HOWEVER, THE NUMBER OF INITIATIVES TO SUPPORT ARTISTS AT RISK HAS GROWN

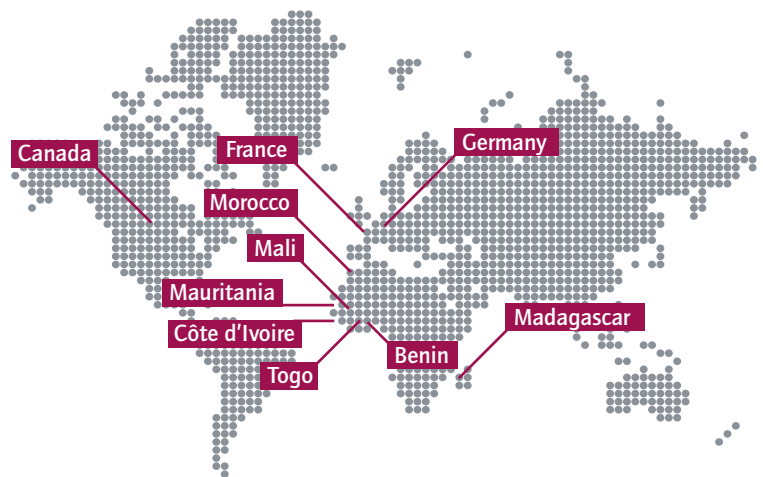
#### Residencies and safe heavens

Over **80** cities Hosted more than **170** artists since 2006

#### Over 100 organizations around the world provide

- emergency funds and grants
- housing opportunities
- legal resources
- resettlement services

#### New legislation to support the economic and social rights of artists is being adopted, especially in Africa



### YET, MORE MUST BE DONE TO ENSURE GREATER PROTECTION FOR ARTISTS



Recognize the status of artists in cultural policies



Increase access to legal knowledge and resources



Enhance collaboration between artists and human rights defenders



Improve monitoring and advocacy

## CORE INDICATORS

Legislative base supports freedom of expression

Policies and measures promote and protect artistic freedom

Policies and measures promote the social and economic rights of artists

### INTRODUCTION

The arts censorship monitor Freemuse recorded that 430 attacks on artistic freedom were reported globally in 2016 (Figure 10.1). This represents a significant rise from the 340 reported in 2015, and is more than four times the 90 cases reported in 2014.<sup>1</sup> In reality, however, it is unlikely that there has been such a dramatic actual increase. The figure is more a reflection of both the growing capacity of arts freedom monitors to operate and the increasing understanding of the multiple challenges faced by artists in the practice of their right to freedom of expression. In the past two years, this understanding has been driven to a large extent by artists and the organizations representing them. This, in turn, has fed into the increased number of references to artistic freedom in international forums, such as the United Nations Human Rights Council, notably since the creation in 2013 of the post of UN Special Rapporteur in the field of cultural rights, as will be explored in more detail below. Artistic freedom, as a fundamental right (Box 10.1), is also increasingly making an appearance in national legislation, with States adopting or amending laws that ensure its inclusion.

One of the guiding principles of the 2005 Convention is that 'cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as

1. Freemuse statistics for 2015 and 2016 also include artists named on official blacklists, bringing the total number recorded in 2015 to 469, and to 1,208 in 2016 (more than 550 of which relate to just two blacklists). For the purposes of this report, blacklist figures are not included.

freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed'. As early as 1980, UNESCO's Recommendation on the Status of the Artist underlined 'the essential role of art in the life and development of the individual and of society' and the duty of States to protect and defend artistic freedom. Even earlier, in 1948, Article 19 of the United Nations Declaration on Human Rights stated that 'everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.' In like fashion, Sustainable Development Goal (SDG) 16 (target 16.10) aims to 'ensure public access to information and protect fundamental freedoms'. Regional rights mechanisms such as the African Charter on Human and People's Rights, European Convention on Human Rights, and the Organisation of American States' Inter-American Commission on Human Rights all include similar commitments.

As Farida Shaheed, former UN Special Rapporteur in the field of cultural rights, wrote in her seminal 2013 report on the right to freedom of artistic expression and creativity, 'artists may entertain people, but they also contribute to social debates, sometimes bringing counter-discourses and potential counterweights to existing power centres'. And she added: 'the vitality of artistic creativity is necessary for the development of vibrant cultures and the functioning of democratic societies. Artistic expressions and creations are an integral part of cultural life,

which entails contesting meanings and revisiting culturally inherited ideas and concepts' (Shaheed, 2013). Today, such ideas are shared by many governments as well, witness the Nordic Ministers of Culture statement of May 2016: 'Culture constitutes one process of, and space for, democratic debate. The freedom of artistic expression forms its backbone. There is compelling evidence that participation in culture also promotes democratic participation as well as empowerment and well-being of our citizens' (Nordic Council of Ministers, 2016).

### Box 10.1 • What is artistic freedom?

*Artistic freedom is the freedom to imagine, create and distribute diverse cultural expressions free of governmental censorship, political interference or the pressures of non-state actors. It includes the right of all citizens to have access to these works and is essential for the well-being of societies.*

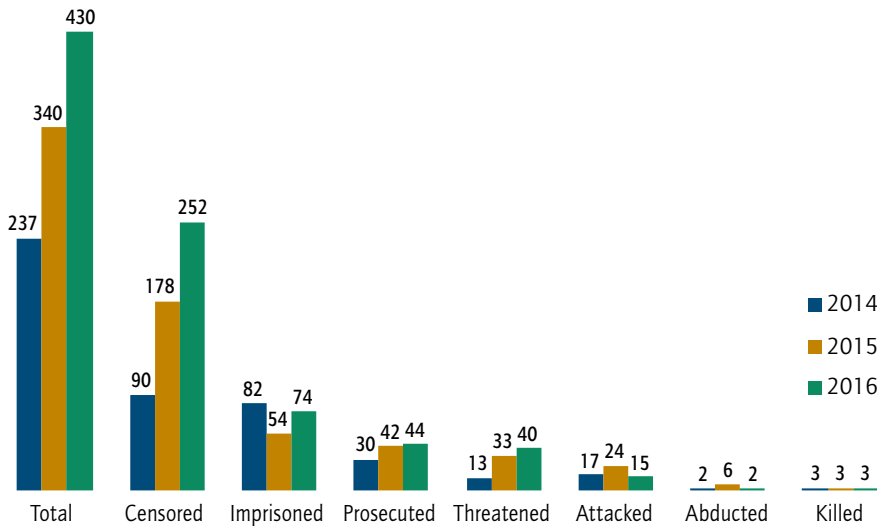
*Artistic freedom embodies a bundle of rights protected under international law. These include:*

- *The right to create without censorship or intimidation;*
- *The right to have artistic work supported, distributed and remunerated;*
- *The right to freedom of movement;*
- *The right to freedom of association;*
- *The right to the protection of social and economic rights;*
- *The right to participate in cultural life.*

*Source: UNESCO (2017c).*

Figure 10.1

Attacks on artistic expression, 2014–2016



Source: Freemuse (2014–2016).

The 2015 Global Report identified three core indicators to monitor artistic freedom, with related means of verification. This chapter will review the areas of progress and policy change that occurred since 2015, with a particular focus on legislation that affects arts freedom (indicator 1), the policies and measures implemented to that effect (indicator 2), and explore the links between social and economic protections for artists and artistic freedom (indicator 3).



*Progress towards the implementation of the Convention can also be seen as progress towards implementation of the 2030 Agenda*

With regard to the 2030 Sustainable Development Agenda, artistic freedom is directly related to Goal 16: 'Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'.

Therefore, progress towards the implementation of the Convention can also be seen as progress towards implementation of the 2030 Agenda.

Quadrennial Periodic Reports (QPRs), submitted by 62 Parties on advances and challenges in implementing the Convention, were the first port of call for analysis of progress towards achieving the core indicators since 2014. However, given that freedom of artistic expression is not yet among the questions that States are asked to address, there are relatively few references to it in the QPRs. Human rights and freedom of expression monitors were other important information sources, as well as publications on cultural policy. Data collection and analysis on arts freedom in general, although improved since 2014, remains inconsistent, making it difficult to have a complete picture of the state of play. Nevertheless, these sources provide an overall indication of trends, and this chapter will identify areas for improvement in monitoring and in achieving a greater understanding of the importance of protecting and promoting artistic expression.

ARTISTIC FREEDOM AND THE CONVENTION - TWO YEARS ON

Consistent monitoring of repression of artistic freedom is relatively new. Although the number and capacity of rights organizations focusing on arts freedom is growing, there are few compared with their presence in the media sector. The relative fragmentation of the cultural sector, which rarely speaks with one voice on any issue, is one of the reasons for this discrepancy. Nevertheless, opposition to censorship can unify groups that may otherwise have differing priorities and approaches. A sharing of expertise between the media and other groups working on human rights with the cultural sector could not only strengthen the work of the latter, but also extend and enhance the work of the former.

The full reality of restraints on artistic freedom is difficult to reflect through statistics alone (UNESCO, 2015a). The statistics themselves show a rise in attacks on creative freedom between 2014 and 2016, although this could also be because monitoring has improved and the concept of artistic freedom has gained greater recognition. UNESCO itself, for the first time, has brought the topic of artistic freedom to the forefront of a global policy debate during the 2016 and 2017 editions of World Press Freedom Day, held in Helsinki (Finland) and Jakarta (Indonesia) respectively. In the meantime, the issue has been debated at the United Nations, as will be explored more fully below.

While Parties do provide information in the QPRs on different 'rights' that make up the understanding of artistic freedom put forward in the context of the Convention (e.g. freedom of movement and reporting on mobility issues, support for creativity through various arts and culture funds, and new legislation on the status of artists), they are not explicitly asked to comment on this domain in the reporting framework. Under-reporting is therefore not surprising, with only 13 of the QPRs submitted between 2016 and 2017 making a specific reference to artistic freedom.



Indeed, some States that have taken positive measures have not thought to mention this in their QPRs. Among those that do, this intent is contradicted in several cases by legislation that makes certain types of expression illegal, and by prosecutions that are at odds with these commitments. The contradiction between stated intent and practice suggests a need for greater liaison between the judicial authorities and the executive branch. It is also unclear from the QPRs what input was sought and given from civil society organizations (CSOs) with relevant expertise.



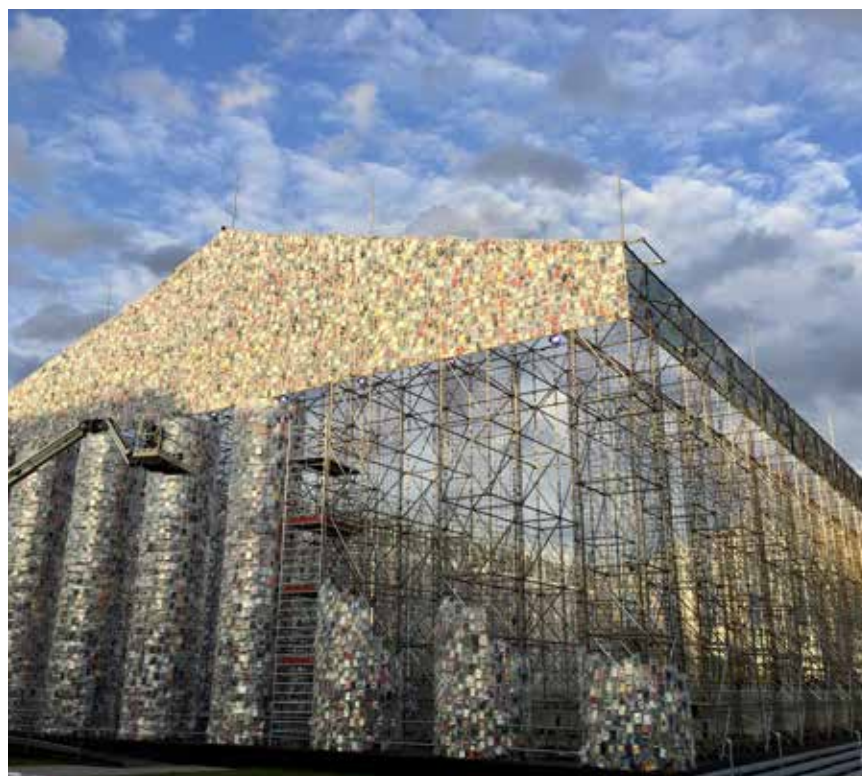
*The contradiction between stated intent and practice suggests a need for greater liaison between the judicial authorities and the executive branch*

Evidence of binding instruments, universal recommendations and declarations affecting freedom of expression ratified by States or principles incorporated into national laws was easier to gather through reports of the Special Rapporteurs and those NGOs working on arts freedom that have UN consultative status, such as Freemuse<sup>2</sup> and PEN International.<sup>3</sup>

However, even this information is patchy and often incomplete. Much of the information base relies on what is reported in the local and international press and by organizations that monitor media freedoms and general human rights violations (whose field of interest does not normally include the arts). The information is most robust where the organizations have members or affiliates in the countries concerned who work within the creative sector, but this presence is not universal. Follow-up on 'good news', such as the release of an individual, or measures to redress abuses such as legislative reforms, are also not consistently monitored.

2. See [www.freemuse.org](http://www.freemuse.org)

3. See [www.pen-international.org](http://www.pen-international.org)



**A**rtistic expression is intrinsic to our humanity. The ability to perform, to paint, to sing, to dance is what makes us individuals but is also what brings us together as communities, what helps us to cross divides – of language, geography, culture, religion and politics. Artists are among the first to be silenced by repressive regimes: the poets, playwrights and painters who challenge the status quo are often lone workers, and as such easy targets for an authoritarian state or violent oppressor. When their views fail to accord with the mainstream, the artist is also vulnerable to the censorship of the mob. That is why it is vital that artistic expression is protected.

*We now have more ways than ever to communicate artistically, but there are also more ways than ever to censor the artist. The international community must recognize the work of civil society organizations in protecting and promoting art and artists, and – crucially – they must do so even when the message of the artist is deemed to be offensive or out of kilter with majority thinking. The greatest art always poses difficult questions and challenges and it is imperative we battle the censor wherever it is found.*

*Index works to do this by systematically documenting and monitoring cases of censorship; by working with police, legal and judiciary institutions to advocate for the recognition of artists rights and by advising arts institutions on legal rights and responsibilities.*

*Legal instruments such as the 2005 Convention play an important role in supporting these endeavours.*

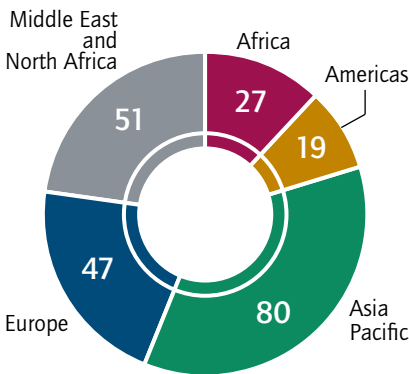
### **Jodie Ginsberg**

Chief Executive, Index on Censorship

This trait is shared with many rights advocacy groups, as limited resources force them to focus on critical issues, rather than reflecting on good practice. On the other hand, initiatives taken by States and CSOs to protect artists at risk, in particular through the provision of safe houses and cities, are well-documented and information is readily available. On social and economic rights, evidence was gathered mainly from a 2015 report on the Recommendation on the Status of the Artist (Neil, 2015), and the online Council of Europe/ERICarts<sup>4</sup> compendium on cultural policies, enhanced by some online press reports.

Figure 10.2

Attacks on writers by region, 2016



Source: PEN International (2016).

MONITORING THE STATE OF ARTISTIC FREEDOM TODAY

Today, artistic freedom is increasingly under threat (Figure 10.3). Artists are 'at particular risk as their work depends on visibly engaging people in the public domain (Shaheed, 2013). Through their expressions and creations, artists often question our lives, perceptions of ourselves and others, world visions, power relations, human nature and taboos, eliciting emotional as well as intellectual responses'. In this troubled and troubling landscape, musicians feature most prominently.

4. See [www.culturalpolicies.net/](http://www.culturalpolicies.net/)



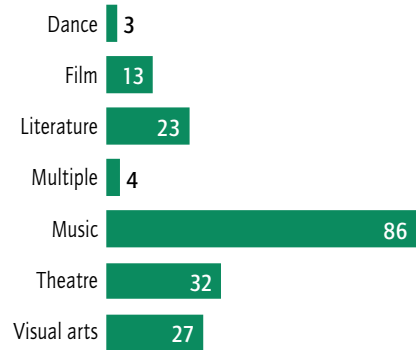
*While one of the main indicators to monitor the implementation of the Convention with regard to artistic freedom is the existence of legislation, what we find is that legislation – more often than not – provides tools to do quite the contrary*

In 2016, attacks on artists represented 86 out of the 188 defined by Freemuse as 'serious'<sup>5</sup> – involving imprisonment, trial, attack, threat and murder (Figure 10.3). These were essentially attacks on the physical integrity of the artist, as opposed to obstruction of their work. In both 2015 and 2016, all the artists reportedly killed for their work were musicians. Lyrics were the cause of a large number of the attacks, although in some countries, music, as an activity in itself, is banned. The reasons for musicians' high representation in these statistics could be the nature of their work. For example, rap musicians, who represent a significant proportion, are targeted for lyrics that often carry strong political messages, in language that is raw and provocative, and that challenge traditional and conservative mores. Other performing artists – comedians, dancers and actors – are similarly exposed and vulnerable. Another reason why certain groups feature more highly in the statistics is the existence of organizations that are dedicated in full or in part to documenting and advocating for their rights. Freemuse, with over two decades of experience defending musicians, is a case in point, as is PEN International, which has been promoting freedom of expression for writers since the 1920s.

5. Freemuse divides attacks on artistic freedom into 'serious violations' – which include killings, abductions, attacks, imprisonments, prosecutions and persecutions/threats – and acts of censorship. Acts of censorship are also serious concerns, but separating them from the rest helps to distinguish the nuanced global picture of artistic freedom, and the difference between having an art work banned and the other categories, which have even more severe consequences for an artist's life and family.

Figure 10.3

Serious attacks by art form, 2016



Source: Freemuse (2017).

ARTISTIC FREEDOM AND THE LAW: TERRORISM, DEFAMATION AND BLASPHEMY

While one of the main indicators to monitor the implementation of the Convention with regard to artistic freedom is the existence of legislation, what we find is that legislation – more often than not – provides tools to do quite the contrary. For example, governments faced with cultural expressions that challenge their authority frequently bring artists before the courts and at times imprison them, most often under laws dealing with terrorism and state security, criminal defamation and 'insult', as well as legislation protecting religion and traditional values. These laws are not designed to target artists specifically, but are applied against anyone whose commentary and ideas bring them into confrontation with those in power.

Terrorist attacks in recent decades, notably at festivals and live performances, have left thousands of performers, cultural workers and audience member worldwide dead and injured, creating a pall of fear. States have responded by creating and tightening security laws and their enforcement, ostensibly in an attempt to protect their citizens and to deter further attacks. But all too often these measures have – intentionally or not – become tools to suppress the views of government critics and minority activists, among others.

Under the perceived 'climate of terror', artists whose work touches on contentious political issues or who are from communities targeted by anti-terror laws have found themselves defined as 'terrorists' and prosecuted.

An example of the impact of these laws can be found in PEN International's 2016 case list that records that a third of writers who were on trial globally were facing charges under anti-terror laws, although only 15% were imprisoned under them<sup>6</sup> (PEN International, 2017). These figures fuel concerns that, all too often, security laws are a lever for human rights abuse, to intimidate those who explore conflict, social injustice and minority rights. Moreover, these laws are frequently imprecise in their definition of what comprises terrorism, leaving them open to overly broad interpretation and application. As an Amnesty International report notes, they have even been used repeatedly to criminalize 'various forms of expression that fall short of incitement to violence and threaten legitimate protest, freedom of expression, and artistic freedom' (Amnesty International, 2017).

Furthermore, as recently observed by the UN Special Rapporteur on Freedom of Expression, David Kaye, laws can play into the hands of terrorists by shutting down debate on these issues, as 'limiting the space for freedom of expression and restricting civic space advances the goals of those promoting, threatening and using terrorism and violence' (Kaye, 2016). Practical advice to States was given a year earlier when four UN Special Rapporteurs marked 2015 UNESCO World Press Freedom Day with a joint declaration in which they urged States, among other measures, to 'refrain from applying restrictions relating to 'terrorism' in an unduly broad manner', adding that 'vague concepts such as 'glorifying', 'justifying' or 'encouraging' terrorism should not be used' (Article 19, 2015). Such an approach when applied to the arts would go a long way to protect artistic freedom.

6. These figures were extracted by this author from the PEN International Writers in Prison Committee 2016 Case List



*All too often these measures have – intentionally or not – become tools to suppress the views of government critics and minority activists, among others*

Art forms frequently make use of satire. It is unsurprising that satirical works can infuriate their targets, often referred to as the 'three Rs' – rulers, religion or royals – who then turn to laws that penalize 'defamation' and 'insult' to shut down and deter scrutiny (Clooney and Webb, 2017). Images, writings and performances that ridicule and expose leading political and public figures have led to trials, fines and even long prison terms. In some countries, even concepts such as state or nationhood are protected by anti-insult laws, as are flags, foreign heads of state and even deceased public figures. Archaic *lèse-majesté* laws have also been applied against artists across Europe and beyond. While individuals should and mostly do have the right to redress through civil courts when they perceive damage to their reputations, it is widely accepted that public figures should not be protected from criticism, particularly where the satire is directed towards their political rather than their personal function (UN Human Rights Committee, 2011). Insult laws, too, can be interpreted extremely broadly, and have often been used to silence artists and to remove their works from public view. A study of the Organization of Security and Cooperation in Europe (OSCE) points out that 'there is no standard usage for the English-language terms 'defamation', 'libel', 'slander', 'insult', etc. in official and unofficial translations of national criminal legislation' (OSCE, 2017). So the question arises as to how such an imprecise concept as 'insult' can be legislated at all?

There is, however, growing recognition of this problem. Since 2015, States including the Dominican Republic,

Gabon, Italy, Kyrgyzstan, Lithuania and Norway have repealed their insult laws fully or in part and this will have a positive effect of freedom of expression for artists as well as the wider community. There is a tendency to see freedom of expression as solely about media freedom, so it is particularly welcome that when Croatia amended its insult laws in 2015, it specifically mentioned art among works disseminated in the public interest as being free from prosecution (OSCE, 2017).



*States have repealed their insult laws fully or in part and this will have a positive effect of freedom of expression for artists as well as the wider community*

## RELIGIOUS INSULT AND BLASPHEMY

The ideas and influence of fundamentalist, conservative and right-wing groups, direct or otherwise, are reflected in a high proportion of legal actions and other sanctions regarding the arts taken by governments and official bodies. Insult to religion and blasphemy, as well as perceived transgressions of traditional and conservative values, accounted for over a third of court cases against artists worldwide in 2016, some of which led to imprisonment.<sup>7</sup>

Given the tendency to suppress artistic rights when feelings are running high, UN Special Rapporteur Karima Bennouna has observed that in reality the arts are 'among the best ways to fight fundamentalism and extremism. They are not luxuries, but critical in creating alternatives, making space for peaceful contestation' (Bennouna, 2017).

7. Based on evaluation of news articles posted in 2016 on [www.artsfreedom.org](http://www.artsfreedom.org).

There can be reluctance to antagonize religious conservatives by removing blasphemy laws, but several countries have done so. For example, in 2015, Iceland repealed its law that had made 'ridiculing or insulting the dogmas or worship of a lawfully existing religious community in Iceland' a criminal offence, and in 2016 Malta also removed its law on blasphemy (OSCE, 2017). Most recently, in June 2017, Denmark also scrapped its blasphemy law.



*The arts are among the best ways to fight fundamentalism and extremism*

As already mentioned, attacks on artists by militant non-state groups have included extreme violence, often carried out in public, and clearly aimed to create fear far beyond those directly affected. In her 2017 report, Karima Bennouna, stated that these abuses 'often involve attempts at cultural engineering aimed at redesigning culture based on monolithic world views, focused on 'purity' and enmity toward 'the other', policing 'honour' and 'modesty', claiming cultural and moral superiority, imposing a claimed 'true religion' or 'authentic culture' along with dress and behaviour codes often alien to the lived cultures of local populations, stifling freedom of artistic expression and curtailing scientific freedom' (Bennouna, 2017).

Artists, especially performers, alongside their audiences and technical staff, are especially vulnerable, as so horrendously shown in recent years in Istanbul, Kabul, Manchester, Paris and elsewhere. Lesser threats, such as hostile crowds gathering outside controversial exhibits or performances, can lead to police instructions to cancel events or remove 'offensive' works from display in the interest of public safety. Often, on being threatened, venues and arts festivals themselves will withdraw works.

## SELF-CENSORSHIP

'I am all the time looking over my shoulder' one artist told this author, adding that she thinks twice before tackling taboos such as abortion, religion or women's rights in her work. Her country is not one that has imprisoned its artists, but, nevertheless, the strong influence of traditional orthodoxy casts a pall over her creative freedom. Yet, the extent of self-censorship is almost impossible to document and is more often than not anecdotal, based on artists' own accounts rather than concrete evidence. It is sometimes difficult to prove an artist's 'hunch' that political considerations rather than quality of the work lie behind their inability to show or sell in an art market that, at the best of times, is difficult to access. However, there have been recent cases where such hunches have proved to be founded, such as where official blacklists of troublesome artists have been uncovered. Most dramatic of these was the revelation, in early 2017, of a government blacklist against almost 10,000 artists in the Republic of Korea. In 2015, almost half of the 2,900 Swedish artists who responded to a questionnaire had experienced threats and violence due to their work, mainly by 'right-wing extremists and racists', and a third had withdrawn from the public domain or abandoned certain themes (Swedish Agency for Cultural Policy Analysis, 2016).

'Institutional self-censorship' occurs when arts institutions decide to drop a particular piece of work, or cut certain phrases, characters or aspects of a work for fear of the consequences. These fears range from worries about losing funding, public relations backlash or violence. Sensitivity around diversity politics can also play an unintentional role in limiting free speech, while local authorities and police have a tendency to shut down controversial performances and displays in the interest of public safety (Farrington, 2013). A Swedish report on the impact of the 'hardening of tone in social debate' refers to the deterrence effect of increased security costs, alongside the restraints that such measures can place on the artist themselves.



*The extent of self-censorship is almost impossible to document and is more often than not anecdotal, based on artists' own accounts rather than concrete evidence*

The report recommends the creation of training programmes and information exchange between commissioning bodies, and guidelines advising on ways to deal with threatening situations (Swedish Agency for Cultural Policy Analysis, 2016).

Institutions otherwise promoting artists have, paradoxically, enacted direct censorship policies of their own. The online arts freedom monitor, [artsfreedom.org](http://artsfreedom.org), reported instances in 2016 that include a musicians' syndicate suspending members for dressing in revealing clothes, and another demanding that they refrain from using bad language ([artsfreedom.org](http://artsfreedom.org), 2017). Arts syndicates are in some countries state-controlled and thus conform to government pressure. Book fairs and film festivals have pulled works that 'offended' morals from their programmes. A national museum removed artworks after being attacked by members of the religious right. Many films have been denied certification for reasons ranging from denigrating religion, to harming moral values or undermining political unity. Television production companies have annulled the contracts of actors who have allied themselves with opposition groups. The list goes on.

In conclusion, it appears that laws, notably those dealing with terrorism, defamation and blasphemy, have too often been used deliberately to curb commentary and creativity that challenge power structures, touch on 'taboo' issues or ridicule public figures. Often the laws are poorly framed, having unclear or overly broad interpretations of what comprises 'terrorism' or 'insult', making their application extremely difficult and open to the political bias of the day.



Extremists often cite the existence of these laws to justify their own, often violent, attacks on artists and audiences. In turn, these attacks can lead to calls for harsher applications of these very laws, adding to the danger to artists. Under this shadow, artists and cultural institutions self-censor to avoid repercussions.

Some governments have repealed or amended their laws, notably on criminal defamation, creating a freer environment for all forms of commentary. Others are encouraged to also review their legislation to remove the possibility of misuse or misapplication and so to ensure freedom of expression as a whole, and arts freedom in particular.



*It appears that laws, notably those dealing with terrorism, defamation and blasphemy, have too often been used deliberately to curb commentary and creativity that challenge power structures, touch on 'taboo' issues or ridicule public figures*

## SOCIAL MEDIA PLATFORMS: BOTH FACILITATING AND SUPPRESSING ARTISTIC FREEDOM

New digital technologies, including social media platforms, are transforming the art world. Social media and music streaming channels, such as Instagram and Soundcloud, are becoming the platforms on which artists publicly display and promote their work. However, they also bring with them threats to rights and freedoms. Among them is online 'trolling', where threats from other users can intimidate artists into withdrawing their work. Growing digital surveillance is also having a corrosive effect on arts freedom. Many platforms even have censorship mechanisms, such as Instagram's guidelines on

### Box 10.2 • *The Carthage Declaration for the Protection of Artists in Vulnerable Situations*

*'Theatre is the stage for rights and freedoms. It is at the origin of the song of freedom. It is a venue for questioning and doubt amidst the conflict of mankind with the self. Above all, theatre is a civic issue', declares Lassaad Jamoussi, former Carthage Theatre Festival director. An initiative of the Carthage Theatre Festival (CTF), the Declaration was launched during the opening ceremony of the 17th CTF in October, 2015. The Declaration calls for the protection of artists who are persecuted, in vulnerable, insecure, precarious and perilous situations, in risk-prone areas and in armed conflict zones, and for appropriate measures and mechanisms to ensure this protection, without any discrimination due to race, nationality, religion or political opinions. It calls in particular for the protection of artists in conflict situations, through a proposed special international status and 'artist-creator' visas, facilitated procedures to access travel documents, temporary resident permits to facilitate professional integration as well as commitments to provide urgent assistance to artists in danger, and prosecute their aggressors. The declaration is expected to be brought to the attention of UN bodies for further international recognition.*

Source: <http://jctfestival.com.tn/declaration-de-carthage/?lang=en>

'standards of behaviour', that are open to interpretation, specifically around 'terrorism' and nudity. This also gives disproportionate power to individuals and organizations who object to the content of artworks and use the platform's reporting processes to get individual artworks removed, and sometimes entire accounts blocked.<sup>8</sup> A new feature to be introduced on Instagram is the 'blurring' of images that might upset certain users. Blurred images will be made visible when the viewer indicates by clicking on the app that they wish to see the material. However, previous restrictions on certain images remain and there are concerns that the new facility could add to censorship.<sup>9</sup>

For artists, such online actions not only disrupt a flow of ideas, but also curtail their artistic freedom and – most importantly – their ability to connect with their audience. When the key means of displaying their work is shut down, an artist's ability to communicate is thwarted (Trébault, 2017).

8. See [www.washingtonpost.com/news/the-switch/wp/2015/04/16/instagram-updates-its-rules-to-explain-how-it-deals-with-nudity-and-abuse/?utm\\_term=.6188ab4ef82b](http://www.washingtonpost.com/news/the-switch/wp/2015/04/16/instagram-updates-its-rules-to-explain-how-it-deals-with-nudity-and-abuse/?utm_term=.6188ab4ef82b)

9. See [www.siliconangle.com/blog/2017/03/24/instagram-explains-started-censoring-sensitive-content/](http://www.siliconangle.com/blog/2017/03/24/instagram-explains-started-censoring-sensitive-content/)

## SUPPORTING THE RIGHT OF ARTISTS: NEW ACTORS, NEW INITIATIVES

### ARTISTS IN PROMOTION, MONITORING AND ADVOCACY

Monitoring and advocacy for arts freedom has grown, as has the number of organizations who are engaged in these fields, particularly in the past two years. Some follow the human rights advocacy model, systematically documenting, monitoring and advocating for artistic freedom. The most long-established among them are Freemuse, PEN International and Index on Censorship, which work globally.<sup>10</sup> Artwatch Africa, part of the Arterial Network,<sup>11</sup> connects arts and culture organizations across Africa in its regular human rights, cultural rights and artist rights workshops. Newer recruits include Arts Rights Justice EU, sponsored by Culture Action Europe,<sup>12</sup> which has developed a toolkit for those in Europe and has held workshops and panel debates.

10. See [www.indexoncensorship.org](http://www.indexoncensorship.org)

11. See [www.arterialnetwork.org](http://www.arterialnetwork.org)

12. See [www.cultureactioneurope.org](http://www.cultureactioneurope.org)

The New York-based Artists at Risk Connection (ARC) was set up as an interactive hub in September 2017 to curate resources online in order to facilitate connections between threatened artists and those who support them.<sup>13</sup> Other initiatives include the Arts Rights Justice Academy and Conference<sup>14</sup> that in 2017 brought together arts professionals in a summer Academy with a focus on safe havens for artists at risk, and ArtistSafety.net<sup>15</sup> that provides online information and conferences (de Vlieg, 2017). Organizations representing artists and cultural workers are increasingly inviting experts to take part in panels and workshops on artistic freedom at their annual gatherings, creating greater visibility and awareness of the issues surrounding artistic freedom (Box 10.2).



*There are, as yet, few national organizations that specifically document and advocate on arts freedom in their own countries*

However, there are, as yet, few national organizations that specifically document and advocate on arts freedom in their own countries. Among these is the Turkish arts censorship monitor, Siyah Bant,<sup>16</sup> which has produced extensive reports on censorship of the arts, including articles on restrictions on films, and pressures on film festivals and art exhibitions. In 2015, it hosted an event in Istanbul, where artists and activists gathered to watch a UN webcast of Turkey's report to the UN Human Rights Council, and later produced a guide for artists on national and international protections. Index on Censorship, while having a global focus, also publishes reports and carries out advocacy in the United Kingdom.

13. See <https://pen.org/artists-at-risk-connection/>

14. See [www.artistsatriskconnection.org](http://www.artistsatriskconnection.org)

15. See [www.artistsafety.net/](http://www.artistsafety.net/)

16. See [www.siyahbant.org](http://www.siyahbant.org)

The New York-based National Coalition Against Censorship<sup>17</sup> monitors censorship of the arts in the United States of America, with programmes that focus on guidance to youth groups and educators on school censorship issues, and advice to museums showing controversial works, among others.

Many of these initiatives work with organizations that provide residencies for endangered writers and artists in more than 80 cities (Figure 10.4). Sixty-five of the host cities are members of the International Cities of Refuge Network (ICORN),<sup>18</sup> the longest established of the residency programmes, which has organized placements for more than 170 people since it was set up in 2006, mainly in Europe but also in the Americas. A newer initiative is the US-based Artists' Protection Fund at the International Institute for Education<sup>19</sup> that provides grants for threatened artists, and finds hosts at academic and arts institutions. Smaller initiatives have also emerged, providing shorter term placements. Collaboration and information-sharing has been key to these organizations, which meet regularly, notably under the Safe Havens conferences, hosted by the city of Malmö in Sweden. Their lobbying has led to programmes that support human rights defenders, extending their remit to include artists, notably EU Protect Defenders,<sup>20</sup> a global platform of 12 NGOs active in the field of human rights.<sup>21</sup>

The benefits of these placements serve not only the individual but, says ICORN, in describing its programme on its website, 'the artists are able to express themselves freely in a place where they are safe, but not silent. Through digital media, they can reach audiences to whom they were denied access before leaving', adding that 'their voices can also be heard by new audiences in their host cities and beyond'.

17. See [www.ncac.org](http://www.ncac.org)

18. See [www.icorn.org](http://www.icorn.org)

19. See [www.iie.org/Programs/Artist-Protection-Fund](http://www.iie.org/Programs/Artist-Protection-Fund)

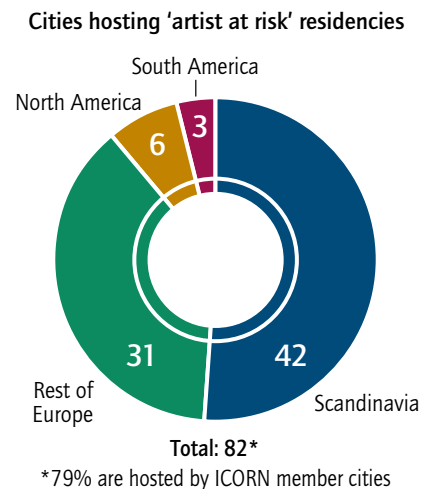
20. See [www.protectdefenders.eu](http://www.protectdefenders.eu)

21. Of the total 82 residencies, 79% are hosted by ICORN member cities

While positive outcomes from this intervention model are clearly signalled in the protection that is provided and the capacity to work without the restraints in their home countries, there are uncertainties around the sustainability of such temporary arrangements for the future of the artists' work and life conditions.

Figure 10.4

### Cities of Refuge, 2017



Source: ICORN, PEN International and Artists at Risk (2017).

### NEW COMMITMENTS ACROSS THE UNITED NATIONS SYSTEM

References to and action on artistic freedom across the United Nations system are growing, inspired by lobbying from arts and human rights NGOs. Input from artists, academics, lawyers, professional organizations and NGOs defending human rights, as well as UNESCO, helped to inform Special Rapporteur Farida Shaheed's 2013 report on the right to freedom of artistic expression and creativity, the first at the UN to focus solely on this topic. From the outset, Shaheed and her successor, Karima Bennoune, have collaborated with other UN Special Rapporteurs, notably the Special Rapporteur on freedom of opinion and expression, issuing joint statements and ensuring that artists' rights are included in reports across mandates.



*References to and action on artistic freedom across the United Nations system are growing, inspired by lobbying from arts and human rights NGOs*

The UN's Universal Periodic Review mechanism provides an opportunity for NGOs, among others, to make submissions on States' failures to meet human rights standards. In recent years, there have been several submissions focusing, in part or entirely, on freedom of artistic expression. Freemuse, for example, has developed a programme with local arts and human rights organizations to submit reports, bringing artists to the UN to observe and participate, and to take follow-up action. One outcome was the September 2015 joint statement by 57 Member States, entitled 'Reaffirming the Right to Freedom of Expression Including Creative and Artistic Expression' (Figure 10.5) to the Human Rights Council, which stated 'We stand firm in our commitment to protect and promote the right to freedom of expression, including artistic and creative expression. In addition to being an integral part of the protected human right to freedom of expression, artistic and creative expression is critical to the human spirit, the development of vibrant cultures, and the functioning of democratic societies. Artistic expression connects us all, transcending borders and barriers'.

Yet, since the signatories represent only 30% of the 193 UN Member States, a great deal of work needs to be done to encourage more to sign up to future initiatives. At the same time, working with UN mechanisms requires time, expertise and financial resources that are not readily available to arts organizations. A solution could be for collaboration between artists and the NGOs who work with the UN and regional bodies on freedom of expression.

**Figure 10.5**

**Joint statement, by 57 Member States: 'Reaffirming the Right to Freedom of Expression, including the Right to Artistic and Creative Expression', 2015**

Albania, Armenia, Austria, Australia, Belgium, Benin, Brazil, Bulgaria, Colombia, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Ghana, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, The Netherlands, New Zealand, Norway, Panama, Paraguay, Poland, Portugal, Romania, Saint Kitts and Nevis, San Marino, The former Yugoslav Republic of Macedonia, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, United Kingdom, United States of America, Uruguay

**'Artistic expression connects us all, transcending borders and barriers'**

Source: [www.ohcr.org](http://www.ohcr.org)

Such collaboration would be mutually beneficial: arts organizations being able to tap into the NGOs' expertise, and the artists in turn enriching and expanding the NGOs' reach and influence.



*A solution could be for collaboration between artists and the NGOs who work with the UN and regional bodies on freedom of expression*

UNESCO's Committee for Conventions and Recommendations provides another space where complaints of breaches of human rights can be heard, and where the Organization can mediate between the States in question and the complainant. The Committee's strength is that it works in cooperation with States, following a policy of strict confidentiality, aiming to find diplomatic solutions behind closed doors. However, while the Committee does report biennially, it gives only the barest of details, and only in statistical form, such as this chart issued in its 2016 report (Table 10.1). This may also account for the low number of approaches to the Committee.

In its 2014 report, the Committee stated that it had considered 586 cases over 36 years (UNESCO, 2015a). In its 2016 report, it cited 597 cases considered up to 2015, only 11 over a two-year period. Given the many hundreds of arts freedom issues monitored in that same period, this figure remains quite low, and the Committee itself acknowledged in its 2016 report that work needs to be done to ensure greater awareness of its existence.



*The majority of States have legislation that protects freedom of expression, with some specifically identifying media freedom*

**ADVANCING NATIONAL LEGISLATIONS: BETWEEN RHETORIC AND PRACTICE**

The majority of States have legislation that protects freedom of expression, with some specifically identifying media freedom.

Table 10.1

**Cases considered by the UNESCO Committee on Conventions and Recommendations, 1978–2015**

	Total from 1978 to 2013	Total as of October 2015
Released/acquitted	221	224
Released on completion of sentence	16	21
Authorized to leave their country in order to teach or study	21	21
Authorized to return to their country	35	35
Able to resume their employment or activity within the field of UNESCO's competence	29	30
Able to resume a banned publication or broadcast	14	14
Able to resume a normal life following a cessation of threats	5	5
Able to benefit from changes to certain education laws that were discriminatory towards ethnic or religious minorities	10	10
Able to obtain passports and/or grants, or receive diplomas	12	12
Able to resume studies	9	9
<b>Total number of communications settled</b>	<b>372</b>	<b>381</b>
<i>Remaining cases concerning communications ruled inadmissible or whose examination is suspended or is under way</i>	214	216
<b>Total communications received</b>	<b>586</b>	<b>597</b>

Source: UNESCO (2016).

However, a study carried out for the French Senate, in advance of the adoption of pioneering new legislation on artistic freedom, found that only 21 countries have laws that explicitly protect freedom of artistic and creative expression (Sénat Français, 2016). In July 2016, amendments to extend protection for artistic freedom, architecture and heritage were adopted into French law, making it the 22nd country to have such legal protections. Uniquely, this new law also specifies that 'dissemination of artistic creation is free', meaning that not only are artists free to create work,

but are also assured that their work is disseminated and available to the wider public, and cannot be censored or withdrawn from exhibits.

However, there are gaps between rhetoric and practice. Among the 22 States that cite artistic freedom as a right in their legislations, there are several that nevertheless curtail this very right, with rights monitors reporting censorship, threats and even arrests. Conversely, countries with strong protections of artistic freedoms do not necessarily have this right explicit in their legislations.

Whereas good protection of freedom of expression in general is of course to be applauded, States should be encouraged to make it unambiguously clear that art enjoys the same legal protection as other forms of expression. Among recent good practice is Article 42 of Tunisia's new constitution adopted in January 2014 that states: 'The right to culture is guaranteed. The freedom of creative expression is guaranteed. The State encourages cultural creativity and supports the strengthening of national culture, its diversity and renewal, in promoting the values of tolerance, rejection of violence, openness to different cultures and dialogue between civilizations'.



*States should be encouraged to make it unambiguously clear that art enjoys the same legal protection as other forms of expression*

At time of writing, Mexico City is also devising its first constitution that promises to include strong protection for cultural and creative freedom (artsfreedom, 2017). Such a move is especially welcome, given the exceptionally dangerous situation that prevails for Mexican artists, journalists and others who speak up against criminality.

### ENHANCING THE ROLE OF ARTISTS IN THE PROMOTION OF ARTISTIC FREEDOM

There are relatively few cultural organizations devoted to promoting arts freedom or even having a significant remit to do so. One reason could be that since many rely on government and/or corporate funding, they could be reluctant to do anything that would negatively impact on sponsorship. Another may simply be a lack of resources.



**A**rt is powerful. Across boundaries of culture, ethnicity, nationality and religion, art creates empathy. Art – whether music, film or literature, sculpture or theatre, slam poetry or stand-up comedy – connects us to the universal values and experiences of what it means to be human. In a complex and divided world, such empathy is invaluable in defining and celebrating our shared humanity.

*Freedom of expression – freedom to share our joys, to voice our fears, to be visible through our art – is a human need as well as a human right. Yet, human rights conventions are frequently violated by repressive States and non-state actors. Those in power use brutal means to silence their critics, including artists. And, due to an increasing polarization across the political spectrum and a growth of politics based in ethnic, nationalist, religious and other exclusive identities, artists are increasingly subject to pressure and self-censorship.*

*In 2016, we have seen an alarming increase in attacks on artistic freedom, with musicians as primary targets of attacks from both state and non-state actors. We need a public sphere in which we can all express and defend our ideas, where we can reach new understandings of what it is to be human, where we can work together to solve humanity's problems and build a future that includes us all. To do this, we must ensure that the right of freedom of expression is upheld, and that those who threaten it face repercussions.*

*This is why we need, more than ever, the 2005 Convention as a framework: to build policies that promote artistic freedoms and to nurture, protect and champion the creativity that makes us human. Art is powerful. It connects us. Little wonder that those who seek to divide us live in such fear of it. Little doubt that we must do everything in our power to protect it, and the artists that create it.*

**Deeyah Khan**

*Film Director and UNESCO Goodwill Ambassador for Artistic Freedom and Creativity*

Also artists, who are generally not supported by trade unions, can be reluctant to become known as 'trouble-makers' and lose access to exhibition space, grants and other support. There is the added negative role that certain artists and artists' syndicates can play, be it as members of censorship boards, granting performance permission, decision makers in cultural funding programmes, etc. (Freemuse, 2017). Better understanding of laws, greater dialogue between artists and States, and collaboration between artists and human rights defenders are among the fields in which help could be provided.

### UNDERSTANDING THE LAW

From a legal perspective, access to knowledge of artists' rights under national and international law is limited, compounded, as Jesmael Mataga explains, by 'legal language [that] is crafted in ways that do not clearly articulate what exactly is expected of artists or clearly articulate how specific sections or articles impact artists'. He goes on to explain how this creates a 'situation where artists fail to comply with the requirement of the laws, leading to bans, arbitrary arrest and prosecution of artists and failure by artists to challenge the bans and arrests' (Mataga, 2016). Bringing local artists together with the legal sector could help to bridge this gap. In August 2017, the Arterial Network's Artwatch project, working with the Institute for Human Rights and Development in Africa, hosted the first two regional training workshops for East African and West African lawyers in Nairobi and Lagos. The aim was to improve legal and judicial protection of and support for artists within the continent, especially in litigations regarding freedom of creative expression.

### BUILDING DIALOGUE BETWEEN ARTISTS AND THE STATE

Building positive relationships with ministries of culture, dialogue with the public sector, and alliances with groups outside the culture sector are all essential here (Gaegae, 2016).



*Better understanding of laws, greater dialogue between artists and States, and collaboration between artists and human rights defenders are among the fields in which help could be provided*

An example of this is an international delegation from the Arterial Network, including representatives from Morocco, Mauritania, Seychelles and Nigeria, which joined Zimbabwean colleagues who met, in October 2016, with parliamentary representatives of the Zimbabwe Committee for Education, Sports, Arts and Culture. The parliamentarians told the meeting that it gave 'us a better view of the African art sector and the situation of artists from Zimbabwe. We will ensure that the legal framework is in place and takes into account the contributions of local civil society' (Arterial Network, 2016).

Also important is interministerial collaboration, an example of which is the announcement made in early 2017 that the Ministries of Culture and Human Rights in Uruguay have joined forces to develop a four-year strategic plan to bring a human rights approach to all public policies within their departments, and host workshops and other public awareness events on the issue.

Police have been caught between ensuring law and order while protecting artists' right to freedom of expression, often advising or enforcing the cancellation of performances or removal of artworks when groups taking offence against controversial works of art and performance have staged protests outside or threatened venues, targeting performers, theatre workers and audiences. Index on Censorship, based in the United Kingdom, has addressed this fraught area through a series of guides on 'Art and the Law', giving advice to arts institutions on legal rights and responsibilities when staging

events on contentious issues, including counter-terrorism, obscenity and public order. Importantly, the guides have also been provided to the police, along with a training programme for senior police officers.<sup>22</sup>

### FUNDING - 'SUPPORT NOT INTERVENE'

The understanding of artistic freedom in the context of the Convention envisages the right to have artistic work supported, distributed and remunerated. Indeed, one of the guiding principles of the Convention is based on the sovereign right of Member States to adopt and implement policies to promote the diversity of cultural expressions; a right that was under threat prior to the adoption of the Convention.



*The understanding of artistic freedom in the context of the Convention envisages the right to have artistic work supported, distributed and remunerated*

While Parties reported on measures to provide financial support for artists and through other mechanisms, artists may fear not getting funding for work that tackles difficult issues, and government funders may include political considerations in their arts funding policies. However, some governments practise a 'hands-off' policy once a decision has been made. For example, the Danish Ministry of Culture reports that 'in order to ensure freedom of expression in art and culture, grants to artists are given with no political strings attached and criticism of everyone – including 'the establishment' – is permissible...

22. Guides available on Index on Censorship website: [www.indexoncensorship.org/campaigns/art-and-the-law](http://www.indexoncensorship.org/campaigns/art-and-the-law)

Where the arm's length principle is applied, neither politicians nor the Ministry of Culture are involved in the concrete subsidy allocation or act as arbiters of taste. Instead, support is granted following a specialist evaluation of the applicant's artistic qualities' (Denmark QPR, 2016).

Following the artists' blacklist scandal in early 2017, the Republic of Korea's new President Moon Jae-in announced a 'Support not Intervene' policy that will ensure transparent management and greater involvement of artists themselves in the appointment of high-level posts in the sector, giving reassurance that previous interference in arts freedom would not be repeated (Yonhap News Agency, 2017).

## HUMAN RIGHTS, MEDIA RIGHTS AND ARTISTS – SHARED PROBLEMS AND SOLUTIONS

Media rights organizations have generally not included artists in their advocacy, while they are prosecuted under the same laws, attacked by the same State and non-State groups, and are similarly susceptible to self-censorship. The national, regional and international mechanisms that can be turned to are often the same. Media and human rights bodies have over decades developed a pool of expertise that can be made available to artists. Articles about and appeals for artists at risk are appearing with greater frequency in the International Freedom of Expression Exchange<sup>23</sup> website and PEN International has expanded its work to include songwriters and filmmakers. The Centre for Applied Human Rights,<sup>24</sup> based at the University of York, carries out research and teaching on the role of human rights defenders, as well as a protective fellowship scheme for human rights defenders (HRD) at risk, and is increasingly including artists in its programme. They also host discussions and workshops that explore the integration of arts into human rights research.

23. See [www.ifex.org](http://www.ifex.org)

24. See [www.york.ac.uk/cahr/](http://www.york.ac.uk/cahr/)

## SOCIAL AND ECONOMIC RIGHTS FOR ARTISTS: AN AGENDA FOR SUSTAINABLE DEVELOPMENT

### THE RIGHT TO EMPLOYMENT AND SOCIAL BENEFITS

Artistic freedom as understood under the Convention is not only on the right to create. There are also a host of other fundamental rights that are necessary for enabling conditions to support the right to freedom of artistic expression and creativity that can support the livelihoods of artists and cultural professionals, as well as improve their standard of living and quality of life. These include *economic rights* (such as the right to work as a professional artist, to enjoy fair and safe conditions of work, to form or join trade unions/professional associations) and *social rights* (such as the right to adequate social security protection and affordable health care, and to protection against a lack of work-related income). The 1980 Recommendation on the Status of Artists and the International Covenant on the Economic, Social and Cultural Rights provide for these as basic human rights.

*Media rights organizations have generally not included artists in their advocacy, while they are prosecuted under the same laws, attacked by the same State and non-State groups, and are similarly susceptible to self-censorship*

Artists' employment and social status are precarious, with irregular incomes and long periods of unemployment. The resulting lower tax contributions can lead to lower access to social security, pensions and other welfare provisions. This can be a disincentive to those from less well-off backgrounds, resulting

in a cultural sector that is not truly reflective of or serving the full range of diversity, notably as regards the representation of women, the disabled and minority communities. The situation is exacerbated by the heavy reliance of the sector on unpaid work, an option only available to those with other means of support. In addition, many artists and cultural professionals from developing countries work within informal creative economies, beyond the reach of official regulation and subsidies (UNESCO-UNDP, 2013).

*The 1980 Recommendation on the Status of Artists and the International Covenant on the Economic, Social and Cultural Rights provide for these as basic human rights*

Financial insecurity is an added disincentive to artists whose work explores or critiques government policies, traditional, religious and cultural values, fearing reduction of income resulting from abreaction from government, local authority, public and other quarters. Social security and fiscal policies that address the financial insecurities of arts workers as a whole go some way towards addressing social inequalities and discrimination. This general support to artists is also de facto support for artistic freedom, provided that these benefits are accompanied by arm's-length policies implemented by arm's-length institutions in order to ensure non-interference in the work produced.

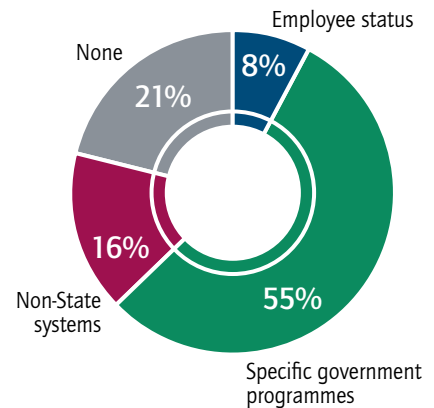
Articles 6 and 7 of the Convention encourage States to take measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions. Ensuring the socio economic security of artists is one aspect. The 1980 Recommendation went even further.

Several clauses underline the importance of social protections, such as Clause V (3) on an artist being able to 'enjoy the same rights as are conferred on a comparable group of the active population by national and international legislation in respect of employment and living and working conditions, and see that self-employed artists enjoy, within reasonable limits, protection as regards income and social security'. The rights to collective action and to be represented by trades unions or other professional organizations, essential to ensuring artists rights, are among those included in the Recommendations. In Africa, a wave of new legislation on the status of the artist has been recently observed (Box 10.3).

A 2015 analysis on the implementation by UNESCO Member States of the 1980 Recommendation on the Status of the Artist addressed, in particular, issues of social security for artists, as well as measures to encourage transnational mobility and exchange of artists (Neil, 2015). The results revealed that where artists are employed, they typically enjoy the same benefits as other employed workers for purposes of health care, insurance, income interruption and pensions. However, in most Member States, the number of employed artists is very low compared to the total population of artists. There are generally four approaches (Figure 10.6) to this.

Figure 10.6

Source of social security coverage for artists and cultural professionals, 2015



Source: Neil (2015).

These are not mutually exclusive and several may operate within the same state for different categories of artists.

- The artist has no possibility for coverage, or it is left entirely to the individual to obtain appropriate private insurance.
- The artist is subsumed into employment status and comes to benefit from similar coverage to that available for employees.
- The State has developed or sponsored a comprehensive programme that operates in parallel with the system covering employed workers, or has individual special provisions for artists.
- There is a complementary or parallel non-state system usually implemented by the artists' associations or copyright collecting societies.

While 55% of Member States indicated that government programmes are available to support social security, only a third provide unemployment assistance, which is low, given the insecurity inherent in work in the cultural sector, and especially for those working on marginal issues. A pilot scheme announced in Ireland in 2017 is a welcome initiative, specifically aimed at addressing the difficulties that artists face when applying for unemployment benefits.

**Box 10.3 • Artistic freedom and status of artists in Africa: Senegal at the forefront**

*Over the last few years, many new regulations and laws on the status of artists have been adopted in Africa: in Benin (2011), Madagascar (2011), Burkina Faso (2013), Morocco (2016), Mali (2016), Togo (2016), Côte d'Ivoire (2017) and Mauritania (2017). New laws are also in preparation in Djibouti, Gabon, Mauritius and Senegal, with the support of UNESCO or networks such as Arterial. These laws encompass a wide range of key issues, including social security, employment, funding and taxation, representation and association, intellectual property rights, management, and education and training.*

*While primarily seeking to professionalize the status of artists and define their economic and social working conditions, these laws also serve to reaffirm core principles of freedom of expression for artists.*

*In Senegal, which has been one of the target countries of the programme 'Enhancing Fundamental Freedoms through the Promotion of the Diversity of Cultural Expressions' (2015–2018), funded by the Swedish Government, the design of a new law on the status of the artist comes in the aftermath of a multistakeholder policy review process that led to the submission in 2016 of Senegal's first periodic report on the implementation of the 2005 Convention. The new law will also support the 'Mutual Health Insurance for Cultural Actors' mechanism, launched in 2016 to allow artists and their families to benefit from medical care at a lower cost.*

*The periodic reporting process, organized with the participation of government and civil society representatives, gave the opportunity to further discuss and enhance policies to support creativity, as illustrated through the recently adopted 'Sectoral Policy Letter' for the development of culture and communication (2017–2021). This aims, over the next five years, to make these sectors 'a lever for economic and social development and for national cohesion to promote cultural diversity, peace and democracy'.*

*Throughout these consultations and discussions, artists and cultural professionals have taken on a leading advocacy role for the protection of artists' rights. This also led to active participation in Music Freedom Day (3 March, 2017), organized by Africulturban in Dakar and merged with Women's Urban Week, which celebrated the role of female hip-hop artists in urban cultures.*

Source: Senegal QPR (2016).





*Visa denials can occur in any circumstance, regardless of whether the artist is invited to perform, or the size or prestige of a festival*

It grants professional status, which in turn recognizes the special circumstances that artists encounter in their search for commissions and employment (Visual Artists Ireland, 2017).

As regards transnational mobility, the UNESCO survey found that some successful artists are able to cross borders easily, while others may be confronted with challenges (Neil, 2015). Freedom of movement is hindered by ever-changing visa requirements and travel bans, such as the United States of America visa ban in January 2017 against specific countries, that tend to penalise artists doubly. Visa denials can occur in any circumstance, regardless of whether the artist is invited to perform, or the size or prestige of a festival (see Chapter 5).

The new digital economy makes it increasingly difficult to earn an income from, for example, record sales, so touring has become a main source of income. For those whose work is censored or who are threatened, performing abroad brings the added benefit of creative freedom, of exposing their work to new audiences, which would be impossible at home. Yet, obtaining visas to work abroad, even for short tours or one-off events, has become increasingly difficult. Sanctions and bans are typically stronger on travel from conflict areas or from where there are large numbers of migrants and refugees, and more often than not, these are also the countries where artistic rights are under strain.

## WAYS FORWARD

Since the 2015 Global Report, there has been limited but not insignificant progress in understanding the importance of protecting and promoting artistic expression, with some States making commitments and putting in place legislative changes to enhance this right. The capacity of human rights and arts freedom organizations to monitor and advocate for artistic freedom is also improving. Yet, more needs to be done to ensure greater protection of the right of artists to imagine and create, and to share their creative work with society at large.

Implementing the following recommendations would go some way towards advancing this important agenda:

- The promotion and protection of artistic freedom, including initiatives for the recognition of the status of the artists, should be central to all aspects of cultural policy.
- Support should be extended to all engaged in the arts and cultural sector to develop expertise in documenting, monitoring and advocating freedom of artistic expression, including drawing upon the expertise of media rights and other organizations working in defence of human rights.
- Governments should publicly condemn, and prosecute, perpetrators of violence and threats against artists, audiences and cultural workers, so as to ensure that violators do not enjoy impunity.



*The capacity of human rights and arts freedom organizations to monitor and advocate for artistic freedom is also improving. Yet, more needs to be done to ensure greater protection of the right of artists to imagine and create, and to share their creative work with society at large*

- National legislation should be reviewed, so as to ensure that laws are framed in such a way that only clear calls for incitement to hatred or violence can be prosecuted. Blasphemy laws should be repealed, enabling free exploration of religion without fear of retribution.
- States should consider including the right to freedom of artistic expression as a specific right within law, and to establish systems to monitor and enforce this right.
- Initiatives that engage UN mechanisms and Member States with the promotion and protection of freedom of artistic expression should be strengthened, including through a UN Plan of action for the safety of artists.
- The Convention's periodic reporting process should be revised with a view to making reporting on freedom of artistic expression a requirement, involving consultation with CSOs with expertise in this domain.

# *Annex*

*Author biographies*  
*The 2005 Convention*  
*Abbreviations*  
*References*  
*Photo credits*

# Author biographies



## **Jordi Baltà Portolés**

International Consultant and Researcher in Cultural Policy and International Affairs, Spain

### **Chapter 1 • Towards more collaborative cultural governance**

Jordi Baltà Portolés works as a consultant and trainer in the areas of cultural policy and international affairs, with a particular interest in the role of culture in sustainable development, cultural diversity and international cultural cooperation. He has an in-depth knowledge of the 2005 Convention and has worked in several Latin American and African countries. He is currently working as an expert for the Culture Committee of United Cities and Local Governments (UCLG) and the Asia-Europe Museum Network (ASEMUS), among others. He is a lecturer for the MA in Cultural Management at the Open University of Catalonia (UOC) and the University of Girona (UdG), as well as for the BA in International Relations at Blanquerna - Universitat Ramon Llull (URL).



## **Lydia Deloumeaux**

Assistant Programme Specialist, Culture Statistics, UNESCO Institute for Statistics

### **Chapter 6 • Persisting imbalances in the flow of cultural goods and services**

Lydia Deloumeaux is an economist and statistician who specializes in culture statistics. She writes reports and analytical articles on the international flow of cultural goods and services, as well as on film and cultural diversity. She provides training and technical assistance to developing countries on cultural statistics and on the use of statistical tools to assess the role of culture in the economy. She also participates in the development of methodological tools aimed at improving the quality and availability of cultural statistics.



## **Milena Dragičević Šešić**

Head, UNESCO Chair on Interculturalism, Art Management and Mediation, Serbia

### **Chapter 1 • Towards more collaborative cultural governance**

Milena Dragičević Šešić is the former President of the University of Arts, Belgrade, and is now Head of the UNESCO Chair on Interculturalism, Art Management and Mediation, as well as a professor of Cultural Policy and Cultural Management.

She is an expert in cultural policy and conducts training events worldwide (UNESCO, British Council, Al Mawred al Thakafy, Council of Europe, European Cultural Foundation, Association Marcel Hicter). Having published 16 books and over 150 essays, her research interests include cultural policy and cultural management (strategic management, cultural tourism); art activism, alternative art and public space; intercultural dialogue projects; media theory and activism.



### **Khadija El Bennaoui**

Independent cultural advisor, Art Moves Africa (AMA), Morocco

#### **Chapter 5 • Surviving the paradoxes of mobility**

Khadija El Bennaoui is a cultural practitioner and consultant working in the intersection of artistic practice, cultural policy and research with a focus on Africa and the Arab world. She worked as consultant for international funding and development agencies such as the European Cultural Foundation, the Information and Research Center at the King Hussein Foundation, Mimeta, Arterial Network, Al Mawred, the Arab Fund for Arts and Culture (AFAC), EUNIC and Drosos Foundation, for which she implemented various missions in Africa, the Arab world and Cuba. Her work covers a wide range of topics from support to structuring independent artistic scenes, funding, grant-making, networking, and contemporary artistic production. El Bennaoui played a major role in developing support for the mobility of cultural practitioners within Africa, as the director of the Art Moves Africa (AMA) mobility fund. She was also a consultant to the Young Arab Theatre Fund (YATF), convening and managing four successful and important symposia for members of independent arts and culture spaces in the Middle East and North Africa (MENA).



### **Andrew Firmin**

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#### **Chapter 4 • Engaging civil society in cultural governance**

Andrew Firmin is Editor-in-Chief at CIVICUS, the global civil society alliance. His main role is researching, writing and editing the *CIVICUS State of Civil Society Report*, an annual review of trends in the work of civil society and the challenges civil society faces. In earlier work with CIVICUS, Andrew headed the research, convening and communications teams. He previously worked with the Commonwealth Foundation, an intergovernmental agency that supports civil society in areas including people's participation in governance, culture, and civil society strengthening. Andrew has also worked as a freelance research, editorial and communications consultant, including with Restless Development and the International Law and Policy Institute. Andrew is a British citizen and holds an MA in International Relations from Malmö University, Sweden.



### **Véronique Guèvremont**

Professor of International Law, Faculté de droit, Université Laval, Canada

#### **Chapter 7 • The Convention in other international forums: a crucial commitment**

Véronique Guèvremont teaches international law with a focus on culture, cultural diversity and sustainable development, and international economic law. As an expert in trade and cultural policies, she was actively involved in the negotiation of the 2005 Convention on the Protection and Promotion of the Diversity of Cultural Expressions. She also participated in the development of Quebec's Agenda 21 for Culture, adopted in 2011. She is co-founder of the International Network of Lawyers for the Diversity of Cultural Expressions (RIJDEC) and she holds the UNESCO Chair on the diversity of cultural expressions, launched in November 2016.



### ***Yudhishtir Raj Isar***

Professor of Cultural Policy Studies, The American University of Paris, and Education Director, Aga Khan Trust for Culture, France/India

#### **Principal Editor**

Yudhishtir Raj Isar is an analyst, advisor and public speaker on a range of cultural policy issues. Professor of Cultural Policy Studies at The American University of Paris, he is also currently Education Director with the Aga Khan Trust for Culture. In 2011–2013, he was an 'Eminent Research Visitor' at the Institute for Culture and Society, Western Sydney University, and from 2014–2016 adjunct professor there. He was the founding co-editor of the five volumes of the Cultures and Globalization Series published by SAGE. He was the principal investigator and lead writer for the *UN Creative Economy Report 2013: Widening Local Development Pathways* and Principal Editor for UNESCO's *Re|Shaping Cultural Policies: A Decade Promoting the Diversity of Cultural Expressions for Development* (2015). Earlier, at UNESCO, he was Director of the International Fund for the Promotion of Culture and Executive Secretary of the World Commission on Culture and Development (1994–96).



### ***Avril Joffe***

Head of Division, Cultural Policy and Management, Wits School of Arts, University of the Witwatersrand, South Africa

#### **Chapter 8 • The integration of culture in sustainable development**

Avril Joffe is a development sociologist with more than 20 years of professional experience in the fields of culture, culture and development, and the cultural and creative industries. She also has more than 35 years' experience in industry strategy, project management, organizational governance, policy development and training. She heads the Cultural Policy and Management division at the Wits School of Arts, University of the Witwatersrand. She has developed generic cultural policy frameworks and toolkits on fundraising for the arts, programmes on cultural entrepreneurship, arts management, and research skills for measurement and mapping for the African continent.



### ***Ammu Joseph***

Journalist, Author, Media Watcher, India

#### **Chapter 9 • Gender equality: missing in action**

Ammu Joseph is a journalist based in Bangalore with a special interest in issues relating to gender, human development and the media. She is the author of several books on women and media, as well as women and literature. She continues to contribute to a number of publications, both print and web-based.



### **Octavio Kulesz**

Founder and Publishing Director of Editorial Teseo, Argentina

#### **Chapter 3 • Cultural policies in the age of platforms**

Octavio Kulesz is an Argentinian expert in digital publications. With more than 15 years of experience in the publishing industry, in 2007 he founded Teseo, one of the first e-book projects in Latin America. Kulesz also works as a researcher on topics related to e-books, social media and digital culture in emerging economies. In 2011, he delivered the highly acclaimed report *Digital Publishing in Developing Countries* (freely available online in Spanish, French, English and Chinese). Since 2012, he has been one of the coordinators of the Digital Laboratory of the International Alliance of Independent Publishers, based in Paris.



### **Christine M. Merkel**

Head of Division for Culture, Memory of the World, German Commission for UNESCO, Germany

#### **Chapter 2 • New voices: encouraging media diversity**

Christine M. Merkel is Head of the Culture, Communication and Memory of the World Division for the German Commission for UNESCO. Her areas of expertise include capacity-building for civil society leaders and young experts, the assessment of legal and technical frameworks and resource strategies, and the organizational development of foundations and public organizations. She is a seasoned convener of strategic multistakeholder policy dialogues on cultural governance issues and cultural policy developments in various regions around the world. She has published widely on the 2005 Convention and contributed to the legal commentary by Schorlemer and Stoll in 2012.



### **Sara Whyatt**

Researcher and former Deputy-Director PEN International, United Kingdom

#### **Chapter 10 • Promoting the freedom to imagine and create**

Sara Whyatt is a campaigner and researcher on freedom of artistic expression and human rights, notably as director of PEN International's freedom of expression programme for over 20 years and previously as a coordinator in Amnesty International's Asia Research Department. At PEN, she worked with its global membership on mobilizing its campaigns for writers at risk, as well as on thematic issues. In 2013, she took up freelance consultancy, working on projects for Freemuse, Culture Action Europe, PEN, and the International Freedom of Expression Exchange. In 2015, she worked as a researcher on the freedom of artistic expression chapter in the 2015 Global Report *Re|Shaping Cultural Policies*.

# The 2005 Convention

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 3 to 21 October 2005 at its 33rd session,

*Affirming* that cultural diversity is a defining characteristic of humanity,

*Conscious* that cultural diversity forms a common heritage of humanity and should be cherished and preserved for the benefit of all,

*Being aware* that cultural diversity creates a rich and varied world, which increases the range of choices and nurtures human capacities and values, and therefore is a mainspring for sustainable development for communities, peoples and nations,

*Recalling* that cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels,

*Celebrating* the importance of cultural diversity for the full realization of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognized instruments,

*Emphasizing* the need to incorporate culture as a strategic element in national and international development policies, as well as in international development cooperation, taking into account also the United Nations Millennium Declaration (2000) with its special emphasis on poverty eradication,

*Taking into account* that culture takes diverse forms across time and space and that this diversity is embodied in the uniqueness and plurality of the identities and cultural expressions of the peoples and societies making up humanity,

*Recognizing* the importance of traditional knowledge as a source of intangible and material wealth, and in particular the knowledge systems of indigenous peoples, and its positive contribution to sustainable development, as well as the need for its adequate protection and promotion,

*Recognizing* the need to take measures to protect the diversity of cultural expressions, including their contents, especially in situations where cultural expressions may be threatened by the possibility of extinction or serious impairment,

*Emphasizing* the importance of culture for social cohesion in general, and in particular its potential for the enhancement of the status and role of women in society,

*Being aware* that cultural diversity is strengthened by the free flow of ideas, and that it is nurtured by constant exchanges and interaction between cultures,

*Reaffirming* that freedom of thought, expression and information, as well as diversity of the media, enable cultural expressions to flourish within societies,

*Recognizing* that the diversity of cultural expressions, including traditional cultural expressions, is an important factor that allows individuals and peoples to express and to share with others their ideas and values,

*Recalling* that linguistic diversity is a fundamental element of cultural diversity, and reaffirming the fundamental role that education plays in the protection and promotion of cultural expressions,

*Taking into account* the importance of the vitality of cultures, including for persons belonging to minorities and indigenous peoples, as manifested in their freedom to create, disseminate and distribute their traditional cultural expressions and to have access thereto, so as to benefit them for their own development,

*Emphasizing* the vital role of cultural interaction and creativity, which nurture and renew cultural expressions and enhance the role played by those involved in the development of culture for the progress of society at large,

*Recognizing* the importance of intellectual property rights in sustaining those involved in cultural creativity,

*Being convinced* that cultural activities, goods and services have both an economic and a cultural nature, because they convey identities, values and meanings, and must therefore not be treated as solely having commercial value,

*Noting* that while the processes of globalization, which have been facilitated by the rapid development of information and communication technologies, afford unprecedented conditions for enhanced interaction between cultures, they also represent a challenge for cultural diversity, namely in view of risks of imbalances between rich and poor countries,

*Being aware* of UNESCO's specific mandate to ensure respect for the diversity of cultures and to recommend such international agreements as may be necessary to promote the free flow of ideas by word and image,

*Referring* to the provisions of the international instruments adopted by UNESCO relating to cultural diversity and the exercise of cultural rights, and in particular the Universal Declaration on Cultural Diversity of 2001,

*Adopts* this Convention on 20 October 2005.

## I. OBJECTIVES AND GUIDING PRINCIPLES

### Article 1 - Objectives

The objectives of this Convention are:

- (a) to protect and promote the diversity of cultural expressions;
- (b) to create the conditions for cultures to flourish and to freely interact in a mutually beneficial manner;
- (c) to encourage dialogue among cultures with a view to ensuring wider and balanced cultural exchanges in the world in favour of intercultural respect and a culture of peace;
- (d) to foster interculturality in order to develop cultural interaction in the spirit of building bridges among peoples;
- (e) to promote respect for the diversity of cultural expressions and raise awareness of its value at the local, national and international levels;
- (f) to reaffirm the importance of the link between culture and development for all countries, particularly for developing countries, and to support actions undertaken nationally and internationally to secure recognition of the true value of this link;
- (g) to give recognition to the distinctive nature of cultural activities, goods and services as vehicles of identity, values and meaning;
- (h) to reaffirm the sovereign rights of States to maintain, adopt and implement policies and measures that they deem appropriate for the protection and promotion of the diversity of cultural expressions on their territory;
- (i) to strengthen international cooperation and solidarity in a spirit of partnership with a view, in particular, to enhancing the capacities of developing countries in order to protect and promote the diversity of cultural expressions.

### Article 2 - Guiding principles

#### 1. Principle of respect for human rights and fundamental freedoms

Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed. No one may invoke the provisions of this Convention in order to infringe human rights and fundamental freedoms as enshrined in the Universal Declaration of Human Rights or guaranteed by international law, or to limit the scope thereof.

#### 2. Principle of sovereignty

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to adopt measures and policies to protect and promote the diversity of cultural expressions within their territory.

#### 3. Principle of equal dignity of and respect for all cultures

The protection and promotion of the diversity of cultural expressions presuppose the recognition of equal dignity of and respect for all cultures, including the cultures of persons belonging to minorities and indigenous peoples.

#### 4. Principle of international solidarity and cooperation

International cooperation and solidarity should be aimed at enabling countries, especially developing countries, to create and strengthen their means of cultural expression, including their cultural industries, whether nascent or established, at the local, national and international levels.

#### 5. Principle of the complementarity of economic and cultural aspects of development

Since culture is one of the mainsprings of development, the cultural aspects of development are as important as its economic aspects, which individuals and peoples have the fundamental right to participate in and enjoy.

#### 6. Principle of sustainable development

Cultural diversity is a rich asset for individuals and societies. The protection, promotion and maintenance of cultural diversity are an essential requirement for sustainable development for the benefit of present and future generations.

#### 7. Principle of equitable access

Equitable access to a rich and diversified range of cultural expressions from all over the world and access of cultures to the means of expressions and dissemination constitute important elements for enhancing cultural diversity and encouraging mutual understanding.

#### 8. Principle of openness and balance

When States adopt measures to support the diversity of cultural expressions, they should seek to promote, in an appropriate manner, openness to other cultures of the world and to ensure that these measures are geared to the objectives pursued under the present Convention.

## II. SCOPE OF APPLICATION

### Article 3 - Scope of application

This Convention shall apply to the policies and measures adopted by the Parties related to the protection and promotion of the diversity of cultural expressions.

## III. DEFINITIONS

### Article 4 - Definitions

For the purposes of this Convention, it is understood that:

#### 1. Cultural diversity

"Cultural diversity" refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are passed on within and among groups and societies.



Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is expressed, augmented and transmitted through the variety of cultural expressions, but also through diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used.

## 2. Cultural content

"Cultural content" refers to the symbolic meaning, artistic dimension and cultural values that originate from or express cultural identities.

## 3. Cultural expressions

"Cultural expressions" are those expressions that result from the creativity of individuals, groups and societies, and that have cultural content.

## 4. Cultural activities, goods and services

"Cultural activities, goods and services" refers to those activities, goods and services, which at the time they are considered as a specific attribute, use or purpose, embody or convey cultural expressions, irrespective of the commercial value they may have. Cultural activities may be an end in themselves, or they may contribute to the production of cultural goods and services.

## 5. Cultural industries

"Cultural industries" refers to industries producing and distributing cultural goods or services as defined in paragraph 4 above.

## 6. Cultural policies and measures

"Cultural policies and measures" refers to those policies and measures relating to culture, whether at the local, national, regional or international level that are either focused on culture as such or are designed to have a direct effect on cultural expressions of individuals, groups or societies, including on the creation, production, dissemination, distribution of and access to cultural activities, goods and services.

## 7. Protection

"Protection" means the adoption of measures aimed at the preservation, safeguarding and enhancement of the diversity of cultural expressions.

"Protect" means to adopt such measures.

## 8. Interculturality

"Interculturality" refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect.

## IV. RIGHTS AND OBLIGATIONS OF PARTIES

### Article 5 – General rule regarding rights and obligations

1. The Parties, in conformity with the Charter of the United Nations, the principles of international law and universally recognized human rights instruments, reaffirm their sovereign right to formulate and implement their cultural policies and to adopt measures to protect and promote the diversity of cultural expressions and to strengthen international cooperation to achieve the purposes of this Convention.

2. When a Party implements policies and takes measures to protect and promote the diversity of cultural expressions within its territory, its policies and measures shall be consistent with the provisions of this Convention.

### Article 6 – Rights of parties at the national level

1. Within the framework of its cultural policies and measures as defined in Article 4.6 and taking into account its own particular circumstances and needs, each Party may adopt measures aimed at protecting and promoting the diversity of cultural expressions within its territory.

2. Such measures may include the following:

(a) regulatory measures aimed at protecting and promoting diversity of cultural expressions;

(b) measures that, in an appropriate manner, provide opportunities for domestic cultural activities, goods and services among all those available within the national territory for the creation, production, dissemination, distribution and enjoyment of such domestic cultural activities, goods and services, including provisions relating to the language used for such activities, goods and services;

(c) measures aimed at providing domestic independent cultural industries and activities in the informal sector effective access to the means of production, dissemination and distribution of cultural activities, goods and services;

(d) measures aimed at providing public financial assistance;

(e) measures aimed at encouraging non-profit organizations, as well as public and private institutions and artists and other cultural professionals, to develop and promote the free exchange and circulation of ideas, cultural expressions and cultural activities, goods and services, and to stimulate both the creative and entrepreneurial spirit in their activities;

(f) measures aimed at establishing and supporting public institutions, as appropriate;

(g) measures aimed at nurturing and supporting artists and others involved in the creation of cultural expressions;

(h) measures aimed at enhancing diversity of the media, including through public service broadcasting.

### Article 7 – Measures to promote cultural expressions

1. Parties shall endeavour to create in their territory an environment which encourages individuals and social groups:

(a) to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the special circumstances and needs of women as well as various social groups, including persons belonging to minorities and indigenous peoples;

(b) to have access to diverse cultural expressions from within their territory as well as from other countries of the world.

2. Parties shall also endeavour to recognize the important contribution of artists, others involved in the creative process, cultural communities, and organizations that support their work, and their central role in nurturing the diversity of cultural expressions.

### **Article 8 – Measures to protect cultural expressions**

1. Without prejudice to the provisions of Articles 5 and 6, a Party may determine the existence of special situations where cultural expressions on its territory are at risk of extinction, under serious threat, or otherwise in need of urgent safeguarding.

2. Parties may take all appropriate measures to protect and preserve cultural expressions in situations referred to in paragraph 1 in a manner consistent with the provisions of this Convention.

3. Parties shall report to the Intergovernmental Committee referred to in Article 23 all measures taken to meet the exigencies of the situation, and the Committee may make appropriate recommendations.

### **Article 9 – Information sharing and transparency**

Parties shall:

(a) provide appropriate information in their reports to UNESCO every four years on measures taken to protect and promote the diversity of cultural expressions within their territory and at the international level;

(b) designate a point of contact responsible for information sharing in relation to this Convention;

(c) share and exchange information relating to the protection and promotion of the diversity of cultural expressions.

### **Article 10 – Education and public awareness**

Parties shall:

(a) encourage and promote understanding of the importance of the protection and promotion of the diversity of cultural expressions, inter alia, through educational and greater public awareness programmes;

(b) cooperate with other Parties and international and regional organizations in achieving the purpose of this article;

(c) endeavour to encourage creativity and strengthen production capacities by setting up educational, training and exchange programmes in the field of cultural industries.

These measures should be implemented in a manner which does not have a negative impact on traditional forms of production.

### **Article 11 – Participation of civil society**

Parties acknowledge the fundamental role of civil society in protecting and promoting the diversity of cultural expressions. Parties shall encourage the active participation of civil society in their efforts to achieve the objectives of this Convention.

### **Article 12 – Promotion of international cooperation**

Parties shall endeavour to strengthen their bilateral, regional and international cooperation for the creation of conditions conducive to the promotion of the diversity of cultural expressions, taking particular account of the situations referred to in Articles 8 and 17, notably in order to:

(a) facilitate dialogue among Parties on cultural policy;

(b) enhance public sector strategic and management capacities in cultural public sector institutions, through professional and international cultural exchanges and sharing of best practices;

(c) reinforce partnerships with and among civil society, non-governmental organizations and the private sector in fostering and promoting the diversity of cultural expressions;

(d) promote the use of new technologies, encourage partnerships to enhance information sharing and cultural understanding, and foster the diversity of cultural expressions;

(e) encourage the conclusion of co-production and co-distribution agreements.

### **Article 13 – Integration of culture in sustainable development**

Parties shall endeavour to integrate culture in their development policies at all levels for the creation of conditions conducive to sustainable development and, within this framework, foster aspects relating to the protection and promotion of the diversity of cultural expressions.

### **Article 14 – Cooperation for development**

Parties shall endeavour to support cooperation for sustainable development and poverty reduction, especially in relation to the specific needs of developing countries, in order to foster the emergence of a dynamic cultural sector by, inter alia, the following means:

(a) the strengthening of the cultural industries in developing countries through:

(i) creating and strengthening cultural production and distribution capacities in developing countries;

(ii) facilitating wider access to the global market and international distribution networks for their cultural activities, goods and services;

- (iii) enabling the emergence of viable local and regional markets;
  - (iv) adopting, where possible, appropriate measures in developed countries with a view to facilitating access to their territory for the cultural activities, goods and services of developing countries;
  - (v) providing support for creative work and facilitating the mobility, to the extent possible, of artists from the developing world;
  - (vi) encouraging appropriate collaboration between developed and developing countries in the areas, inter alia, of music and film;
- (b) capacity-building through the exchange of information, experience and expertise, as well as the training of human resources in developing countries, in the public and private sector relating to, inter alia, strategic and management capacities, policy development and implementation, promotion and distribution of cultural expressions, small-, medium- and micro-enterprise development, the use of technology, and skills development and transfer;
- (c) technology transfer through the introduction of appropriate incentive measures for the transfer of technology and know-how, especially in the areas of cultural industries and enterprises;
- (d) financial support through:
- (i) the establishment of an International Fund for Cultural Diversity as provided in Article 18;
  - (ii) the provision of official development assistance, as appropriate, including technical assistance, to stimulate and support creativity;
  - (iii) other forms of financial assistance such as low interest loans, grants and other funding mechanisms.

#### **Article 15 – Collaborative arrangements**

Parties shall encourage the development of partnerships, between and within the public and private sectors and non-profit organizations, in order to cooperate with developing countries in the enhancement of their capacities in the protection and promotion of the diversity of cultural expressions. These innovative partnerships shall, according to the practical needs of developing countries, emphasize the further development of infrastructure, human resources and policies, as well as the exchange of cultural activities, goods and services.

#### **Article 16 – Preferential treatment for developing countries**

Developed countries shall facilitate cultural exchanges with developing countries by granting, through the appropriate institutional and legal frameworks, preferential treatment to artists and other cultural professionals and practitioners, as well as cultural goods and services from developing countries.

#### **Article 17 – International cooperation in situations of serious threat to cultural expressions**

Parties shall cooperate in providing assistance to each other, and, in particular to developing countries, in situations referred to under Article 8.

#### **Article 18 – International Fund for Cultural Diversity**

1. An International Fund for Cultural Diversity, hereinafter referred to as "the Fund", is hereby established.
2. The Fund shall consist of funds-in-trust established in accordance with the Financial Regulations of UNESCO.
3. The resources of the Fund shall consist of:
  - (a) voluntary contributions made by Parties;
  - (b) funds appropriated for this purpose by the General Conference of UNESCO;
  - (c) contributions, gifts or bequests by other States; organizations and programmes of the United Nations system, other regional or international organizations; and public or private bodies or individuals;
  - (d) any interest due on resources of the Fund;
  - (e) funds raised through collections and receipts from events organized for the benefit of the Fund;
  - (f) any other resources authorized by the Fund's regulations.
4. The use of resources of the Fund shall be decided by the Intergovernmental Committee on the basis of guidelines determined by the Conference of Parties referred to in Article 22.
5. The Intergovernmental Committee may accept contributions and other forms of assistance for general and specific purposes relating to specific projects, provided that those projects have been approved by it.
6. No political, economic or other conditions that are incompatible with the objectives of this Convention may be attached to contributions made to the Fund.
7. Parties shall endeavour to provide voluntary contributions on a regular basis towards the implementation of this Convention.

#### **Article 19 – Exchange, analysis and dissemination of information**

1. Parties agree to exchange information and share expertise concerning data collection and statistics on the diversity of cultural expressions as well as on best practices for its protection and promotion.
2. UNESCO shall facilitate, through the use of existing mechanisms within the Secretariat, the collection, analysis and dissemination of all relevant information, statistics and best practices.
3. UNESCO shall also establish and update a data bank on different sectors and governmental, private and non-profit organizations involved in the area of cultural expressions.

4. To facilitate the collection of data, UNESCO shall pay particular attention to capacity-building and the strengthening of expertise for Parties that submit a request for such assistance.

5. The collection of information identified in this Article shall complement the information collected under the provisions of Article 9.

## V. RELATIONSHIP TO OTHER INSTRUMENTS

### **Article 20 – Relationship to other treaties: mutual supportiveness, complementarity and non-subordination**

1. Parties recognize that they shall perform in good faith their obligations under this Convention and all other treaties to which they are parties. Accordingly, without subordinating this Convention to any other treaty,

(a) they shall foster mutual supportiveness between this Convention and the other treaties to which they are parties; and

(b) when interpreting and applying the other treaties to which they are parties or when entering into other international obligations, Parties shall take into account the relevant provisions of this Convention.

2. Nothing in this Convention shall be interpreted as modifying rights and obligations of the Parties under any other treaties to which they are parties.

### **Article 21 – International consultation and coordination**

Parties undertake to promote the objectives and principles of this Convention in other international forums. For this purpose, Parties shall consult each other, as appropriate, bearing in mind these objectives and principles.

## VI. ORGANS OF THE CONVENTION

### **Article 22 – Conference of Parties**

1. A Conference of Parties shall be established. The Conference of Parties shall be the plenary and supreme body of this Convention.

2. The Conference of Parties shall meet in ordinary session every two years, as far as possible, in conjunction with the General Conference of UNESCO. It may meet in extraordinary session if it so decides or if the Intergovernmental Committee receives a request to that effect from at least one-third of the Parties.

3. The Conference of Parties shall adopt its own rules of procedure.

4. The functions of the Conference of Parties shall be, inter alia:

(a) to elect the Members of the Intergovernmental Committee;

(b) to receive and examine reports of the Parties to this Convention transmitted by the Intergovernmental Committee;

(c) to approve the operational guidelines prepared upon its request by the Intergovernmental Committee;

(d) to take whatever other measures it may consider necessary to further the objectives of this Convention.

### **Article 23 – Intergovernmental Committee**

1. An Intergovernmental Committee for the Protection and Promotion of the Diversity of Cultural Expressions, hereinafter referred to as “the Intergovernmental Committee”, shall be established within UNESCO. It shall be composed of representatives of 18 States Parties to the Convention, elected for a term of four years by the Conference of Parties upon entry into force of this Convention pursuant to Article 29.

2. The Intergovernmental Committee shall meet annually.

3. The Intergovernmental Committee shall function under the authority and guidance of and be accountable to the Conference of Parties.

4. The Members of the Intergovernmental Committee shall be increased to 24 once the number of Parties to the Convention reaches 50.

5. The election of Members of the Intergovernmental Committee shall be based on the principles of equitable geographical representation as well as rotation.

6. Without prejudice to the other responsibilities conferred upon it by this Convention, the functions of the Intergovernmental Committee shall be:

(a) to promote the objectives of this Convention and to encourage and monitor the implementation thereof;

(b) to prepare and submit for approval by the Conference of Parties, upon its request, the operational guidelines for the implementation and application of the provisions of the Convention;

(c) to transmit to the Conference of Parties reports from Parties to the Convention, together with its comments and a summary of their contents;

(d) to make appropriate recommendations to be taken in situations brought to its attention by Parties to the Convention in accordance with relevant provisions of the Convention, in particular Article 8;

(e) to establish procedures and other mechanisms for consultation aimed at promoting the objectives and principles of this Convention in other international forums;

(f) to perform any other tasks as may be requested by the Conference of Parties.

7. The Intergovernmental Committee, in accordance with its Rules of Procedure, may invite at any time public or private organizations or individuals to participate in its meetings for consultation on specific issues.

8. The Intergovernmental Committee shall prepare and submit to the Conference of Parties, for approval, its own Rules of Procedure.

**Article 24 – UNESCO Secretariat**

1. The organs of the Convention shall be assisted by the UNESCO Secretariat.
2. The Secretariat shall prepare the documentation of the Conference of Parties and the Intergovernmental Committee as well as the agenda of their meetings and shall assist in and report on the implementation of their decisions.

**VII. FINAL CLAUSES****Article 25 – Settlement of disputes**

1. In the event of a dispute between Parties to this Convention concerning the interpretation or the application of the Convention, the Parties shall seek a solution by negotiation.
2. If the Parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.
3. If good offices or mediation are not undertaken or if there is no settlement by negotiation, good offices or mediation, a Party may have recourse to conciliation in accordance with the procedure laid down in the Annex of this Convention. The Parties shall consider in good faith the proposal made by the Conciliation Commission for the resolution of the dispute.
4. Each Party may, at the time of ratification, acceptance, approval or accession, declare that it does not recognize the conciliation procedure provided for above. Any Party having made such a declaration may, at any time, withdraw this declaration by notification to the Director-General of UNESCO.

**Article 26 – Ratification, acceptance, approval or accession by Member States**

1. This Convention shall be subject to ratification, acceptance, approval or accession by Member States of UNESCO in accordance with their respective constitutional procedures.
2. The instruments of ratification, acceptance, approval or accession shall be deposited with the Director-General of UNESCO.

**Article 27 – Accession**

1. This Convention shall be open to accession by all States not Members of UNESCO but members of the United Nations, or of any of its specialized agencies, that are invited by the General Conference of UNESCO to accede to it.
2. This Convention shall also be open to accession by territories which enjoy full internal self-government recognized as such by the United Nations, but which have not attained full independence in accordance with General Assembly resolution 1514 (XV), and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of such matters.

3. The following provisions apply to regional economic integration organizations:

- (a) This Convention shall also be open to accession by any regional economic integration organization, which shall, except as provided below, be fully bound by the provisions of the Convention in the same manner as States Parties;
  - (b) In the event that one or more Member States of such an organization is also Party to this Convention, the organization and such Member State or States shall decide on their responsibility for the performance of their obligations under this Convention. Such distribution of responsibility shall take effect following completion of the notification procedure described in subparagraph (c). The organization and the Member States shall not be entitled to exercise rights under this Convention concurrently. In addition, regional economic integration organizations, in matters within their competence, shall exercise their rights to vote with a number of votes equal to the number of their Member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its Member States exercises its right, and vice-versa;
  - (c) A regional economic integration organization and its Member State or States which have agreed on a distribution of responsibilities as provided in subparagraph (b) shall inform the Parties of any such proposed distribution of responsibilities in the following manner:
    - (i) in their instrument of accession, such organization shall declare with specificity, the distribution of their responsibilities with respect to matters governed by the Convention;
    - (ii) in the event of any later modification of their respective responsibilities, the regional economic integration organization shall inform the depositary of any such proposed modification of their respective responsibilities; the depositary shall in turn inform the Parties of such modification;
  - (d) Member States of a regional economic integration organization which become Parties to this Convention shall be presumed to retain competence over all matters in respect of which transfers of competence to the organization have not been specifically declared or informed to the depositary;
  - (e) "Regional economic integration organization" means an organization constituted by sovereign States, members of the United Nations or of any of its specialized agencies, to which those States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to become a Party to it.
4. The instrument of accession shall be deposited with the Director-General of UNESCO.

**Article 28 – Point of contact**

Upon becoming Parties to this Convention, each Party shall designate a point of contact as referred to in Article 9.

### **Article 29 – Entry into force**

1. This Convention shall enter into force three months after the date of deposit of the thirtieth instrument of ratification, acceptance, approval or accession, but only with respect to those States or regional economic integration organizations that have deposited their respective instruments of ratification, acceptance, approval, or accession on or before that date. It shall enter into force with respect to any other Party three months after the deposit of its instrument of ratification, acceptance, approval or accession.

2. For the purposes of this Article, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by Member States of the organization.

### **Article 30 – Federal or non-unitary constitutional systems**

Recognizing that international agreements are equally binding on Parties regardless of their constitutional systems, the following provisions shall apply to Parties which have a federal or non-unitary constitutional system:

(a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those Parties which are not federal States;

(b) with regard to the provisions of the Convention, the implementation of which comes under the jurisdiction of individual constituent units such as States, counties, provinces, or cantons which are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform, as necessary, the competent authorities of constituent units such as States, counties, provinces or cantons of the said provisions, with its recommendation for their adoption.

### **Article 31 – Denunciation**

1. Any Party to this Convention may denounce this Convention.
2. The denunciation shall be notified by an instrument in writing deposited with the Director-General of UNESCO.
3. The denunciation shall take effect 12 months after the receipt of the instrument of denunciation. It shall in no way affect the financial obligations of the Party denouncing the Convention until the date on which the withdrawal takes effect.

### **Article 32 – Depositary functions**

The Director-General of UNESCO, as the depositary of this Convention, shall inform the Member States of the Organization, the States not members of the Organization and regional economic integration organizations referred to in Article 27, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance, approval or accession provided for in Articles 26 and 27, and of the denunciations provided for in Article 31.

### **Article 33 – Amendments**

1. A Party to this Convention may, by written communication addressed to the Director-General, propose amendments to this Convention. The Director-General shall circulate such communication to all Parties. If, within six months from the date of dispatch of the communication, no less than one half of the Parties reply favourably to the request, the Director-General shall present such proposal to the next session of the Conference of Parties for discussion and possible adoption.

2. Amendments shall be adopted by a two-thirds majority of Parties present and voting.

3. Once adopted, amendments to this Convention shall be submitted to the Parties for ratification, acceptance, approval or accession.

4. For Parties which have ratified, accepted, approved or acceded to them, amendments to this Convention shall enter into force three months after the deposit of the instruments referred to in paragraph 3 of this Article by two-thirds of the Parties. Thereafter, for each Party that ratifies, accepts, approves or accedes to an amendment, the said amendment shall enter into force three months after the date of deposit by that Party of its instrument of ratification, acceptance, approval or accession.

5. The procedure set out in paragraphs 3 and 4 shall not apply to amendments to Article 23 concerning the number of Members of the Intergovernmental Committee. These amendments shall enter into force at the time they are adopted.

6. A State or a regional economic integration organization referred to in Article 27 which becomes a Party to this Convention after the entry into force of amendments in conformity with paragraph 4 of this Article shall, failing an expression of different intention, be considered to be:

- (a) Party to this Convention as so amended; and
- (b) a Party to the unamended Convention in relation to any Party not bound by the amendments.

### **Article 34 – Authoritative texts**

This Convention has been drawn up in Arabic, Chinese, English, French, Russian and Spanish, all six texts being equally authoritative.

### **Article 35 – Registration**

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of UNESCO.

## **ANNEX**

### **CONCILIATION PROCEDURE**

#### **Article 1 – Conciliation Commission**

A Conciliation Commission shall be created upon the request of one of the Parties to the dispute. The Commission shall, unless the Parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

#### **Article 2 – Members of the Commission**

In disputes between more than two Parties, Parties in the same interest shall appoint their members of the Commission jointly by agreement. Where two or more Parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

#### **Article 3 – Appointments**

If any appointments by the Parties are not made within two months of the date of the request to create a Conciliation Commission, the Director-General of UNESCO shall, if asked to do so by the Party that made the request, make those appointments within a further two-month period.

#### **Article 4 – President of the Commission**

If a President of the Conciliation Commission has not been chosen within two months of the last of the members of the Commission being appointed, the Director-General of UNESCO shall, if asked to do so by a Party, designate a President within a further two-month period.

#### **Article 5 – Decisions**

The Conciliation Commission shall take its decisions by majority vote of its members. It shall, unless the Parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the Parties shall consider in good faith.

#### **Article 6 – Disagreement**

A disagreement as to whether the Conciliation Commission has competence shall be decided by the Commission.

# Abbreviations

<b>ACP</b>	African-Caribbean-Pacific	<b>EBOPS</b>	Extended Balance of Payments Classification
<b>AMPAS</b>	American Academy of Motion Picture Arts and Sciences	<b>EC</b>	European Commission
<b>ANDEAN</b>	Andean Community	<b>ECOWAS</b>	Economic Community of West African States
<b>APF</b>	Assemblée parlementaire de la Francophonie	<b>EEA</b>	European Economic Area
<b>APPAS</b>	Association pour la Promotion de l'Audiovisuel et du Spectacle	<b>ENP</b>	European Neighbourhood Policy
<b>ACP</b>	Africa, the Caribbean and the Pacific	<b>ERDF</b>	European Regional Development Fund
<b>ABU</b>	Asia-Pacific Broadcasting Union	<b>EU</b>	European Union
<b>ADDICT</b>	Agency for the Development of Creative Industries	<b>EUNIC</b>	European Union National Institutes for Culture
<b>AEC</b>	ASEAN Economic Community	<b>FATS</b>	Foreign Affiliates Statistics
<b>AGNA</b>	Affinity Group of National Associations	<b>FDI</b>	Foreign Direct Investment
<b>AMA</b>	Art Moves Africa	<b>FOI</b>	Freedom of Information
<b>ARC</b>	Artists at Risk Connection	<b>FTA</b>	Free Trade Agreement
<b>ASEAN</b>	Association of Southeast Asian Nations	<b>GAMAG</b>	Global Alliance on Media and Gender
<b>ASEM</b>	Asia-Europe Meeting	<b>GATT</b>	General Agreement on Tariffs and Trade
<b>AU</b>	African Union	<b>GDP</b>	Gross Domestic Product
<b>AV</b>	Audiovisual	<b>ICORN</b>	International Cities of Refuge Network
<b>AWCL</b>	African Women Cultural Leadership	<b>IDB</b>	Inter-American Development Bank
<b>BIT</b>	Bilateral Investment Treaty	<b>IGC</b>	Intergovernmental Committee
<b>CACI</b>	Conference of Ibero-American Cinematographic Authorities	<b>IFCCD</b>	International Federation of Coalitions for Cultural Diversity
<b>CARICOM</b>	Caribbean Community Secretariat	<b>IFCD</b>	International Fund for Cultural Diversity
<b>CARIFORUM</b>	Caribbean Forum	<b>IFPI</b>	International Federation of the Phonographic Industry
<b>CDIS</b>	Culture for Development Indicators	<b>ITU</b>	International Telecommunication Union
<b>CELAC</b>	Community of Latin American and Caribbean States	<b>LDC</b>	Least Developed Country
<b>CISAC</b>	Confederation of Societies of Authors and Composers	<b>LGBTQI</b>	Lesbian, gay, bisexual, transsexual, queer, intersex
<b>CMC</b>	Common Market Council	<b>MASA</b>	Market for African Performing Arts
<b>CP</b>	Conference of Parties	<b>MDG</b>	Millennium Development Goal
<b>CSO</b>	Civil Society Organization	<b>MDG-F</b>	Millennium Development Goal Fund
<b>DOADOA</b>	East African Performing Arts Market	<b>MENA</b>	Middle East and North Africa
		<b>MERCOSUR</b>	Southern Common Market / Mercado Común del Sur



<b>MICSUR</b>	South America Cultural Industries Market / Mercado de Industrias Culturales del Sur	<b>SEGIB</b>	Iberoamerican General Secretariat / Secretaría General Iberoamericana
<b>MFN</b>	Most-Favoured Nation	<b>SMEs</b>	Small and Medium Entreprises
<b>MVP</b>	Minimum Viable Product	<b>TiSA</b>	Trades in Service Agreement
<b>MoV</b>	Means of Verification	<b>TTIP</b>	Transatlantic Trade and Investment Partnership
<b>NAFTA</b>	North American Free Trade Agreement	<b>TPP</b>	Trans-Pacific Partnership
<b>NDP</b>	National Development Plan	<b>UDHR</b>	Universal Declaration of Human Rights
<b>NGO</b>	Non-Governmental Organization	<b>UEMOA</b>	West African Economic and Monetary Union / Union Economique et Monétaire Ouest Africaine
<b>NORDICOM</b>	Nordic Information Centre for Media and Communication Research	<b>UGC</b>	User-Generated Content
<b>NSDS</b>	National Sustainable Development Strategy	<b>UIS</b>	UNESCO Institute for Statistics
<b>ODA</b>	Official Development Assistance	<b>UN</b>	United Nations
<b>OECD</b>	Organisation for Economic Cooperation and Development	<b>UNASUR</b>	Union of South American Nations
<b>OEI</b>	Organisation of Ibero-American States / Organización de Estados Iberoamericanos	<b>UNDP</b>	United Nations Development Program
<b>OIF</b>	Organisation Internationale de la Francophonie	<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organization
<b>OISS</b>	Iberoamerican Social Security Organization / Organización Iberoamericana de Seguridad Social	<b>UNIDO</b>	United Nations Industrial Development Organization
<b>OTM</b>	On the Move	<b>UNSC</b>	United Nations Economic and Social Council
<b>PCC</b>	Protocols on Cultural Cooperation	<b>VAT</b>	Value Added Tax
<b>PSM</b>	Public Service Media	<b>VOD</b>	Video on Demand
<b>QPR</b>	Quadrennial Periodic Report	<b>WIPO</b>	World Intellectual Property Organization
<b>RCEP</b>	Regional Comprehensive Economic Partnership	<b>WOMEX</b>	World Music Expo
<b>SADC</b>	Southern African Development Community	<b>WTO</b>	World Trade Organization
<b>SDG</b>	Sustainable Development Goal	<b>W3C</b>	World Wide Web Consortium

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**MONITORING THE 2005 CONVENTION  
ON THE PROTECTION AND PROMOTION OF THE DIVERSITY OF CULTURAL EXPRESSIONS**

**GUIDING PRINCIPLES**

Sovereign right of States to adopt and implement policies to promote the diversity of cultural expressions, based on informed, transparent and participatory processes and systems of governance is ensured

**GOALS**



**SUPPORT SUSTAINABLE SYSTEMS OF GOVERNANCE FOR CULTURE**

**EXPECTED RESULTS**

National policies and measures are implemented to promote creation, production, distribution and access with regard to diverse cultural goods and services and contribute to informed, transparent and participatory systems of governance for culture

**AREAS FOR MONITORING**

**Cultural policies**

**Public service media**

**Digital environment**

**Partnering with civil society**

**CORE INDICATORS**

National cultural policies support creation, production, distribution and access to diverse cultural goods and services

Legislative base supports media freedom and diversity

Legislative base supports universal access to culture in the digital environment

Enabling legislative and regulatory framework for civil society

Multiple government agencies participate in policy making

Goals of public service media are legally defined and guaranteed

Policies and measures encourage digital creativity and promote civil society participation in the digital environment

Civil society has the capacity to participate in the design and implementation of policies

Parties actively support informed policy making processes

Public service media policies and measures serve the needs of all groups in society

Policies and measures support dynamic and diverse digital cultural industry markets

Civil society is actively involved in governance of the Convention at the national and global level

Equitable access, openness and balance in the flow of cultural goods and services as well as the free movement of artists and cultural professionals is facilitated

The complementarity of economic and cultural aspects of sustainable development are recognized

Respect for human rights and fundamental freedoms of expression, information and communication is guaranteed as a pre-requisite for the creation and distribution of diverse cultural expressions



**ACHIEVE A BALANCED FLOW OF CULTURAL GOODS AND SERVICES AND INCREASE THE MOBILITY OF ARTISTS AND CULTURAL PROFESSIONALS**



**INTEGRATE CULTURE IN SUSTAINABLE DEVELOPMENT FRAMEWORKS**



**PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

Preferential treatment measures are implemented to facilitate a balanced flow of cultural goods and services and to promote the mobility of artists and cultural professionals around the world

Sustainable development policies and international assistance programmes integrate culture as a strategic dimension

International and national legislation related to human rights and fundamental freedoms is implemented and promotes both artistic freedom and the social and economic rights of artists

**Mobility of artists and cultural professionals**

**Flow of cultural goods and services**

**Treaties and agreements**

**National sustainable development policies and plans**

**International sustainable development programmes**

**Gender equality**

**Artistic freedom**

Legislative base ensures freedom of movement

Legislative base supports flows of cultural goods and services

Parties promote the objectives and principles of the Convention in other forums

Culture is integrated into national sustainable development policies and plans

Culture is integrated into international sustainable development programmes

Legislative framework guarantees gender equality in cultural arena

Legislative base supports freedom of expression

Policies and measures support mobility from the global South

Policies and measures support international flows of cultural goods

Convention explicitly referenced in international and regional treaties and agreements

Policies and measures support regional equity in the distribution of cultural resources

Technical assistance programmes strengthen human and institutional capacities in the cultural and creative industries in developing countries

Policies and measures support women as creators and producers of cultural goods and services

Policies and measures promote and protect artistic freedom

Non-governmental initiatives facilitate mobility from the global South

Policies and measures support international flows of cultural services

Policies and measures implement international and regional treaties and agreements that align with the Convention

Policies and measures support equity in access to cultural resources by vulnerable groups

Financial assistance supports creativity in developing countries

Policies and measures promote the opportunity for women to access cultural activities, goods and services

Policies and measures promote the social and economic rights of artists



United Nations  
Educational, Scientific and  
Cultural Organization



Diversity of  
Cultural Expressions



# RE | SHAPING CULTURAL POLICIES

The *Global Report* series has been designed to monitor the implementation of the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005). It also provides evidence of how this implementation process contributes to attaining the United Nations 2030 Sustainable Development Goals and targets.

The 2018 Global Report analyses progress achieved in implementing the 2005 Convention since the first Global Report was published in 2015.

Grounded in the analysis of the Quadrennial Periodic Reports submitted by Parties to the Convention and relevant new findings, this report examines how the 2005 Convention has inspired policy change at the global and country level in ten areas of monitoring. It puts forward a set of policy recommendations for the future, addressing the adaptation of cultural policies to rapid change in the digital environment, based on human rights and fundamental freedoms.

When deployed together, the two editions of the Global Report are beginning to produce new and valuable evidence to inform cultural policy making and advance creativity for development.

<http://en.unesco.org/creativity/>



# 2018

